Indigenous Policy (IPJ) publishes articles, commentary, reviews, news, and announcements concerning Native American and international Indigenous affairs, issues, events, nations, groups and media. We invite commentary and dialogue in and between issues.

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Advisory Council
Our thanks to all the members of the advisory council who review article submissions:

IPJ INVITES VOLUNTEERS TO SERVE ON ITS ADVISORY COUNCIL, REFEREEING SUBMITTED ARTICLES.
If you are interested in being a reviewer of submitted articles in the IPJ refereeing process, please contact Co-Editors: Eileen Luna-Firebaugh, eluna@email.arizona.edu, or Anne Luna-Gordinier, Assistant Professor, California State University, Sacramento, (916)278-7961, luna-gordinier@csus.edu.

Book Review Committee:
IPJ has a book review committee. People wishing to review books, often receiving a free copy to review, and those wishing to have a book review should send a copy, to David Weiden, Assistant Professor of Political Science and Native American Studies, Metropolitan State University of Denver, King Center 494, Campus Box 43, P.O. Box 173362, Denver, CO 80217-3362, 303-556-4914, dweiden@msudenver.edu.

DEADLINE FOR SUBMISSIONS FOR THE NEXT ISSUE IS December 8

INDIGENOUS POLICY PLANS FOR 2018-19
WE INVITE YOUR HELP AND INPUT

We wish you a fine summer. Indigenous Policy journal is available on the web with e-mail notification of new issues at no charge. Indigenous Policy puts out two regular issues a year (Summer and Winter), and since summer 2006, what is now a fall issue serving as the Proceedings of the Western Social Science Association Meeting American Indian Studies Section. We are seeking additional editors, columnists and commentators for regular issues, and editors or editorial groups for special issues, and short articles for each issue. We have via our web site, a regularly updated and searchable data base of Ph.D. Dissertations from Universities Around the World on Topics Relating to Indians in the Americas, compiled by Jonathon Erlen and Jay Toth from Dissertation Abstracts, with recent dissertations also listed separately in each of our regular Summer and Winter issues. IPJ is on facebook, including some important updates since the last issue, at: https://www.facebook.com/indigenouspolicyjournal.
As *IPJ* is a refereed journal, articles may be posted on a different schedule from the rest of the journal. New articles may go up either at the same time as regular issues, or be added to already posted issues, and may or may not remain up when issues change, until replaced by new articles. Notices go out to our list serve when new issues are posted, and when new articles are posted. To be added to the list to receive e-mail notice of new postings of issues, and new postings of articles, send an e-mail to Steve Sachs: ssachs@earthlink.net.

*IPJ* has been publishing special issues from time to time since winter 2002 and will continue to do so. These are usually on specific issues. In addition, the Fall issues of *IPJ* are devoted to carrying the Proceedings of the American Indian Studies Section of the Western Social Science Association Meeting held the preceding April. We invite articles, reports, announcements and reviews of meetings, and media, programs and events, and short reports of news, commentary and exchange of views, as well as willingness to put together special issues.

Send us your thoughts and queries about issues and interests and replies can be printed in the next issue and/or made by e-mail. In addition, we will carry Indigenous Studies Network (ISN) news and business so that these pages can be a source of ISN communication and dialoguing in addition to circular letters and annual meetings at APSA. In addition to being the newsletter/journal of the Indigenous Studies Network, we collaborate with the Native American Studies Section of the Western Social Science Association (WSSA) and provide a dialoguing vehicle for all our readers. This is your publication. Please let us know if you would like to see more, additional, different, or less coverage of certain topics, or a different approach or format.

*IPJ* is a refereed journal. Submissions of articles should go to Rick Wheelock, WHEELOCK_R@fortlewis.edu until April 2018. After April 2018 contact incoming Co-Editors: Eileen Luna-Firebaugh, eluna@email.arizona.edu, or Anne Luna-Gordinier, Assistant Professor, California State University, Sacramento, (916)278-7961, luna-gordinier@csus.edu.

who will send them out for review. Our process is for non-article submissions to go to Steve Sachs, who drafts each regular issue. Unsigned items are by Steve. Other editors then make editing suggestions to Steve. Thomas Brasdefer posts this Journal on the IPJ web site: http://www.indigenouspolicy.org.

**Statement of Purpose**

*Indigenous Policy Journal* Standards and Philosophy of Publication of Scholarly Articles

In its publication of double-blind, peer-reviewed scholarly articles, the Indigenous Policy Journal aspires the highest standards of scholarly edification and discourse on policy issues facing Indigenous peoples. In doing so, the *IPJ* is informed by the important national and international policy goals of self-determination and continuance of cultural values of indigenous people. We advise those submitting their articles to be aware of the United Nations Declaration of the Rights of Indigenous Peoples, which provides useful guidelines for scholarly inquiry and study of practically any policy issue that contributes to the continuance of indigenous peoples.

**GUIDE TO SUBMITTING WRITINGS TO IPJ**

We most welcome submissions of articles, commentary, news, media notes and announcements in some way relating to American Indian or international Indigenous policy issues, broadly defined. Please send article submissions electronically attached to e-mail to Co-Editors: Eileen Luna-Firebaugh, eluna@email.arizona.edu, or Anne Luna-Gordinier, Assistant Professor, California State University, Sacramento, (916)278-7961, luna-gordinier@csus.edu, who will send them out for review. All non-article submissions (including Research Notes, which usually are non-refereed articles) go via e-mail to Steve Sachs: ssachs@earthlink.net, or on disk, at: 1916 San Pedro, NE, Albuquerque, NM, 87110. If you send writings in Word format, we know we can work with them. We can translate some, but not all other formats into word. If you have notes in your submission, please put them in manually, as end notes as part of the text. Do not use an automated footnote/end note system that numbers the notes as you go and put them in a footer such automated notes are often lost, and if not, may appear elsewhere in
the journal, and not in your article, as several writings are posted together in the same file. If you use any tables in a submission, please send a separate file(s) for them, as it is impossible to work with them to put on the web when they are an integral part of a Word text. Some other format/style things are helpful to us, and appreciated, but not an absolute requirement. As we publish in 12 point Times font, with single spacing, and a space between paragraphs, it saves us work if we receive writings that way. Many thanks. We look forward to seeing what you send us.

UPCOMING EVENTS

ISN PROGRAM AT APSA 2018 in Boston, MA, August 30 - September 2, 2018

The Indigenous Studies Network (ISN) plans to put on two panels and a business meeting/networking session at the 2018 American Political Science Association (APSA) Meeting, in Boston, MA, August 30 - September 2, 2018. For more information contact ISN Chair Richard Witmer, Creighton University, RichardWitmer@creighton.edu. Locations of sessions will be available at the APSA Meeting, likely in the printed program. The entire program and other information is available at: http://www.apsanet.org.

ISN Panels at APSA 2018 are:

ISN Panel 1: With Division 1, Political Thought and Philosophy: Historical Approaches and Division 2, Foundations of Political Theory: "Indigenous Political Theories and the Politics of Settler Colonialism," Thu, August 30, 4:00 to 5:30pm.
Chair: Ines Valdez, Ohio State University
Papers:
David Temin, University of Michigan, "Prisons of Grass: Howard Adams on the Politics of Carceral Dispossession"
K-Sue Park, Texas Rio Grande Legal Aid,"The Social Contract, Property and the New Racial Order in Colonial America"
Adam J. Dahl, University of Massachusetts, Amherst, "From Black Power to Black Lives Matter: Land, Colonialism, and Solidarity"
Discussant: Joan E. Cocks, Mount Holyoke College

ISN Panel 2: American Indian Policy and Intergovernmental Relations, Fri, August 31, 2:00 to 3:30pm, Chair: Richard C. Witmer, Creighton University
Papers: Meile Heider and Manny P. Teodoro, Texas A&M University, "Environmental Federalism in Indian Country: Does Primacy Improve Enforcement?"
Anne FB Flaherty, Merrimack College, "Presidents, Congress, and American Indian Policy in the Self-Determination Era"
Richard C. Witmer, Creighton University and Joshua Johnson Kennesaw University, "American Indian Gaming and the Policy Process"
Danielle Delaney, University of Wisconsin, Madison, "Under Coyote's Mask: The Lakota Sioux, Federal Indian Law, and NODAPL"
Discussants: Tony Affigne, Providence College and David Temin, University of Michigan

ISN Business Meeting/Networking Session, Friday, August 31, 6:30-7:30 pm.

There are usually a large number of other Indigenous panels, papers and posers at APSA. Indigenous related panels, papers and posters may be found by searching https://convention2.allacademic.com/one/apsa/apsa18/ under
"Indigenous." Other searches may also be productive, including "Indian," "Native" and "First Nation," but are also likely to locate non-Indigenous results, especially for "Indian" which often produces results relating to India,

More information about the APSA meeting is available at: http://www.apsanet.org/.

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WSSA 2019 AMERICAN INDIAN STUDIES SECTION PROGRAM, April 24-27, 2019

The American Indian Studies Section of the Western Social Science Association, at its 61st meeting, expects to again have a full program of panels at the association's meeting at the 2018 conference in San Diego, CA, at the Manchester Grand Hyatt, 1 Market Pl. San Diego, CA 92101, on the marina, on the bay, and on the city rail system, April 24-27, 2019. Paper/panel proposals for the American Indian Studies Section can either be submitted online by going to: http://www.wssaweb.com, or by sending them (preferably by E-mail) to AIS section coordinators: Dr. Leo Killsback: Leo.Killsback@asu.edu or Michelle Hale: Michelle.Hale@asu.edu. Deadline for proposals, including abstracts, is December 1, 2018. Information, which will eventually include the preliminary program, can be accessed on line at: http://www.wssaweb.com.

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A list of Indigenous Language Conferences is kept at the Teaching Indigenous Languages website at Northern Arizona University: http://www2.nau.edu and among a large number of linguistic conferences of all types at: http://linguistlist.org/callconf/browse-current.cfm?type=Conf, and for bilingual education in the U.S. (and some beyond) at Dual Language Education of New Mexico: http://www.dlenm.org.

The D'Arcy McNickle Center for American Indian and Indigenous Studies at the Newberry Library, in Chicago, has an on-going Newberry Library Seminar in American Indian Studies on Wednesdays from 5:30 - 7:30 pm at the Newberry, 60 West Walton Street, Chicago, Illinois with a meal included. “We will pre-circulate papers to those planning to attend. If you cannot attend and want to read a paper, please contact the author directly. To receive a copy of a paper, email mcnickle@newberry.org or call (312) 255-3552. Papers are available for request two weeks prior to the seminar date. Please include your email address in all correspondence.” There are other occasional events. E-mail: mcnickle@newberry.org or call (312)255-3564 to receive a copy of the paper via Email. For more on this and other events at the Newberry Library go to: http://www.newberry.org/mcnickle/AISSeminar.html.

National Center for Great Lakes Native American Culture, Inc. P O Box 1063 Portland, IN 47371 Home: 4950 North 750 East Attica, IN 47918 765-426-3022, www.ncglnc.org, kay.neumayr@ncglnc.com, holds events throughout the year, including: 2018 NCGLNAC Academic Conference: Great Principal Peacetime Chiefs, April 21, 2018, in the Bubp Building, Jay County Fairgrounds, Portland, Indiana.

The University of North Carolina Pembroke, Pembroke, NC runs an ongoing Native American Speakers Series, usually announced shortly ahead of time, and often at the Museum of the Southeast American Indian, University of North Carolina Pembroke, Pembroke, NC. For more information, email ais@uncp.edu, or call 910.521.6266. Admission to the series is free, and it is open to the public.

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CARLA - Center for Advanced Research and Language Acquisition - run a series of summer institutes for language and immersion teachers in July 2018." For details, go to: http://carla.umn.edu/.

9th International 3L Summer School: Endangered Languages: From Documentation to Revitalization may be in July 2018. For details visit: http://www.ddl.ish-lyon.cnrs.fr/.

NCAIS Graduate Student Conference at the Newberry Library in Chicago may be in July 2018. “The Consortium offers graduate students from NCAIS member institutions an opportunity to present papers in any academic field
relating to American Indian Studies at the Graduate Student Conference. We encourage the submission of proposals for papers that examine a wide variety of subjects relating to American Indian and Indigenous history and culture broadly conceived. For details go to http://www.newberry.org/.

NCAIS Summer Institute, may be in July and August 2018. For more information go to: www.newberry.org/mcnickle.

Duel Language Education of New Mexico: Bueno Center 2018 Summer Institute, Two-day summer institute about the education of culturally and linguistically diverse learners, may be in July 2018. For information go to: http://www.dlenm.org/.

New Mexico Language Education of New Mexico: Paridad - Oaxaca (Language Arts Education) may be in July and August 2018. For details go to: http://www.dlenm.org/index.php/resources/calendar/21-paridad-oaxaca-language-arts-education.

ICL 20, 20th International Congress of Linguists is July 2–6, 2018, in Cape Town, South Africa. For details go to: https://aila.info/2018/05/06/icl-20/.

2018 CHRONIC DISEASE CONFERENCE is at PULLMANS CAIRNS INTERNATIONAL Hotel, Cairns, Australia, 3-5 JULY 2018. For details go to: https://adminics.wixsite.com/indigenousconference/2018-international-chronic-disease.

National UNITY Conference is July 4-8, 2018, in Orlando, FL. For details visit: http://www.ncai.org/conferences-events/national-events.

2018 National Indigenous Employment Conference is July 5 - 6, 2018 Canberra, Australia at Rex Hotel. For details visit: https://www.icsconferences.org/2017-national-indigenous-employment.

Summit Series: Cultivating the Globally Sustainable Self is July 5-8, 2018 at the Banff Centre for Arts and Creativity, Banff, Canada, and hosted by the University of Alberta and James Madison University. For details visit: www.jmu.edu/summitseries.

The Black Thunder: Power Of Black Voices Towards 2020 Conference is July 5 - 6, 2018 Canberra, Australia at Rex Hotel. For details visit: https://www.icsconferences.org/2017-national-indigenous-employment.

2018 UNITY National Conference is July 5-9, 2018, at the Town & Country Resort and Convention Center in San Diego, CA. For details go to: http://unityinc.org/events/.

The Museum of the Southeast American Indian (MSAI) at UNC Pembroke, Pembroke, NC, is excited to celebrate the 50th Anniversary of Lumbee Homecoming this summer, July 5-7, 2018. For more information on getting involved, please contact Alisha Locklear Monroe, Museum Educator at 910.521.6282 or alisha.locklear@uncp.edu.

The Southeast American Indian Studies (SAIS) Program at the University of North Carolina at Pembroke fourth annual Safeguarding Our Natural and Tribal Heritage Youth Program is held July 9-20, 2018. The program is sponsored by the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (APHIS) and hosted by SAIS. it is a free two-week residential program for 20 American Indian high school students who are rising sophomores, juniors and seniors that have an interest in science, technology, engineering, and mathematics (STEM), as well as agriculture, veterinary, plant, food, environmental sciences, and natural resources, wildlife biology, and related fields. For more information go to: http://www.uncp.edu/south or contact: Dr. Alfred Bryant (Lumbee), Founding Director, Southeast American Indian Studies
Land Data for Promoting Indian Business and Homeownership on Reservations is July 9, 2018, at Prior Lake, MN. For details visit: http://www.ncai.org/conferences-events/national-events.

Indigenous Language Institute (ILI), "Assessment: How are we doing as Instructors and Learners" is July 9-11, 2018 at Mystic Lake Hotel & Casino, Prior Lake, MN. For information go to: https://ilinative.org/product/assessment-how-are-we-doing-as-instructors-and-learners-how-do-we-engage-communities-july-9-11-2018/.

Physicians for Social Responsibility (PSR), Hanford B Reactor Tour @ B Reactor, at the Hanford Nuclear Reservation, July 11, 2018, 11:45 AM – 3:45 pm. For more information go to: http://www.psr.org/news-events/events/.

Physicians for Social Responsibility (PSR), Hanford Site Clean Up Tour, at the Hanford Nuclear Reservation, July 12, 2018, 8:00 AM – 12:30 pm. For more information go to: http://www.psr.org/news-events/events/.

Physicians for Social Responsibility (PSR), Turning the Clock Back from Midnight, July 12, 2018, location and details to be announced. For more information go to: http://www.psr.org/news-events/events/.


CFP: Norm and standardization in indigenous languages of the Americas, at the 56th International Congress of Americanists: Universality and Particularism in the Americas is at University of Salamanca, July 15–20. For information go to: http://ica2018.es/linguistica-y-literatura/

Tribal Self-Governance Third Quarterly Meeting is July 17-19, 2018, at Embassy Suites DC-Convention Center, Washington, DC. For information go to: http://www.ncai.org/conferences-events-national-events.

Physicians for Social Responsibility (PSR), PA Hearing on Science Censorship Rule @ EPA - William Jefferson Clinton East Building, Main Floor Room 1153, July 17, 2018, 8:00 AM – 8:00 pm. For more information go to: http://www.psr.org/news-events/events/.

Native American Journalists Association - 2018 National Native Media Conference is July 18-21, 2018, at the Intercontinental Miami, Miami, FL. For information go to: http://www.ncai.org/conferences-events/national-events.

JULYAMSH 2018 is July 20-22, 2018, at Kootenai County Fairgrounds - Coeur d’Alene, ID. For information go to: http://www.ncai.org/conferences-events/national-events.

The 2018 annual meeting of the Linguistic Association of Canada and the United States, the 45th LACUS Forum is July 23-27, 2018, at Boston College in Boston, Massachusetts, in conjunction with the 2018 International Systemic Functional Congress. For details visit: http://lacus.weebly.com.

The 39th Annual General Assembly (AGA) of First Nations (AFN) of Canada is July 24-26, 2018, at the Vancouver Convention Center, 1055 Canada Pl., Vancouver, BC, Canada.


2018 National TERO Conference is July 29-August 2, 2018 at Harrah's Cherokee Casino & Resort Cherokee, NC. For details visit: http://www.ncai.org/conferences-events/national-events.


The Women & Water Symposium 2018 is July 29-August 2, 2018 at Lac Courte Oreilles Reservation, Hayward, WI. For details visit: http://www.ncai.org/conferences-events/national-events.

National Caucus of Native American Legislators Legislative Summit is July 30-August 2, 2018, at Los Angeles, CA. For details visit: http://www.ncai.org/conferences-events/national-events.

TCU Summer Meeting is July 30-August 2, 2018 at Salish Kootenai College, Pabo, MT. For information go to: http://www.aihec.org/who-we-are/calendar.htm.

NAAAS (including The National Association of Native American Studies) International Research Forum may be in August 2018. For details visit: https://www.naaas.org/view-calendar/.

Syntax of the World's Languages VIII (SWL VIII) may be in August 2018. For details visit: http://swl-7.weebly.com/.

3rd Indigenous People's International Gathering to Honor, Defend, and Protect the Salomon may be in August 2018. For information contact: Chicaloon Native Village (907)745-0749.

35th Summer School and Conference of Applied Language Studies may be in August, 2018. For details go to: http://www.aila.info.

XVII International Conference on Minority Languages may be in August 2018. For details go to: http://linguistlist.org/.


Rocky Boy’s 54th Annual Celebration is August 3-5, 2018, at Chippewa Cree Tribe, Rocky Boy, MT. For details visit: http://www.ncai.org/conferences-events/national-events.

Indigenous Language Institute (ILI), "Assessment: How are we doing as Instructors and Learners" is August 6-8, 2018, at Buffalo Thunder Hotel & Casino, Santa Fe (Pueblo of Pojoaque), NM. For information go to: https://ilinative.org/product/assessment-how-are-we-doing-as-instructors-and-learners-how-do-we-engage-communities-july-9-11-2018/.

53rd International Conference on Salish and Neighboring Languages is August 10-12, 2018 in Bellingham, WA. More information is available at: https://blogs.ubc.ca/icsnl/ or http://icsnl.org or


American Indian Higher Education Consortium (AIHEC) Summer Board Meeting is August 26-28, at Ilisaγvik College, Barrow, AK. Ilisaγvik College. For details visit: http://www.aihec.org.


4th Language and Language Teaching Conference (LLTC) 2018 may be in September 2018. For details visit: https://sites.google.com/site/usdlltc/.

Tribal Self-Governance Strategy Session is September 5-6, 2018 Mohegan Sun Resort, Uncasville, CT. For details visit: http://www.ncai.org/conferences-events/ncai-events.

350.org, September 8, 2018 — Join A Global Day Of Action: Real climate leadership rises from the grassroots up, at numerous locations around the world. For information go to: https://riseforclimate.org/?referrer=350-org&source=tagged.


NCAI Impact Days is September 11-12, 2018 Washington, DC. For details visit: http://www.ncai.org/conferences-events/national-events.

National Transportation in Indian Country Conference is September 17-20, 2018 Duluth Entertainment Convention Center, Duluth, Minnesota. For details visit: http://www.ncai.org/conferences-events/national-events.


20th Anniversary American Indian Tourism Conference is September 17-20, 2018 at Isleta Resort Casino, Isleta, NM. For details visit: http://www.ncai.org/conferences-events/national-events.

NICWA Training Institute is September 18-20, 2018 in Oklahoma City, Oklahoma. For details visit: http://www.ncai.org/conferences-events/national-events.

The 7th World Sustainability Forum (WSF) is September 19-21, 2018, at UibeChina #Beijing #China. The conference will cover areas like the globe, extreme poverty and hunger have been reduced, and infant, child, and maternal mortality have decreased. For details, visit: https://10times.com/world-sustainability-forum.
Washington Association for Bilingual Training (WABE) Secondary/Special Education Institute is September 21-22, 2018. For details visit: http://wabewa.org/events/.


10th Annual Tusweca Tiospaye 2018 Lakota Dakota Nakota Language Summit and First Nations Education Summit" may be in October 2018. For details visit: http://tuswecatiospaye.org/.

The 50th Algonquian Conference will be in Edmonton, Alberta, and will be organized by Antti Arppe, Inge Genee, and others. It may be in October 2018. Information will eventually be available at: https://algonquianconference.atlas-ling.ca/eng/conference/.

8th International Conference on Language Immersion Education may be in October 2018. For details visit: http://www.carla.umn.edu/conferences/LTE2015/.

USET SPF Annual, hosted by Eastern Band of Cherokee Indians, may be in October 2018. For details go to: http://www.usetinc.org.

NAAS 2018 International Research Conference may be in October 2018. For details visit: https://www.naaas.org.

14th Language is Life Biennial Conference may be in October 2018. For details, visit: http://www.ai.cls.org/.

The annual Friends of Uto-Aztecan Conference (FUAC) may be in October 2018. For details visit: http://www.ssila.org.

Annual, Sunrise Gathering on Alcatraz Island: Day of Solidarity with Indigenous People may be in October 2018. For details go to: http://www.iitc.org/conferences-events/community-events/.

The 14th International MEDCOAST Congress on Coastal and Marine Sciences, Engineering, Management & Conservation may be October or November 2018. For details go to: conference.medcoast.net, or medcoast@medcoast.net, http://www.medcoast.net/.

15th Annual ALAS Education Summit may be in October 2018. For details go to: http://www.dlenm.org/index.php/resources/calendar/23-alas-education-summit.


NAFOA 2018 Fall Finance & Tribal Economies Conference is October 1-2, 2018 at the Hyatt Regency Tamaya Resort and Spa, Santa Ana Pueblo, NM. For details visit: https://www.naaas.org.

AISES National Conference is October 4-6, 2018 at Cox Convention Center, Oklahoma City, OK. For details visit: https://www.naaas.org.
Public Health Law Conference is October 4-6, 2018 in Phoenix, AZ. For details visit: https://www.naaas.org.


The Indigenous Studies Area of the Midwest Popular Culture Association at the annual Midwest Popular Culture Association/American Culture Association conference seeks panel proposals and paper abstracts for the annual Midwest Popular Culture Association/American Culture Association conference to be held from Thursday-Sunday, 4-7 October 2018 at the Hyatt Regency Indianapolis, IN.

Abstracts may address any aspect of Aboriginal, First Nations, Maori, Sami, and other Indigenous popular cultures. In addition, the area highly encourages comparative papers between Indigenous and, say, Asian, Latin American, Pacific Islander, or African popular cultures. Topics might address, but are not in any way limited to the following:

- Film and Animation
- Television
- Popular Music
- Radio shows
- New Media
- Video Games, Blogging, YouTube
- Fashion
- Popular Literature
- Theater, Festivals, Spectacles, and Ceremonies

Panels should open with approximately 100-word theme before a 200-word abstract for each panelists. Individual paper abstracts of about 200 word should be submitted electronically before or by April 30, 2018 via the online submission system, https://submissions.mpcaaca.org.

Send questions and inquiries to the Area Chair, Anthony Adah at tony.adah@gmail.com. For more information about the conference, including how to submit to a different area, please visit the conference website at http://mpcaaca.org/indy-2018/2017-cfp/. For information about the conference please visit the conference website at www.mpcaaca.org/conference.

American Indigenous Research Association Meeting is October 6-8, 2018. For details go to: http://www.americanindigenousresearchassociation.org/annual-meeting/.

44th Annual Honolulu Intertribal Powwow is October 6-7, 2018, in Honolulu, HI. For details visit: https://www.naaas.org.

G2E Global Gaming Expo is October 8-11, 2018, at Sands Expo Las Vegas, NV. For details visit: https://www.naaas.org.

USET Annual is October 8, 2018 - October 11, 2018 at Seneca Niagara Casino & Hotel Niagara Falls, NY. For details visit: https://www.naaas.org.

American Indian Higher Education Consortium (AIHEC) 2018 Fall Meeting is October 8-10, 2018 in Hartford, CT. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.

American Indian Higher Education Consortium (AIHEC) 2018 Fall Board Meeting is October 9-10, 2018 in Hartford, CT. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.
2017 World Indigenous Business Forum is October 9-11, 2018 in Rotorua, New Zealand. For details go to: http://wibf.ca/.

The 2018 International Conference of Indigenous Archives, Libraries, and Museums (ATALM) is: Summits, tours and workshops - October 8-9, Conference - October 10-11, 2018 at Mystic Lake Casino Hotel, Prior Lake, MN. For information, visit: http://www.atalm.org. Please direct questions to atalminfo@gmail.com.

NIEA National Convention is in Hartford, CT, October 10-14, 2018. For details visit: http://www.ncai.org/conferences-events/ncai-events.


Annual Conference for Community-Based Heritage Language School Representatives is October 13, 2018 at American University in Washington, DC. For details go to: https://www.american.edu/cas/education/iie/Annual-Community-Based-Heritage-Language-Schools-Conference.cfm.

Community-Based Heritage Language Schools meeting is October 13, 2018, at the National Heritage Language Resource Center at UCLA. For information go to: http://www.international.ucla.edu/institute/event/12505.

First Alaskans Institute’s 35th Annual Elders & Youth Conference (Elders & Youth) is October 15-17, 2018 with the “Warming of the Hands” pre-conference the afternoon of October 14 at the Dena’ina Center in Anchorage, Alaska. For information go to: http://www.nativefederation.org/annual-convention/.


Third Basel Sustainability Forum is October18, 2018, Alte Universität, Rheinsprung 9/11, University of Basel, Switzerland. For details visit: http://sciforum.net/conference/BSF-3.

Physicians for Social Responsibility Join PSR Maine and Maine AAP in welcoming to Maine world renowned pediatrician & epidemiologist Dr. Philip Landrigan for a special event about pesticides and his new book, Children and Environmental Toxins: What Everyone Needs to Know, 5:30 - 8:00 p.m. at Innovation Hall, University of New England, 772 Stevens Ave., Portland, ME. For more information go to: http://www.psr.org/news-events/events/.

NCAI 75th Annual Convention & Marketplace is October 21-26, 2018 in Denver, CO. For details visit: http://www.ncai.org/conferences-events/ncai-events.

Tribal Self-Governance Fourth Quarterly Meeting is October 23-25, 2018 in Washington, DC. For details visit: http://www.ncai.org/conferences-events/ncai-events.

5th International Center for Ethnic and Religious Conflict Resolution and Peacebuilding (ICERM) International Conference is in New York City, October 30-November 1, 2018. Peace and conflict resolution scholars, practitioners, traditional rulers and leaders, indigenous leaders, policy makers, and students from many
countries around the world are gathering for the first time in New York City to exchange ideas on the traditional systems of conflict resolution. For details visit: www.icermediation.org.

**7th International Conference on Language, Education and Diversity (LED 2018)** may be in November 2018. For details visit: https://led.education.auckland.ac.nz.

The 10th Annual Honoring Native Foodways may be in November 2018 in the University Center Annex, University of North Carolina, Pembroke. For information go to: https://uncpphoto.smugmug.com/Events/2015/Native-Foodways/.

The **7th National Closing the Gap Indigenous Health Conference** may be held at the Pullman Cairns International Hotel, Cairns, Australia, the in November or December 2018. For details visit: https://adminics.wixsite.com/indigenousconference/our-products.

The **2018 National Indigenous Mental Health & Wellbeing: Out of the Shadows** may be held at the Pullman Cairns International Hotel, Cairns, Australia, the in November of December 2018. For details visit: https://adminics.wixsite.com/indigenousconference/2017-indigenous-mental-health-confe.

**USHRN Bi-annual Human Rights Conference** may be in December 2018. See more at: http://www.ushrnnetwork.org/. For more information and registration: http://www.ushrnnetwork.org/.

**5th Annual International Conference on Poverty and Sustainable Development** may be in December 2018. For information go to: http://povertyconferences.com.

The **2018 National Indigenous Employment Conference** may be held in Canberra, Australia, in December 2018. For details visit: https://adminics.wixsite.com/indigenousconference/2017-national-indigenous-employment.

**FALCON Annual Conference** is November 3-6, 2018, in Arlington, VA. For information go to: http://falcon.aihec.org/Pages/FALCONHome.aspx.


**TribalNet 19th Annual Conference and Tradeshow** is November 5-8, 2018, in Las Vegas, NV. For details visit: http://www.ncai.org/conferences-events/ncai-events.


**Keres Children’s Learning Center (KCLC), Native Language Symposium: A Cross-Generational Model of Indigenous Education — Reclaiming the Education of Our Children:** is November 14-15, 2018, at the Lodge in Santa Fe, Santa Fe, NM. There will be presentations and discussions surrounding various models of education, with the hope of connecting participants, providing resources, and furthering the movement toward educational sovereignty by redefining achievement within Indian Education. For questions or more information, please contact tracordero@gmail.com or trisha@kclcmontessori.org, or go to: http://www.dlenm.org/index.php/homepage/news. Tribal Interior Budget Council is November 14-16, 2018, in Washington, DC. For details visit: http://www.ncai.org/conferences-events/ncai-event.

**La Cosecha 23rd Annual Dual Language Conference** is November 14 - 17, 2018, in Santa Fe, NM. For details go to: https://www.lacosechaconference.org.

Washington Association for Bilingual Training (WABE) Dual Language/OCDE Project GLAD® Institute is November 30-December 1, 2018. For details visit: http://wabewa.org/events/.

First Nations Language Keepers Conference may be in December 2018 at the Saskatoon Inn and Conference Centre in Saskatoon, Saskatchewan, Canada. Details are available at: http://www.sicc.sk.ca/.

NICWA Training Institute is December 4-6, 2018, in New Orleans, Louisiana. For details visit: http://www.ncai.org/conferences-events/ncai-events.

Intertribal Transportation Association Annual Meeting is December 6-7, 2018, at the Tropicana Casino and Resort, Las Vegas, NV. For details visit: http://www.ncai.org/conferences-events/ncai-events.


The 10th Annual Earth Care Summit may be in January 2019.


The Society For The Study Of The Indigenous Languages Of The Americas Annual Meeting is in New York City January 3-6, 2019. For information go to: http://ssila.org.


Colorado Association for Bilingual Education (CABE) Professional Development Conference may be in February 2019. For details visit: http://www.cocabe.org.


Affiliated Tribes of Northwest Indians (ATNI) Winter Convention 2018 may be in February 2019. For details go to: http://www.atnitribes.org.

American Indian Higher Education Consortium (AIHEC) 2019 Winter Meeting is February 4-7, 2019. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.
NICWA Training Institute is February 5-7, 2019 in Palm Springs, California. For details visit: http://www.ncai.org/conferences-events/ncai-events.

Seventh International Conference on Immersion and Dual Language Education is February 6–9, 2019 in Charlotte, North Carolina. For details visit: http://carla.umn.edu/conferences/index.html.

NCAI 2019 Executive Council Winter Session is February 10-14, 2019, in Washington, DC. For details visit: http://www.ncai.org/conferences-events/ncai-event.

AIHEC 2019 Winter Board Meeting is February 11-14, 2019 at Holiday Inn Capitol (tentative), at Washington, D.C. For details visit: http://www.aihec.org/who-we-are/calendar.htm.

NAAAS & Affiliates (including the National Association of Native American Studies) 2018 Joint National Conference is February 11-16, 2018 in in Dallas, TX. For details visit: https://www.naaas.org.

World Sustainable Development Summit 2018: Partnerships for a Resilient Planet is February 11-13, 2019, at India Habitat Centre, Lodhi Road, New Delhi, India. For details visit: http://wsds.teriin.org.

Third International Conference on Heritage/Community Languages is February 16-17, 2018 in Los Vegas, CA. For details visit: http://international.ucla.edu/nhlrc.

The Native American-Indigenous Section of the Southwest Popular/American Culture Association 39th Annual Conference is as usual in Albuquerque, NM, February 20-23, 2019. For details go to: http://southwestpca.org/conference/call-for-papers/.

31st Far West PCA/ACA (Popular and American Culture associations), which likely has at least one American Indian section, is February 22-24, 2019, at the Los Vegas, NV. For information go to: http://www.fwpca.org/.

ICLDC 6: Connecting Communities, Languages, and Technology is February 28 - March 3, 2019 at International Conference Center, Honolulu, HI. For details visit: http://icldc-hawaii.org


American Indian Higher Education Consortium (AIHEC) 2018 Spring Board Meeting is March 9-10, 2018 in Rapid City, SD. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.
American Indian Higher Education Consortium (AIHEC) 2018 Student Conference is March 11-14, 2018 in Rapid City, SD. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.

AIHEC 2019 Spring Board Meeting is March 14-16, in Billings, MT. For details visit: http://www.aihec.org/who-we-are/calendar.htm.

American Indian Higher Education Consortium (AIHEC) 2019 Spring Student Conference is March 17-19, 2019. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.
The 42nd Annual California Conference on American Indian Education is at the Hilton Sacramento Arden West, Sacramento, CA, March 17-19, 2019. For more information, contact: Achel McBride: (530)895-4212 x 110, Irma Amaro: (707)464-3512, or Judy Delgado at 916-319-0506, judelgado@cde.ca.gov, or go to: http://www.ccaie.org/.

Fifteenth Annual Southeast Indian Studies Conference is being held on campus at the University of North Carolina, Pembroke, Pembroke, NC, at the University Center Annex, March 21-22, 2019. Conference details will be posted to the American Indian Studies http://www.uncp.edu/ais/ and Southeast American Indian Studies http://www.uncp.edu/sais/ websites as they become available.


RES Las Vegas is March 25-28, 2019 at The Paris Las Vegas Hotel & Casino. For details visit: http://www.ncai.org/conferences-events/ncai-event.

SWCOLT (conference on language teaching) is March 28-30, 2019 in Fort Worth, TX. for information go to: http://www.swcolt.org/.


Alaska Native Studies Conference 2018 may be in April 2019 at the University of Alaska Fairbanks campus. For information go to: http://alaskanativestudies.org.

National Center for Great Lakes Native American Culture, 2019 NCGLNAC Academic Conference may be in April 2019, in the Bubp Building, Jay County Fairgrounds, Portland, Indiana. For details visit: www.ncglnc.org.

The 5th International Conference on Multilingual Language Theories and Practices (MLTP2019), may be in April, 2019. For more information go to: https://baal.org.uk/annual-conference/.

The 13th Giving the Gift of Language: A Teacher Training Workshop for Native Language Instruction and Acquisition, SILC: Strengthening Indigenous Languages and Cultures: A Teacher Training Workshop for Native Language Instruction and Acquisition may be in April, 2019, at Missoula, MT. For information visit: http://www.nsilc.org/index.htm.

47th Annual Symposium on the American Indian may be at Northeastern State University, University Center, Tahlequah, OK, in April 2019. For details visit: http://www.cts.nsuok.edu/NSUSymposium.aspx.

NICWA Training Institute is April 3-5, 2019, in Albuquerque, NM. For details visit: http://www.ncai.org/conferences-events/ncai-event.

NAFOA - 37th Annual Conference is April 15-16, 2019, at the Marriott Downtown Waterfront Portland, OR. For details visit: http://www.ncai.org/conferences-events/ncai-event.r

The 11th International Conference on Climate: Impacts and Responses is 16–17 April 2019, at Pryzbyla Center, The Catholic University of America, Washington, D.C. The Climate Change Conference is for any person with an interest in, and concern for, scientific, policy and strategic perspectives in climate change. It will address a range of critically important themes relating to the vexing question of climate change. Plenary speakers will include some of the world’s leading thinkers in the fields of climatology and environmental science, as well as
numerous paper, workshop and colloquium presentations by researchers and practitioners. For details go to: http://on-climate.com/the-conference. For details visit: http://www.peace-ed-campaign.org/calendar.


**The Western Political Science Association (WPSA) 2019**, April 18-20, is at the Manchester Hyatt, San Diego, CA, and will likely include one or more Race, Ethnicity and Politics panels that could include Indigenous issues. For details go to: http://wpsa.research.pdx.edu/


**10th Annual Unity Summit** is April 23-25, 2019, at Oneida Indian Nation, Turning Stone Resort Casino, Oneida, NY. For information go to: https://www.usetinc.org/wp-content/uploads/bvenuti/WWS/2018/April%202018/April%202/Save%20the%20Date%202019%20TUS.pdf.


**The 13th Annual Conference on Endangered Languages and Cultures of the Americas** may be in May 2018. For details go to: http://www.cail.utah.edu, or contact Jennifer Mitchell: cail.utah@gmail.com.

**22nd Navajo Studies Conference** may be at Northern Arizona University, Flagstaff, Arizona, may be in May 2019. For details go to: http://www.navajostudies.org.

**Affiliated Tribes of Northwest Indians (ATNI) Mid Year Convention 2019** may be in May 2019. For details go to: http://www.atnitribes.org.


The **8th Native American and Indigenous Studies Association Annual Conference** may be in May, 2019, in Tucson, AZ. For more information go to: http://naisa.ais.arizona.edu/.

**Annual Workshop on American Indigenous Languages (WAIL2019)** may be in May 2019, at UCSB Department of Linguistics. For information visit: http://www.linguistics.ucsb.edu or http://osl.sa.ucsb.edu/org/nail/WAIL.

**CCERBAL 2019 Conference** may be at Canadian Centre for Studies and Research on Bilingualism and Language Planning (CCERBAL), Official Languages and Bilingualism Institute (OLBI), University of Ottawa, in May 2019. For details visit: https://ccerbal.uottawa.ca/en/activities/conferences.

**AsiaLex 2019** may be in June 2018. For information go to: http://www.adelaide.edu.au/australex/.

Breath of Life / Workshop for California Indian Languages may be in June 2019, For details visit: http://www.aicls.org.

The Native American Student Advocacy Institute may be in June 2019. For details visit: http://nasai.collegeboard.org/.

Fostering Indigenous Business and Entrepreneurship in the Americas Conference: FIBEA 2019 may be in June 2019. For information and to make submissions contact fibea@mgt.unm.edu, or visit http://conferences.mgt.unm.edu/fibea/ or http://fibeamanaus.mgt.unm.edu/defaultENG.asp.

5th Annual Stabilizing Indigenous Languages Conference and 7th Western Symposium on Language Issues (WeSLI) may be in June 2019. For details go to: http://jan.ucc.nau.edu/~jar/AIE/conf.html.


UCLA American Indian Studies Center Summer in Montana may be in June 2019. For details see: www.aisc.ucla.edu/news/.../Summer%20in%20Montana%20flyer.pdf.

Dene Languages Conference may be in June 2019, and will likely be held in the Southwest, in Apache country. For information go to: http://www.uaf.edu/alc/.

SYLAP 2019 (Shoshonian language summer program) may be in June and July 2019 on the campus of the University of Utah. For details go to: http://shoshoniproject.utah.edu/.

The Northwest Indian Language Institute Summer 2019 may be in June 2019, at the University of Oregon, Eugene, OR. For details go to: http://pages.uoregon.edu/nwili/.

8th International Conference on Bantu may be in June 2019. For details go to: http://linguistlist.org/callconf/browse-conf-action.cfm?ConfID=190196.


The 2019 Institute on Collaborative Language Research (CoLang) may be in June and July 2019. For information about SSILA go to: www.ssila.org.

2019 Dene / Athabaskan Language Conference & Workshop may be in June or July 2019. For details go to: http://www.uaf.edu/alc/about/.

6th Annual American Indian Higher Education Consortium (AIHEC) Behavioral Health Institute may be in June 2019. For details visit: http://www.aihec.org/who-we-are/calendar.htm.
10th Austronesian and Papuan Languages and Linguistics Conference may be in June 2019. For information go to: http://lacito.vjf.cnrs.fr/colloque/apll9/index_en.htm or https://www.soas.ac.uk/linguistics/events/apll8-conference/.

10th American Indian and Indigenous Education Conference may be in June 2019 at Northern Arizona University's College of Education at Northern Arizona University, Flagstaff, AZ. To get updated information on this conference visit: http://nau.edu/AIE.


9th Cambridge Conference on Language Endangerment: 'Language Endangerment: Language Contact and Language Change', may be in July 2019, at the University of Cambridge, Cambridge, UK. For information go to: http://www.mml.cam.ac.uk/.

TCU Summer Meeting at SKC is July 22-26, 2019, at Salish Kootenai College, Pablo, MT. For details visit: http://www.aihec.org/who-we-are/calendar.htm.


AIHEC 2019 Fall Board Meeting is October 7-9, 2019, in Minneapolis, MN. For details visit: http://www.aihec.org/who-we-are/calendar.htm.

50th Annual NIEA Convention and Trade Show is October 9-12, 2019, in Minneapolis, MN. For details visit: http://www.aihec.org/who-we-are/calendar.htm.

G2E Global Gaming Expo is October 14-17, 2019, at the Sands Expo Convention Center in Las Vegas, NV). For details visit: http://www.ncai.org/conferences-events/ncai-events.


AIHEC 2020 WINTER Meeting is February 3-6, 2020, may be at the Holiday Inn Capitol, Washington, DC. For details visit: http://www.aihec.org/who-we-are/calendar.htm.


AIHEC 2020 Spring Student Conference is spring 2020. AIHEC 2020 Spring Student Conference. For details visit: http://www.aihec.org/who-we-are/calendar.htm.

AILA (Association Internationale de Linguistique Appliquee) World Congress will take August 9-14, 2020, at The University of Groningen, in Groningen, The Netherlands. Visit the Congress website <aila2017.com.br> for more detailed information about the venue and the conference, or go to: http://www.aila.info.


American Indian Higher Education Consortium (AIHEC) 2022 Spring Board Meeting is March 23-26, 2022. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.

ONGOING ACTIVITIES

Steve Sachs

Environmental Activities


The announcement comes as President Donald Trump and his appointees continue to wage war on national environmental regulations through rollback efforts that have been sharply condemned by environmental advocates, courts, and much of the public.

With the upcoming mobilization, PCM said it 'aims to transform the energy of resistance into action by calling on leaders and elected officials to invest in real solutions to the climate crisis that prioritize the most impacted and vulnerable of our communities, like a massive, just transition to a 100 percent renewable economy that ensures safe and healthy communities, the right to organize for all workers, and millions of family-sustaining jobs.'

The rallies and marches, said PCM national director Paul Getso, are part of 'building power to bring about a new, clean energy economy,' as well as 'a climate movement that is long lasting and sustainable.' Ahead of these events, various advocacy groups are highlighting how the climate crisis most severely impacts struggling communities.

Miya Yoshitani, executive director of the Asian Pacific Environmental Network, emphasized the importance of elected officials following the lead of these communities, which 'means going beyond increasing temperatures, droughts, and rising sea levels; and recognizing that climate change is a threat multiplier for working families everywhere.'
'Extreme weather, rising sea levels, chronic diseases like asthma that are made worse by pollution, and the lack of clean drinking water in our schools and communities all take a toll on working class, people of color, and poor communities,' noted Lenore Friedlaender of SEIU Local 32BJ.

'We have the opportunity to create good jobs in wind, solar, and the renewable energy sector that move us to a healthier future and a more just society," she declared. "The time to act is now.'

The mobilization will occur less than two months ahead of this year's midterm elections and just days before the Global Climate Action Summit in San Francisco, California, which will bring together "anyone who recognizes that climate change is an existential threat to humanity" to discuss achievements, ways to improve climate policies, and 'a call to action to nations to step up their ambition under the Paris Agreement.'

This work is licensed under a Creative Commons Attribution-Share Alike 3.0 License."

Daily Kos reported, January 28, 2018, https://actionnetwork.org/event_campaigns/fossil-free-fast/?source=org-signup&referrer=dailykos-actions&link_id=2&can_id=2304a48b2891e77b9b6c14d1ce535f4f&email_referrer=email_292562&email_subject=trump-wears-his-climate-ignorance-proudly-statefull-default-your-state-is-fighting-back, "Climate activists will gather in Washington, D.C. on January 31 at 8pm (ET) to deliver the state of the climate movement. But you don't have to go all the way to D.C. to join us for Fossil Free Fast: The Climate Resistance! Dedicated climate organizers all over the country are hosting watching parties."

Bill McKibben, '3 Strategies to Get to a Fossil-Free America

None of them rely on Washington to do anything useful.

By Bill McKibbenTwitter, From the Nation, February 12-19, 2018, https://www.thenation.com/issue/february-12-19-2018-issue, commented, in part, When the next phase of the US climate movement launches with a nationally streamed rally at the end of the month, the wound-licking will be over. Yes, the Trump administration has upset any hope of a smooth and orderly transition to a new energy world. Yes, it’s pulled the United States out of the Paris climate agreement and opened up the Arctic National Wildlife Refuge to drilling. Yes, EPA Administrator Scott Pruitt and Energy Secretary Rick Perry have made a mockery of hurricane victims and fire victims and flood victims, from San Juan to Montecito to Houston.

But the fossil-fuel industry doesn’t hold all the high cards. We’ll start playing our own aces for a Fossil-Free United States on January 31, when Bernie Sanders and an all-star lineup brought together by 350.org that includes everyone from indigenous activist Dallas Goldtooth to NAACP organizer Jacqui Patterson to star youth climate organizer Varshini Prakash lay out a coordinated plan for the year ahead. The basic outlines are pretty simple. None of the strategies rely on Washington’s doing anything useful. In fact, because DC has emerged as the fossil-fuel industry’s impregnable fortress, our strategies look everywhere else for progress. In every case, real momentum has emerged, even in the last few weeks."

Here are the three stratagies discussed in the article:

"Job 1: Push for a fast and just transition to renewable energy in cities and states."
"Job 2: Stop new fossil-fuel projects."
"Job 3: Cut off the flow of money to the fossil-fuel industry."

"The political saliency of the climate issue grows stronger too, especially as it becomes clear that it’s not some niche concern of affluent suburbanites with a weekend home in the country. Polling makes clear that African Americans and Latinos are the two groups most concerned about climate change, which makes sense since they’ve borne the brunt of the effects so far. (All it takes is a record rainstorm to find out who lives at the bottom of the hill.)These are also the groups taking the lead in climate organizing, giving it a new and vital energy. Vice, the CNN of the young, reported this month that “the next millennial trend is suing big oil for destructive climate change,” apparently replacing avocado toast.

None of which means that the fight is won. Big Oil has had a big year, and they hold most of the levers in Washington. But they’re beginning to lose in a lot of other places—including in people’s hearts and minds. Destruction like that wrought by Hurricanes Harvey and Irma and Maria; tragedy like that wrought by California’s fires and mudslides—it takes a toll. No lie lives forever, and 2018 may be the year that the most dangerous deceit in the planet’s history finally unravels for good.
350.org was engaged in a major campaign, in May 2018, to "stop fossil fuels: Build 100% Renewables," aimed at stopping all new coal oil and gas project, and switching to clean renewable energy. This includes numerous specific efforts including: #ThumaMina: Tell the Development Bank of Southern Africa to publicly commit to not funding the Thabametsi coal-fired power plant; deCOALonise.africa: End the age of coal in Africa!; #SolarXL: Resisting the Keystone Pipeline by building clean energy in the path of the pipeline; and - among many others - Unesco: protect culture not coal: askin Unesco to “Protect our priceless cultural sites from coal and climate change. Issue a statement calling for a stop to all fossil fuel development that threatens World Heritage Sites, and demanding governments comply with the Paris Agreement.” (at: http://350.org)’s For details go to: http://act.350.org/.

350.org reported, December 20, 2017, http://act.350.org/letter/nydivest-win/?akid=32963.602582.xYr7-l&rd=1&t=3&utm_medium=email&utm_source=actionkit, "After more than five years of inspiring and creative campaigning from the climate movement, the New York City and State pensions are moving forward to freeze new investments in fossil fuels and divest. This victory is huge. Combined, the city and state pension funds are worth a whopping $390 billion, making this the largest coal, oil and gas divestment in THE WORLD."

Lakota People's Law Project. stated via E-mail March 1, 2018, "Exciting news! As our Lakota People’s Law Project legal team prepares landmark necessity defenses for HolyElk Lafferty and Chase Iron Eyes in the aftermath of the DAPL protests, we’ve also begun helping to green Standing Rock. As Native people, we realize we can’t just be reactive when events come to our doorstep. We must proactively set an example by creating a healthier world.

That’s why we’re working to protect both our families and our homeland by pushing for renewable energy on the rez and in the Dakotas. My good friend and colleague, fellow Lakota grandmother and Lakota People’s Law Project organizer Phyllis Young, has taken the lead by bringing experts to Standing Rock and initiating exploration of a large scale renewable energy and efficiency project for her reservation. We’ve created a petition calling on the Dakotas to go green too.

The tragic fact is that, right now, the people of Standing Rock pay 33% MORE for their electricity than residents of Bismarck, just one hour away. To make things worse, unlike in almost every other cold weather state, no law exists in North or South Dakota to prevent utilities from shutting off power in the dead of winter. Imagine living through months without power in temperatures that reach -40ºF. Change must come, and soon.

Phyllis was the tribal liaison to the DAPL camps for the Standing Rock Sioux Tribe. Last month, she kept the momentum going by organizing a renewable energy summit on the reservation. Representatives from the Massachusetts Institute of Technology came to assess ways they may be able to consult on sustainability projects. Phyllis is also helping to assess energy efficiency and solar potential for buildings throughout the rez. It’s already clear that by going renewable, the tribe could save tens of millions of dollars, take control of its own energy future, and greatly reduce its carbon footprint.

Our sister project, Greenpower, has also stepped up to assist. For more than a year, they’ve been helping communities throughout California implement clean energy programs. Greenpower is sharing knowledge about how renewable energy works. With their advice, we have now identified local experts in Bismarck capable of guiding the tribe through this complicated work.

Your continued advocacy can help the tribe achieve energy sovereignty, save much needed money, and protect Unci Maka from the harmful effects of fossil fuels. Please watch our video and sign our petition calling upon North and South Dakota to adopt mandatory Renewable Portfolio Standards and pass other legislation designed to make the transition to renewables faster. Standing Rock is doing its part, and you are doing yours by continuing to stand with us. With your help, we hope to convince North and South Dakota to do the same.

Wopila — I thank you,
Madonna Thunder Hawk, Tribal Liaison, Lakota People’s Law Project."
Indigenous Environmental Network, June 7, 2018, E-mail, stated, "Final Decision on Line 3: Meetings at the PUC: Let’s Pack The Room,"

Dear Supporters,

By now, you’ve heard about Enbridge’s proposed Line 3 tar sands pipeline that would carry the world’s dirtiest oil across northern MN and the Mississippi headwaters. Line 3 would violate treaty rights and put our climate, water, and communities at risk.

Join us to stand united against Line 3: https://www.facebook.com/events/197083517596938/

Monday June 18th
Tuesday June 19th
Tuesday June 26th
Wednesday June 27th

On these dates, the Public Utilities Commission (PUC) will come to its FINAL DECISION on whether or not to approve Enbridge Line 3’s Certificate of Need and Route Permit. The Public Utilities Commission is holding four meetings; we need to pack the room every day in order to show the presence and diversity of resistance to Line 3. Enbridge may be strong, but our communities are stronger, and we need to make sure we are heard.

RSVP via email or Facebook! When you RSVP using a link below, indicate interest in days you can at least partially attend, even if you can’t come for the full day. You are welcome to come and go as you wish during the day.

Let us know you can help and join us at the PUC:
RSVP via email: http://www.mn350.org/line-3-final-decision-meetings/
RSVP via Facebook: https://www.facebook.com/events/197083517596938/

Line 3 Quick Background: The proposed new Line 3 route will cross 337 miles of northern Minnesota, crossing the Mississippi River twice including the headwaters. It will also pass near many of our cleanest lakes and rivers, including wild rice waters. Here are five key things to know about Line 3.

Line 3 Would Violate Treaty Rights: The pipeline would violate the U.S. government’s 1855 treaty with the Ojibwe nation that gives them the right to hunt, fish and gather in lands the pipeline would cross. This pipeline threatens their sacred wild rice areas.

Line 3 Would Contribute to Climate Change: The 30-year estimates of the climate change cost of the project top $287 billion, and full lifecycle estimates are potentially over $1 trillion, costs Enbridge is shifting to society, both individuals and governments.

Line 3 Threatens Minnesota’s Clean Waters and Wild Rice: Line 3 would cross the Mississippi River twice, including the headwaters. The 337 mile pipeline would run near our state’s cleanest lakes and rivers. A tar sands crude oil spill would be devastating.

Line 3 Would Set a Bad Precedent in Pipeline Abandonment: Enbridge plans to abandon its old and failing Line 3 in the ground and build a new and larger pipeline along a new route. This is the first time a company has proposed abandoning a crude oil pipeline in Minnesota. The state does not have good regulations in place. The decision made on abandoning the old Line 3 will set a major precedent for future crude pipeline abandonment.

Minnesota Does Not Need Line 3: In testimony before the PUC, the Minnesota Department of Commerce said the state does not need this pipeline, so we are taking on major environmental risks for little to no benefit. Governor Dayton vetoed a bill which would have expedited the process.

Environmental groups celebrated the election of Don Orange, in December 2018, as Port of Vancouver, WA Commissioner, in the expectation that it would lead to the cancelation of the Tesoro-Savage oil terminal. They were also favorable to the denial of two costal land leases, effectively preventing the export of coal from the Pacific Northwest, and to the decision of Nestle Waters to withdraw from Oregon ("U.S.: Native American Rights Essential to Protecting Natural Resources in Pacific Northwest," Cultural Survival Quarterly, March 2018).

The Indigenous Environmental Network announced (http://www.ienearth.org/pme2018/): "17th Protecting Mother Earth Conference, co-sponsored by the Indigenous Environmental Network and
Indigenous Climate Action, that will be taking place June 28 through July 1st, 2018.

This year’s conference will be hosted by the LSqualli-Absch, the Nisqually People (People of the River, People of the Grass) and held within the territories of the Nisqually Nation, near Olympia, Washington. Together, we are writing to formally invite you as an ally organization to this year’s event.

This all-outdoor event, located at Frank’s Landing, the site of the 1960’s fishing rights actions and next to the Wa He Lut School, is expected to have over 2500 participants and will feature Indigenous Peoples from across Turtle Island and internationally, representing frontline grassroots groups as well as elected tribal leadership. Allies will also participate.

This conference is Indigenous-initiated, designed and led for the purpose of uplifting the critical voices of those on the frontline battles against environmental injustice and climate change. As such, we see the absolute need to have key ally representatives join us as observers and listeners during this event.

The 4-day event will include plenaries and break-out sessions addressing the following key themes:

- Water, Oceans and Fisheries
- Climate Justice
- Extreme Energy and Renewable Energy
- Mining
- Food Sovereignty
- Environmental Health
- Just Transition
- Rights of Mother Earth

Rabbi Arthur Waskow of The Shalom Center, "Beyond Destructive Gas/Oil Pipelines, to Birthing a Joyful Community," April 25, 2018, https://theshalomcenter.org/content/beyond-destructive-gasoil-pipelines-birthing-joyful-community, wrote, "Beyond Extreme Energy (BXE) is a national network of activists who are opposing gas/oil pipelines that are infrastructure for fracked fossil fuels, the Canadian tar sands oil, etc. etc.

BXE will be connecting with the Poor Peoples Campaign in its own climactic action on May 23-25, as the Poor Peoples Campaign ends its 40 days of local action in state capitals with a massive outpouring in Washington, DC. I think many members and friends of The Shalom Center may find it valuable to connect with BXE’s work across the country."

"Back to BXE: It publishes a calendar of pipeline protests being planned, in the works or on-going. They update the calendar at least every two weeks. It is available at: https://beyondextremeenergy.org/no-new-infrackstructure-2018-action-calend. It is a calendar primarily for actions aimed at stopping the building of any new fossil fuel infrastructure. Submissions for this listing should be sent to actions@beyondextremeenergy.org and should include location, date(s), description (short) and contact info."


The move threatens Navajo communities, the cultural fabric of this sacred landscape, our climate, clean air, and more.

Their plans come even as we thwarted new fracking in the region last March and even as New Mexico’s U.S. Senators Tom Udall and Martin Heinrich have introduced legislation to protect lands within 10 miles of Chaco Canyon.

We need to step it up. Speak out today; join us in demanding a moratorium on new fracking and in demanding justice and accountability. #FrackOffChaco!"

Conservation Voters, New Mexico, stated via-E-mail, February 12, 2018, media Contact: Liliana Castillo at 575-219-9619 or liliana@cvnm.org, "Conservation Voters New Mexico Statement in Response to BLM’s Revised Methane Rule," "Today, the Trump administration proposed a new Methane and Waste Prevention rule, which guts the Bureau of Land Management’s (BLM) 2016 rule. The rule aims to limit wasteful venting and flaring of methane from oil and gas operations on public lands. This impacts New Mexicans directly due to the Four Corner’s ‘hot spot,’ a cloud of methane the size of Delaware, hanging over the San Juan Basin. Conservation Voters New Mexico Executive Director Dennis Foster released the following statement:"

'Last year, hundreds of New Mexicans took thousands of actions, expressing their overwhelming support for pollution standards to reduce methane waste and keep our air clean. In addition, a bipartisan group of members of Congress rejected the type of special interest pandering that the Trump administration put on display today by
proposing to severely weaken the BLM’s Methane and Waste Prevention Rule,’ says Demis Foster, CVNM Executive Director. 'The Trump administration continues to put the worst actors in the oil and gas industry ahead of taxpayers, Western communities and hard-working families. In light of these dangerous actions at the federal level, we urge action at the state level to address methane pollution and protect the health of our families.'"

Wild Earth Guardians, "Learn how we're enforcing transparency under Trump: Information is power." E-mail, April 16, 2018, stated, "In 1913, Supreme Court Justice Louis Brandeis coined the phrase 'sunlight is the best disinfectant.' A century later, as we grapple with the era of Trump, this sentiment is truer than ever.

In the latest issue of Wild at Heart (http://www.wildearthguardians.org/FlexPaper/Publications/WGnews30-hi/WGnews30-hi.html), we look at what it means to enforce transparency under the Trump administration. Read our featured article, in which Climate and Energy Director Jeremy Nichols explains why we filed a whopping 238 Freedom of Information Act requests last year—and why Trump can no longer get away with ignoring them—while Endangered Species Advocate Taylor Jones describes our use of FOIA to dig up dirt on the Interior Department’s war on prairie dogs."

Center for Biological Diversity, "Suit Targets Oil Leases on 2 Million Acres of Grouse Habitat," Endangered Earth, No. 930, May 3, 2018, reported via E-mail, "Our battle continues to save some of the West's most iconic animals. This week the Center for Biological Diversity and allies filed suit over Trump actions that gut protections for imperiled greater sage grouse, rare birds famous for their elaborate mating dances. Our lawsuit includes a challenge of indiscriminate oil and gas leases on nearly 2 million acres of the birds' prime habitat in five states.

At issue are two Trump directives rolling back hard-won compromises to preserve dwindling grouse populations and cutting the public out of oil and gas planning on our public lands.

'Trump can't ignore the law to fulfill the fossil fuel industry's wish list,' said the Center's Michael Saul. 'There's no scientific or legal basis for these policies, and no public support. What Trump's doing is both wrong and illegal.'"

350.org, September 8, 2018 — Join A Global Day Of Action: Real climate leadership rises from the grassroots up. E-mail, May 22, 2018, https://riseforclimate.org/?referrer=350-org&source=tagged, stated, "Local action is leading the way — Be part of the movement that’s ending the era of fossil fuels and building 100% renewable energy for all.

We're at a critical crossroads to protect our climate and communities, and it's past time to implement the solutions we need. The good news: it’s people power, not Trump, that holds the power to transition to 100% renewable energy.

When Trump withdrew the U.S. from the Paris Climate Agreement, hundreds of Mayors, Governors, and other elected officials around the world made commitments to take action on climate. Unfortunately, many of these fell short of addressing the core problem: fossil fuels.

But local and state actors still have the chance to take bold action that protects our communities and our climate – and it’s up to us to make sure they do.

That’s why people are rising up around the world on September 8th before the Global Climate Action Summit to demand real climate leadership. Join an action near you.

September 8 will be a day for us to show that communities all over the world are committed to the kind of bold climate action we need: a just transition away from fossil fuels to 100% renewable energy for all.

From day one of this administration, people are resisting in the streets in greater numbers than ever before in recent history. Now we’re showing every elected official the real climate solutions we want and the mass movement supporting them.

Our next big moment to shine a spotlight on the climate crisis is September 8th and we need you to be in the streets - join an action near you or host your own.
Why September 8? That’s the Saturday before state and local leaders from across the US and around the world are meeting in San Francisco for the Global Climate Action Summit. Every local leader is invited to make a commitment at the summit – so it’s the perfect opportunity for us to push them to take real climate action that protects our climate, jobs, and justice.

We won’t be acting alone. 350.org is working with the Peoples Climate Movement and hundreds of organizations like the Sierra Club, the Global Grassroots Justice Alliance, Green Faith, the Service Employees International Union, and more, to make sure that this day is a big success. With your help, we can make this a truly groundbreaking moment."

Oil Change International, "Governor Brown's Last Chance," May 23, 2018, http://brownslastchance.org/?source=org-signup&referrer=oil-change-international, stated, "Yesterday we released a groundbreaking new report showing California can and must set a global precedent by being the first major oil and gas producing jurisdiction to ramp down production of oil and gas.

In other words, California could become the real climate leader we’ve been waiting for. But it’s not going to happen without some serious pressure from people around the world.

Click here to send a message calling on Governor Jerry Brown to chart California's path off fossil fuel production.

If you don’t live in the heavy extraction zones of California – centered in Kern and Los Angeles Counties – you may not know that California is a top oil producer in the United States. Under Governor Brown’s administration, the state has issued more than 20,000 new permits for drilling to oil companies, enabling the industry to keep tapping more fossil fuels.

For years, Governor Brown has talked a big game on climate, yet he’s resisted any sort of serious restrictions on the massive oil and gas production in the state.

But this year presents a critical opportunity: In his final months in office, Governor Brown is hosting a major climate summit in San Francisco to showcase worldwide climate leadership. And, with no more elections in his future to worry about, the time is right for Governor Brown to show bold leadership and put in place a managed decline of fossil fuel production in California, which is necessary to meet the Paris climate agreement. Doing so would send a major shockwave throughout the climate movement, and set his summit up for success.

That’s why we’ve teamed up with a growing coalition telling the Governor that this is “Brown’s Last Chance” for transformational leadership on climate. The time is right for him to take this important step.

We’ve written the report that proves bold climate leadership is both possible and necessary – now we need you to send a message to California’s Governor calling on him to step it up.

Last night I was with over 200 people planning a major mobilization ahead of September’s Global Climate Action Summit. Momentum is building and your comment can help push Brown to become the climate leader we need. Sitting here in Oakland I can tell you the pressure is having an impact."

to demand that New York City divest from Wall Street banks and establish a public bank that is "expressly chartered to serve the public interest."

"The more than two dozen groups that gathered on Wall Street also included New York Working Families, the Pan-African Community Development Initiative, and Food & Water Watch.

Investment in Wall Street banks like Wells Fargo, Bank of Americas, and JPMorgan Chase is synonymous with harming the environment, propping up private prisons, and putting working families at risk for financial collapse as well as pushing them out of New York neighborhoods, argued the groups.

The rally came days after the Trump administration announced it would roll back the Volcker Rule, which since 2014 has prohibited banks from using their accounts to conduct risky, speculative trading, in an effort to avoid another financial meltdown like the one that threw the country into a recession in 2008."

Carbonfund.org Foundation (carbonfund.org), among its many projects, continues to in engage in "planting trees around the world, in large, formally-managed and long-term tree-planting projects, restoring areas devastated by storms and natural disasters, improving soil quality, absorbing carbon dioxide emissions from the air, and providing local employment opportunities.

Among its other work, the foundation:
Has supported 180 projects across 23 countries and 40 US states?
Preserves 750,000 acres of Amazon Rainforest in Brazil?
Supports wind energy projects in the US and around the globe?
Funds truck stop electrification projects across the US to reduce greenhouse gas emissions?
Runs North America's first carbon neutral product certification label?
Operates a boys and girls overnight summer camp in New Hampshire aimed at traditional outdoor play and environmental learning called Camp Quinebarge?

For more information go to: carbonfund.org.

Friends of the Earth, May 23, 2018, https://us.e-activist.com/page/5456/action/1?ea.tracking.id=Email&ea.url.id=82520Tell Kroger: Stop selling food grown with bee-killing pesticides!, stated, "This year’s bee die-off numbers just came out, and the news isn’t good. Bees are still dying at alarming rates. And it’s largely due to bee-killing neonicotinoid pesticides.

If we want to stop the massive bee losses, we need to get these pesticides out of our food system. Kroger plays a key role in this fight. It could stop selling food grown with toxic pesticides. But we need YOU to help make that happen!

Friends of the Earth, May 7, 2018, E-mail, "This year’s report on bee die-offs was released last month -- and the news is not good.
Beekeepers lost nearly half of their hives in the last year. And bee-killing neonicotinoid pesticides were a key factor.

This is an emergency! Every day that Big Ag is able to continue dousing our food system with these pesticides, bees are more at risk. But instead of acting to address this crisis, Donald Trump’s EPA has delayed action on these pesticides until at least mid-2018. This is unacceptable -- we need your help to get these chemicals out of our food system NOW!"

To defend this crucial law for the birds it shields, we’re taking our fiercest fight to the very highest levels. We need you with us to do it—and we need you now. Please show your strongest support with your gift right away.

For a century, the MBTA has served as our most powerful bird conservation measure, prohibiting the capture or killing of nearly all U.S. birds. It’s inspired innovations that have saved birds by the million. It’s rescued avian species that once verged on extinction. And it’s held companies accountable for the bird deaths they cause, like in 2010’s BP Deepwater Horizon disaster.

But the administration has put the MBTA in jeopardy, and along with it all the birds the law protects:

In December, bucking decades of policy and practice, the administration declared they won’t enforce the law for bird deaths caused by industry unless those deaths are deliberate. This wiped out incentives businesses had to embrace bird-safe practices—and now lets them dodge responsibility when their activities turn deadly.

In short, they’d let the oil and gas industries kill birds with impunity. We won’t stand for it, Stephen. And we know you won’t, either. Will you help power our strongest resistance now?

As part of a coalition of national environmental groups, Audubon is mounting our most forceful legal challenge, demanding that the MBTA’s protections be restored.

In the long fight ahead, our strength and our stamina come from friends like you. And as we battle to save our country’s most important bird protection law, time is of the essence."

The Pew Charitable Trust, "Take Action: Congress Is Standing Up for Sea Turtles, Whales, and Dolphins, May 29, 2018, http://advocacy.pewtrusts.org/page/25003/action/1?ea.tracking.id=Alert&utm_campaign=AA+-+ENV+-+USOC+-+Pacific+-+Driftnet+Act+Federal+May+2018&utm_medium=email&utm_source=Pew, stated, "The Driftnet Modernization and Bycatch Reduction Act (S. 2773) was recently introduced in the U.S. Senate to address ongoing harm to marine wildlife caused by large mesh drift gillnets in the West Coast swordfish fishery. A companion bill, H.R. 5638, was recently introduced in the House of Representatives. If enacted, this legislation would end the use of large-mesh drift gillnets and provide funding for fishermen to make the transition to less harmful fishing gear.

Act now: support the driftnet modernization and bycatch reduction act

The United States has been a leader in the regulation of large-scale drift gillnets both at home and abroad, but the activity continues on the West Coast. The fishery itself is small—around 20 active boats—but it kills more dolphins and porpoises than all other West Coast fisheries combined. Harming iconic and endangered species such as leatherback sea turtles and sperm whales is unacceptable, particularly when less wasteful and more environmentally friendly alternatives exist, such as deep-set buoy gear.

This legislation provides fishermen with solutions, as well as certainty about the sustainable future of this fishery—a benefit for consumers, fishing communities, and the marine ecosystem."

Bering Sea Elders, "Bering Sea Elders approve of International Maritime Organization’s routing measures, including areas to be avoided, June 7, 2018, "The Bering Sea Elders Group (BSEG) joins Kawerak, Inc. in acknowledging the International Maritime Organization’s (IMO) recent recommendation to limit the navigable path of vessels in the Bering Sea in order to protect marine mammals and communities that rely on them for subsistence harvest. The IMO Action creates three Areas To Be Avoided (ATBA), including the waters around Nunivak Island, Saint Lawrence Island, and King Island. The routes will go into effect on December 1, 2018. BSEG believes that the IMO actions take important first steps but would like to see additional action to curb pollutants.

'The IMO’s decision does not address our serious concerns about discharge and the lack of oil spill preparedness in our regions. But the creation of the ATBAs has the potential to mitigate shipping impacts on marine wildlife and our communities,' said BSEG Executive Director Mellisa Heflin.

For thousands of years the coastal Yup’ik and Inupiaq peoples of the Bering Sea and Bering Strait have relied on marine mammals, seabirds, fish, shellfish, and other marine-based resources for food. Hunting and fishing bind our people to the sea, and tie families and communities together through the sharing of food and passing of knowledge and experience from one generation to the next.
Thousands of bowhead and beluga whales, hundreds of thousands of walruses, an estimated one million seals, and millions of seabirds migrate through the region. Large areas of the ocean are used by local hunters and fishermen to harvest food for villages along the coast.

**Year-round, the northern Bering Sea is also a unique and sensitive acoustic environment.** Marine mammals rely on their acoustic environment to find food, communicate, and navigate. They produce sounds critical for communication and mating purposes, and listen for predator cues within the ambient ocean soundscape.

Unbounded shipping paths endanger the Northern Bering Sea’s residents and marine mammals through noise disturbance, contaminated discharges, conflict with hunters and fishermen, and danger to small boats. The narrow 53-mile Bering Strait is the only passage between the Arctic and Pacific oceans. Currents, sea ice, and migrations of marine mammals and birds funnel through the Bering Strait, but it is a bottleneck to increasing ship traffic.


**Food and Water Watch, "It’s Time to Ban Factory Farms," May 14, 2018,** [https://www.foodandwaterwatch.org/news/its-time-ban-factory-farms?j=21994&sfmc_sub=6057815&mid=100001791&utm_source=MarketingCloud&utm_medium=email&utm_campaign=FWW_DEV_NAT_May+E-Newsletter_CSG0518&ms=onor-em-06012018-FWW_DEV_NAT_May+E-Newsletter_CSG0518&oms=onor-em-06012018-FWW_DEV_NAT_May+E-Newsletter_CSG0518&eml_name=FWW_DEV_NAT_May+E-Newsletter_CSG0518&eml_id=21994&gs=GxlJbkxjcq%2B8UZO9d9mK1A%2FrUqmVv9Bhub1uCnnoOsk%2FAQ6T%2FAXyET%2BMg3cRAarznAdzGoo51DzWpg7%2Fz%2BAUXUDaE1x%2F4E6M31GGoZYUjiiF5w%2FaCNx1AfqLiNEd0p91&af=kO92Otn60IZX71%2BblyvYfgyh9P7BuD31Gt0BeBW6roSxO9SXtx7lgA%2BzQsVWFdItIoC6qJUcwLPY72GDsoqBiR4qhumQojYIqjCMIqggjpiSTzyoB8tQVqr9BswNdo6WUOpwK18uKMXZxxL29mckayOkZYVcpJeHc50FO%2BiU%3D, states, "We need to change the fundamental structure of our food system, and that starts with getting rid of factory farms."

The way we grow our food and raise livestock has changed drastically over the past several decades. **Small-scale, family owned farms are increasingly giving way to industrial factory farms.** What is a factory farm?

These aren’t the pastoral farms in your childhood picture books. Nearly all modern farms raising animals for food are massive operations that house thousands of animals in confined, crowded spaces. The photos you may have seen of stacks of caged chickens, or layers of dead pigs? Those horrifying images reflect the modern factory farm as it exists today.

Why are factory farms so bad?

The scale of modern factory farms concentrates their impacts in harmful ways. Pollution from agriculture in the U.S. threatens over 13,000 miles of rivers and streams, and over 60,000 acres of lakes and ponds. Cows on factory farms in Tulare County, California produce five times more waste than the New York City metropolitan area. Manure from factory farms emits a host of toxic air pollutants, and those living near factory farms often report health impacts such as breathing problems, nausea, and vomiting.

Like many other sources of pollution, factory farms tend to be located near impoverished areas and communities of color; an environmental justice catastrophe. Their overuse of antibiotics is contributing to the rise of resistant “superbugs”, and the practices used on factory farms create harmful conditions for workers and animals alike. The industrialization of farming has been a disaster for rural communities, destroying the economic diversity of rural communities.
Finally, addressing the greenhouse gas emissions of the agriculture sector is critical to stopping climate change, and factory farms are taking us in the wrong direction. An emerging body of evidence shows that smaller farms are more suited to adapting a host of low-emissions practices that will be essential to reducing the impact of livestock production, which currently makes up 14.5 percent of all human-caused greenhouse gas emissions.

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Act Now To Ban Factory Farms!
How did we get here?
Since 1997, there has been a sharp decline in the number of farms in the U.S., while livestock production has soared.

It wasn’t always like this. Over the past few decades, industrial-scale farms have pushed smaller, family-owned farms out of the market. This was no accident; federal policies have encouraged and allowed large companies to unfairly dominate the market, and the Environmental Protection Agency and state regulators have consistently failed to uphold laws that would hold companies responsible for pollution from the animals they own.

The few remaining small- and medium-sized farms face numerous obstacles, from federal programs that give preference to factory farms, to slaughterhouses that refuse to do business with smaller operators.

Meanwhile, more and more rural communities are becoming sacrifice zones for the factory farm industry, where toxic air and polluted water have become a fact of life.

Factory farms cannot be regulated and they cannot be fixed. It’s time for a ban.
How do we ban factory farms?
Big agribusiness built the modern factory farm system by twisting public policy and using their economic power to distort the market in their favor. We can’t rely on market forces to correct this problem. We need a fundamental change to the way that we produce food in the U.S., which can only come from equitable and sustainable public policy. Here’s what we need to do:

Pass legislation. Federal and state regulators should ban all new factory farms, and refuse to allow existing factory farms to expand.

Enforce environmental laws. The federal, state, and local governments should work together to restore control over siting and practices to local governments, require permits for all factory farms, and hold vertically-integrated companies accountable for the pollution of the animals they own.

Diversify existing farms. The federal and state government should help transition existing farms to better serve regional markets by diversifying their operations. This includes prioritizing smaller-scale livestock production and regenerative practices in public policy and government spending programs.

Address agricultural emissions. It is far past time for the federal government to enact an aggressive policy to reduce greenhouse gas emissions, including in the agricultural sector.
Andrea Germanos, "At Berlin March, Tens of Thousands Demand End to Industrial Agriculture: 'Farmers and consumers from all over Europe have made it clear that they are fed up with current policies that benefit huge food and agriculture corporations, at the expense of the environment, peasant farming, and public safety,' said Adrian Bebb, Friends of the Earth Europe," Common Dreams, January 22, 2018, https://www.commondreams.org/news/2018/01/22/berlin-march-tens-thousands-demand-end-industrial-agriculture?utm_term=At%20Berlin%2C%20Tens%20of%20Thousands%20Demand%20End%20to%20Industrial%20Agriculture&utm_campaign=News%20%26%20Views%20%7C%20%27Worst%20Negotiator%20in%20Washington%27%20-%20Schumer%20Slammed%20for%20Caving%20on%20TrumpShutDown&utm_content=email&utm_source=Act-On+Software&utm_medium=email&cm_mmc=Act-On%20Software-_email-_News%20%26%20Views%20%7C%20%27Worst%20Negotiator%20in%20Washington%27%20-%20Schumer%20Slammed%20for%20Caving%20on%20TrumpShutDown----At%20Berlin%2C%20Tens%20of%20Thousands%20Demand%20End%20to%20Industrial%20Agriculture, reported, 'Tens of thousands of people—and more than 100 tractors—swarmed the streets of Berlin this weekend to demand a food system transformation nourished by political policies that foster ecological farming. 'Farmers and consumers from all over Europe have made it clear that they are fed up with current policies that benefit huge food and agriculture corporations, at the expense of the environment, peasant farming, and public safety,' said Adrian Bebb, food and farming campaigner at Friends of the Earth Europe, and among the estimated 33,000 that took part in the Saturday march. 'Policymakers at the European and national level need to listen, and use the upcoming reform of the EU's common agricultural policy to build a better food system for the future,' he added. According to the more than 100 groups that organized the march, policies must shift so that industrial agriculture is dumped in favor climate- and farmer-friendly practices. A good place to start they say, is by banning the controversial weedkiller Roundup. 'Food is political—more and more people realize this. But politicians nurture an agricultural sector that detrimentally affects the environment and animals in the name of productivity,' said Jochen Fritz, a spokesperson for the organizers. The demonstration took place as International Green Week, an major agricultural exposition, kicked off in the German capital. We are fed up with agri-business! Farms not factories, diversity not monoculture, fair trade not free trade. This work is licensed under a Creative Commons Attribution-Share Alike 3.0 License"

**U.S. Activities**

NCAI President Jefferson Keel, on behalf of the NCAI Executive Committee, voiced concern for the untenable cuts proposed for programs that directly uphold the treaty and trust obligations of the federal government to tribes.

"We seek only those things promised to us and every citizen by the U.S. Constitution, and the solemn treaties and agreements reached between our Tribal Nations and the United States. At the founding, the United States dealt with our tribal governments as sovereign equals. In exchange for federal protection and the promise of certain benefits, our ancestors gave forever to the people of the United States title to the very soil of our beloved country. To settle the process for admission of new states, the thirteen original states agreed to transfer western land claims to the United States under the principles in the Northwest Ordinance, including:

The utmost good faith shall always be observed towards the Indians; their land and property shall never be taken from them without their consent; and, in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, shall from time to time be made for preventing wrongs being done to them, and for preserving peace and friendship with them.

These provisions signify the intent of the Framers to provide for the governance of Indian Country, a compact between the original states and all that followed. We have never asked anything except that these protections be continued. Today the federal government is threatening to limit this protection and these benefits.

The proposed budget cuts to tribal governmental services, if enacted, would represent a clear retreat from the federal commitments and treaty promises made to tribes.

This week, we see the President's budget [See Federal Indian Budgets below for details] would cut the Bureau of Indian Affairs (BIA) by about half a billion dollars, or 15%. BIA Social Services would be reduced by more than 30%, Indian Child Welfare by more than 25%, and critical human services programs, law enforcement and courts programs, environmental protection, housing, and education programs would face unconscionable reductions. Infrastructure programs such as the Indian Community Development Block Grant would be eliminated, and the Indian Housing Block Grant and road maintenance would be reduced.

We support proposals that treat tribal governments equitably, such as the proposed budgetary set-asides in the Department of Justice for tribes. Tribal parity should be the guiding principle for every other department or initiative as well, including addressing the opioid epidemic and building and repairing infrastructure.

We call on Congress to uphold the federal government’s trust responsibility to tribal nations. When tribal nations agreed to accept a smaller land base, the federal government promised to safeguard our right to govern ourselves and to enable tribal governments to deliver essential services, and provide them resources to do so effectively. That is the trust relationship embodied in the U.S. Constitution. Congress and the Administration are responsible for carrying out that trust in the federal budget.”

NCAI released the Indian Country FY2019 Budget Request and provided in-depth analysis of the impact of the President’s proposed budget on tribes. To learn more, read the initial NCAI FY2019 Budget Analysis at: http://www.ncai.org/FY2019_Presidents_Budget_Analysis7.pdf.

Contact NCAI Communications Associate Erin Weldon with any questions at NCAIpress@ncai.org.

National Congress of American Indians, "NCAI's Partnership for Tribal Governance launches tribal workforce development toolkit," June 6, 2018, "NCAI's Partnership for Tribal Governance (PTG) formally launched its new tribal workforce development toolkit during a breakout session Monday at NCAI's 2018 Mid Year Conference in Kansas City, MO.

Monday's session provided a detailed overview of the new decision-framing toolkit and the different ways that tribal leaders and workforce development practitioners can use it to inform and drive strategic action in the crafting of effective, self-governed approaches to developing their nations' human capacity.

The toolkit shares the main findings of PTG's multi-year research project examining the innovative workforce development approaches that tribal nations, Native organizations, and tribal colleges and universities are forging; how they are achieving success (as they define it); and why.

To view the "Tribal Workforce Development" toolkit, please click http://www.ncai.org/ptg/workforce-development/toolkit.
The Tribal Labor Sovereignty Act is a crucial step for Congress to ensure that the United States consistently respects the sovereignty of tribal governments.

Keel continued: 'Everyone knows that the U.S. Constitution set up our federal system of government, but far too few know that the Constitution also recognizes the sovereignty of Indian tribes. The reason is found in our history. Our lands and resources were stolen despite the guarantees of treaties and federal laws, and when there was little left to take from us, our rights have simply been ignored. This is the dark history we have inherited. However, tribes have struggled and succeeded in establishing the federal policy of tribal self-determination, economic development is taking hold in many places, and our government structures are growing ever more effective and secure.

'Tribal sovereignty is not an abstract principle. Tribal self-government is critical for us to maintain our cultures and our viability as distinct groups of people. We want our children to grow up with the same traditions and values that we grew up with. These are reasons that everyone in America can understand because these are the basic values of cultural survival that we all share just as much as our need to breathe the air.'

According to NCAI Executive Director Jacqueline Pata, 'The Tribal Labor Sovereignty Act builds upon a principle that has been long established by Indian tribes across the country: when tribal sovereignty is respected and acknowledged, successful, accountable and responsible governments and economies follow. This is not merely a legal issue but a moral imperative of protecting and defending the sovereignty of America’s Indian tribes, and guarding against any discrimination against those tribes. There is no good reason to treat tribal governments in any way different from other governments. Federal law should uphold, not undercut, parity of treatment and equality of opportunity for tribal governments.'


*NM Political Report* sat down with Cheyenne Antonio, project coordinator for the Coalition’s anti-sex trafficking initiatives, and Kimberly Benally, the Coalition’s training and development manager, after the two-day

Professor Seanna Howard, Director of the International Human Rights Advocacy Workshop, hosted a panel discussion at the 17th session of the United Nations Permanent Forum on Indigenous Issues (UNPFII) on April 19, 2018, where the report was presented to human rights scholars and UN experts. The event covered the criminalization of Indigenous protesters both in the context of DAPL and more broadly across the world. Panelists at the event included Professor Howard, Indigenous human rights lawyer Michelle Cook (Navajo/Dine), host of the Sacred Stone Camp at Standing Rock LaDonna Brave Bull Allard (Lakota), UNPFII member Elifuraha Laltaika, member of the African Commission on Human and Peoples’ Rights Kanyinke Sena, and American Indian Law Clinic Director at the University of Colorado Carla Fredericks.

The report was submitted in response to a call for contributions to a thematic report on the criminalization of Indigenous human rights defenders worldwide made by the UN Special Rapporteur on Indigenous Issues, Victoria Tauli-Corpuz. In a report about her visit to the United States in February 2017, Tauli-Corpuz highlighted human rights violations committed against water protectors during the DAPL protests. Echoing Tauli-Corpuz’s concerns over the criminalization of Indigenous peaceful protestors, the report submitted by the International Human Rights Advocacy Workshop calls for further attention by UN human rights bodies.

It details 'the government’s use of excessive force and mass arrests to threaten, intimidate, and silence water protectors seeking to defend their lands, resources, and culture'. It notes that between September 2016 and February 2017, '76 law enforcement agencies, federal agencies and private security firms hired by the oil company' were present at the Standing Rock camp where thousands of Indigenous water protectors resisted the construction of the Dakota Access Pipeline. These law enforcement agencies and private security groups used 'heavy-duty riot gear and military grade weapons' against peaceful water protectors. Atrocities were carried out against the protestors by law enforcement using 'a Long Range Acoustic Device sound weapon, explosive tear gas grenades, chemical agents, tasers, rubber bullets and batons'. The report notes that the most violent attacks occurred on November 20, 2016 when law enforcement used 'high pressure fire hoses to spray water protectors, and shot Specialty Impact Munitions (SIM), chemical canisters, explosive tear gas and 'stinger' grenades indiscriminately into the crowd over a period of about ten hours, without any warning.' Over 200 people were injured as a result of this violent onslaught. There is currently a class action suit advancing in the U.S. District Court in Bismarck, North Dakota on behalf of those injured on November 20.

In addition to facing violent attacks, hundreds of water protectors are currently facing charges for exercising their rights to free expression and peaceful assembly. According to the report, the seven federal defendants facing the most severe charges are all Indigenous. Based off of information provided by the Water Protectors Legal Collective, the report notes that “many of the criminal cases should never have been brought or continued due to lack of evidence and witnesses, lack of probable cause and legal defenses or privilege and lawful conduct”. It notes that of the 832 initial cases, 300 remain opened and unsolved.

Both at the UN event and in the report, it is emphasized that Indigenous peoples are “particularly vulnerable” human rights defenders who are targeted by state and non-state actors. The horrors that occurred at Standing Rock fit into a pattern of violence and discrimination seen worldwide committed against Indigenous peoples fighting to protect their lands and way of life. There is a desperate need for States to not only uphold the rights of Indigenous peoples but to also hold those responsible for carrying out
human rights violations accountable. The report ends with the following list of recommendations to the United States:

- Review and reconsider criminal proceedings against water protectors and direct prosecutors to seek proportionate penalties for protesters who violate the law
- Investigate, punish, and provide appropriate reparations for all human rights violations, including the use of excessive force and mass arrests in response to DAPL opposition; OR convene a truth commission with the Indigenous representative institutions of the Oceti Šakowin
- Adopt a regulatory framework to supervise and monitor activities of extractive industries and energy companies, private security firms and other non-state actors to prevent human rights violations in regard to activities that affect Indigenous peoples and their lands
- Provide training to law enforcement and private security on best practices for managing peaceful demonstrations; the right to free expression and assembly; and Indigenous peoples rights under international law
- Implement national measures to protect Indigenous human rights defenders in compliance with the UN Declaration on Human Rights Defenders, the UN Declaration on the Rights of Indigenous Peoples and other international standards to ensure the full enjoyment of their rights to free expression and assembly
- Issue executive order regulating and restricting transfer of military-grade weapons and equipment to local law enforcement
- Reject or amend state legislation that violates the right to free assembly
- Ensure that state and local emergency powers are not abused in the context of social protest
- Implement the UN Declaration on the Rights of Indigenous Peoples and recommendations on Indigenous peoples rights issued to the United States by the UN Treaty Bodies, Universal Periodic Review process, UN Special Procedures and the Inter-American System of Human Rights.


The letter states the following: "These (tribal gaming compact) amendments are very important to economic development for both tribal governments as well as the State of Connecticut, and publication of amended compacts is within your duties under the Indian Gaming Regulatory Act. We urge you to act with dispatch.

'Under federal law, the Secretary’s publication of gaming compacts is not discretionary. The Secretary may disapprove a compact only if it violates federal law or the trust obligations of the United States. If the Secretary does not approve or disapprove a compact within 45 days, the compact shall be considered to have been approved. At that time, the Secretary is required by law to act;’ the law says the Secretary “shall publish in the Federal Register notice of any Tribal-State compact that is approved, or considered to have been approved.’ 25 U.S.C. 2710(d)(8).

The state of Connecticut, in conjunction with the Mohegan and Mashantucket Pequot Tribes, is currently suing DOI in an effort to get the department to follow the law and publish these tribal gaming contracts. The case is currently working its way through the Federal court system. View the letter at: http://www.ncai.org/policy-issues/tribal-gaming/commerce/gaming/4.5.18_NCAI_Letter_to_Zinke_re_Publication_of_Gaming_Compacts.pdf."

the U.S. Supreme Court in South Dakota v. Wayfair, Inc., a case that could greatly affect tax policy in Indian Country in South Dakota and nationwide.

While the brief supports neither party to the case, it was filed to ensure that the Justices take tribal governments’ concerns into account when writing their opinion in this tax case.

'The Commerce Clause recognizes tribes as sovereign governments with the authority to collect taxes and to be immune from certain taxes,' said NCAI President Jefferson Keel. 'We are urging the Supreme Court to protect these fundamental principles as it considers whether to expand state authority to collect online sales taxes. Tribal governments operate and fund courts of law, police, road systems and schools, and have a great need for tax revenue to fund governmental services.'

At issue is the State of South Dakota’s request that the high court change the current law on internet and mail-order taxation so that the state can receive revenue from these “remote” purchases. Under Court decisions from 1967 and 1992, South Dakota is prohibited from charging sales taxes on items that South Dakotans order from internet or mail-order retailers that are located outside South Dakota with no stores or other facilities in the state.

NCAI’s brief makes three arguments for the Court’s consideration:

• First, tribes, like states, have the inherent sovereign power to impose taxes on certain transactions. If South Dakota is permitted to tax items that a distant internet or mail-order retailer delivers to, say, Sioux Falls or Rapid City, then a tribe can tax the same items when the same retailer delivers them to tribal members, or others living on Indian land, on the tribe’s reservation.

• Second, if South Dakota is permitted to tax remote sales, it cannot tax items delivered to the tribal government or tribal members on the tribe’s reservation, where Indians are immune from state sales taxes. Otherwise, families living on reservations could suffer from “double taxation,” as they suddenly would become subject to both tribal and state sales taxes.

• Third, straightforward mechanisms, like tribe-state intergovernmental agreements and blanket exemption certificates, can protect these fundamental principles of Indian law – tribes’ power to tax and Indians’ immunity from state sales taxes – regardless of how the Court decides this case.

'We’re simply asking the Court to safeguard tribes’ taxing power and Indians’ immunity from state sales taxes,' said Jenner & Block Partner Sam Hirsch, who co-leads the firm’s Indian law work and is representing NCAI in the matter with Partner Ian Heath Gershengorn, chair of the firm’s Appellate and Supreme Court Practice, and Associate Leonard R. Powell, a member and former elected official of the Hopland Band of Pomo Indians. “Tribal governments impose sales taxes just like state and local governments do, and commonly enter tax agreements with neighboring jurisdictions. At the heart of this case is the Commerce Clause, which expressly protects not only states, but also Indian tribes. The Supreme Court should do the same.”


NCAI believed the legal theories that the Bureau had advanced in the case were incorrect. In the amicus brief NCAI filed in support of the tribal defendants’ motion to dismiss in November 2017, NCAI explained that the Bureau appeared to have overlooked important federal Indian law precedents and tribal sovereignty principles, namely that tribal powers of tribal self-government are inherent, and that their exercise is vital to fostering economic prosperity and healthy communities in Indian Country.

NCAI is pleased that the Bureau is following U.S. Supreme Court precedent and honoring sovereign rights of tribal governments by taking corrective action to dismiss the case. NCAI and its member tribal nations stand ready to continue to work with the Bureau on a government-to-government basis to assist the Bureau in its important mission.
View NCAI’s amicus brief in support of the defendant’s motion to dismiss, as well as New Mexico's amicus brief for additional details. Please direct any questions to NCAI Legal Counsel John Dossett at john_dossett@ncai.org.


The National Congress of American Indians (NCAI) opposes this legislation, and stands with the Bears Ears Inter-Tribal Coalition in efforts to preserve their historical and cultural objects within the Bears Ears region. The Coalition was founded by leaders from five tribes including the Hopi Tribe, Navajo Nation, Ute Mountain Ute Tribe, Pueblo of Zuni, and Ute Indian Tribe to conserve the Bears Ears cultural landscape. Native people practice their freedom of religion in sacred places like the Bears Ears National Monument.

NCAI also calls on Congress to uphold the right of Native peoples to freedom of religion.

"For years, NCAI has stood by the five tribes in protecting this sacred area and their cultural and religious practices," said NCAI President Jefferson Keel. "NCAI will continue to support the five tribes of the Bears Ears Inter-Tribal Coalition and their right to protect their sacred sites and freedom of religion, as well as standing by the many tribes impacted by the National Monument review."

H.R. 4532 seeks to ratify the recent executive action that diminishes the Bears Ears National Monument in size and replace it with two smaller National Monument units: the Shash Jáa unit and the Indian Creek unit. This land designation would remove federal protections preserving thousands of tribal historical artifacts.

Further, the bill does not recognize the inherent sovereignty of individual tribal nations in the establishment of management boards and councils. NCAI calls on Congress to recognize each individual sovereign tribal nation's authority to have representation on any such National Monument advisory committees.

NCAI encourages the House Natural Resources Committee to schedule a legislative hearing on H.R. 4518 – the Bears Ears National Monument Expansion Act. H.R. 4518 would expand the Bear Ears National Monument to the 1.9 million acres originally proposed by the Bears Ears Coalition.

NCAI’s membership has strongly supported the designation of the full Bears Ears National Monument since adopting a resolution on this matter in 2015. Since then, NCAI has passed two subsequent resolutions supporting Bears Ears and all other National Monuments which were under review. View NCAI resolutions in support of National Monument designations EC-15-002, MOH-17-006, and MKE-17-057, as well as NCAI’s comments submitted to the Department of the Interior here."

"NCAI Calls for Senate Confirmation of Tara Mac Lean Sweeney as Interior's Assistant Secretary for Indian Affairs," June 7, 2018, stated, "The Senate Committee on Indian Affairs (SCIA) voted Wednesday to move the nomination of Tara Mac Lean Sweeney to serve as the Assistant Secretary for Indian Affairs at the Department of the Interior to the full U.S. Senate for confirmation.

The National Congress of American Indians is pleased SCIA is taking action on this vacancy. The office of the Assistant Secretary—Indian Affairs plays a critical role in the government-to-government relationship.

This vacancy has caused undue stresses on this relationship, and we urge the Senate to move swiftly to confirm Ms. Sweeney in the coming weeks" ("NCAI calls for Senate confirmation of Tara Mac Lean Sweeney," ICTMN, June 7, 2018, https://newsmaven.io/indiancountrytoday/the-press-pool/ncai-calls-for-senate-confirmation-of-tara-mac-lean-sweeney-t8jOWq8BuEOXhLgjQm3n6A/).

from sports since 1968, and today’s announcement represents an important milestone for Indian Country in this effort.

NCAI has worked to educate Major League Baseball about this issue in recent years, sending several letters to the league highlighting the importance of removing this harmful mascot and logo, which resulted in a meeting with MLB Commissioner Rob Manfred last year. Damaging imagery like the caricature of Chief Wahoo denigrates Native people and is harmful to their self-esteem, particularly for Native youth. Commissioner Manfred recognizes this fact, and thus kept his word, fulfilling his commitment to work with the team to retire the Chief Wahoo logo. NCAI commends Major League Baseball and Commissioner Manfred for choosing to stand on the right side of history.

‘Today’s announcement marks an important turning point for Indian Country and the harmful legacy of Indian mascots,” said NCAI President Jefferson Keel. “These mascots reduce all Native people into a single outdated stereotype that harms the way Native people, especially youth, view themselves. Today’s news is a big step in the right direction, but much work remains, and NCAI will press on with this struggle until every single one of these harmful mascots is gone from the sports landscape.’

MLB is setting the example for how professional sports leagues can and should respect Native peoples. NCAI encourages all major professional sports leagues to follow the lead of Major League Baseball by retiring all offensive Native American-themed mascots, names, and imagery.

Over the past four decades, NCAI, hundreds of tribal nations, and their many partners have succeeding in eliminating more than two-thirds (roughly 2,000) of the Native-themed mascots from sports at all levels (nearly 1,000 remain today). NCAI is pleased to add the Chief Wahoo mascot and logo to that long list.

For more information, please see NCAI’s Proud to Be Initiative at: http://www.ncai.org/proudtobe, to learn how you can join the movement to eliminate harmful Native-themed mascots from sports."

The Habematolel Pomo of Upper Lake tribe has joined in solidarity with the Hopi, Zuni, Ute and Navajo Nations and others challenging the Trump administration decision to reduce the size of, and protections for, various national monuments, including Bears Ears.

One strategy Western Native Voice uses to engage leadership is to use Western Native Voice connects with voters in Montana, ICTMN, June 2, 2018, https://newsmaven.io/indiancountrytoday/opinion/rez-out-the-vote-how-western-native-voice-connects-with-voters-in-montana-MMdDypBQcUyxT8mRkqAruQ/, commented, "If you consider yourself a woke Native from Montana, chances are you’ve probably heard of Western Native Voice, a dynamic non-profit organization designed to inspire the Native leadership so our communities flourish."

One strategy Western Native Voice uses to inspire leadership is to engage Native Americans in the democratic process, or as we say on the Flathead, Rez out the Vote. In fact, if you live on any of the seven tribal nations, one of the urban areas that we serve, or have ever attended any kind of tribal function, you’ve probably already connected with one of our organizing teams or even used our ‘SkoVoteDen’ hashtag on social media.

Historically, Indians are disenfranchised from American politics due to several factors including, genocide, systemic oppression, and inter-generational trauma. More contemporarily, however, the stains of colonization have manifested as low-propensity voting in Indian Country through suppression tactics and apathy. We have now identified disengagement as the missing link in our collective efforts to heal our nations, decolonize our families, and revitalize our cultures.

Since its’ inception in 2011, Western Native Voice has consistently demonstrated an ability to develop a sustainable and well-oiled non-partisan civic engagement machine. A few of our many successes including the passage of Montana’s tribal regalia bill (SB 319), swaying elections, and working to mobilize the seven percent of Montana’s Native voting-age population. Western Native Voice is a powerful representation of traditional resiliency, resourcefulness, and innovation. Currently, we employ an all-Indian conglomerate of community organizers for the seven reservations as well as Missoula, Billings, and Great Falls. WNV also maintains an all-
Native board and an exemplar management team in Leah Berry, associate field director, Marci McLean-Pollock, executive director, and Alissa Snow, field director and lobbyist.

It’s no secret that Natives are underrepresented in most political arenas and as a modern proverb asserts, "If you’re not at the table, you’re on the menu.”

The trend emerging from recent election results illustrates that during times of lower civic engagement, social ills that plague Indian Country such as youth suicide, drug addiction, domestic violence, homelessness, and lack of services and healthcare increase. When we have consecutive election cycles of increased turnout those same issues are more likely to be contained and addressed at higher rates. Since our problems can only be solved from within, civic engagement is our path to sovereignty and voting is the easiest move we can make to effectively confront our issues. This is why the work Western Native Voice is is doing is so critical to our vitality as nations.

"International Indian Treaty Council Joins Battle to Remove “Early Days Monument,” https://www.iitc.org/wp-content/uploads/IITC-Press-Release-REMOVE-EARLY-DAYS-MONUMENT-2018.pdf, May 25, 2018, stated. "The International Indian Treaty Council (IITC) has joined the call for community mobilization to remove racist imagery depicting the colonization of California known as the 'Early Days Monument' currently located at 147 Fulton St, San Francisco, CA. 'It’s time to debunk the myths about the valiant pioneers and listen to the voices of the original Peoples of this land calling for this and other symbols uplifting colonization to be removed,' stated Andrea Carmen, IITC Executive Director. 'This monument glorifies the genocide of the Indigenous Peoples of California.'

Native American activist Barbara Mumby-Huerta, (Maidu, Powhatan, Shawnee) testified to the City of San Francisco Board of Appeals on April 18th saying that “this monument is a prime example of how propaganda, being allowed to exist in such a prominent location, can distort history and alter the way individuals are viewed – so much so that society has been brainwashed to revere the path foraged by these settlers despite how many lives were extinguished as a result.”

The Mission system and the Gold Rush devastated California Indigenous Peoples. Between 1846 -1870 the California Indian population fell from an estimated 150,000 to 31,000. Over 60 percent died from diseases introduced by San Francisco’s newly arrived “49ers” as the massive influx of settlers seeking gold and other resources were called. Others were victims of massacres, bounty hunters, enslavement and forced relocations.

Even today, the harsh legacies of the Gold Rush are still present as Northern California lands and waterways continue to be contaminated from the mercury used to extract gold ore. This toxic metal, which is now the subject of the United Nations “Minamata Convention”, was never cleaned up and continues to enter the environment and subsistence food chain, especially fish, resulting in devastating health and developmental outcomes on each new generation of California children.

Morning Star Gali, a member of the Pit River Tribe in Northern California and IITC’s community liaison coordinator states, “as the mother of 4 young children and a California Indian, truth in education and history is very important to me. The “Early Days Monument” distorts the brutal history of colonization and genocide in California. It’s just as offensive to California Indians as confederate monuments are to African Americans, and perpetuates the racism and intergenerational trauma that continues to affect us, and especially our children”.

The next full Board of Appeals meeting pertaining to this issue takes place June 13, 2018 at 5pm in Room 416 of San Francisco City Hall 1 Dr Carlton B Goodlett Pl, San Francisco, CA. IITC requests testimony at the SF Board of Appeals to request a rehearing to remove the early days statue.

For more information contact Morning Star Gali morningstar@treatycouncil.org 510-827-6719 or the IITC San Francisco Office 415- 641-4482.

Native Voice Network (NVN) is a national network of American Indian and Alaska Native organizations collaborating on national and local issues in the U.S. Its focus is on building the capacity of member organizations and the communities they serve. NVN is supported by Americans for Indian Opportunity and funded by the Margarite Casey Foundation. As of May 2018, it consisted of 30 Native organizations. For more information contact Christie Castro, NVN Network Weaver, (323)420-8844, castro@gmail.com.
Americans for Indian Opportunity (AIO) has been applying its participatory strategic planning system in consulting to assist other Indian organizations. For example, late in 2017, AIO assisted the Kansas Tribal Health Summit Planning Committee design a strategic plan as they transition to a new phase of their work (AIO January 2018 Newsletter).

With a new mayor in office, the Albuquerque, NM Indian Commission has been reestablished. Efforts were underway in May 2018 to organize an Albuquerque urban Indian resource center, that among other things would facilitate connecting Native people with social services (Stephen Sachs, reporting on the May 17, 2018 meeting of the May Third Thursday Albuquerque Indian Meeting, organized by AIO).

International Activities


Amnesty reports that violence against Indigenous Peoples in the Americas was 'widespread,' citing armed conflict and anti-personnel mine use in Colombia, police brutality and intimidation in Argentina, attacks over land disputes in Brazil, murders of Indigenous human rights defenders in Mexico, and persisting impunity for violent crimes against Indigenous people in Nicaragua. The report discusses police neglect and brutality against Indigenous people in Bangladesh, abuse of incarcerated Indigenous people in Australia, and an attack on an Indigenous community leader in Kenya.

Land conflicts continue to pose a threat to Indigenous communities, with the right to Free, Prior and Informed Consent being reportedly violated, restricted, or weakened in 11 countries.

The report also describes 12 countries in which land disputes were directly connected to industrial and development projects, including mining and logging activities, oil extraction, pipeline construction, agrindustrial use, and hydropower dam construction.

The contamination of water sources in Peru and Canada is addressed in the report. While in Peru, 'the government failed to undertake necessary actions to provide [the Cuninico and Espinar communities] with specialized medical attention or access to clean and safe water,' the Ontario government 'agreed to fund the cleanup of a river system contaminated with mercury.' The Canadian federal government also 'agreed to provide specialized medical care for mercury poisoning as long sought by members of the Grassy Narrows First Nation.' 'Gross inequalities' in the accessibility of 'essential health services' following sexual violence for Indigenous women in the United States is also mentioned.

Amnesty identifies the legal system as a mechanism for the harassment and intimidation of Indigenous people. This is seen in the ‘situation of suffocation’ of Mithun Chakma, an Indigenous rights campaigner in Bangladesh, who was forced to attend court up to eight times a month to answer criminal charges relating to 11 separate cases, some of which were under the ICT Act and concerned articles he had posted on social media about human rights violations… This is also demonstrated in Argentina, where authorities used legal proceedings to harass Indigenous Peoples with accusations of sedition, resisting authority, theft, attempted assaults and killings.' Slowed or impeded legal proceedings, especially in investigating crimes against Indigenous people and in land demarcation, threatened the safety and security of Indigenous Peoples in Honduras, Argentina, and India.

Repression of the freedom of expression of Indigenous communities occurred in Nicaragua, where 'police officers prevented rural communities and Indigenous Peoples from participating in peaceful demonstrations,' and in Malaysia, where Indigenous rights activists were arrested and investigated for 'peacefully demonstrating against abuses.' Further repression occurred in Malaysia with 'an increase in open-ended, arbitrary travel bans that violated human rights defenders’ freedom of movement.'

Arrests of Indigenous leaders and rights activists are noted in Malaysia, Argentina, Chile, and Egypt, with high rates of incarceration of Indigenous people being seen in Australia and New Zealand. The
targeting of Indigenous people is also shown in the Brazilian House of Representatives’ approval of a report that ‘had a direct intent to criminalize (including by requesting criminal indictment of dozens of people) Indigenous leaders, civil society organizations and governmental technical bodies working for Indigenous Peoples’ rights.’

The broad perspective that Amnesty’s report offers is helpful in shining a light on violence, land conflicts, health care, legal abuse, repression of freedoms, and criminalization as common and interconnected issues that many Indigenous communities around the world continue to face.

Read the report at: https://www.amnesty.ca/sites/amnesty/files/POL1067002018ENGLISH.PDF.


FREE, PRIOR AND INFORMED CONSENT
Associação Xavante Warã (Brazil)
Political Empowerment of the People A’uwe Xavante for Prior Consultation
Established in 1996 to defend the rights of Xavante Peoples, the Association is working to develop and implement its FPIC policy to ensure Xavante rights are recognized and respected in government-initiated projects. Currently, there are four major roadways that cross Xavante Warã lands and that are targeted for paving. The Association is fighting against these projects, demanding that government uphold its responsibility to conduct the appropriate environmental and social impact studies. The KOEF grant will help the Association continue to mobilize and demand government consultation, conducting of impact assessments, and access to information.

Cherangany Multipurpose Development Programme (CHEMUDEP) (Kenya)
Cherangany Indigenous Peoples Community Engagement & Negotiation Project
The Cherangany community has an established protocol for how outsiders should communicate with them to obtain their FPIC and is using the protocol to address shortfalls in the 2005 Forest Act, and the 2010 Kenya Constitution, and to work with the Kenya Water Towers Agency (KWTA) on its current conservation project plans. These plans include the resources that extend from the land that belongs to the Cherangany People who have been totally ignored in the KWTA’s planning process. The Cherangany community have endured ongoing violence and forced evictions, and CHEMUDEP is leading the assertion of land and territorial rights for their people.

Coordinadora Indígena del Poder Popular de Honduras (ClnPPh) (Honduras)
Formulation and Management of Ante-Draft Law of Consultation Previa Libre e Informada in Honduras
ClnPPh will carry out four participatory consultations with community leaders in the departments of La Paz and Intibucá, regarding the proposed law “FPIC in Honduras.” They will develop a document that gathers the requests of Lenca community leaders regarding the implementation of FPIC, with the goal of sharing, reviewing and consolidating demands with other Indigenous organizations in other parts of the country. They will present the final findings to State institutions and congressional representatives. Throughout the project, ClnPPh will utilize Indigenous community radio stations in Honduras to broadcast advances in the developments of this legislation.

Federación Binacional del Pueblo Zápara del Ecuador y Perú (FEBPZEP) (Ecuador)
Eligibility of the Zápara Nationality of Ecuador Rights Regarding the Exploitation Projects of Blocks 79 and 83
FEBPZEP is a cross border initiative of the Zápara people to improve the living conditions of their communities while ensuring the survival of their language and culture. In the face of recent oil concessions granted by the government of Ecuador, which cover 49 percent of the Zápara territory, FEBPZEP’s project seeks to strengthen the capacity of local organizations and determine strategies for land protection. FEBPZEP will organize assemblies across other Indigenous nations affected by the concessions and will host informational workshops with community members about how to document human rights violations or environmental impacts.
when they are witnessed. The project also includes consultancy on communications strategies and strategic litigation before human rights bodies.

**Federación Indígena Tawahka de Honduras (Honduras)**

Build a Regulation or Rules of Application of FPIC for Internal Use by the Tawahka People

With funds from the KOEF grant, the Tawahka people of Honduras will develop a protocol for obtaining FPIC from their community. The drafting will take place with the help of an Indigenous legal expert on the topic. The federation will hold an assembly of all Tawahka communities to review and approve the protocol. The document will then be officially delivered to state institutions to inform pending legislation on implementing FPIC.

**Fundacion de Santa Maria para la Promocion Indigena y Agroforestal (México)**

Gulinaba Chi’a (“Ask well as it is”)

This project will produce a series of weekly dramatized radio programs and short informational spots for broadcast via community radio station Radio Bë Xhidza, to approximately 21,000 Zapotec listeners in the Sierra Juárez region of Oaxaca, México. The programs will be produced in the Xhidsa language and will discuss issues of FPIC, land rights, and Indigenous rights. Gulinaba Chi’a refers to the investigation by the Traditional Authorities about what the issue is, who it comes from, why it is so, etc., and on that basis, decisions are made.

**International Indian Treaty Council (IITC) (USA)**

Indigenous Peoples’ Gathering to Honor, Protect, and Defend the Salmon

A KOEF grant enabled IITC to convene in Southcentral Alaska to develop its strategy for responding to the State of Alaska’s environmental laws and policies, which exclude the Alaska Native Tribes in the Matanuska Valley region of Alaska. The project serves the Chickaloon Native Village, an Athna Athabascan/Dene’ Alaska Native Tribe, whose ancestral territory spans hundreds of miles in the Upper Cook Inlet of southcentral Alaska. With Alaska Statehood, tracts of traditional Chickaloon lands were dispersed to the State of Alaska and the Alaska Mental Health Trust Authority, including surface and subsurface title. The State of Alaska does not recognize the existence of Chickaloon Native Village and refuses to consult, or exercise even a minimal duty of care. IITC convened the Indigenous communities of southcentral Alaska to share information about how the lack of FPIC has impacted the Salmon Peoples. The participants proposed 27 strategies to protect and defend the salmon and the ecosystems that sustain them, and to uphold the inherent and treaty rights. An outcome declaration emphasized the central importance and responsibilities of Indigenous-led initiatives, including transmitting practical traditional knowledge and ideas to new generations to protect and defend the salmon as a source of nutrition, food sovereignty, cultural and spiritual survival, now and in the future.

**Organización de Mujeres Indígenas Unidas por la Biodiversidad de Panamá - OMIUBP (Panamá)**

Strengthening the governance of Kuna and Embera Indigenous Peoples through FPIC in Panamá

An Indigenous women’s organization in Panama focusing on biodiversity, OMIUBP will carry out two workshops with Kuna and Embera authorities and Indigenous women on the 2016 law passed in Panama titled the Law of Consultation and FPIC without consultation or consent of Indigenous communities. Workshops will guide the traditional leaders in learning about the content of the law, enable sharing their opinions, and analyzing implications for implementation. The workshops will also examine the international framework for FPIC and discuss cases where Indigenous Peoples have succeeded in implementing FPIC internationally.

**Red Nacional de Mujeres Indígenas: Tejiendo Derechos por la Madre Tierra y Territorio - RENAMITT (México)**

Indigenous Women’s Inclusion in Decisions Regarding Use of Lands and Territories

RENAMITT is a network of Indigenous women from across México who work to defend Mother Earth and Indigenous lands. RENAMITT’s project will include two workshops to develop an FPIC consultation policy in México, to document how consultation is currently taking place in the country, specifically regarding the consultation with Indigenous women, and a comparative analysis will be made on how consultations have been successful in other areas. With their findings, RENAMITT will produce a series of radio programs in three Indigenous languages (Wixarika, Odami, Nahuatl) covering FPIC, for broadcast via community radio in areas where consultations are currently being implemented: Jalisco, Chihuahua, Guerrero and Morelos.

**Sunuwar Sewa Samaj (Nepal)**

Empowering Koits-Sunuwar Indigenous Communities on the Right to FPIC

The Koits-Sunuwar Indigenous communities are strengthening their negotiating capacity with private enterprises
investing in five different hydropower generation in Likhu and Khimti River. Using its KOEF grants, Sunuwar communities will participate in a study on the impact of the five Hydropower Projects on Sunuwar communities living in and around the sites in three districts, namely Okhaldhunga, Ramechhap and Dolakha.

**SELF-GOVERNANCE**

**Maya Leaders Alliance with Julian Cho Society and Toledo Alcaldes Association (Belize)**

Yuaminkil Li Komolbe’jil (“Embodying Leadership”) The Julian Cho Society works to safeguard, promote, and enhance the rights of the Indigenous Maya of southern Belize; protect natural resources and promote sustainable development; and advocate for the well-being of the Maya communities through culturally appropriate social and economic development. The Maya Leaders Alliance is comprised of Maya organizations and individuals who have previously served in traditional representative capacities for 39 Maya villages. The Toledo Alcaldes Association is the main representative body and central authority of the Maya people in Southern Belize. They are the custodians of Maya customary law. This collaborative employs capacity building on the Inferior Courts Act, Maya customary law, gender-based violence, role of the judiciary in good governance, and Maya women in democratic processes through its Strengthening the Local Governance of the 39 Maya Villages Project. The KOEF grant will support the Maya Leaders Alliance Yuamink Li Kamolbe’jil Project to engage 78 traditional leaders in building Indigenous leadership, Indigenous systems of governance and what is means to “yuamink li kamolbe’jil,” embody leadership.

**Ka Kuxtal Much Meyaj A.C. (México)**

Atlas of Sacred Sites of Hopelchén Ka Kuxtal Much Meyaj was founded in 2011 by representatives of nine Mayan communities in Campeche, México, to build the educational, organizational, and agricultural conditions which support Indigenous autonomy. The project will document and map sacred sites, both archaeological and natural, that are of symbolic, religious, or cultural importance to the Maya people and are currently under threat from the soy industry in the community of Hopelchén. The project will use GPS technology to map the sites and record oral testimonies from elders demonstrating the value of these sites as cultural heritage.

**Red Regional de Mujeres Siuamej Tayolchikauanij (México)**

Women Defenders Network: An Approach of Equity in the Defense of the Territory (Mujeres Defensoras En Red: Un Enfoque De Equidad En La Defensa Del Territorio) Siuamej Tayolchikauanij is a network of Indigenous and campesino women that defends their lands and recupirates traditional food production methods. Through a series of workshops, Siuamej Tayolchikauanij will share the successful story of the Cuetzalan del Progreso community, whose strong self-governance structure and demands for consultation have successfully pushed back against transnational mining, hydroelectric, and other unwanted projects on their lands. The women’s network will also focus on gender equity within self-governance structures, an area that has been lacking, and highlight the positive role that Indigenous women play in defending their lands.

**** One project in Asia has asked to remain anonymous for security reasons.

Jolson Lim, "Advocacy approach to upcoming Indigenous rights bill at stake in AFN national chief elections: The AFN national chief race comes at a critical juncture with a landmark Indigenous rights bill expected to be tabled a few months after the election, something that has sharply divided candidates so far," Hill Times, June 18, 2018, https://www.hilltimes.com/2018/06/18/advocacy-approach-upcoming-legal-framework-bill-stake-afn-national-chief-elections/148248, reported, "Assembly of First Nations national chief Perry Bellegarde, who’s running for re-election next month, is facing challenges from candidates who want to overhaul the influential advocacy organization’s relationship with the Liberal government, something that could dramatically shift the politics around a landmark bill on Indigenous rights expected to be tabled this fall.

At least two candidates vying for Mr. Bellegarde’s current role want the AFN to take a stronger stand against what it considers a watered-down commitment to Indigenous rights by the federal government of Prime Minister Justin Trudeau (Papineau, Que.).

Chiefs from 634 First Nations will convene at the Assembly of First Nations’ (AFN) general assembly meeting on July 25 in Vancouver to elect a national chief for the next three years."

Among the examples presented in the Urgent Action, the community claims they have endured armed attacks in their territories that have resulted in death, injuries, kidnapping, harassment, illegal incarceration, and intimidation, including by low-level helicopter flights over their territory, as well as death threats to Traditional Authorities, their Legal Counsels and technicians, and human rights defenders.

The community members of Pueblo de Bácum or Loma de Bácum have actively opposed the construction of the Megaproject known as “Gasoducto del Noroeste”, in its fraction/section Guaymas-El Oro, which crosses the territory of the Yaqui Nation by 90 kilometers in length and 6 kilometers in width, encompasses 54 hectares, which would then be occupied for a period of 25 to 30 years, with compensation of only $60 million pesos as payment for this term, which equates to $1,111.11 pesos by hectare (11 cents by square meter), a value that represents dispossessment of territory. To this we shall add the risk of explosion of the pipeline to the communities that are within the reach of direct and indirect effects of this gas pipeline.

The Traditional Authorities of the Heroic Pueblo of Loma de Bácum, which belong to the Yaqui Tribe, Sonora, México, appealed to the applicable federal authorities and won a demand of Protection to halt the construction of said mega-project in their territory, as per the resolution emitted by the Judge of the 7th District in the City of Obregón, Sonora, México, and in favor of the Yaqui Peoples of Loma de Bácum. Although they have this judicial resolution, federal, state of Sonora’s and municipal authorities have violated its disposition and have continued to move towards the construction of this mega-project, and have also committed acts of aggression against the Pueblo of Loma de Bácum. Said project has been made violating the right to self-determination and without the Free, Prior and Informed Consent of the indigenous Peoples of Loma de Bácum and the entire Nation of the Yaqui Tribe."


The violent crackdown on anti-fraud protesters in the wake of the November 26th, 2017 elections have made the Berta Cáceres Act more urgent than ever. Honduran security forces have been implicated in the deaths of more than 30 people since the elections, as well as systematic torture, forced disappearances, and massive criminalization of the people who are exercising their fundamental rights to free expression and assembly. That US taxpayer dollars are paying for this brutal repression, and US companies are profiting from it, is unconscionable.

The Berta Cáceres Act is a landmark bill introduced by Rep. Hank Johnson (D-GA) and currently co-sponsored by 70 Members of the House of Representatives. The Berta Cáceres Act has found broad support including endorsements by the AFL-CIO, the Sierra Club, the Indigenous Environmental Network (IEN), and over a hundred other faith, labor, environmental, and human rights organizations. Berta's family and organization COPINH immediately applauded the action, and hundreds of Honduran human rights organizations have since endorsed the Act.

The bill states: "The Honduran police are widely established to be deeply corrupt and to commit human rights abuses, including torture, rape, illegal detention, and murder, with impunity” and that the military has committed violations of human rights. Therefore, the bill asks that the United States suspend all “...security assistance to Honduran military and police until such time as human rights violations by Honduran state security forces cease and their perpetrators are brought to justice.”

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Claudia Patricia Gomez Gonzalez (Maya Mam), 19 years old, was from the Maya Mam community of San Juan Ostuncalco, Guatemala. She held a degree in accounting, but had not been able to secure a job.

Cultural Survival condemns this excessive use of force against another human being. We urge US immigration and border patrol agents to respect the rights of Indigenous people and all people who migrate, especially their right to life, regardless of their immigration status. Above all else, immigrants are people, and are protected under international human rights and humanitarian law. No human being is illegal; and no one should be executed while they are searching for a life free from poverty and violence. Indigenous lives matter.

Guatemalan officials have called for an “exhaustive, impartial investigation” into the killing, and denounced the violence as an excessive use of force, adding a call for respect to the rights of Guatemalan citizens and all those held by immigration control, “especially with respect to life.”

Article 1 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) states:

'Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.'

UNDRIP Article 7 states, 'Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.'

On May 27, a group of 300 Guatemalans held a vigil in Los Angeles demanding investigation into the death of Gomez Gonzalez, reported Prensa Libre. At least 25 people spoke at the vigil in a variety of Indigenous languages. 'Guatemalans are dignified people, who all carry dreams. Our compatriot had a dream and it was cut short. Xelajú lost a daughter, a good and honorable woman,' said Luis de la Vega at the vigil.

Walter Batres, of the Network of Guatemalan Migrants, one of the organizers of the vigil, noted 'We want to make a tribute to her life, we want to be heard, to ask for justice and demand that the Guatemalan government take steps as well to clarify the facts."

Avexnim Cojti, "Ch’orti’ Peoples in Guatemala Lead a Battle to Reclaim Their Lands," Cultural Survival, February 15, 2018, https://www.culturalsurvival.org/news/chorti-peoples-guatemala-lead-battle-reclaim-their-lands, reported, "The ancestral lands of the Mayan Ch’orti’ Peoples cover a vast amount of territory in eastern Guatemala, principally in the municipalities of Camotán, Jocotán, San Juan Ermita, Olopa, Quezaltepeque, in Chiquimula y La Unión, in the department of Zacapa, and extend to the neighboring countries of El Salvador and Honduras. According to national statistics, the majority of the Ch’orti’ people, numbering around 56,000, live in Guatemala. The Ch’orti’ are descendants of Copa Kalel, of the Kingdom of Payaquí and Copan, in Guatemala and Honduras.

Like most Mayan communities, the Ch’orti’ have suffered from theft of their lands, political repression, cultural loss, and recently, have been victims of media disinformation, arrest, and murder of their leaders who have dedicated their lives to defending their lands. The Ch’orti’ cannot grow their own food and products for local markets without access to land. They also cannot prioritize crop types according to climate change.

Faced with the reality that the lands of their ancestors are and continue to be in the hands of wealthy farmers, the Ch’orti’ people are used as a cheap source of labor, and the government of Guatemala is continuing to taking away their titles to communal lands. The Ch’orti’ community is starting to fight for their land and recognition of their cultural ancestry.

Coordinadora de Comunidades y Asociaciones por el Desarrollo Integral del Pueblo Ch’orti’ (COMUNDICH) began in 2004 with a mission to revitalize their identity, empower legitimate Indigenous Ch’orti’ authorities through councils and communal juntas, and promote spirituality, and reclaim territory. In 2007, COMUNDICH started a community process for the recovery of Ch’orti’ communal lands. This resulted in a three year-long battle with little resources to obtain communal title documentation from the General Archives of Central
America, Register General of the Property, and the Catholic Church. The investigation enabled the community to learn about their history. They learned how past generations of Ch’orti’ fought for their lands while the Spanish colony became the Guatemalan State.

The Ch’orti’ people also learned that ancestral titles issued in favor of the Ch’orti’ communities were registered in historical archives dating back to 1672. The communities then returned to the struggle for their lands, under the same system that recognized their private lands for their benefit in the colonial era. These communal titles are only some of the many that have now been identified that will be used as a basis for returning lands to Mayan people.

The fight is now expanding beyond the borders of Guatemala to Honduras and El Salvador, where there is litigation for 100 caballerias (11,120 acres) of land for the Guayabo community. A title for the return of 600 caballerias (66,720 Acres) of land has been secured in Común de Naturales in the municipality of la Unión, which has 10 Ch’orti’ communities. Camotán is not far behind with the reclamation of 125 caballerias (13,900 Acres) of land. The process of reclaiming land is critical to Indigenous communities of Guatemala and needs national attention.

The communities of Morola, Tachoche, and Tizamarté have already recovered their lands thanks to the efforts of the Ch’orti’ people before the Constitutional Court, where two resolutions were issued that cancelled 19 illegal farms.

COMUNDICH has developed a strategy to recover lands and they are slowly achieving their goals, despite persecution and even death. On June 6, 2013, three leaders of Corozal Arriba were assassinated on the day they were supposed to finalize a land restitution agreement. The justice system did not prosecute the murders of the leaders, but unjustly charged the community for the death of one of the murderers.

According to COMUNDICH’s leaders, six people are currently imprisoned for defending their territories, among them Indigenous Mayor José Méndes and land counselor of the Corozal Arriba community, Melvin Álvarez. They will be imprisoned for 10 months after being accused by the owner of an illegal farm. A representative of COMUNDICH commented, “The men of the community cannot leave because they are imprisoned. The whole community is impacted and involved in this process.” Despite this persecution and the legal battles for the recovery of lands, the Ch’orti’ people continue to manage their forests, waters, and crops communally.

Elodia Castillo Vasquez, a legal representative of COMUDINCH, won the Alicia Zachman Emerging Leader Award at the end of 2017 in recognition of her contributions to human rights. On February 23, the Ch’orti’ people celebrate the Mayan New Year and with this calendar change they will publicly give the titles of communal land to the inhabitants of the Guayabo community in Camotán. 'We continue fighting for justice, lands, and freedom. This land is ours,' said Castillo.

The Universalist Unitarian Service Committee (UUSC) stated in an E-mail, May 5, 2018, "Three months have passed since my colleague, Kathleen McTigue, answered this call from Padre Melo, joining an emergency delegation in a show of solidarity for Hondurans whose peaceful attempts at assembly following the November 2017 elections have been met with violence.

As an advocate for the dignity of all people and a supporter of UUSC’s human rights work in Central America, we wanted to share with you the conditions in Honduras. In short, the crisis triggered by the recent elections continues, and the circumstances around this humanitarian issue are important to understanding the United States’ responsibility.

Honduran security forces, many of which receive U.S. aid, are directly implicated in recent human rights violations stemming from the election. Events prior to the election led many Hondurans to question the integrity of the political process, including the Honduran Supreme Court’s abolition of constitutional term limits in 2015, enabling current president Juan Orlando Hernández to run for reelection.

When the election results were confirmed in December, protests continued around the country. The Honduran government has responded with a far-reaching crackdown on the rights to assembly and expression, declaring a state of emergency and imposing a public curfew. At least 1,351 people have been arrested as a result.
Since the election, Honduran security forces have committed severe human rights violations, including beatings, imprisonment, and the unjustified use of deadly force against protestors. Kathleen recounted her first-hand witnessing of such activities. According to the UN High Commissioner for Human Rights (OHCHR), at least 16 people have been killed by security forces, including two women and two children. Sixty people have been injured. OHCHR has documented Honduran military and police units shooting people fleeing and discharging live ammunition on bystanders.

This ongoing crisis is occurring amid existing political instability and human rights abuses in Honduras – problems in which the United States has long played a role. The United States has continued to provide significant military and security funding to the government of Honduras, despite its failure to end persistent human rights abuses, which included the assassination and intimidation of activists, journalists – including UUSC partner, Radio Progreso – indigenous and Afro-Honduran leaders, and human rights defenders.

These abuses have swelled a refugee crisis that has forced thousands of Hondurans to leave their homes, many of whom joined the migrant caravan that was stranded at the U.S.-Mexico border this week. This Sunday, May 6, the U.S. government is scheduled to reach a decision on extending the Temporary Protected Status program for Hondurans, which currently shields nearly 60,000 Honduran U.S. residents from deportation. If the Trump administration ends this program, even more people may be exposed to violence and danger in Honduras.

In the coming weeks, representatives from Radio Progreso will be speaking across the United States to draw attention to this grave situation. Also, UUSC will join a Day of Prayer for Honduras in Washington, D.C., on May 18. Afterward, our staff will accompany Radio Progreso’s team as they return to Honduras to help ensure their safety. We’ll be sharing details about these events on Facebook and Twitter and hope you can participate in an event near you.

In Costa Rica, the Inter-American Court of Human Rights ruled, in March 2018, that, "a healthy environment is a fundamental right for the existence of humanity," in a case involving a canal building project in Nicaragua that threatened the coral reef ecosystem of Columbia’s San Andres, Providencia, and Santa Catalina archipelago ("Costa Rica: Inter-American Court Rules that a Healthy Environment Is a Fundamental Human Right," Cultural Survival Quarterly, June 2018).

The victory of Carlos Alvarado in the Costa Rican Presidential election reaffirmed the rights of minorities and Indigenous peoples, as well as strengthening the Inter-American Court of Human Rights, that has its home there ("Costa Rica: Human Rights Triumph in Costa Rican Election," Cultural Survival Quarterly, June 2018).


April 22, 2018 marks three years since the Maya people of southern Belize achieved a groundbreaking victory at the Caribbean Court of Justice, Belize’s highest appellate court. The court’s decision reaffirmed that the 39 Q’eqchi and Mopan Maya Indigenous communities of southern Belize have rights to the lands they have customarily used and occupied and that these traditional land rights constitute property equal in legitimacy to any other form of property under Belizean law.

Ms. Monica Magnusson, Maya Q’eqchi attorney representing the 39 communities in the case at the Caribbean Court of Justice, submitted a statement to the United Nations Permanent Forum on Indigenous Peoples Issues while in attendance at the event in New York.

‘We have exhausted all possible domestic and international legal mechanisms to oblige Belize to respect our collective rights to our lands, and still, the State has continued to allow third parties to adversely
affect the value, use, and enjoyment of our lands. This includes issuing of concessions for oil exploration, logging, and the demolishing and desecration of our sacred sites, and undermining the authority of our traditionally elected leaders who defend our lands.

We ask members of the forum: what further recourse do we have as Indigenous Peoples when the executive branch of a government can choose to freely disregard the rule of law issued by their own Supreme Court, to disregard recommendations from the Inter-American Commission, to disregard the ruling of its highest appellate court, the Caribbean Court of Justice, to disregard two cycles of UPR Recommendations from their peers? In November 2018, the state of Belize is up for review under a human rights compliance mechanism called the Universal Periodic Review. In this session, Belize should be held accountable for its failure to abide by its own domestic law as well as international law. The Maya Leaders Alliance in partnership with Cultural Survival submitted a stakeholder’s report to the Universal Periodic Review outlining violations to Indigenous Rights experienced by the Maya People of Southern Belize.

Ms. Magnusson’s statement concluded, “We simply request that the rule of law be respected. The Maya Peoples’ land rights case has wide implications for litigation by Indigenous Peoples in Latin American and the Caribbean as well as internationally, and if the government is allowed to fail in upholding the rule of law, we will all go down a dangerous path.” Read her full statement at: https://www.culturalsurvival.org/sites/default/files/Belize%20Intervention%20UNPFII%202018.pdf

Statement to the United Nations Permanent Forum on Indigenous Issues; April 2018, New York from Cultural Survival on Vimeo is at: https://vimeo.com/268821752

Timeline

1981 Belize was founded on principles of democracy and human rights. Approximately 11% of the population of 360,000 is Maya.

1994 Stateviolates Maya rights in creation of a national park on Maya ancestral land. Since then, government-allowed logging and oil exploration on Maya lands have prevailed.

2004 Inter-American Commission on Human Rights recommends that Belize delimit, demarcate, and title the traditional Maya lands in the Toledo district, and abstain from further acts that affect the existence, value, use, or enjoyment of the property in traditional Maya territory.

2007 Two Maya communities filed for recognition of property rights in the Supreme Court of Belize. The court contended that Belize is obligated to respect and protect Maya land rights in the Toledo District. It again affirmed the Inter American recommendations to delimit, demarcate, and title the traditional Maya lands in the Toledo district, and abstain from further acts that affect the existence, value, use, or enjoyment of the property in traditional Maya territory; becoming the first national high court to cite the UNDRIP.

2008 Remaining 37 Maya communities filed a lawsuit on the same grounds as two previous communities as the government refused to acknowledge that the first Maya land rights claim applied to all Maya communities in southern Belize. Again, the court found in favor of the Maya communities, however, the case was appealed.

2009 At first UPR cycle, Belize was recommended to respect the UNDRIP and protect Maya customary land rights.

2013 At second cycle of UPR, Belize was urged again to address Indigenous rights and protect Maya land from projects that lack their consent.

2015 Belize’s highest appellate court, the Caribbean Court of Justice (CCJ), affirmed the Maya people’s customary land rights and ordered the state to abstain from further acts that may affect the existence, value, use, or enjoyment of the property in traditional Maya territory. It also ordered the need for consent and consultation prior to any potential interference with these rights.

2016 Following the CCJ order, the government established the Toledo Maya Land Rights Commission, intended to develop a draft implementation plan by June 2016. No plan has been completed, and in October 2017 the Commission stated that it would not take on the demarcation and documentation process. Further, the TMLR Commission has met with the MLA only twice, and was not receptive to MLA and TAA input. The government also called into question the legitimacy of MLA and TAA as the Maya people’s chosen representatives.

2017 Maya Leaders Alliance and Cultural Survival submit joint stakeholder’s report to the third cycle of Belize’s
Universal Periodic Review, scheduled for November 2018.

Three years after the CCJ order, there is still no work plan in place to implement the order.

For more information or for an interview, contact: Pablo Mis, Program Coordinator, Maya Leaders Alliance, mayaleadersbelize@gmail.com; Danielle DeLuca, Program Manager, Cultural Survival, danielle@cs.org.

Prior to the election of Indigenous Evo Morales as President of Bolivia, in 2006, women of the Aymara and Quechua Tribes in Bolivia were socially ostracized and marginalized. They were prohibited from entering certain public spaces or using public transportation, and were severely limited in employment opportunities. With Morales election, their rights movement, initiated in the 1960s, was invigorated, and has since made many gains, including in employment, where, among many other undertakings, some of them now drive busses ("Cholas' take the Wheel," Christian Science Monitor, April 23–30, 2018).

As of December 2017, Indigenous communities in northern Peru, were continuing a nonviolent blockade of 50 oil wells, begun in mid-September 2017, stopping production of 12,000 barrels of oil a day. The action follows decades of serious polluting by the oil operations of rivers, streams and lakes, causing serious health problems. The Indigenous communities have demanded, and been promised environmental protection, remediation, and health services, but had not yet received them. The current blockaders were calling for full prior and informed consent before new extraction licenses are issued by the government ("Peru: Force Oil Companies to Clean Up Spills," Cultural Survival Quarterly, December 2017).

Indigenous women in Puyo, Ecuador, on Women's Day, in March 2018, marched against industries that were exploiting their land in the Amazon, before taking their protest to Quito, the nation's capital, to demand government protection of their forest lands (Ecuador: Women Defend Amazon, Their Homelands," Cultural Survival Quarterly, June 2018).


The Indians, from tribes across the country, painted the streets with 'blood, marched through the city, demonstrated at government buildings, and called for their rights to be respected.

Sonia Guajajara, an indigenous leader and candidate for the Vice-Presidency in Brazil’s upcoming general election, said: 'We are denouncing the genocide of our people...This is the most suffering we’ve experienced since the dictatorship. By staining the streets red, we are showing how much blood has been shed in our fight for the protection of indigenous lands...The fight goes on!'

The protest marks Brazil’s Indigenous April and follows the annual Day of the Indian, 19 April, when the country’s President often announces some progress in the protection of indigenous peoples’ ancestral lands. This year, no such announcements were made. Instead, it was reported that the head of the government’s Indigenous Affairs Department would be replaced, as he was not fulfilling the demands of anti-indigenous politicians and ranchers.

Politicians linked to the powerful agribusiness lobby are pushing through a series of laws and proposals which would make it easier for outsiders to steal indigenous peoples’ lands and exploit their resources.

This would be disastrous for tribes across the country, including the Guarani, who suffer one of the highest suicide rates in the world, as most of their land has been stolen for cattle ranching and soya, corn and sugarcane plantations.

Adalto Guarani told Survival International of the politicians’ plan: 'Please help us destroy this! It’s like a bomb waiting to explode, and if it explodes, it will put an end to our very existence. Please give us a chance to survive.'
And uncontacted tribes, the most vulnerable peoples on the planet, could be wiped out if their lands are opened up. Tribes like the uncontacted Kawahiva and Awá are on the brink of extinction as they live on the run, fleeing violence from outsiders. But if their land is protected, they can thrive.

Survival International and its supporters in over 100 countries are working in partnership with tribes across Brazil to prevent their annihilation and the extinction of their uncontacted relatives.


"India: Tribes threatened by conservation plan historic protest," Survival International, March 15, 2018, https://www.survivalinternational.org/news/11940, reported, Hundreds of Baiga people from the area that inspired Kipling’s The Jungle Book are rallying to oppose the authorities’ attempts to evict them from the forests that they have lived in and managed since time immemorial.

Baiga tribespeople are joining forces from over 70 different villages in an area of 1,500 square kilometres. The protests have been sparked by official efforts to evict two Baiga communities from a wildlife “corridor”. Dozens of neighboring Baiga communities are now terrified they will be next, as they face poverty, exploitation and misery if forced from their homes.

The Baiga are particularly worried by the two upcoming evictions, as both state authorities and the World Wildlife Fund (WWF) promised that evictions would not take place in the 'corridor' areas, which run between the protected nature reserves.

By law, any resettlements of tribal people must be voluntary, even for those living in designated conservation areas. However Baiga people report threats, intimidation and violence until they have no choice but to leave their homes.

Baiga elder, Bhardan Singh told Survival International: 'The forest guards beat me until I fell from the tree. I split my hip bone and couldn’t stand. I crawled to the edge of the park. The guards just left me and walked away.'

This weekend’s protest is a local flashpoint in an ongoing national issue. Tribal peoples living in tiger reserves across India are being forced to leave their ancestral homelands in the name of tiger conservation. However, tiger numbers have increased rapidly in the first reserve in India where a tribe won the right to stay on their land, showing people and tigers can flourish alongside one another.

Survival International, the global movement for tribal peoples’ rights, launched a tourist boycott in November last year, urging visitors to India not to visit any of India’s tiger reserves until the Indian tiger authority respects tribal peoples’ rights to live in and protect their forests.

Survival Director Stephen Corry said: 'These evictions, both inside and outside the tiger reserves, are totally unjustified, as well as illegal. Not only do they destroy the lives of the people forced from their homes, but they don’t help the tigers either. The authorities and WWF promised there would be no evictions – as so often in the past, such promises have proven worthless.'

Background briefing

- Baiga means 'medicine man.' Baiga people are known for their distinctive tattoos, and for their very close relationship to their environment.

- Tribal people were evicted from Similipal tiger reserve in 2013, and were soon after found living in dire conditions under plastic sheets. Many Baiga were evicted from the nearby Kanha tiger reserve in 2014. They received no land, houses, or support but were supposed to find land to buy with their compensation money, an alien concept for those who’d lived all their lives in the forest. They told Survival: “We got some money, but we are lost – wandering in search of land. Here there is only sadness. We need the jungle.”

Justice (CSIJ), a Seattle-based organization recently created to promote and defend indigenous rights across the Americas, calls for the international condemnation of the prosecution of three Chilean indigenous rights defenders of their ancestral territory –Mapuche tribal members José Tralcal, Luis Tralcal and José Peralino. The Chilean central government has colluded with the justice system to illegally convict these activists for allegedly violating repressive counter-terrorism laws instituted by Chile’s infamous dictator, Augusto Pinochet. They were convicted on May 5, 2018 and face a sentence of life imprisonment. Sentencing is set for Monday, June 11, 2018.

"Sebastián Saavedra, one of the defense attorneys for Luis and José Tralcal, states that they ‘are important activists, defenders of land and water in the Mapuchetribal territories that were and still are being illegally taken by the Chilean State. That is the reason the Chilean courts are persecuting them by using the counter-terrorist laws that come from Pinochet times, even though these laws have been condemned worldwide, particularly when applied to indigenous peoples’.

‘More concretely’, Saavedra goes on, “the central government has lawlessly manipulated the judicial process in depriving them of their human rights. The defendants’ rights have been violated in a number of ways, including:

- Obtaining a confession using torture. The prosecution's case relies heavily on this false confession.
- The national police’s falsification of evidence to frame the Mapuche activists.
- The conflict of interest by two of the three judges who are applying for government posts, with the government being the primary plaintiff."

"Thailand/Malaysia: Protect Rohingya Refugees, Urge ASEAN to Take Action: Thai authorities push Rohingya refugees back out to sea, putting lives at risk," Fortify Rights, April 2, 2018, https://mailchi.mp/fortifyrights/fortify-rights-news-release-thailandmalaysia-protect-rohingya-refugees-urge-asean-to-take-action?e=24e6ca1455, stated, "The governments of Thailand and Malaysia should cooperate to provide protection to Rohingya refugees in accordance with international law and standards, Fortify Rights said today. Yesterday, Thai authorities reportedly returned to sea a boat carrying 56 Rohingya-refugee men, women, and children. Thai police told reporters that this was the first boat of Rohingya refugees they had seen in more than one year. However, Fortify Rights documented other arrivals-by-sea of Rohingya refugees in both Malaysia and Thailand in 2018, including a boat that arrived in Thailand in February 2018.

‘This is not a problem that will go away on its own,’ said Matthew Smith, Chief Executive Officer of Fortify Rights. ‘Governments in this region need to show leadership and follow their legal obligations to protect refugees rather than send them to potential death sentences at sea.

The boat of 56 refugees reportedly arrived yesterday on the island of Lanta in Thailand’s Krabi Province following a heavy storm the night before. Thai authorities confirmed that they sent the boat back out to sea. Malaysian authorities report no sign of the boat in Malaysian waters and have said that official Malaysian policy is to turn away boats of refugees unless the boat faces inclement weather.

‘Noor,’ a 16-year-old Rohingya girl from Maungdaw Township in Myanmar’s Rakhine State told Fortify Rights that she boarded a ship off the coast of Myanmar in February to flee the aftermath of attacks on her village by Myanmar state security forces. She arrived in Thailand after spending ten days at sea.

Noor safely arrived in Kuala Lumpur. She had been sold into marriage.

An estimated 170,000 Rohingya men, women, and children arrived in Thailand and Malaysia on countless boats from 2012 to 2015. Transnational human trafficking syndicates working in concert with various authorities operated many of the boats. Traffickers killed untold refugees at sea and in on-shore human trafficking camps over a multi-year period.

In May 2015, human traffickers abandoned boats at sea carrying thousands of Rohingya and Bangladeshi survivors of trafficking. Thailand and Malaysia reinforced their borders and refused to allow the disembarkation of survivors, resulting in an untold number of deaths. The Thai and Malaysian authorities went so far as to tow boats of refugees out of their territorial waters, leaving them adrift at sea."
On July 19, 2017, Thailand convicted 62 defendants, including high-ranking government and security officials, for crimes related to the trafficking of Rohingya from Myanmar and Bangladesh to Malaysia via Thailand in 2015.

The Malaysian authorities have not similarly prosecuted traffickers, despite the discovery of 139 graves believed to contain the bodies of Rohingya victims in 28 suspected human-trafficking camps in Wang Kelian in May 2015. The Malaysian Bar Council and the Human Rights Commission of Malaysia (SUHAKAM) have called on the Malaysian authorities to investigate the situation.

To this day, Thailand and Malaysia maintain a “push-back” policy with regard to refugee arrivals by boat, which puts lives at risk and fails to ensure the protection of possible survivors of trafficking, Fortify Rights said.

Under customary international law, the principle of non-refoulement prohibits states from returning any person on its territory or under its jurisdiction to a country where they may face persecution. Thailand and Malaysia’s “push-back” policies violate this principle. Malaysian and Thai authorities have also detained thousands of Rohingya refugees and survivors of human trafficking in Immigration Detention Centers and government-run shelters in recent years, in violation of the right to liberty.

Customary international law as well as Article 9 of the International Covenant on Civil and Political Rights (ICCPR), to which Thailand is a state party, protects the right to liberty. This right extends to migrants, who may be detained only in exceptional circumstances and in accordance with international law.

The Association of Southeast Asian Nations (ASEAN) should take action to address root causes in Myanmar and provide support to countries in the region providing shelter to refugees, Fortify Rights said.

In November, Fortify Rights and the United States Holocaust Memorial Museum published a report finding ‘mounting evidence’ of the crime of genocide against Rohingya in Myanmar. The report was based on a yearlong investigation, including hundreds of interviews with Rohingya eyewitnesses and survivors of Myanmar Army-led massacres, mass gang-rapes, and arson attacks against Rohingya. More than 775,000 Rohingya refugees have fled into Bangladesh since October 2016, and the Rohingya exodus from Myanmar continues.

Fortify Rights, "Thailand: Uphold Decision to Dismiss Criminal-Defamation Complaint against Thai PBS and Jouralists: Appeal Court to issue ruling on rights-violating case against journalists tomorrow," March 19, 2018, , https://mailchi.mp/fortifyrights/fortify-rights-news-release-thailand-uphold-decision-to-dismiss-criminal-defamation-complaint-against-thai-pbs-and-journalists?e=24e6ca1455, commented, "Thailand’s Appeal Court should uphold a lower court’s ruling tomorrow to dismiss a criminal-defamation complaint against the Thai Public Broadcasting Service (Thai PBS) and four Thai journalists, Fortify Rights said today.

Thai mining firm Tungkum Limited filed complaints against Thai PBS and journalists Ms. Wirada Saelim, Mr. Somchai Suwanbun, Mr. Korkhet Chanthalerdlaks, and Mr. Yothin Sitthibordeekul, alleging violations under Sections 326 and 328 of Thailand’s Criminal Code, Sections 14 and 16 of the 2007 Computer-related Crimes Act, and other laws.
The complaint relates to a citizen-journalist news clip about a youth camp involved in raising awareness of environmental issues in Wang Sa Pung District, Loei Province. In the clip, a 15-year-old schoolgirl from a village located near a Tungkum Ltd. mine alleged that villages in the area had been “environmentally affected by the gold mining industry.” Tungkum Ltd. filed complaints against the schoolgirl as well as Thai PBS and its journalists for the report.

In its complaint against Thai PBS and its journalists, the company sought 50 million Thai Baht (US$1.4 million) in compensation for damage to its reputation and revocation of Thai PBS’s operating license for five years. If ultimately convicted, the defendants would also face five years in prison and fines of up to 200,000 Thai Baht (US$6,700).

On November 16, 2016, the Criminal Court in Bangkok dismissed the complaint against Thai PBS and its journalists, finding the complaint lacked merit because Thai PBS and its journalists acted professionally and relied on credible sources, including government agencies and local villagers. In dismissing the case, the Court cited Section 329(3) of the Thai Criminal Code, which provides that opinions or statements made in good faith and subject to public criticism shall not be guilty of defamation. The Court noted that natural resources and the environment are matters within the public’s interest, particularly with regard to impacts on peoples’ lives and livelihoods.

'The ongoing lawsuit threatens our media and journalists,' former Thai PBS journalist and defendant Wirada Saelim told Fortify Rights. 'It reminds us that we have to be extremely careful when reporting on negative impacts suffered by communities, despite our responsibility to amplify voices of affected communities. The role and position of the media is to provide a platform for people in society.'

Tungkum Ltd. has brought at least 19 other criminal and civil lawsuits against 33 Loei residents, including members of the Khon Rak Ban Kerd Group (KRBKG)—a community-based environmental organization actively engaged in protesting local gold mining operations—in the past eight years. Through these lawsuits, the company has sought 320 million Thai Baht (US$9 million) in compensation. Additionally, in 2017, local authorities filed at least three criminal complaints against 13 members of KRBKG, including a complaint for alleged public assembly violations linked to their protests. Currently, four criminal complaints involving at least 14 Loei residents are pending.

On May 31, 2017, Thai authorities and business entities committed to implementing the United Nations Guiding Principles on Business and Human Rights. Among other obligations, the Guiding Principles provide that states should 'protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises' and ensure 'the legitimate and peaceful activities of human rights defenders are not obstructed.'

The United Nations Working Group on the issue of human rights and transnational corporations and other business enterprises—a group of independent experts mandated by the U.N. to promote effective and comprehensive dissemination and implementation of the Guiding Principles—will undertake its first official visit to Thailand between March and April 2018 to assess Thailand’s implementation of the Guiding Principles. The Working Group will present its findings to the U.N. Human Rights Council following the conclusion of its visit.

To meet its obligations, Thai authorities should decriminalize defamation, withdraw criminal complaints against those legitimately exercising their right to freedom of expression, and take positive steps to deter business enterprises from abusing the law and communities, said Fortify Rights.

'These and others complaints are being used to threaten and intimidate journalists and environmental defenders who won’t be silenced,' said Amy Smith. 'Thailand has an opportunity to set a positive and strong example nationally and internationally for the protection of human rights, and it should do so.'

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legal petition to have a number of organizations, associations, and leaders declared as terrorist and outlaws pursuant to the National Security Act of 2007. To the shock of the world, this includes UN Special Rapporteur on the Rights of Indigenous Peoples Victoria Tauli-Corpuz, and Joan Carling, co-convener of the Indigenous Peoples Major Group on Sustainable Development, as well as 600 other Indigenous human rights defenders from across the country.

We ask you to help us stand in solidarity with Indigenous leaders in the Philippines! Take these 5 actions today:

1. Sign the Petition:
   In just days, thousands have signed a petition to President Duterte to remove their names from the list of terrorists, to ensure the safety of all Indigenous Peoples leaders and human rights defenders, and to abide by State obligations to protect human rights and fundamental freedoms, including access to justice, freedom of expression and association.

ADD YOUR NAME!

2. Send your Own Message
   Write a respectful email to Philippine officials outlining your concerns and demanding that President Duterte do the following:
   Remove the names of indigenous peoples’ leaders and human rights defenders from the list of alleged terrorists
   Ensure the physical safety of indigenous peoples’ leaders and human rights defenders, and
   Abide by State obligations to protect human rights and fundamental freedoms, including access to justice, freedom of expression and association.
   Email: Department of Justice - Office of the Secretary at osec@doj.gov.ph

3. Learn:
   Read our interview with Vicky Tauli Corpuz, UN Special Rapporteur on the Rights of Indigenous Peoples, accused terrorist: VICTORIA Tauli-CORPUZ TALKS TO CULTURAL SURVIVAL IN WAKE OF TERRORISM CHARGE BY PHILIPPINE GOVERNMENT, by Terri Hansen.
   Read about five other brave Philippina activists facing criminal charges for their work: WOMEN HUMAN RIGHTS DEFENDERS DEMAND THE STOP OF THE DUTERTE REIGN OF TERROR

4. Listen
   Browse our catalog of audio programs outlining the important work of 3 Indigenous human rights defenders from the Philippines, the organization the Cordillera Peoples’ Alliance, and learn about issues facing Indigenous Human Rights Defenders Globally.
   Vicky Tauli Corpuz
   Vicky Tauli-Corpuz (Igorot Kankanaey, Philippines), a long-time activist and UN Special Rapporteur on the Rights of Indigenous Peoples, shares her experience with successes of small, local groups reaching out to the international community to collaborate in better defending their rights. She explains how her experience as a nurse led to community engagement, which quickly turned into a passion for advocating for the needs of community members as an activist.
   Joan Carling
   Joan Carling is an activist from the Kankanaey people of the Philippines. She has served as an Expert Member on the UN Permanent Forum on Indigenous Issues during 2014 and 2016, and as the Secretary General of the Asia Indigenous Pact. In this interview, she explains the benefits of the participation of Indigenous Peoples in local and global decision-making, which would bring a diversity of perspective and solutions to pressing issues.
   Windel Bolinget
   Indigenous leader and Chairperson of the Cordillera Peoples' Alliance of the Philippines gives his perspective on the World Conference on Indigenous Peoples. "The bottom line in advancing the recognition of Indigenous Peoples' rights is fighting for these rights right in our own territories and communities."

Indigenous Human Rights Defenders:
Indigenous solidarity has coalesced into a powerful movement thanks to the activism and perseverance of Indigenous leaders from communities around the world. Indigenous leaders that are defending land, language, culture, and the environment face acute persecution, both from governments directly and from extrajudicial actors. In this in-depth program, Indigenous Rights Radio producer Avexnim Cojti (Maya K'iche') highlights how
communities are speaking out against the human rights violations committed against leaders that have dedicated their lives to the causes of their Indigenous communities.

Cordillera Peoples Alliance

Interview with Bestang Dekdeken, Secretary-General of the Cordillera Peoples Alliance, an organization targeted by Duterte’s administration. Dekdeken discusses the work of the Cordillera Peoples Alliance and their struggle in the Philippine's Cordillera region to defend their land against the government and mining corporations.

5. Share this message on social media!

Use the hashtags #IPHRDsNotTerrorists (IPHRDs: Indigenous Peoples Human Rights Defenders)

More info:


The submission requests urgent intervention by the CERD’s Urgent Action/Early Warning Procedure in response to the situation of at least 31 Indigenous human rights defenders and members of Indigenous organizations who were labeled as 'terrorists' in a proscriptive Petition issued by the Philippine Government’s Department of Justice on February 23, 2018. As a result, they are in imminent danger of warrantless arbitrary arrest, surveillance, freezing of assets, persecution, denial of right to travel, extraordinary rendition, assault and extrajudicial killing.

Those listed as 'terrorists' in the Petition are working for human rights and an end to racism and discrimination against Indigenous Peoples in that country. They include community leaders and activists as well as the UN Special Rapporteur on the Rights of Indigenous Peoples Victoria Tauli-Corpuz and former member of the UN Permanent Forum on Indigenous Issues Joan Carling.

Repression against Indigenous Peoples in the Philippines is not new. In 2006 IITC submitted an Urgent Action filing on behalf of the Cordillera Peoples Alliance to the Special Representative on Human Rights Defenders in response to the killings of 2 Indigenous human rights defenders, Mr. Rafael Markus Bangit and Mrs. Alice-Omengan Claver and the attempted assassination Dr. Constancio Claver, M.D.

The Urgent Action submission filed today calls upon the CERD to urge the Philippine Government to cease the criminalization and drop all charges against Indigenous human rights defenders and to release any political prisoners who have been apprehended as a result of this Petition. IITC and KATRIBU also request the CERD to call on the Philippine Government to officially rescind this Petition and to uphold its international human rights obligations pursuant to the International Convention on the Elimination of all forms of Racism and Discrimination and the Declaration on the Rights of Indigenous Peoples, as well as their domestic obligations under the Comprehensive Agreement on the Respect of Human Rights and International Humanitarian Law (CARHRIHL) and the 1997 Indigenous Peoples Rights Act (IPRA).

The CERD’s 95th session will begin on April 23rd in Geneva Switzerland and this submission will be considered at that time.

IITC Urgent Action for Indigenous Human Rights Defenders in the Philippines 2018

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Indian and Indigenous Developments
Steve Sachs

Environmental Developments

Jessica Corbett, "World's Oceans Last Year Hit Hottest Temperatures Ever Recorded... 'By Far': Experts say the data indicates that humans must urgently "reduce the heating of our planet by using energy more wisely and increasing the use of clean and renewable energy," Common Dreams, January 26, 2018, https://www.commondreams.org/news/2018/01/26/worlds-oceans-last-year-hit-hottest-temperatures-ever-recorded-

World%27s%20Oceans%20Last%20Year%20Hit%20Hottest%20Temperatures%20Ever%20Recorded...%20By%20Far%27, reported, "A new analysis conducted by Chinese researchers and published in a peer-reviewed journal on Friday found that 2017 was the hottest year on record for the world's oceans, renewing concerns among those in the scientific community about the man-made climate crisis.

The long-term warming trend driven by human activities continued unabated, the researchers, Lijing Cheng and Jiang Zhu, wrote (pdf) in Advances in Atmospheric Sciences. 'The high ocean temperatures in recent years have occurred as greenhouse gas levels in the atmosphere have also risen, reaching record highs in 2017.'

While measuring atmospheric temperature changes provides insight into humankind's impact on the planet—and recent reports show 2017 was the second-hottest year on record—'in terms of understanding how fast the Earth is warming, the key is the oceans,' because almost all the planet's heat is stored in the seas, as John Abraham, a professor of thermal sciences, explains in a piece for the Guardian.

Abraham says last year's dramatic increase made 2017 'by far' the hottest year on record for the world's oceans.

Breaking down the significance of a graph presented in the new report, Abraham writes: 'This graph shows ocean heat as an 'anomaly,' which means a change from their baseline of 1981–2010. Columns in blue are cooler than the 1981-2010 period, while columns in red are warmer than that period. The best way to interpret this graph is to notice the steady rise in ocean heat over this long time period.'
The fact that 2017 was the oceans' hottest year doesn't prove humans are warming the planet,' he continues, acknowledging that small temperature fluctuations from year to year are normal, due to natural events like the Pacific Ocean's El Niño/La Niña cycle. 'But, the long-term upward trend that extends back many decades does prove global warming.'

'The human greenhouse gas footprint continues to impact the Earth system,' the Chinese researchers note, and the consequences include not only sea level rise, but also 'declining ocean oxygen, bleaching of coral reefs, and melting sea ice and ice shelves.'

'The consequences of this year-after-year-after-year warming have real impacts on humans,' Abraham writes.

'Fortunately, we know why the oceans are warming (because of human greenhouse gases), and we can do something about it,' he concludes. 'We can take action to reduce the heating of our planet by using energy more wisely and increasing the use of clean and renewable energy (like wind and solar power).'

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Julia Conley, 'Researchers 'Staggered' by 'Crazy, Crazy' Record-Setting Warm Winter in Arctic: Arctic warming is just a symptom of 'disease' that's getting worse, say climate scientists, as U.S. leaders refuse to curb human activities that contribute to climate crisis," March 7, 2018, https://www.commondreams.org/news/2018/03/07/researchers-staggered-crazy-crazy-record-setting-warm-winter-arctic?utm_term=Researchers%20%27Staggered%27%20by%20%27Crazy%27%20Record-Setting%20Warm%20Winter%20in%20Arctic&utm_campaign=News%20%26%20Views%20%26%20Who%20Are%20%27Nuclear%20War%27%20Profiteers&utm_content=email&utm_source=Act-On+Software&utm_medium=email&cm_mmc=Act-On%20Software--email--News%20%26%20Views%20%26%20Who%20%27Nuclear%20War%27%20Profiteers--Researchers%20%27Staggered%27%20by%20%27Crazy%27%20Record-Setting%20Warm%20Winter%20in%20Arctic, reported, "This past winter has set a worrying record in the Arctic, as scientists examining the effects of climate crisis continue to express dismay at the region's warmest winter since researchers began documenting the climate there.

At the northernmost tip of Greenland, researchers were 'staggered' when they recorded more than 60 hours of above-freezing temperatures in February. Before last month, scientists had observed Arctic temperatures rising above freezing only in the month of February, both for brief periods—suggesting that the region is rapidly changing due to the warming of the Earth.

'It's just crazy, crazy stuff,' Mark Serreze, director of the National Snow and Ice Data Center (NSIDC) in Boulder, Colorado, told the Associated Press. Serreze is known for his research on the decline of sea ice in the Arctic. 'These heat waves—I've never seen anything like this.'

The extended warmth really has staggered all of us,' Ruth Mottram, a climate scientist at the Danish Meteorological Institute, said.

In Barrow, Alaska, also known as Utqiaġvik, February was 18 degrees warmer than normal while the whole season was about 14 degrees warmer, according to researchers.

Sea ice in the Arctic Circle also retreated to unprecedented low levels this winter, covering about 5.4 million square miles—62,000 fewer square miles than last year.

The reports of the record-setting Arctic winter come as the Environmental Protection Agency (EPA) shuts down parts of its website dedicated to climate science and rolls back regulations meant to limit greenhouse gas emissions.

'The underlying disease that's causing this [Arctic warming] is getting worse," Jennifer Francis said, a research professor at Rutgers University, said. "These are just the symptoms.'

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Arctic Sea Ice winter extent was by a small amount the second lowest in know history, in winter 2017-18, an indication of increasing global warming (Kendra Pierre-Louis, "Arctic sea Ice Nearly Hit Low this Winter," The New York Times, March 24, 2918).
Among the losses, of concern, in the Arctic is that the old ice, which is more resistant to melting, is disappearing with the more extensive summer melts of the last few years, increasing the general rate of 

\textbf{Arctic ice loss.} As the open water absorbs more heat than reflective ice, the ice loss increases global warming, and sea warming in particular (Jeremy White and Kendra Pierre-Louis, "In the Arctic, Old Ice Is Disappearing," 


Jessica Corbett, "'Utterly Terrifying': Study Affirms Feedback Loop Fears as Surging Antarctica Ice Loss Tripled in Last Five Years: 'The most robust study of the ice mass balance of Antarctica to date,' scientists say, "now puts Antarctica in the frame as one of the largest contributors to sea-level rise,'" 


loss?utm_term=%27Utterly%20Terrifying%27%3A%20Study%20Affirms%20Feedback%20Loop%20Fears%20on%20S\textit{urging%20Antarctica%20Ice%20Loss%20Tripled%20in%20the%20Last%20Five%20Years}&utm_campaign=News\%20%2526%20Views\%20%7C%20%2527Very%20Biblical\%20to%20%2520Enforce%20the\%20Law%27%3A%20How%20White%20House%20Defends%20Ripping%20Children%20From%20Parents&utm_content=email&utm_source=Daily%20Newsletter&utm_medium=Email&cm_mmc=Act-On%20Software--email--

News\%20%2526%20Views\%20%7C%20%2527Very%20Biblical\%20to%20%2520Enforce%20the\%20Law%27%3A%20How%20White%20House%20Defends%20Ripping%20Children%20From%20Parents--

\textbf{\%27Utterly%20Terrifying%27%3A%20Study%20Affirms%20Feedback%20Loop%20Fears%20on%20Surging\%20Antarctica%20Ice%20Loss%20Tripled%20in%20the%20Last%20Five%20Years}, reported, "\textbf{Scientists are expressing alarm over 'utterly terrifying' new findings from NASA and the European Space Agency that Antarctica has lost about 3 trillion tons of ice since 1992, and in the past five years—as the atmospheric and ocean temperatures have continued to climb amid ongoing reliance on fossil fuels—ice losses have tripled.}

This should be a wake-up call, said University of Leeds professor Andrew Shepherd, a lead author of the report. 'These events and the sea-level rise they've triggered are an indicator of climate change and should be of concern for the governments we trust to protect our coastal cities and communities.

Published in the journal Nature, 'This is the most robust study of the ice mass balance of Antarctica to date,' said NASA’s Erik Ivins, who co-led the research team. The \textbf{report offers insight into the future of the Antarctic Ice Sheet, which the authors note 'is an important indicator of climate change and driver of sea-level rise.'}

'The outlook for the future is looking different to what it was,' explained Shepherd. 'There has been a sharp increase, with almost half the loss coming in the last five years alone.'

Up until 2012, 'we could not detect any acceleration,' but after that, based on surveys by satellites, they saw a threefold increase in the rate of ice melt. 'That's a big jump, and it did catch us all by surprise,' Shepherd said. 'A threefold increase now puts Antarctica in the frame as one of the largest contributors to sea-level rise. \textbf{The last time we looked at the polar ice sheets, Greenland was the dominant contributor. That's no longer the case.}"

About a decade ago, as New Scientist noted, 'the official view was that there would be no net ice loss from Antarctica over the next century.'

Even so, Dr. James Hansen, 'the father of modern climate change awareness,' warned at the time, 'The primary issue is whether global warming will reach a level such that ice sheets begin to disintegrate in a rapid, non-linear fashion on West Antarctica, Greenland or both.'

'\textbf{Once well under way, such a collapse might be impossible to stop, because there are multiple positive feedbacks},' Hansen wrote for New Scientist in 2007. 'In that event, a sea level rise of several meter at least would be expected.'

Fears of so-called feedback loops have long been a critical part of the scientific community's warnings about what runaway climate change could mean.

According to the report out this week—which was conducted by 84 researchers across 44 institutions—and others that have preceded it, \textbf{the most serious melting is occurring in West Antarctica.} 'When we look into the ocean we find that it's too warm and the ice sheet can't withstand the temperatures that are surrounding it in the sea,' which is causing glaciers to melt more rapidly into the oceans, Shepherd explained.

East Antarctica, meanwhile, has experienced far less melting because the bulk of its ice is above sea level, he added. That is 'an important distinction, because it means it's insulated from changes in the ocean's temperature.'
'I think we should be worried. That doesn't mean we should be desperate,' University of California Irvine's Isabella Velicogna, one of 88 co-authors, told the Associated Press. Things are happening. They are happening faster than we expected.'

'This is extremely concerning news and confirms what we already know about the impacts of burning fossil fuels: our climate is at a dangerous tipping point that is putting the communities of low-lying islands and our coasts at great risk,' said Hoda Baraka, 350.org's global communications director.

'This is why tens of thousands of people around the world will join the Rise for Climate mobilization on and around the 8th September—to drive climate action within our communities,' Bakara added, 'and send a clear message to governments that the science is clear, we have the momentum, the technology for the energy transition is ready and we demand bold action now.'

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Oliver Milman, "Flooding from high tides has doubled in the US in just 30 years: Shoreline communities may be inundated in the next two years as ocean levels rise amid serious climate change concerns," The Guardian, Wed 6 Jun 2018, https://www.theguardian.com/us-news/2018/jun/06/flooding-from-high-tides-has-doubled-in-the-us-in-just-30-years, reported, "The frequency of coastal flooding from high tides has doubled in the US in just 30 years, with communities near shorelines warned that the next two years are set to be punctuated by particularly severe inundations, as ocean levels continue to rise amid serious global climate change concerns."

"Showing Paris Not Enough, Studies Find 2°C Target Won't Stop 'Destructive and Deadly' Impacts of Global Warming: This crisis requires 'not only climate scientists, but the whole Earth system science community, as well as economists, engineers, lawyers, philosophers, politicians, emergency planners, and others to step up,'" Common Dreams, April 02, 2018, https://www.commondreams.org/news/2018/04/02/showing-paris-not-enough-studies-find-2degc-target-wont-stop-destructive-and-deadly?utm_term=Showing%20Paris%20Not%20Enough%2C%20Studies%20Find%202%5Cu00B0C%20Target%20Won%27t%20Stop%20Destructive%20and%20Deadly%27%20Impacts%20of%20Global%20Warming&utm_campaign=News%202526%20Views%20%7C%2027%20Stuff%20of%20Nightmares%27%3A%20Viral%20Video%20Shows%20Local%20Anchors%20Reciting%20Trumpian%20Propaganda&utm_content=email&utm_source=Daily%20Newsletter&utm_medium=email&cm_mmc=Acton%20Software_-_email_-_News%202526%20Views%20%7C%2027%20Stuff%20of%20Nightmares%27%3A%20Viral%20Video%20Shows%20Local%20Anchors%20Reciting%20Trumpian%20Propaganda---%20Showing%20Paris%20Not%20Enough%2C%20Studies%20Find%202%5Cu00B0C%20Target%20Won%27t%20Stop%20Destructive%20and%20Deadly%27%20Impacts%20of%20Global%20Warming, reported, "A series of scientific studies published in a British journal on Monday echoes warnings from long-time critics of the Paris Agreement that meeting the accord's main goals will not be enough to prevent 'destructive and deadly' impacts of the worldwide climate crisis.

The May issue of Philosophical Transactions of the Royal Society A explores the challenges of working to achieve the 2015 agreement's foundational objectives, which are 'to strengthen the global response to the threat of climate change by keeping a global temperature rise this century well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5°C.'

While the agreement has the support of all the world's nations except the United States—President Donald Trump has vowed to withdraw from it as soon as he can—it ultimately relies on signatories to develop their own pathways for meeting the goals, which has raised concerns among experts that the global community will fail to stay below the 2°C threshold.

The new journal issue's introduction emphasizes that this 'multidisciplinary challenge'—a changing planet that is expected to influence nearly or all aspects of human life—requires 'not only climate scientists, but the whole Earth system science community, as well as economists, engineers, lawyers, philosophers, politicians, emergency planners, and others to step up.'

Multiple studies from the journal warn that global warming is likely to exacerbate worldwide inequality, particularly in poor countries of Asia, Africa, and Latin America.
One analysis concludes that 'projected impacts on economic growth of 1.5°C warming are close to indistinguishable from current climate conditions, while 2°C warming suggests statistically lower economic growth for a large set of countries.' However, those researchers found that even 1.5°C warming would likely take a notable toll on economic growth in the Tropics and Southern Hemisphere.

Another study examines how 'emission pathways consistent with limiting temperature increase to 1.5°C raise pressing questions from an equity perspective,' noting that 'these pathways would limit impacts and benefit vulnerable communities but also present trade-offs that could increase inequality.' The researchers urge policymakers to more carefully evaluate the equity implications of various proposals and outline a strategy for doing so.

Among the greatest concerns about the warming plant is how changing weather patterns, including increased drought, flooding, and heatwaves, will decrease food security.

A team of researchers led by Richard Betts, head of climate impacts research at the University of Exeter, found that the nations which will face 'the greatest increase in vulnerability to food insecurity when moving from the present-day climate to 2°C global warming are Oman, India, Bangladesh, Saudi Arabia, and Brazil.'

Another team explored the long-term impacts of global warming on coastal communities, concluding that even if the goals of the Paris agreement are met within this century, 'potential impacts continue to grow for centuries' and 'therefore, adaptation remains essential in densely populated and economically important coastal areas under climate stabilization.'

The release of these studies follows findings, published last month in Environmental Research Letters, that limiting global warming to 1.5°C above pre-industrial levels—rather than 2°C—could save the homes of an estimated 5 million people.

While this estimated difference in impact on coastal homes was considered stark by some experts, the broader takeaway from both that report and the studies published Monday is that meeting the goals outlined in the Paris agreement will not be enough to spare many millions of people from the consequences of the global climate crisis.

'People think the Paris Agreement is going to save us from harm from climate change,' the earlier study's lead author, DJ Rasmussen, said in a statement. 'But we show that even under the best-case climate policy being considered today, many places will still have to deal with rising seas and more frequent coastal floods.'

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When the UN's Intergovernmental Panel on Climate Change issued its 5th Climate Assessment in 2014, it formally declared that observed warming was 'extremely likely' to be mostly caused by human activity.

This year, a major scientific update from the United States Global Change Research Program put it more bluntly: 'There is no convincing alternative explanation.' Other scientific authorities have issued similar assessments: (which are in the article at: https://insideclimatetnews.org/tags/year-review-2017, with direct links to these reports)."

"A Deadly Tragedy in the Making"

Some of the strongest warnings in the Royal Society update came from health researchers, who said there hasn't been nearly enough done to protect millions of vulnerable people worldwide from the expected increase in heat waves.

'It's a deadly tragedy in the making, all the worse because the same experts are saying such heat waves are eminently survivable with adequate resources to protect people,' said climate researcher Eric Wolff, lead author of the Royal Society update.
Atmospheric scientist Kevin Trenberth of the National Center for Atmospheric Research said climate science has progressed in all directions since the IPCC report was published in 2014. He works with a group of scientists trying to update the IPCC reporting process to make it more fluid and meaningful in real time."

"One of the starkest conclusions of the Royal Society update is that up to 350 million people in places like Karachi, Kolkata, Lagos and Shanghai are likely to face deadly heat waves every year by 2050—even if nations are able to rein in greenhouse gas emissions enough to keep the average global temperature increase to 1.5 degrees Celsius, as per the Paris climate agreement.

There's also an increasing chance global warming will affect a key North Atlantic current that carries ocean heat from the tropics toward western Europe, according to a 2016 study. It shows the Atlantic Meridional Overturning Current weakening by 37 percent by 2100, which could have big effects on European climate and food production."

Other reports cited and linked to indicate severe impacts relating to the oceans, including, "Among them are changes in ocean ecosystems that go far beyond rising sea levels. Ocean acidification is increasing, as is oxygen loss, and scientists are more acutely aware than before of the severity of their impacts. In some U.S. coastal waters, these trends are 'raising the risk of serious ecological and economic consequences."

As part of the U.N. process on meeting climate change, "the Conference of the Parties (COP), by decision 1/CP.21, paragraph 20, decided to convene a facilitative dialogue among Parties in 2018 to take stock of the collective efforts of Parties in relation to progress towards the long-term goal referred to in Article 4, paragraph 1, of the Paris Agreement and to inform the preparation of Parties’ nationally determined contributions (NDCs) pursuant to Article 4, paragraph 8, of the Paris Agreement.

The Talanoa Dialogue was launched at COP 23 as a process comprised of a preparatory and a political phase. Parties, non-Party stakeholders and expert institutions were encouraged to prepare analytical and policy-relevant inputs to inform the dialogue and submit these to the process."

Information about the process, including all the inputs are available at: https://img1.wsimg.com/blobby/go/9fc76f74-a749-4ee4-9a06-5907e013dcb9/downloads/1cbos7k3c_792514.pdf.


As highlighted by French meteorologist Etienne Kapikian on Twitter, the city of Nawabshah hit 50.2°C (122.36°F) on Monday, which 'caused dozens of people to faint' from heatstroke, according to the Pakistani newspaper The Dawn.

Kapikian claimed it is the hottest April temperature ever recorded not only in Pakistan but across Asia. Extreme weather expert and historian Christopher Burt not only backed up that assertion—he told told the Earther that it is likely 'the hottest April temperature yet reliably observed on Earth in modern records. ;

"There was a 51.0°C reading reported from Santa Rosa, Mexico in April 2011," Burt acknowledged, "but this figure is considered of dubious reliability."

This is the second straight month that Nawabshah has broken an extreme heat record. The city hit 45.5°C (113.9°F) in March, Pakistan's highest ever for that month.
And, as Kapikian and 350.org co-founder Bill McKibben pointed out, it's also the second year in a row that Pakistan set a record for the month. On April 19, 2017, the temperature in Lakarna soared to 50°C (122°F).

The potential new record temperature even surpasses the highest that was recorded during an "unbelievable" heat wave that struck the region in June of 2015, killing hundreds of people and forcing Pakistani officials to declare a state of emergency for hospitals.

As the Washington Post noted, the "reading in Nawabshah adds to a long list of international hot weather extremes since 2017, which includes Spain's and Iran's highest temperatures ever recorded last summer" and Pakistan breaking the monthly world record when the temperature reached 53.5°C (128.3°F) in Turbat last May.

"The recent eye-popping temperatures in Pakistan fall in line with a growing body of research showing how climate change is making heat waves more common and intense nearly everywhere," which is "particularly dire news for what's already one of the hottest parts of the world," Earther concluded.

A study published last summer by the journal Nature Climate Change found that half the world could experience deadly heat waves by the end of the century. The research, combined with the record-breaking temperatures, bolsters calls to ramp up efforts to reduce greenhouse gas emissions that are fueling global warming.

Speaking at a press conference on Monday, UN Climate Change executive secretary Patricia Espinosa said, "We are witnessing the severe impacts of climate change throughout the world."

"Every credible scientific source is telling us that these impacts will only get worse if we do not address climate change, and it also tells us that our window of time for addressing it is closing very soon," Espinosa added. "We need to dramatically increase our ambitions."

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The heat rose above 110 degrees Fahrenheit, by May 29 leaving 65 known dead, and others suffering, few with air conditioning, and the power only on part of the time in a city made hotter by little green space.


The number of air-conditioners worldwide is predicted to soar from 1.6 billion units today to 5.6 billion units by midcentury, according to a report issued Tuesday by the International Energy Agency. If left unchecked, by 2050 air-conditioners would use as much electricity as China does for all activities today."


The new study, published Thursday in the journal Science, puts the rate of methane emissions from domestic oil and gas operations at 2.3 percent of total production per year, which is 60 percent higher than the current estimate from the Environmental Protection Agency. That might seem like a small fraction of
the total, but it represents an estimated 13 million metric tons lost each year, or enough natural gas to fuel 10 million homes."

The Environmental Defense Fund (EDF), "Canada Moves Forward on climate action," E-mail, May 2, 2018, reported, "Canada has become the first country in the world to commit to national limits on methane — a potent greenhouse gas — from both future oil & gas operations and those currently in operation today."

"The oil & gas sector is the largest source of greenhouse gas emissions in Canada — and recent scientific data across Canada shows oil & gas emissions are much higher than what industry reports. This pollution is disastrous when it comes to climate change: Methane is responsible for a quarter of the global warming we’re experiencing today, and is 84 times more powerful than carbon dioxide in the short-term. Other countries need to be following Canada's lead.

Ocean River Institute, Deep Sea Canyon Rangers in Energized Ocean and Rising Acidic Seas, May 20, 2018, http://campaign.r20.constantcontact.com/render?m=1114967834220&ca=7f7a0270-ca15-4bb2-ae6-c111122262c8, stated. "Those who fear that the substantial summer season melt of the Arctic ice cap, from 1/3 open water to now 2/3 open water, may lessen the flow of the Gulf Stream do not know oceans. The operative term here is 'seasonal.' Sea ice that melts in summer, freezes in winter. The formation of ice increases the concentration of salts left behind in the seawater. This cold salty water is the densest in the world. It sinks to propel the thermohaline circulation of the world's ocean currents."

The energy moving more water volume is some of the energy trapped as heat by greenhouse gases from escaping into outer space. Global Warming directs instead more energy into extreme weather events, more extended droughts, more violent downpours, category 5 hurricanes with four times the fury of category 4 hurricanes, and more melting/freezing of sea ice. A greater Gulf Stream was apparent in October 2011 when it meandered up onto the continental shelf closer to Rhode Island than ever before. Rivers meander to dissipate energy gained from cascading down a great height or, for the Gulf Stream, being squeezed and jetted between the Bahamas and mainland through the Florida Straits. Viewed from high above there is resemblance to a train crash with forward momentum energy dissipated by train cars zigzagging every which way.

End of the road for the Gulf Stream used to be Svalbard, an archipelago to the north of Norway where the Greenland Sea meets the Arctic Ocean. Until 2007 when warm Atlantic water surfaced and commenced the melting of glaciers in Svalbard's fjords. This warm intermediate water continues north into the Arctic Ocean to circle counter-clockwise off Siberian Shores and on around to Greenland. This water gives off heat to the surface waters above, further contributing to the melt of the ice cap in summer. And thus, more ocean freeze pumping in winter.

The increased flow of cold nutrient-rich Labrador Current water from Greenland to New England is good for marine life. The other water masses, Slope Water, Shelf Water and surface waters do not compare in the amount of life giving organic substance to the foundation of the food chain.

Climate Change is nonetheless bad for the ocean because a third of the carbon in the atmosphere goes into seawater solution to become carbonic acid. Because our carbon footprints are so large, the ocean is becoming more acidic. Already oyster farms have had to close because young oyster shells have fizzled and dissolved.

The Ocean River Institute is launching a citizen-science monitoring, educating and advocating offshore ocean waters program called Seamount Guardians and Deep Sea Canyon Rangers. We begin with Oceanographer's Canyon located 140 miles southeast of Nantucket where sperm whales live year round. We are looking for a few intrepid individuals to assist with satellite imagery to view surfacing whales and the presence of ships to stop ship strikes from killing whales in the NE Canyons and Seamounts National Marine Monument."

The International Energy Agency’s most recent analysis shows that globally, we can cut oil & gas methane pollution in half at no net cost — which would have the same climate benefit in 2100 as immediately closing all the coal plants in China."
Laura Parker, "143 Million People May Soon Become Climate Migrants: Climate change will drive human migration more than other events, a new report warns. But the worst impacts can be avoided," National Geographic, March 19, 2018, https://news.nationalgeographic.com/2018/03/climate-migrants-report-world-bank-spd/, reported, "Climate change will transform more than 143 million people into 'climate migrants' escaping crop failure, water scarcity, and sea-level rise, a new World Bank report concludes.

Most of this population shift will take place in Sub-Saharan Africa, South Asia, and Latin America—three “hot spots” that represent 55 percent of the developing world’s populations.

This worst-case scenario is part of a ground-breaking study focused on the impacts of slow-onset climate, as opposed to more visibly dramatic events such as extreme storms and flooding. The report, Groundswell—Preparing for Internal Climate Migration, also shifts the focus from cross-border migration, which has drawn global attention as refugees and migrants flee war, poverty and oppression, to in-country migration, which involves many more millions of people on the move in search of viable places to live. The 143 million represent 2.8 percent of the three regions’ population."

The study points out that there are already a significant number of climate refugees, but there is still a small window to avoid the worst case scenario, if strong action on greenhouse gasses is taken quickly.


Here are the 16 billion-dollar disasters from 2017: Some made headlines for weeks, and some were simply overtaken in the public’s consciousness by the next one.

- Hurricane Harvey, August: $125 billion
- Hurricane Maria, September: $90 billion
- Hurricane Irma, September: $50 billion
- Western wildfires and California firestorm, autumn: $18 billion
- Colorado hailstorm, May: $3.4 billion
- Severe weather in the South and Southeast, March: $2.6 billion
- Drought in North Dakota, South Dakota and Montana, spring through autumn: $2.5 billion
- Minnesota hailstorm, June: $2.4 billion
- Midwest tornado outbreak, March: $2.1 billion
- Tornado outbreak in Central and Southeast states, March: $1.8 billion
- Missouri and Arkansas flooding, May: $1.7 billion
- California flooding, February: $1.5 billion
- Widespread Midwest severe weather, June: $1.5 billion
- Severe weather in Nebraska, Illinois and Iowa, June: $1.4 billion
- Southern tornado outbreak, January: $1.1 billion
- Southeast freeze, March: $1 billion."

The impacts of these major disasters are often long lasting. One indicator is that Puerto Rico was so devastated, and very slow in recovering, even on basic services, was so hit economically by the hurricane that it must put off by 5 years beginning to pay on its $70 billion debt (Patricia Mazzei and Marry Williams Walsh, "Hurricane-Torn Puerto Rico Says It Can’t Pay Any of Its Debts for 5 Years," The New York Times, January 24, 2018, https://www.nytimes.com/2018/01/24/us/puerto-rico-budget-hurricanes.html?ref=todayspaper).

Out of Synch...Species Threatened as Climate Crisis Pushes Mother Nature's food chain out of whack and leaving many species struggling to survive, according to new research published in the Proceedings of the National Academy of Sciences.

The study offers the latest evidence that the climate crisis that human activity has contributed to has had far-reaching effects throughout the planet.

A paper by ecologists at the University of Ottawa examined 88 species on four continents, and more than 50 relationships between predator and prey as well as herbivores and the plants they eat, and found that food chain events are taking place earlier in the year than they have in the past, because of the warming climate.

'Most of the examples were about food,' Heather Kharouba, lead author of the paper, told the National Observer. 'Is it available or is it not?'

In the study's findings, Kharouba added, 'everything is consistent with the fact it's getting warmer...All the changes we see are exactly what we would predict with warmer temperatures and how we would expect biology to respond.'

'It demonstrates that many species interactions from around the world are in a state of rapid flux,' Boston University biology professor Richard Primack told the Associated Press. 'Prior to this study, studies of changing species interactions focused on one place or one group of species.'

The scientists looked at research going back to 1951, which showed that in previous decades, birds would migrate, animals would mate and give birth, and plants would bloom later in the year, allowing the animals to find the food they needed at specific times.

These events have been occurring about four days earlier per decade since the 1980s, according to the National Observer. On average, the timing is now off by a full 21 days for the 88 species the researchers examined.

In Washington state's Lake Washington, the very bottom of the food chain has been affected, according to the research, as plant plankton is now blooming 34 days earlier than the organisms that feed on them.

Even smaller changes can have a major impact on animal populations: plants in Greenland are now blossoming just three days earlier than baby caribou are born, throwing off the species that has survived on them and causing more of the animals to starve.

'It leads to a mismatch,' Kharouba said. 'These events are out of synch.'

The 'mismatch' could begin contributing to the endangerment of species that are unable to find food they've relied on, the researchers said.

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One, but more often less serious example of changes in natural timing effecting a species is the case of bears. Warmer temperatures are causing bears to hibernate less, or not at all. This occurs for two reasons, first because cold weather signals to hibernate are later or nonexistent, or because with warmer weather the usual winter food shortage does not occur. If food remains plentiful through a warmer winter, bears do reasonably well. But if this is not the case, as happens with drought, then bears remain awake and are hungry, and likely will move into human populated places in search of food, creating problems for both bears and people. (Kendra Pierre-Louis, "As Winter Warms, Bears Can’t Sleep. And They’re Getting Into Trouble," The New York Times, May 4, 2018, https://www.nytimes.com/2018/05/04/climate/bears-not-hibernating.html?ref=collection%2Ftissuecollection%2Ftowards-new-york-times&action=click&contentCollection=todayspaper&region=rank&module=package&version=highlights&contentPlacement=7&pgtype=collection).

CNN reported Wednesday that the six U.S.-based scientists were selected as part of a larger group of 14 given grants to study climate science and biodiversity.

The grant winners hail from U.S. universities like Duke, Yale, Florida State and MIT.

The $70 million initiative was created last year after President Trump pulled out of the Paris climate agreement.

The joint initiative between France and Germany offers the international community an opportunity to conduct their research at European institutions."

Joe McCarthy, "Mass Death of Baby Penguins in New Zealand Points to Climate Change: The birds starved to death," April 24, 2018, https://www.globalcitizen.org/en/content/mass-death-penguins-new-zealand-climate-change/?utm_source=Iterable&utm_medium=email&utm_campaign=US_Apr_26_2018_Thur_content_digest_activities_alive_180d, reported, "When scientists opened the stomachs of 11 young penguins that washed up on beaches in northern New Zealand, 10 had nothing in their guts and one had a small amount of grass, according to the South China Morning Post.

It was a stark confirmation that these birds — and scores of others — had starved to death.

Over the past two weeks, New Zealand’s Department of Conservation’s Tauranga office has received at least 58 calls of little penguins washing up on the shores of Omaha Beach and Tawharanui Peninsula during a record marine heat wave and tropical storms in the Tasman Sea, SCMP reports.

The penguins were all emaciated, a clear sign of starvation, and follow-up analysis by a team at Massey University proved that most of the penguins had entirely depleted their fat reserves and were beginning to digest muscle, according to the New Zealand Herald.

This mass starvation, according to the scientists, is because of freak weather patterns driven by climate change that made it hard for the penguins to find food after 'moulting,' when birds shed feathers to make room for new growth."

Kendra Pierre-Louis, "Bigger, Faster Avalanches, Triggered by Climate Change: A deadly 2016 glacier collapse in Tibet surpassed scientists’ expectations — until it happened again. They worry it’s only the beginning," The New York Times, January 23, 2018, https://www.nytimes.com/2018/01/23/climate/glacier-collapse-avalanche.html?em_pos=small&emc=edit_clim_20180124&nl=&nl_art=0&nlid=52235981&ref=headline&te=1, reported, "When 247 million cubic feet of snow and ice collapsed off a glacier in the dry, mountainous region of western Tibet in 2016, the roiling mass took with it nine human lives and hundreds of animals, spreading more than five miles in three minutes at speeds of nearly 200 miles per hour. The event surprised scientists, who had seen a collapse that big and that fast only once before.

And then it happened again, three months later, on a neighboring glacier, though without fatalities. Glaciologists hadn’t quite believed that glaciers could behave this way, and suddenly they had witnessed two similar collapses in a year.

An analysis of the events, published this week in the journal Nature Geoscience, found that climate change was the culprit in both collapses. The study suggests that in addition to the known risks posed by a warming climate, such as sea level rise, we may also be in line for some cataclysmic surprises."

Nearly 70 percent of Americans now say that climate change is caused mainly by human activity, the highest percentage since Gallup began tracking it two decades ago. The number of Americans who say they worry 'a great deal' about climate change has risen by about 20 percentage points."

"A Lifetime in Peru’s Glaciers, Slowly Melting Away," The New York Times, January 26, 2018, reported, "AT 50, Americo González Caldua has lived a life that coincided with the retreat of the glaciers of the high Andes. With each passing year, as the cold mountain temperatures rise, the ice moves uphill another 20 yards."

"Before, we saw our glaciers as beautiful, our mountain range covered in a white sheet that was stunning,' Mr. González said on a recent day at a small mountain-climber’s hostel near the base of an 18,000-foot peak. 'But today, we don’t see that anymore on our glacier, which we’re losing more of every day. Instead of white, we are seeing stone."

"Of all the glaciers in retreat throughout the world, those in this part of South America are the most likely to disappear first. Scientists call them the tropical glaciers, ice caps found in places as warm as Ecuador and Indonesia, where high mountain peaks have shielded them for thousands of years from the heat of the jungle below."

"Yet now, even these high perches have become precarious. Climate scientists say the ice cap here has been reduced by nearly a quarter in the past 40 years because of rising temperatures. With the rate of melting increasing each year, some scientists predict that within 50 years many of the peaks here will no longer have glaciers."


'The decision,' writes Meleah Geertsma, a senior attorney with NRDC, 'once again sends a message to this administration that it will not get away with illegal handouts to industry, at the expense of Americans' health and the environment.'

The latest rebuke to the attempt to derail the Bureau of Land Management's Waste Prevention Rule was delivered late Thursday by the U.S. District Court for the District of Northern California in response to suits filed by a number of environmental groups, as well as the states of California and New Mexico over the rule suspension.

'The BLM's reasoning behind the Suspension Rule is untethered to evidence contradicting the reasons for implementing the Waste Prevention Rule, and so plaintiffs are likely to prevail on the merits,' Judge William Orrick wrote in his ruling (pdf). 'They have shown irreparable injury caused by the waste of publicly owned natural gas, increased air pollution and associated health impacts, and exacerbated climate impacts.'
Orrick granted a preliminary injunction requiring the Interior Department to enforce the regulation, eliciting praise from environmental groups.

'Though they seem to think otherwise,' said Kelly Martin, Sierra Club Beyond Dirty Fuels campaign director, 'Donald Trump and [Interior Secretary] Ryan Zinke are not above the law. Once again, the courts are serving as a critical backstop against their reckless attempts to unravel key protections for our air, water, and climate. This ruling is a victory for our communities' health and the climate, and we will continue to fight to hold this administration accountable and defend this critical clean air standard.'

Echoing Martin, Robin Cooley, an Earthjustice attorney representing tribal and conservation citizen groups, said the decision marked 'a tremendous victory for taxpayers, public health, and the planet.'

'The court made it clear that the Trump administration is not above the law—Interior Secretary Zinke cannot yank away a common sense rule that was the product of years of careful deliberation simply to appease his friends in the oil and gas industry,' Cooley continued.

Added Peter Zalzal, lead attorney with Environmental Defense Fund, the "protections restored by this decision will help to prevent the waste of natural gas, reduce harmful methane, smog-forming and toxic pollution, and ensure communities and tribes have royalty money that can be used to construct roads and schools."

The setback for administration's climate attacks and deregulation agenda follows similar decisions, as The Wilderness Society noted in its press release:
January 16: Wyoming District Court denies industry trade groups and several states request for preliminary injunction, to prevent the rule from going into effect.
May 10: The effort to kill the methane rule via Congressional Review Act fails with bipartisan support, 51 to 49.
October 4: California court overturns the Interior Department’s decision to unilaterally suspend many of the most important protections of the methane waste rule without providing any opportunity for public comment.

The Hill also notes that 'The BLM formally proposed earlier this month to repeal most provisions of the methane rule. Thursday's ruling was only on the one-year delay, so it does not directly affect the proposed repeal.' Also of note is that when the Obama administration unveiled the BLM rule, some climate groups like 350.org offered just tepid praise, saying that truly protecting communities from "the devastating impacts of climate change means keeping fossil fuels in the ground."

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The Environmental Defense Fund, in April 2018, announced plans to launch the MethaneSAT to locate and measure methane leaking and entering the atmosphere from around the world. The International Methane Agency says that Methane leaks in gas pipes and storage are relatively inexpensive to fix and to do so would save gas companies millions of dollars. The agency says perhaps half of all methane entering the atmosphere are from such leaks (John Schwartz, "Plan to Track Methane Leaks from Above," The New York Times, April 12, 2018).

John Schwartz," Providing for 7 billion. Or not," The New York Times, February 14, 2018, reported, "Can we provide good lives for the seven billion people on Earth without wrecking the planet?

Daniel O’Neill of the University of Leeds and colleagues asked this enormous question in a recent paper in the journal Nature Sustainability and on an accompanying website.

Their answer is uncomfortable. After looking at data on quality of life and use of resources from some 150 countries, they found that no nation currently meets the basic needs of its citizens in a sustainable way. The nations of the world either don’t provide the basics of a good life or they do it at excessive cost in resources, or they fail at both."

"He did not say, however, that these findings doom humanity to poverty or environmental ruin. 'It doesn’t tell us what’s theoretically possible,' he said, noting that the study only projects the results of continuing with business as usual."

A set of recent studies has shown that climate change is moving the north-south boundary between western dry climate and eastern wet climate in the United States toward the East, and that it has moved about 140 miles eastward in the last few decades. The line runs through the Dakotas, Nebraska, Kansas,

"An Alaskan community prepares for relocation due to climate change," Unitarian Universalist Service Committee (UUSC) E-mail, April 20, 2018, https://donate.uusc.org/give/153136/, reported, "In Alaska there is a small village called Chevak (SHE-vak), home to around 1,000 adults and 200 children and located very close to the ocean.

Chevak is a beautiful place near a river with bright, colorful houses. Snow piles up in the village during winter, and the houses are built off the ground on strong poles to keep them from the cold and freezing snow. Due to climate change, Chevak is seeing more powerful storms that bring water from the nearby river into the village. Even with the homes built on stilts, the warming earth and overflowing river during storms is causing damage to houses. Villagers now worry they will soon have to move to a safer location.

Unitarian Universalist Service Committee (UUSC) partner, Robin Bronen of the Alaska Institute for Justice, helps facilitate community-led responses to climate change in 15 communities throughout the state. Her work with Chevak focuses on implementing community-based monitoring. Village residents carry with them a deep knowledge of the ways the environment is changing and do their own erosion monitoring to plan for the future. By tracking environmental change, the people of Chevak will determine whether, when, and how their relocation should occur.

Chevak villagers rely heavily on their land and the sea to live, and changes caused by the warming earth threaten their way of life.

As Earth Day approaches, we invite you reach out to your elected officials to ask them to support reforms to curb global warming."

Pat Poblete, "Trump administration plan to keep open Navajo Generating Station draws fire, A possible lifeline for the Navajo Generating Station, Critics say this is government backing a private business, costing consumers," ICTMN, June 9, 2018, https://news.maven.io/indiancountrytoday/news/trump-administration-plan-to-keep-open-navajo-generating-station-draws-fire-7S6-0a22C0CETF6PBeVWw/, reported, "The Trump administration may have pulled off the unlikely trick this month of uniting liberals and conservatives, energy industry executives and environmentalists.

All those groups have come out against a White House plan to keep failing coal and nuclear power plants from closing by forcing electrical grid operators to buy a certain amount of energy from those facilities.

Critics on the right say such a plan would put the government in the business of propping up unprofitable operations, hitting consumers in the wallet, while those on the left worry that it will stifle the development of clean energy while further polluting the environment."

"But one group sees potential benefits in the plan, which could provide an economic lifeline to the Navajo Generating Station, a coal-fired power plant near Page. That plant is slated to close at the end of 2019, taking thousands of jobs with it."


The%20Great%20Fight%20Against%20Many%20Great%20Threats%20%20%20In%20Review%20%20%20Email
Going Backward in the era of Trump—and despite international efforts to curb the climate crisis by reducing carbon emissions and reliance on fossil fuels—a new study out Wednesday details how major banks invested heavily in the world's dirtiest energy sectors in 2017, pouring $115 billion into tar sands, offshore oil drilling, and coal mining projects.

'Every single dollar that these banks provide for the expansion of the fossil fuel industry is a dollar going to increase the climate crisis,' said Stephen Kretzmann of Oil Change International, one of the groups behind the study (pdf).

The findings of the report—entitled 'Banking on Climate Change'—were described by author and activist Naomi Klein as "terrifying."

This is a terrifying report and the Alberta tar sands are at the dead centre of it: 'Extreme' fossil fuel investments have surged under Donald Trump, report reveals.'

Until they end their funding of dirty energy, Kretzmann added, 'these banks will be complicit in our climate catastrophe, plain and simple.'

Institutions including JP Morgan Chase, TD Bank, and Bank of America increased their funding of dirty energy by 11 percent from 2016 to 2017, flouting the Paris Climate Agreement.

The tar sands sector, known as the dirtiest source of energy on the planet, received major support from banks last year, with financing going up by 111 percent to $98 billion. JP Morgan Chase quadrupled its funding of the industry, a year after researchers found tar sands operations were a major cause of pollution.

Environmental campaigners also denounced banks for their support of industries that have caused destruction to communities by building pipelines with no regard for citizens' homes and human rights. Dirty energy projects funded by financial institutions in 2017 included the Line 3 Tar Sands pipeline proposed by Enbridge, which TD Bank, Citibank, Royal Bank of Canada, and MUFGBAll invest in; and new coal plants expected to be build across Southeast Asia, bankrolled by Mizuho, MUFG, and SMFG.

'These banks fund the projects that are killing the planet, destroying indigenous sacred sites, and violating the human rights of citizens," said Tara Houska of Honor the Earth. "The financial industry is on notice—the human rights policies banks claim are in place must be enforced. Stop funding fossil fuels and move into a green economy.'

While major banks have continued funneling money into planet-killing energy projects, the report noted, the World Bank announced last year it would cease funding of oil and gas extraction after 2019. Last fall, the Norwegian government announced it would divest its sovereign wealth fund—the largest in the world—of all its oil and gas shares.

'It is not surprising that we see the world's largest sovereign wealth fund managers no longer prepared to take the increasing risk associated with oil and gas assets, which do not have a long-term future,' said Paul Fisher of the Cambridge Institute for Sustainability Leadership, when Norway made its announcement.

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Andrea Germanos, "'Incredible' News as Banking Giant HSBC Ditches New Coal, Tar Sands, and Offshore Arctic Drilling Projects: The development is 'yet another signal to Donald Trump and the rest of the world that, despite their worst laid plans, the era of fossil fuels is coming to a close,'" Common Dreams, April 20, 2018, http://search.searchddn.com/?page=newtab&i_id=maps_&uid=dbcd1227-257b-4935-9031-39dc3b6e9222&source=-bb9&ap=appfocus84&uc=20180409, reported, "In another signal that 'the era of fossil fuels is coming to a close,' Europe's biggest bank, HSBC, announced Friday that it will no longer fund oil or gas projects in the Arctic, tar sands projects, or most coal projects.

The move was cheered by climate campaigners on social media, who said, 'This is huge,' and called it 'incredible news.'

According to Daniel Klier, group head of strategy and global head of sustainable finance at the financial giant, the bank recognizes 'the need to reduce emissions rapidly to achieve the target set in the 2015 Paris
Agreement to limit global temperatures rises to well below 2°C and our responsibility to support the communities in which we operate.

The changes are laid out in HSBC's updated energy policy, which says it will no longer provide financial services for

a) New coal-fired power plant projects, subject to very targeted exceptions of Bangladesh, Indonesia and Vietnam in order to appropriately balance local humanitarian needs with the need to transition to a low carbon economy. Consideration of any such exception is subject to: (i) independent analysis confirming the country has no reasonable alternative to coal; (ii) the plant’s carbon intensity being lower than 810g CO2/kWh; and (iii) financial close on the project being achieved by 31 December 2023

b) New offshore oil or gas projects in the Arctic

c) New greenfield oil sands projects

d) New large dams for hydro-electric projects inconsistent with the World Commission on Dams Framework

e) New nuclear projects inconsistent with the International Atomic Energy Agency (IAEA) standards

The announcement, said Kelly Martin, director of Sierra Club's Beyond Dirty Fuels Campaign, 'is an important step forward for Europe's largest bank, and yet another signal to Donald Trump and the rest of the world that, despite their worst laid plans, the era of fossil fuels is coming to a close. There is no future in Arctic fossil fuel operations. There is no future in tar sands. And there is no future in coal.'

Jessica Corbett, "Trump Taxpayer-Funded Coal and Nuclear Bailout Decreed as 'Breathtaking Abuse of Authority': Critics called the plan an "outrageous ploy" by Trump "to help his rich friends" at the expense of Americans' pocketbooks and the environment," Common Dreams, June 01, 2018, https://www.commondreams.org/news/2018/06/01/trump-taxpayer-funded-coal-and-nuclear-bailout-decried-breathtaking-abuse-authority?utm_term=Trump%20Taxpayer-Funded%20Coal%20and%20Nuclear%20Bailout%20Decreed%20As%2027Breathtaking%20Abuse%20Of%20Authority%27&utm_campaign=News%20%2526%20Views%20%2526%20Following%20Employee%20Revolt%20Google%20to%20End%20Work%20on%20Pentagon%20Drone%20Program&utm_content=email&utm_source=Daily%20Newsletter&utm_medium=Email&cm_mmc=Act-On%20Software--email-_News%20%2526%20Views%20%2526%20Following%20Employee%20Revolt%20Google%20to%20End%20Work%20on%20Pentagon%20Drone%20Program--Trump%20Taxpayer-Funded%20Coal%20and%20Nuclear%20Bailout%20Decreed%20As%2027Breathtaking%20Abuse%20Of%20Authority%27, reported, "Environmental advocates on Friday responded with outrage to confirmation from the White House that President Donald Trump has ordered Energy Secretary Rick Perry to plot what's being called an 'unprecedented intervention' by the federal government to bail out financially strapped coal and nuclear power plants that can't compete with the renewable energy sector."

'This is an outrageous ploy to force American taxpayers to bail out coal and nuclear executives who have made bad decisions by investing in dirty and dangerous energy resources,' declared Mary Anne Hitt, director of the Sierra Club's Beyond Coal campaign.

Ahead of a National Security Council meeting on Friday, Bloomberg News obtained an Energy Department memo detailing plans to use emergency authority under two federal laws to require grid operators to buy electricity from at-risk coal and nuclear facilities and establish a 'Strategic Electric Generation Reserve.'

The document argues such moves are necessary for homeland security and energy independence. White House Press Secretary Sarah Huckabee Sanders responded to the report with a statement confirming Trump has instructed Perry 'to prepare immediate steps to stop the loss of these resources,' claiming the need to protect the grid 'from intentional attacks and natural disasters.'

Rejecting the administration's argument that preserving coal plants is essential to national security as 'surreal' and 'madness' contradicted by experts, Earthjustice staff attorney Kim Smacznia pointed out that clean energy sources like wind and solar 'make the grid safer from attack,' and even 'the U.S. military is increasingly turning to solar, not coal, to ensure resilience at military bases.'
The Energy Department proposal outlined in the memo follows a previous plan rejected by federal regulators last year, which would have given subsidies to nuclear and coal plants on the grounds of providing 'resilience' to the electric grid.

'That attempt was rightfully denied by the Federal Energy Regulatory Commission, which determined that market rates and processes are indeed sufficient to meet national energy demand,' noted Mike Jacobs, a senior energy analyst for the Union of Concerned Scientists.

'The Trump administration is trying, once again, to fleece ratepayers by giving coal and nuclear power plants billions of dollars in guaranteed profits,' he added, calling the new proposal an 'absurd' abuse of authority.

While green groups refuted the administration's claims that the new plan would further protect the grid, chief executive of Bloomberg L.P. and former New York City Mayor Mike Bloomberg posited that 'bailing out polluting, unprofitable coal plants has nothing to do with national security and everything to do with special interests in Washington.'

Throughout his first term, Trump has often catered to the fossil fuel industry's demands, and has even stocked his administration with former lobbyists.

'Trump will clearly try anything to help millionaire coal and nuclear executives,' Hitt concluded. 'Every grid operator has unequivocally stated that there is no grid emergency, yet Donald Trump is trying to invent one to help his rich friends.'

'The taxpayers should never be asked to bail out wealthy fossil fuel executives who are trying to pollute our air and water with their dirty, dangerous fuels, and bad decisions,' Hitt added, vowing that Trump's 'effort to push these illegal directives will be met with fierce resistance in the courts and in the streets.'

The developments come on the one-year anniversary of Trump's announcement he would withdraw the United States from the Paris climate agreement, which aims to decrease fossil fuel use to reduce greenhouse gas emissions and limit global temperature rise within this century to 2 degrees Celsius above pre-industrial levels.

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A judge, in Italy, has ruled that oil companies Dutch Shell and Eni, of Italy, must stand trial for $1.3 million in corruption in Nigeria (Stanley Reed, "Trial for 2 Oil Giants Over Nigerian Deal," The New York Times, December 27, 2017).

Eric Adams, "Russia floats new nuclear power station—and new risks: As world-first platform makes its way east, international watchdogs raise concerns," Popular Science, June 15, 2018, https://www.popsci.com/russian-nuclear-power-station-academik-lomonosov?CMPID=ene061618, reported, "The world’s first commercial floating nuclear power station—a 21,500-metric-ton Russian vessel called the Akademik Lomonosov—is slowly making its way across the Arctic Ocean, on a multi-stage trip to its final destination in eastern Russia. People are not happy about it.

Environmental and nuclear watchdogs worry the station could hit an iceberg and sink while crossing the Arctic, spilling nuclear fuel into the fragile northern ecosystem. Or it could run aground, fouling the landscape, or be tossed by waves in a storm, or even—one installed in the remote coastal town of Pevek, 53 miles across the Bering Strait from Alaska—be attacked by terrorists or fail for any number of other reasons. One need only look at Japan’s Fukushima plant to see that water and nukes don’t always mix."

Nichola Groom, "Billions in U.S. solar projects shelved after Trump panel tariff, Reuters, June 6, 2018, https://www.reuters.com/article/us-trump-effect-solar-insight/billions-in-u-s-solar-projects-shelved-after-trump-panel-tariff-idUSKCN1J30CT, reported, "President Donald Trump’s tariff on imported solar panels has led U.S. renewable energy companies to cancel or freeze investments of more than $2.5 billion in large installation projects, along with thousands of jobs, the developers told Reuters."

According to Keith Stewart, senior energy strategist at Greenpeace Canada, "Financial institutions around the world are seeing the reputational and material risks these pipelines pose in a post-Paris world where respecting Indigenous rights and the need to transition off of fossil fuels is smart business and not just good public relations."
Canadian Prime Minister Justin Trudeau, who appears to be ready to subsidize the widely opposed Trans Mountain tar sands pipeline, should take note of the shift by HSBC, added Stewart. ‘Before deciding to write a check to Kinder Morgan, Justin Trudeau should ask himself if he wants to rush in where HSBC fears to tread,’ he said.

While HSBC’s announcement, as well as similar actions taken by other banks like BNP Paribas, should be lauded, the institutions need to go further, added Sierra Club’s Martin.

She said that 'it cannot be overstated how critical it is that HSBC and the world's other major banks immediately end financing for all fossil fuel projects around the world. Institutions should no longer continue financing any fossil fuel projects when cheaper, cleaner, more reliable energy solutions like wind and solar are readily available.'

The news come a month after a report showed that banks are continuing to bankroll the climate crisis by funneling $115 billion into tar sands, offshore oil drilling, and coal mining projects.

That report, entitled 'Banking on Climate Change' and endorsed by dozens of environmental groups, ranked HSBC the seventh worst in the world for the financing of 'extreme fossil fuels.' It also found that from 2016 to 2017—"Even as the impacts of climate change become increasingly apparent"—it made a $2.6 billion increase in such financing.

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'The bank has a responsibility to help mitigate climate change by leveraging our scale and resources to accelerate the transition from a high-carbon to a low-carbon society,' Bank of America said in its coal policy in May 2015."

"But the banks, it turns out, never actually promised to walk away from coal completely. And now, with coal companies enjoying a small resurgence under the Trump administration, banks are again embracing the industry."

BeauHD. "California to Become First State to Mandate Solar on New Homes," Slashdot, May 04, 2018, https://hardware.slashdot.org/story/18/05/04/222259/california-to-become-first-us-state-mandating-solar-on-new-homes, reported, "OCRegister reports that The California Energy Commission is scheduled to vote Wednesday, May 9, on new energy standards mandating most new homes have solar panels starting in 2020.' From the report: Just 15 percent to 20 percent of new single-family homes built include solar, according to Bob Raymer, technical director for the California Building Industry Association. The proposed new rules would deviate slightly from another much-heralded objective: Requiring all new homes be 'net-zero,' meaning they would produce enough solar power to offset all electricity and natural gas consumed over the course of a year. New thinking has made that goal obsolete, state officials say. True 'zero-net-energy' homes still rely on the electric power grid at night, they explained, a time when more generating plants come online using fossil fuels to generate power. In addition to widespread adoption of solar power, the new provisions include a push to increase battery storage and increase reliance on electricity over natural gas."

Stanley Reed And Ivan Penn, "Massachusetts Gains Foothold in Offshore Wind Power, Long Ignored in U.S.: The wind farms have increasingly become mainstream sources of power in Northern Europe, but the United States has largely not pursued the technology," The New York Times, May 23, 2018, https://www.nytimes.com/2018/05/23/business/energy-environment/offshore-wind-massachusetts.html, reported, "New Bedford hopes to soon be the operations center for the first major offshore wind farm in the
United States, bringing billions of dollars of investment and thousands of jobs to the town and other ports on the East Coast.

On Wednesday, that effort took a major step forward as the State of Massachusetts, after holding an auction, selected a group made up of a Danish investment firm and a Spanish utility to erect giant turbines on the ocean bottom, beginning about 15 miles off Martha’s Vineyard. This initial project will generate 800 megawatts of electricity, roughly enough to power a half a million homes. At the same time, Rhode Island announced it would award a 400-megawatt offshore wind project to another bidder in the auction.


The final turbine was installed on Saturday just nine weeks after the first foundation for the 11-turbine offshore wind farm was deployed, according to the developers Vattenfall.

Incidentally, the project was at the center of a contentious legal battle waged—and lost—by Donald Trump, before he became U.S. president. Trump felt the 'ugly' wind turbines would ruin the view of his Menie golf resort.


Alvarado called the goal 'titanic' but expressed confidence that the forward-thinking country could eliminate the use of fossil fuels in its transportation system by 2021.

'Decarbonization is the great task of our generation and Costa Rica must be one of the first countries in the world to accomplish it, if not the first,' Alvarado told a crowd of thousands at his inauguration.

The nation of 4.8 million people already derives 99 percent of its electricity from renewable sources including hydropower and wind.

Costa Rica's rapidly-growing automobile market is the next hurdle in ending the country's use of fossil fuels. About two-thirds of the country's energy-related fossil fuel emissions come from transportation.

Alvarado is planning to bring that percentage to zero in time for the country's 200th anniversary of becoming an independent nation.

'When we reach 200 years of independent life we will take Costa Rica forward and celebrate...that we've removed gasoline and diesel from our transportation,' Alvarado said.

The president's goal fits with many of Costa Rica's other progressive policies. Alvarado won 60 percent of the vote in the presidential election in April, beating out Fabricio Alvarado, who focused largely on rolling back marriage equality.

The country is also part of the Wellbeing Economies Alliance—a coalition that also includes Scotland, New Zealand, and Slovenia—which instead of emphasizing countries' GDP, 'seeks to ensure that public policy advances citizens' wellbeing in the broadest sense, by promoting democracy, sustainability, and inclusive growth,' according to a recent column by economist Joseph Stiglitz.
'With its rich biodiversity, Costa Rica has also demonstrated far-sighted environmental leadership by pursuing reforestation, designating a third of the country protected natural reserves, and deriving almost all of its electricity from clean hydro power,' wrote Stiglitz.

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Global Citizen, on April 10, 2018, https://www.globalcitizen.org/en/content/kids-won-climate-change-case-in-colombia/?utm_source=Iterable&utm_medium=email&utm_campaign=US_Apr_10_2018_Tues_content_digest_activities_alive_180d, carried several environmental reports in its Newsletter, "These Kids Won a Court Case Forcing Colombia to Protect the Amazon: It sets a precedent that could lead to similar victories around the world," reported. "It looked like a long shot when 25 kids, aged 7 to 26, sued the government of Colombia for failing to protect the environment.

Never before had a climate change case been heard in Latin America, the charges seemed too far-reaching, and environmental degradation has been accelerating in the country in recent years.

But after hearing the case, the country’s Supreme Court ruled in favor of the children and now the government must come up with an action plan for stopping deforestation in the Amazon and escalate its fight against climate change, according to the human rights groups Dejusticia, which supported the plaintiff’s case."

Environmental and agricultural ministries across both national and local governments are required to take part in this project, Reuters reports.

'It is clear, despite numerous international commitments, regulations, and jurisprudence on the matter, that the Colombian State has not efficiently tackled the problem of deforestation in the Amazon,' the court said.

The judges said that the forest is an 'entity subject of rights,' essentially conferring human rights upon the vast and varied ecosystem, according to Reuters. "This is a historic ruling both nationally and internationally,' César Rodríguez Garavito, director of Dejusticia and the lawyer representing the plaintiffs, said in a statement.

At the national level, it categorically recognizes that future generations are subject to rights, and it orders the government to take concrete actions to protect the country and planet in which they live," he added.

The outcome of the case could reverberate around the world: A series of cases, mostly led by youths, are taking off in multiple other countries, according to Reuters. These cases could be bolstered by international agreements that countries entered.

Read More: Major Climate Change Lawsuits Expected to Make Splash in 2018

Through the Paris Climate Agreement, 195 countries around the world have vowed to fight climate change. Although this particular agreement is voluntary in nature, the judges in Colombia viewed it as binding enough to invoke it in their ruling.

And as the effects of climate change become more apparent around the world, the argument made by young people that governments are threatening their future may gain momentum.

'Deforestation is threatening the fundamental rights of those of us who are young today and will face the impacts of climate change the rest of our lives,' the plaintiffs wrote.

'We are at a critical moment given the speed at which deforestation is happening in the Colombian Amazon,' they added. "The government's lack of capacity and planning as well as its failure to protect the environment makes the adoption of urgent measures necessary.'

Global Citizen campaigns to empower youth activists around the world and you can take action on this issue here.

India’s Most Polluted Rivers Are Now Legally Humans," https://www.globalcitizen.org/en/content/indias-polluted-rivers-now-legally-humans/, reported, "The Ganges and Yamuna rivers are now legally considered “living human entities,” following the ruling of a high court in the Indian state of Uttarakhand.

That means that causing harm to the rivers amounts to the same thing as harming a human.

It’s a radical legal ruling that’s beginning to gain credibility and momentum around the world and it has the potential to completely change how countries protect the environment.

'The rivers are central to the existence of half of the Indian population and their health and well being,' the court wrote. 'They have provided both physical and spiritual sustenance to all of us from time immemorial.'

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How and if this ruling can be implemented is unknown, especially when you consider the scale of harm caused daily to the Ganges River, which absorbs more than a billion gallons of waste each day. Seventy-five percent of this is raw sewage and domestic waste. The rest comes from industrial runoff — mostly from tanneries that leak extremely toxic substances.

The Yamuna river is similarly contaminated. Both rivers are victims of India’s population explosion that has been supported by slapdash development. In some cities that straddle the Ganges, for instance, the infrastructure is so outdated and incapable of coping with the population that human waste isn’t even filtered before it flows into the river. Lax regulation and enforcement has also created a climate of industrial impunity — factories can dump huge quantities of toxic chemicals without even facing a fine. But this new ruling could empower regulatory bodies that have previously been hobbled by a lack of authority and corruption. It could also begin to unlock funding for necessary sanitation systems throughout the country.

The Indian government has been trying to clean the river up for decades, and Prime Minister Narendra Modi has poured billions into the latest round of efforts. Advocates believe that existing efforts at cleaning the rivers will now be expedited. The ruling could also mean that fines and penalties will now be dispensed at a much higher rate, potentially creating a powerful deterrence.

The first river to gain legal protection in the world was the Whanganui River in New Zealand, which gained the status along with a national park. Through 'personhood' a lawsuit can be brought on behalf of land or water. In the past, lawsuits would have to hinge on some human factor — if a human was being harmed by pollution, for instance.

Defenders of wildlife can be more aggressive in their legal challenges to overdevelopment, deforestation, pollution, and more, by showing that the rights of the park or river are being harmed. 'This settlement is a profound alternative to the human presumption of sovereignty over the natural world,' Pita Sharples told The New York Times at the time.

The Whanganui River was championed by indigenous groups that do not view nature as something to be owned. They view humans, plants, animals, and the natural world as having equal claims to life. When viewed from this perspective, it’s logical to extend the same legal protections to bodies of land and water and all the organisms found on them.

In India, the Ganges River is regarded as sacred, the embodiment of the goddess Ganga. It seems like such a distinction would guarantee it even greater rights.

Fred Lambert, "Tesla’s giant battery in Australia reduced grid service cost by 90%," electrek, May 11th 2018, https://electrek.co/2018/05/11/tesla-giant-battery-australia-reduced-grid-service-cost/, reported, "Tesla’s giant Powerpack battery in Australia has been in operation for about 6 months now and we are just starting to discover the magnitude of its impact on the local energy market.

A new report now shows that it reduced the cost of the grid service that it performs by 90% and it has already taken a majority share of the market."

Brad Plumer, CO2 removal on the Cheapish," The New York Times, E-mail, June 13, 2018, https://static.nytimes.com/email-content/CLIM_2997.html?nlid=52235981, reported, "Last week brought some intriguing climate news: A company in Canada that is working to suck carbon dioxide out of the atmosphere reported that it could do so much more cheaply than experts had thought possible.

Sadly, we probably won’t be able to use this carbon-removal technology to solve our entire global warming problem. There’s still no easy substitute for shifting away from fossil fuels and lowering our emissions. But this technology, if it pans out, could still prove quite useful."

Since 2015, the company... has operated a pilot plant that uses a chemical solution to bind with carbon dioxide molecules in the air, which then get converted into a stream of pure CO₂ gas that can be pumped through pipelines. The plant currently removes about one ton of CO₂ per day."
Andrea Germanos, "'This Is Huge': Opposition Forces Kinder Morgan to Halt Trans Mountain Pipeline"

'This is a sign that organizing works, and it could well be the beginning of the end for this dangerous pipeline,' says 350.org's Clayton Thomas-Muller, "Common Dreams," April 09, 2018, https://www.commondreams.org/news/2018/04/09/huge-opposition-forces-kinder-morgan-halt-trans-mountain-pipeline, reported, "Environmental and indigenous groups are cheering after Kinder Morgan announced Sunday it was halting most work on its controversial Trans Mountain expansion pipeline project, citing continuing opposition.

'This is a sign that organizing works, and it could well be the beginning of the end for this dangerous pipeline,' declared Clayton Thomas-Muller, a Stop-it-at-the-Source campaigner with 350.org.

'This is huge,' added British Columbia-based advocacy group Dogwood.

I the company's statement announcing the move, chairman and CEO Steve Kean said Kinder Morgan was suspending "all non-essential activities and related spending" as a result of the "current environment" that puts shareholders at risk.

'A company cannot resolve differences between governments,' he added, referencing resistance from B.C. lawmakers that is at odds with support for the project coming from Ottawa and neighboring Alberta. 'While we have succeeded in all legal challenges to date, a company cannot litigate its way to an in-service pipeline amidst jurisdictional differences between governments,' Kean said.

Unless legal agreements are reached by May 31, Kean said that 'it is difficult to conceive of any scenario in which we would proceed with the project.' (There are still 18 pending court cases that could thwart the project, the Wilderness Committee notes.)

B.C. Premier John Horgan, for his part, said in a statement Sunday, 'The federal process failed to consider B.C.'s interests and the risk to our province. We joined the federal challenge, started by others, to make that point.'

'We believe we need to grow the economy, while protecting the environment. We want to work to address these challenges together. But we will always stand up for British Columbians, our environment, and the thousands of jobs that depend on our coast.'

Stopping the fossil fuel project, though would reap benefits beyond the two provinces the pipeline runs through, as author and climate campaigner Bill McKibben noted:

Bill McKibben (@billmckibben), "Odd to watch Alberta fighting with Ottawa fighting with BC, as if the interests of a) First Nations and b) Planet Earth are not also--indeed mostly--on the line. Carbon doesn't stop at provincial or national borders," #StopKM

As such, apart from Horgan's pushback, the project has faced fierce and sustained opposition from a range of groups who demand the rights of land, water, indigenous groups, and others trump those of Big Oil.

Grand Chief Stewart Phillip of Coast Protectors said that 'after some long hours in the boardroom,' Kinder Morgan came 'to the inevitable conclusion that that you simply can't ram a pipeline through in the face of such opposition — legal, political, on-the-ground opposition. It's impossible.'

Offering a similar reaction, Greenpeace Canada's climate and energy campaigner Mike Hudema, said:

"Investors should note that the opposition to this project is strong, deep and gets bigger by the day. This announcement shows that this widespread opposition has reached critical mass. British Columbians' desire to protect clean water, safeguard the environment and stand behind Indigenous communities cannot be ignored or swept under the rug. We encourage Kinder Morgan to shelve this project before the litany of lawsuits, crumbling economics, and growing resistance against the pipeline does it for them."

While the company 'looks ready to pack it in,' said Wilderness Committee Climate Campaigner Peter McCartney, the opposition is 'not going anywhere until this pipeline no longer poses a threat to the coast, the climate, and Indigenous communities along the route.'

Despite such threats, Ottawa and Alberta Premier Rachel Notley are still aggressively pushing for the project.

'This pipeline must be built," Notley declared Sunday, and threatened legal action "to impose serious economic consequences on B.C. if its government continues on its present course." She added that her province 'is prepared to be an investor in the pipeline.'
Trudeau—who's touted his country's 'unwavering... commitment to fight climate change'—said on Twitter, 'Canada is a country of the rule of law, and the federal government will act in the national interest. Access to world markets for Canadian resources is a core national interest. The Trans Mountain expansion will be built.'

Thomas-Muller, however, said that 'Kinder Morgan's investors have seen that people all across Canada are choosing Indigenous rights, clean water, and a safe climate over this dangerous pipeline. Now it's time for Justin Trudeau to do the same.'

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Eriel Deranger, "I feel betrayed by the government and a system that has destroyed the spirit of my people," *Canada's National Observer,* April 24, 2018, https://www.nationalobserver.com/2018/04/24/opinion/i-feel-betrayed-government-and-system-has-destroyed-spirit-my-people, "The struggle over the Kinder Morgan Trans Mountain Pipeline Expansion has been heating up over the past month and has reached new levels of intensity in recent weeks. Politicians are threatening each other while land defenders and water protectors in Coast Salish territory are now facing possible criminal charges for protecting the land, waterways and ecosystems. Prime Minister Justin Trudeau and Alberta Premier Rachel Notley are offering to 'buy the pipeline outright' and 'pledged federal financial backing'. Now the province of B.C. is threatening to sue Alberta if they make good on a promise to restrict fuel exports."

Greenpeace reported in an E-mail, June 10, 2018, "Every 11 days on average, the pipelines operated by Energy Transfer Partners and its subsidiaries, including Sunoco, spill.

Our groundbreaking new report on the company presents appalling evidence of 527 leaks between 2002 and 2017, as well as pervasive water pollution, violations of permits, and stop-work orders while constructing new pipelines. This is a staggering threat to our communities and families nationwide."

Crestwood Equity Partners was fined $49,000 by the EPA for 1 2014 pipeline waste water spill of 1 million gallons on the Fort Berthold Reservation. The leak was unnoticed for five days, allowing some 10,500 gallons of waste water to flow through a ravine and into Lake Sakakawea ("Fine imposed for pipeline spill on Fort Berthold Reservation," *NFIC,* February 2018)


Buried in the $1.3 trillion spending bill passed by Congress and grudgingly signed by President Trump were surprisingly large increases in funding for clean energy programs at the Department of Energy. The Office of Energy Efficiency and Renewable Energy, which has helped reduce the cost of solar power, got a 14 percent bump. The Advanced Research Projects Agency-Energy, which funds long-shot technologies like algae biofuels, got a 16 percent increase. The Office of Nuclear Energy got a 19 percent increase."

Steve Hanley, "California Poised To Hit 50% Renewable Target A Full Decade Ahead Of Schedule," *Clean Technica,* December 21 2017, https://cleantechnica.com/2017/12/21/california-poised-hit-50-renewable-target-full-decade-ahead-schedule/, reported, "Every year, the California Energy Commission releases its Renewable Portfolio Standard (RPS) report, which gives details about the mix of energy experienced by all utilities within the state during the preceding 12 months. The report for this year, released in November, shows that all three of the state’s investor-owned utilities — Pacific Gas & Electric, Southern California Edison, and San Diego Gas & Electric — are projected to derive 50% of their electricity from renewable sources by 2020. That is a full decade ahead of schedule. PG&E reports it used 32.9% renewable energy in the past year. The figure for SoCal Edison was 28.2%. San Diego Gas & Electric led the pack with 43.2% renewable energy.


The bills, which require power companies in New Jersey to generate 50 percent of their electricity from renewable sources by 2030 and subsidize existing nuclear power plants, mark one of the biggest new policy steps that any state has taken toward cutting greenhouse gases since President Trump was elected."
David Roberts, "Solar panels have gotten thinner than a human hair. Soon they’ll be everywhere," Vox, April 11, 2018, https://www.vox.com/2016/6/23/11998908/ultra-thin-solar-cells, reported, "South Korean scientists have created solar PV cells that are 1 micrometer thick, hundreds of times thinner than most PV and half again as thin as other kinds of thin-film PV. (The research is in a paper published in Applied Physics Letters last June.)"

"This isn’t the thinnest solar cell ever, either. Back in February 2016, MIT researchers made solar cells so small and light they could sit atop a soap bubble without popping it. Here’s how they did it (from the press release)."

"Researchers say the same fabrication process could work with a number of different materials, including quantum dots or perovskites, yielding solar cells small and transparent enough to be embedded in windows or building materials."

"Now, all these lab breakthroughs are just that: lab breakthroughs. It’s a long road from the lab to a commercial product. Plenty could go wrong in between.

But the trends in solar innovation are clear. Cells are getting smaller and smaller, and more and more flexible, using new fabrication techniques that are less and less resource-intensive. It’s all super expensive now, and probably will be for a while. Eventually, though, these new methods will find their way into markets and start getting scaled up. With scale, costs come down.

Tiny solar PV will change the world.

PV is different from any other energy technology. It can change the way we view power, from something we generate at a specific location to something we harvest, everywhere. Sufficiently cheap, small, and flexible solar cells could be integrated into our building materials, streets, bridges, parking lots, vehicles, clothes, even our skin."

Derrick Z. Jackson, "Catching a Breeze: America's belated push to develop offshore wind energy," The American Prospect, Spring 2018 issue, April 20, 2018, http://prospect.org/article/catching-breeze, reported, Three years ago, after the collapse of Cape Wind off Nantucket Sound, renewable offshore wind energy in the United States was 'a stone dead market,' according to Thomas Brostrøm, president of Ørsted North America. His Danish parent company, formerly DONG Energy, has built more offshore wind farms than any country in the world. Fortunately for Mitchell and for friends of renewable energy, the stone-dead market has been reborn with a speed that has stunned offshore wind advocates. The United States may be an embarrassing quarter-century behind Denmark in putting its first offshore wind farm into the water—a five-turbine, 30-megawatt project off Block Island, Rhode Island, completed in late 2016—but it is still on the verge of that very transformative change Mitchell talked about a hopeful five years ago.

This year, the Bay State will select the developers for between 400 and 800 of the 1,600 megawatts of offshore wind power mandated by Massachusetts. Based on the bids, 1,600 megawatts (or 1.6 gigawatts) would power up to one million homes, nearly a third of the households in the state. Projects are being announced, planned, and approved all the way from New England to the South Atlantic. As evidence that offshore wind is an unprecedented economic opportunity, even the Trump administration—no friend of green energy—has thus far continued the Obama-era program of competitive leasing for offshore wind projects in federal waters.

A year ago, the government awarded a lease of 122,000 acres of ocean off Kitty Hawk, North Carolina. Interior Secretary Ryan Zinke called the $9 million lease sale ‘a big win' for energy independence and economic boosting. In October, Zinke met with the energy minister of wind energy pioneer Denmark as the two nations signed an agreement to share information about the industry. In January, Zinke’s energy policy counselor, Vincent DeVito, traveled to Denmark, where Bloomberg quoted him as saying that the United States is working “quite aggressively” to pursue a “robust expansion of offshore wind.”

Rocks in large formations in Oman and other parts of the world naturally pull carbon dioxide out of the air and incorporate it as part of the rock. Some scientists favor using this rock to do that on a large

Several groups of young college Republicans, led by the Yale College Republicans, have been proposing using carbon taxes to fight global warming (Lisa Friedman, "Unusual Plan From Young Conservatives: Carbon Tax," The New York Times, March 7, 2018).

Brad Plumer, "Clean Energy Ideas That Could Prove Odd Enough to Work," The New York Times, March 17, 2018, contains a discussion of some innovative ideas for alternative energy that are being tested, or at least suggested.

The area on and near the coast of Louisiana is rapidly disappearing from a three fold onslaught. Levies along the Mississippi have for many years prevented flooding that brings new soil to maintain the delta. Global warming has brought rising seas, along with more frequent and more powerful storms flooding and washing away the land. Some communities, including the Indigenous people who have been the heart of the shrimping industry, have already been forced to move. The question is when others will be forced out as the land shrinks, and how much will be done at what cost to slow the land loss, and the need to move (Kevin Sack and John Schwartz, "Left To Louisiana’s Tides, A Village Fights For Time: For the community of Jean Lafitte, the question is less whether it will succumb to the sea than when — and how much the public should invest in artificially extending its life)," The New York Times, February 24, 2018, https://www.nytimes.com/interactive/2018/02/24/us/jean-lafitte-floodwaters.html?ref=collection%2Fissuecollection%2Ftodays-new-york-times&action=click&contentCollection=todayspaper&region=rank&module=package&version=highlights&contentPlacement=3&pgtype=collection).

The Biloxi-Chitimacha-Choctaw tribe has had 98% of its island home of Isle de Jean Charles sink and wash away since 1955, from the triple onslaught. The residents of the island are to be moved inland some 40 miles to a drier 515 acre tract in Terrebonne Parish, under a 2016 federal grant (New home selected for residents of shrinking island," NFIC, January 2018).

Although Republican, the heavily climate change impacted state of Alaska has begun to consider climate change mitigating policy, including possibly reducing state emissions and instituting a carbon tax (Brad Plumer," Deep Red Alaska, Feeling Thaw, Devises Climate Plan," The New York Times, May 16, 2018).

Global warming carbon dioxide emissions rose 1.4 percent globally, in 2017, after holding steady for three years. About two-thirds of the emissions increase came from Asia. China produced a 1.7 percent increase in carbon emissions, from increased automobile use, and still growing fossil fuel use in generating electric power, even as its efforts to reduce coal burning began to take effect. The rest of Asia, including India and Indonesia, had a 3 percent increase in CO2 emissions.

Carbon emissions were down in 2017 in the U.S. by .5 percent, while Brittan, Mexico, and Japan also had reduced carbon emissions. In the European Union, over all carbon emissions rose by 1.5 percent, although several of its nations reduced those emissions.

The biggest factor in reducing carbon emissions where they occurred, and in keeping them from rising further where they increased, was a huge increase in renewable energy, particularly solar, wind and hydro power. Some of the increase came from a 1 percent increase in coal burning, as some Asian nations
increased its use faster than it was reduced in China, the U.S. and some other countries. Increased auto use, particularly in developing economies, was a factor, greatly increased by a huge increase in the number of less fuel efficient SUVs purchased, made more feasible with low gasoline prices. In addition, world wide energy efficiency increased by only 1.7 percent in 2017, less than in each of the three previous years (Brad Plumer, "Behind the Increase in Gas Emissions Last Year," The New York Times, March 23, 2018).

Increasing amounts of carbon dioxide in the air is also impacting fresh water: lakes, streams and rivers, changing their eco systems significantly. Study is just beginning of the impact. In the oceans the increased acidity of the water weakens and destroys shell fish, makes some species of fish unable to detect their predators, and damages coral. Similar impacts are suspected in fresh water (Carl Zimmer, "A Threat to Fresh Waters," The New York Times, January 16, 2018).


Lingering hurricanes can be a problem, as Texans learned last year when Hurricane Harvey stalled over the state, causing devastating flooding and billions of dollars of damage. The storm dropped more than 30 inches of rain in two days and nearly 50 inches over four days in some places. A report released this month by Harris County, which includes Houston, found that Harvey’s rainfall exceeded every known flooding event in American history since 1899.

Oceana, "Corals, Sponges, Underwater Canyons Get New Protections off U.S. West Coast: More than 140,000 sq. miles of living seafloor safeguarded from impacts of bottom trawling," April 10, 2018, http://usa.oceana.org/press-releases/corals-sponges-underwater-canyons-get-new-protections-us-west-coast?utm_campaign=enews&utm_content=201804enewsUS&utm_source=en&utm_medium=email, Contact: Ashley Blacow: ablacow@oceana.org, reported, "Late yesterday, the Pacific Fishery Management Council unanimously voted to protect more than 140,000 square miles of seafloor habitat, including corals, sponges, and rocky reefs, off the U.S. West Coast. Once implementing regulations are issued by NOAA Fisheries, the Council’s action will more than double the spatial extent of seafloor protections off the U.S. West Coast. Deep sea coral gardens, sponge beds, underwater canyons, and high relief structures like rocky reefs provide homes for commercially and recreationally important fish species including more than 90 species of rockfish off California, Oregon, and Washington. Corals and sponges also provide habitat for a myriad of other ocean creatures including octopus and sea stars."


According to the study, premature deaths would fall on nearly every continent if the world’s governments agree to cut emissions of carbon and other harmful gases enough to limit global temperature rise to less than 3 degrees Fahrenheit by the end of the century. That is about a degree lower than the target set by the Paris climate agreement."
The lives that would be saved according to this study would be from reduced air pollution, which is particularly bad in cities in Asia. This is in addition to the huge number of lives that would be saved because increased heat, drought, flooding, sea level rise, and other effects of global warming.

E.A. Crunden, "South Florida sounds the alarm amid threat of rising sea levels," ThinkProgress, May 7, 2018, ThinkProgress, reported, "Outdated and fast-aging flood control mechanisms won’t be enough to protect South Florida amid a rapidly-changing climate and rising sea levels. Local publications and activists are sounding the alarm about the region’s lack of preparedness, with sea levels set to rise at least 2 feet by 2060.

A partnership between the editorial boards of the Miami Herald, South Florida Sun Sentinel, and Palm Beach Post is aiming to draw attention to the threat rising sea levels pose to South Florida. With assistance from WLRN Public Media, the election year effort is meant to hold Florida lawmakers accountable and ensure action. That includes calling for Congress to prioritize the vulnerable area swiftly."

The increase of carbon dioxide in the air causes many plants to grow larger, including many "weeds", or unwanted plants. But it also significantly reduces the nutrition value of plant food (Brad Plumer, "More Carbon Dioxide, Less Nutritious Foods," The New York Times, May 24, 2018).

While President Trump has withdrawn from the Paris Climate Agreement, numerous U.S. companies continue to invest in wind and solar energy, including dozens of Fortune 500 Companies, who are putting millions of dollars into renewable energy (Brad Plumer, "Despite President's Paris Pullout, U.S. Companies Pursue Clean Energy," The New York Times, June 12, 2018).

"Graphene Makes Concrete Twice As Strong While Reducing Carbon Emissions," Slapshot, May 3, 2018, https://science.slashdot.org/story/18/05/03/2230218/graphene-makes-concrete-twice-as-strong-while-reducing-carbon-emissions. "In a recent study, University of Exeter's Center for Graphene Science used nanoengineering technology to add graphene to concrete production. The resulting graphene concrete is two times stronger than traditional concrete and four times as water resistant, but with a much smaller carbon footprint compared to the conventional process of making concrete. According to the research, the addition of graphene cuts back on the amount of materials needed in concrete production by nearly 50 percent and reduces carbon emissions by 446 kg per ton."

Andrea Germanos, "Judge Drops Charges Against 13 Who Argued Pipeline Civil Disobedience Action Was "Necessary" to Save Planet: 'We are part of the movement that's standing up and saying, 'We won't let this go by on our watch,'" Common Dreams, March 28, 2018, https://www.commondreams.org/news/2018/03/28/judge-drops-charges-against-13-who-argued-pipeline-civil-disobedience-action-was%3D%22necessary%22-to-save-planet&utm_term=Judge%20Drops%20Charges%20Against%2013%20Who%20Argued%20Pipeline%20Civil%20Disobedience%20Action%20Was%20%22Necessary%22%20to%20Save%20Planet&utm_campaign=The%20Great%20Fight%20Against%20Many%20Great%20Threats%20%207C%20Your%20Week%20In%20Review%20&utm_content=email&utm_source=Act-On+Software&utm_medium=email&cm_mmc=Act-On%20Software--email--The%20Great%20Fight%20Against%20Many%20Great%20Threats%20%207C%20Your%20Week%20In%20Review%20--Judge%20Drops%20Charges%20Against%2013%20Who%20Argued%20Pipeline%20Civil%20Disobedience%20Action%20Was%20%22Necessary%22%20to%20Save%20Planet, reported, "Climate activists are cheering after a district judge in Boston on Tuesday ruled that 13 fossil fuel pipeline protesters were not responsible for any infraction because of the necessity of their actions.

Bill McKibben, who was slated to be an expert witness in their case, tweeted a celebratory 'Good golly!' in response to the ruling, adding, 'This may be a first in America.' The charges the defendants faced stemmed from actions they took in 2016 to block Spectra Energy's fracked gas West Roxbury Lateral Pipeline. While they had spent a year and a half preparing a climate necessity
defense to present to a jury trail, prosecutors prevented that from happening last week when they reduced the criminal charges to civil infractions. 'By reducing the charges,' the Climate Disobedience Center argues, 'the prosecutor has avoided what could have been a groundbreaking legal case.'

Judge Mary Ann Driscoll, did, however, allow each of the defendants to explain to the court why they were motivated to take part in their actions to stop the Massachusetts pipeline. After that, according to a lawyer for the defendants, she said they were not responsible by reason of necessity.

We were in West Roxbury Court today for #climatetrial. The criminal charges were reduced to civil infractions, then after testimony the activists were all found not responsible by reason of necessity.

Speaking on the steps outside the courthouse following the verdict, defendant and noted climate activist Tim DeChristopher said they 'asked the judge to recognize that that evidence was out there—that's it clear across our society the severity of climate change, the degree to which the government response has been a failure, and the degree to which regular folks like us have a necessity to act to prevent this harm.'

'Hopefully, next time around we'll be able to do that with a jury, and we'll keep fighting,' he said.

Defendant Callista Womick spoke outside the courthouse as well, saying that 'it's hubristic to think we can keep poisoning the planet and keep living on it.' As such, she said she took part in the protest because she saw it as 'part of my duty to my fellow human beings and fellow life forms.'

According to defendant Kareena Gore, director of the Center for Earth Ethics at Union Theological Seminary (and daughter of former Vice President Al Gore), what happened in the courtroom was 'really important,' though she noted 'the irony' of being found not responsible for the infractions because 'we are making ourselves responsible.'

'We are part of the movement that's standing up and saying, 'We won't let this go by on our watch. We won't act like nothing's wrong,' she said. 'We're going to be speaking up in new ways,' she added.

'We're going to be demanding that the people who are in elected office, and also the corporations who are putting their costs, the cost of their doing business, for their own profits... on the public, they're putting that cost on future generations. And we are taking responsibility to say 'no' to that.'

This work is licensed under a Creative Commons Attribution-Share Alike 3.0 License."

Mark Hefflinger, Communications And Digital Director, Bold Alliance, "SOLAR XL: Resisting Keystone XL by Building Clean Energy in the Pipeline's Path," CREDOBlog, April 6, 2018, https://blog.credomobile.com/2018/04/solar-xl-resisting-keystone-xl-building-clean-energy-pipelines-path/?source=newsletter, reported, "TransCanada's proposed Keystone XL pipeline would carry 830,000 barrels per day of dirty tarsands from Canada through hundreds of American homes, farms and ranches. It would cross the delicate Sandhills in Nebraska and put the critical Ogallala Aquifer and sacred Indigenous sites like the Ponca Trail of Tears at risk. Farmers, ranchers and indigenous Nations are fighting with everything they have to protect the land and their communities from eminent domain for private gain.

We refuse to allow the Keystone XL to put our land and water at risk. We already have the solutions we need, which is why we're building solar panels directly in the path of the proposed Keystone XL pipeline. The solar panels are being connected to Nebraska's power grid, generating clean, renewable energy for the state – as opposed to a risky pipeline that would provide little benefit to Nebraskans. If Keystone XL is approved, TransCanada would have to tear down clean and locally produced energy to make way for its dirty tarsands pipeline.

The SOLAR XL project is organized by Bold Nebraska, with support from partners including 350.org, Indigenous Environmental Network, Oil Change International and CREDO."
At a deed-signing ceremony earlier this week, farmers Art and Helen Tanderup transferred to the tribe a 1.6-acre plot of land that falls on Ponca "Trail of Tears."

Now, as the Omaha World-Herald explained, rather than battling the farmers, 'TransCanada will have to negotiate with a new landowner, one that has special legal status as a tribe.'

The transfer was celebrated by members of the Ponca Tribe as well as environmental advocates who oppose the construction of the pipeline and continue to demand a total transition to renewable energy.

'We want to protect this land,' Larry Wright Jr., the chairman of the Ponca Tribe of Nebraska, told the World-Herald. "We don't want to see a pipeline go through."

'While TransCanada is trampling on Indigenous rights to fatten their bottom line, Native leaders are resisting by building renewable energy solutions like solar panels in the path of the pipeline,' said 350.org executive director May Boeve.

'Repatriating this land to the Ponca Tribe raises new challenges for the Keystone XL pipeline and respects the leadership of Native nations in the fight against the fossil fuel industry," she added. "Tribal sovereignty is central to the movement to keep fossil fuels in the ground and build a more just society for all.'

Author and 350.org cofounder Bill McKibben called the land transfer an 'important strategic move," while also noting that 'it's sacred ground.'

In recent years, the Tanderups have worked with Ponca leaders to grow the tribe's sacred corn on the land that's now been returned. The signing ceremony featured the fifth planting of the corn and a performance by Ponca singers and grass dancers.

'It's an honor to be here today to celebrate this gracious and generous donation nation to the Ponca Nation,' Wright said at the ceremony.

'This event is another step to healing old wounds and bringing our people together again to a land once ours.'

The Tanderups—who have joined with Indigenous and environmental advocates to protest Keystone XL—said the possibility of blocking the pipeline was only one of the factors that contributed to their decision.

'The Ponca and people of this community continue to build strong relationships as they work in collaborative efforts," Art Tanderup told the Norfolk Daily News. "It is only fitting that out of the tragedy of the Ponca Trail of Tears that a small piece of this historic trail be transferred to them.'

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Michael Greenstone, "Four Years After Declaring War on Pollution, China Is Winning: Research gives estimates on the longer lives that are now possible in the country," The New York Times, March 12, 2018, https://www.nytimes.com/2018/03/12/upshot/china-pollution-environment-longer-lives.html?ref=collection%2Fissuecollection%2Ftodays-new-york-times&action=click&contentCollection=todayspaper&region=rank&module=package&version=highlights&contentPlacement=12&pftype=collection, reported that China's effort to reduce pollution, begun in 2014, is bringing results, though with costs. "In particular, cities have cut concentrations of fine particulates in the air by 32 percent on average, in just those four years."
"If China sustains these reductions, recent research by my colleagues and me indicates that residents will see significant improvements to their health, extending their life spans by months or years.

How did China get here? In the months before the premier’s speech, the country released a national air quality action plan that required all urban areas to reduce concentrations of fine particulate matter pollution by at least 10 percent, more in some cities. The Beijing area was required to reduce pollution by 25 percent, and the city set aside an astounding $120 billion for that purpose.

To reach these targets, China prohibited new coal-fired power plants in the country’s most polluted regions, including the Beijing area. Existing plants were told to reduce their emissions. If they didn’t, the coal was replaced with natural gas. Large cities, including Beijing, Shanghai and Guangzhou, restricted the number of cars on the road. The country also reduced its iron- and steel-making capacity and shut down coal mines.

The rapid rate of change has had human costs. In some instances Chinese authorities have taken extreme measures to reduce pollution. For example, coal boilers used to provide heat were removed from many homes and businesses before replacements were available, leaving many without heat during the winter.

Kendra Pierre-Lewis, "Your Burning Question," The New York Times, "Climate Fwd:" e-mail: nytdirect@nytimes.com, January 35, 2017, reported, "How much of the problem is caused by methane gas emitted from raising farm animals for the meat industry?

About 8% of world wide greenhouse gas emissions are estimated to come from agriculture, including farming and herding. In the United States, including very greenhouse warming methane, that is the equivalent of 574 million metric tons of carbon dioxide emissions a year and 56 million metric tons in Canada. In the U.S. approximately 42 percent of agricultural emissions are from animals, mostly consisting of methane. World wide, from 14.5% to 18% of agricultural greenhouse gas emissions are produced by animals.

These calculations do not include those directly or indirectly stemming from fertilizer. Also, the figures might change if changes were made in animal husbandry, such as if cows were removed from grasslands, which were left to wild animals, such as bison and deer.

The Green Climate Fund, organized to help poorer countries and areas meet climate change, had spent $2.6 billion by late 2017, but with little transparency in the decision making, there are indications that much of the funding is not going where it was intended, the poorest places that need it most (Hirokoi Tabuchi, "Climate Funds, Meant for Poorest, Raise Red Flags," The New York Times, November 17, 2017).

"Climate Change Trends and Impacts on California Agriculture: A Detailed Review, by Tapan B. Pathak 1,* , Mahesh L. Maskey 2, Jeffery A. Dahlberg 3, Faith Kearns 4, Khaled M. Bali 3 and Daniele Zaccaria, 2 Agronomy, Received: 9 November 2017; Accepted: 21 February 2018; Published: 26 February 2018, https://assets.documentcloud.org/documents/4405251/Agronomy-08-00025.pdf, * Correspondence: tpathak@ucmerced.edu; Tel.: +1-209-228-2520 found, "Abstract: California is a global leader in the agricultural sector and produces more than 400 types of commodities. The state produces over a third of the country’s vegetables and two-thirds of its fruits and nuts. Despite being highly productive, current and future climate change poses many challenges to the agricultural sector. This paper provides a summary of the current state of knowledge on historical and future trends in climate and their impacts on California agriculture. We present a synthesis of climate change impacts on California agriculture in the context of: (1) historic trends and projected changes in temperature, precipitation, snowpack, heat waves, drought, and flood events; and (2) consequent impacts on crop yields, chill hours, pests and diseases, and agricultural vulnerability to climate risks. Finally, we highlight important findings and directions for future research and implementation. The detailed review presented in this paper provides sufficient evidence that the climate in California has changed significantly and is expected to continue changing in the future, and justifies the urgency and importance of enhancing the adaptive capacity of agriculture and reducing vulnerability to climate change. Since agriculture in California is very diverse and each crop responds to climate differently, climate adaptation research should be locally focused along with effective stakeholder engagement and systematic outreach efforts for effective adoption and implementation. The expected readership of this paper includes local
stakeholders, researchers, state and national agencies, and international communities interested in learning about climate change and California’s agriculture."

The full article is at: https://assets.documentcloud.org/documents/4405251/Agronomy-08-00025.pdf.

Findings included, "The impacts of climate change on crop yields for different field crops such as alfalfa, cotton, maize, wither wheat, tomato, rice, and sunflower in Yolo County and throughout the Central Valley as seen in Figure 11 [40,41] were modeled using a process-based crop model named Daycent. The model provided best estimates of yields for the period from 2000 through 2050 under high- and low-emission scenarios. While alfalfa yields were predicted to increase under climate change, yields from tomato and rice remain unaffected. The effect on wine grape yield is not expected to be high; temperature increases might adversely influence fruit quality. Heat waves in May predicted yield losses of 1–10% for maize, rice, sunflower, and tomato, whereas heat waves in June affected maize and sunflower yields [41]. Overall, a 4 ◦C increase in temperature may reduce yields from most fruits by more than 5%, and this figure may reach up to 40% in some important regions [42]."

"Many fruit and nut crops require cold temperatures in winter to break dormancy. This requirement defines a location’s suitability for the production of many tree crops [43,44]. These fruit and nut species adapt to temperate or cool subtropical climates where chilling each winter is needed to achieve homogeneous and simultaneous flowering and steady crop yields. Quantifying chilling requirements is crucial for the successful cultivation of such crops, and temperature records are converted into a metric of coldness. The lack of adequate chilling hours can delay pollination and foliation, reducing fruit yield and quality [45]. The effects of insufficient winter chill can vary among species. Walnuts and pistachios depend on synchronization between male and female flowering that is regulated by the number of chilling hours. For various stone fruits, a lack of winter chill results in delayed foliation, reduced fruit set, and poor fruit quality. In many cases, insufficient winter chilling hours result in reduced tree crop performance."

Figure 12 portrays historic and projected future changes in winter chill in California according to two different chilling models: chilling hours and dynamic models [44]. This research aimed at determining time-line management measures, such as the spraying of dormancy-breaking chemicals, as a predictor of crop yield potential for the season. The study reported that climatic conditions by the end of the 21st century would no longer support some of the main tree crops currently grown in California."

"Prices for solar, wind, and battery storage have been continuing to decline and have reached the point where renewables are increasingly squeezing out all forms of fossil fuel power, including natural gas. From March 2017 to March 2018 the cost of constructing new solar plants decreased by 20 percent, while prices for onshore wind declined 12 percent, according to the Bloomberg New Energy Finance (BNEF) report: https://www.bloomberg.com/news/articles/2018-03-28/fossil-fuels-squeezed-by-plunge-in-cost-of-renewables-bnef-says. Since 2010, the prices for lithium-ion batteries used in energy storage have declined 79 percent (Joe Romm, "Stunning drops in solar, wind costs mean economic case for coal, gas is ‘crumbling’: Things are only going to get tougher for gas and coal compared to renewables," Think Progress, March 29, 2018, https://thinkprogress.org/solar-wind-power-prices-are-beating-natural-gas-c9912054400c/)."

"The valley’s animal herders have long known the unusual properties of the ground under their feet. On chilly days, they warmed themselves near vents that emit plumes of hot steam. Now, Kenya is increasingly harnessing that steam to turn generators that can allow it to expand electrical service and power its rapidly growing economy."

"The park, about 50 miles from the capital of Nairobi, sits over the East African Rift, a huge fracture in the earth’s crust that also cuts through Tanzania, Uganda, Ethiopia and other countries. Steam from here..."
helped generate 47 percent of Kenya’s electricity in 2015, with hydropower (nearly 35 percent) generating much of the rest.

Kenya has pushed hard to harness its geothermal capabilities. It generated 45 megawatts of power with geothermal energy in 1985 and now generates about 630 megawatts; nearly 400 megawatts of that production has come online since 2014."

"That explosive growth has made geothermal power a promising source of renewable energy for a country of 44 million people that is expected to nearly double in population by 2050."

Norway, Europe’s largest oil producer, was considering divesting from oil investments, in December 2017 (Clifford Krauss, "Norway, Europe's Top Oil Producer, Considers Divesting From Oil Shares," The New York Times, December 17, 2017).

President Trump’s administration announced, in early January, that it would allow gas and oil drilling in almost all U.S. coastal waters (Lisa Friedman, "Trump Moves To Open Coasts to Oil Drilling,” The New York Times, January 5, 2017).


Under the measure, the E.P.A. will require that the underlying data for all scientific studies used by the agency to formulate air and water regulations be publicly available. That would sharply limit the number of studies available for consideration because much research relies on confidential health data from study subjects."

If the rule is approved, there is a good possibility it would be struck down in federal court.

Earth Justice reported, June 15, 2018, "Today, Scott Pruitt, the head of the Environmental Protection Agency, has demonstrated again that he has no business running the agency charged with protecting the environment. How? By announcing that the EPA is moving forward with a plan that will undermine vital clean water protections by eviscerating the Clean Water Rule.

The Clean Water Rule was finalized in 2015 after years of scientific research and public engagement to help state and federal agencies protect our streams, rivers and wetlands under the bipartisan Clean Water Act. It is a commonsense safeguard that protects the drinking water sources for 117 million people across the country.

So why is the head of the EPA trying to deny millions of people access to clean water? As the recent slew of ethics scandals implies, he habitually cuts corners and protects big corporations at the expense of our health.

The fact of the matter is that some of the few people who will benefit from this law being repealed and replaced with a much weaker option are golf course owners and real estate developers. President Trump is both of these."


Under a law passed by Congress during the final year of the Obama administration, the E.P.A. was required for the first time to evaluate hundreds of potentially toxic chemicals and determine if they should face new
restrictions, or even be removed from the market. The chemicals include many in everyday use, such as dry-cleaning solvents, paint strippers and substances used in health and beauty products like shampoos and cosmetics.

But as it moves forward reviewing the first batch of 10 chemicals, the E.P.A. has in most cases decided to exclude from its calculations any potential exposure caused by the substances’ presence in the air, the ground or water, according to more than 1,500 pages of documents released last week by the agency.

Instead, the agency will focus on possible harm caused by direct contact with a chemical in the workplace or elsewhere. The approach means that the improper disposal of chemicals — leading to the contamination of drinking water, for instance — will often not be a factor in deciding whether to restrict or ban them."

Andrea Germanos, "Federal Court Blocks Trump's 'Bizarre Attempt to Encourage Toxic Tailpipe Pollution': Appeals court ruling hailed as win for consumers, public health, and planet," Common Dreams, April 23, 2018, https://www.commondreams.org/news/2018/04/23/federal-court-blocks-trumps-bizarre-attempt-encourage-toxic-tailpipe-pollution?utm_term=Federal%20Court%20Blocks%20Trump%27s%20%22Bizarre%20Attempt%20to%20Encourage%20Toxic%20Tailpipe%20Pollution%22&utm_campaign=News%2020%2526%20Views%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%
The next day, Public Employees for Environmental Responsibility, or PEER, filed a Freedom of Information Act request seeking the studies Pruitt used to make his claims. Specifically, the group requested “EPA documents that support the conclusion that human activity is not the largest factor driving global climate change.”

On Friday, the chief judge of the U.S. District Court for the District of Columbia, Beryl Howell, ordered the agency to comply."


A provision aimed at encouraging the use of parts from trucks destroyed or damaged in accidents has been allowing trucks legally to operate with rebuilt engines that spew as much as 40% - 55% more pollution than newer trucks are required to be limited to (Eric Lipton, "Steering Big Rigs Around Emissions Standards," The New York Times, February 15, 2018).

Jessica Kutz, "What’s quelling the anxiety of electric-car drivers?, New Mexico Political Report, March 22, 2018, http://nmpoliticalreport.com/816486/whats-quelling-the-anxiety-of-electric-car-drivers/?mc_cid=f20759c93e&mc_eid=cde7993ced, reported, "In October, governors from Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah and Wyoming signed an agreement to add high-speed charging stations to every major interstate in the region. Christian Williss, director of transportation fuels and technology at the Colorado Energy Office, said his state aims to make charging 'as quick and convenient' as gassing up.

It’s up to each state to figure out its individual infrastructure plans. Colorado released its own plans in January, which include installing signage so that both EV and non-EV drivers become familiar with charging locations, and building out fast-charging corridors.

In Norway, in 2017, more electric and hybrid automobiles were sold than fossil fuel powered vehicles (Amie Tsang and Henrick Pryser Libell, "Ellecticric and Hybrid Cars Take Lead in Norway," The New York Times, January 5, 2017).

Alister Doyle, "Norway tests tiny electric plane, sees passenger flights by 2025," Reuters, June 18, 2018, https://www.reuters.com/article/us-norway-electric-flight/norway-tests-tiny-electric-plane-sees-passenger-flights-by-2025-idUSKBN1JE27D, reported, "Norway tested a two-seater electric plane on Monday and predicted a start to passenger flights by 2025 if new aviation technologies match a green shift that has made Norwegians the world’s top buyers of electric cars."

Brad Plumer, "A roadblock for electric cars," The New York Times, May 23, 2018, https://static.nytimes.com/email-content/CLIM_2339.html?nlid=52235981, reported, "There's a lot that needs to happen before electric vehicles take over the world. Battery costs need to fall, more charging stations need to get built and drivers need to get more comfortable with the technology.

But this week three researchers in Europe found that there’s another potential hurdle for electric cars to clear: auto dealers.

In their study, published in Nature Energy, the members of the research team made 126 visits to 82 car dealerships in Denmark, Norway, Sweden, Finland and Iceland.

What they found was striking: In 77 percent of visits to dealerships that stocked electric cars, the sales staff didn’t even discuss the vehicles as an option. Many dealerships were 'dismissive' of electric cars or provided incorrect information about the technology, instead steering customers toward conventional gasoline or diesel models."

The reason most auto sales people did not make much effort to electric cars if that most customers were not initially interested, and it took four times as long to explain about electric vehicles, than those with internal
combustion engines. Some experts expect the situation to change as there are more charging stations and cheaper batteries.


About 2km (1.2 miles) of electric rail has been embedded in a public road near Stockholm, but the government’s roads agency has already drafted a national map for future expansion.

Sweden’s target of achieving independence from fossil fuel by 2030 requires a 70% reduction in the transport sector."


In conjunction with their "Drive Change. Drive Electric." marketing campaign, the states have made public their strategy to encourage investment in fast chargers for heavily traveled interstate corridors as well as public Level 2 charging infrastructure that includes in multi-family housing."

A University of Wisconsin-Madison study found that U.S. federal legislation requiring gasoline to contain 10% ethanol resulted in greatly increased carbon dioxide pollution, greatly outweighing any benefits of the move, between 2008 and 2012. One result was an increase in cultivated land of 7 million acres, causing CO2 to be released from the soil. Over all, the increase in CO2 entering the atmosphere as a result of the switch to ethanol was equivalent to having 20 million new cars on the road each year (Lee Bergquist, "Ethanol's unintended effects debated," Albuquerque Journal, August 10, 2018).

While natural gas remains the number one fuel for generating electricity in the U.S., in 2018, an increasing number of electric generating utilities are finding solar and wind cheaper, and are going to these renewables rather than building new fossil fuel powered plants, and some gas plants have been shut down in a switch to cheaper renewables (Ivan Penn, "Natural Gas Is Still Number One, But Renewable Energy Is Shaking Up the Utility Industry," The New York Times, March 29, 2018).

Kendra Pierre-Louis, Can the Games be Green?, The New York Times, February 21, 2018, https://www.nytimes.com/newsletters/2018/02/21/climate-change?nlid=52235981, reported, "Last month, we told you about how climate change may limit the available sites for future Winter Olympics. The organizers of the Pyeongchang Games say they want to do their part to limit their impact on global warming. That raises a question: How sustainable are the Olympics?

The Pyeongchang organizing committee estimates the Games will generate 1.6 million metric tons of carbon dioxide emissions, of which roughly a third will come from transporting athletes and spectators to South Korea and housing them. The emissions total is a bit more than Barbados produces in a year. The organizers are raising funds to buy carbon offsets, but how much they secure won’t be finalized until the end of the month."

Beavers have joined the positive feedbacks increasing global warming. As they head further north in tundra land with warming temperatures, their dam building creates new water courses that speed the melting of permafrost and the release of methane into the atmosphere (Kendra Perre-Lewis, "Beavers Thaw Permafrost As They Head Further North," The New York Times, October 1, 2017).
Steve Hanley, "Tesla To Construct Virtual Solar Power Plant Using 50,000 Homes In South Australia," Cleantechnica.com, February 4th, 2018, https://cleantechnica.com, reported, "When Elon Musk offered to build what would be the largest grid storage battery installation in the world in South Australia last year, he set off a chain of events that may have implications for the entire world. In a show of typical Muskian over-the-top bravado, Elon promised to build the entire facility in 100 days or it would be free. It was completed nearly 40 days early.

Since then, the project has performed precisely as advertised, bringing stability to the grid in South Australia and making money for Neoen, the system operator, which recently pocketed $800,000 in 48 hours by absorbing excess electricity from the grid and selling it back to the grid operator later when demand increased.

Australia — with its abundant sunshine — has already been a leader in rooftop solar, but the country also has blinders on when it comes to power because it sits on vast reserves of coal — enough to meet all the world’s energy needs for 1,000 years some people claim. A substantial part of Australia’s economy is tied to mining coal and shipping it to India, China, and other Asian countries. That means that, just like in America, coal plays an important role in national politics. As just one example, the grid storage plan in South Australia raised the hackles of quite a few politicians who owe their exalted positions to the generosity of coal companies.

But Musk and his audacity have caused the scales to fall from the eyes of more people Down Under. Now, Tesla and the government of South Australia have announced a stunning new project that could change how electricity is generated not only in Australia but in every country in the world. They plan to install rooftop solar system on 50,000 homes in the next 4 years and link them together with grid storage facilities to create the largest virtual solar power plant in history.

And here’s the kicker: The rooftop solar systems will be free.

The cost of the project will be recouped over time by selling the electricity generated to those who consume it. 'We will use people’s homes as a way to generate energy for the South Australian grid, with participating households benefiting with significant savings in their energy bills,' says South Australia’s premier Jay Weatherill. 'More renewable energy means cheaper power for all South Australians.'"

350.org, reported via E-mail, January 10, 2017, New York Mayor Bill de Blasio as he made two major announcements: New York's pension funds will divest from the big oil and gas companies, and the city is suing the biggest of these corporations for the climate damage they've caused.

The new tax legislation passed by Congress and signed by the President, in late December 2017, permits oil and gas drilling in the Arctic Refuge. However, the process leading to the beginning of drilling is expected to take several years, and may well be further delayed by law suits (Henry Fountain and Lisa Friedman, "What's Next for the Arctic Refuge Rule," The New York Times, December 22, 2017).


The scientists say that the increase is likely a result of new, unreported production of the gas, known as CFC-11, probably in East Asia. Global production of CFC-11, which has been used as a refrigerant and in insulating foams, has been banned since 2010 under an environmental pact, the Montreal Protocol."

The National Institutes of Health has awarded a $4.4 million grant to extend and broaden the Navajo Birth Cohort Study. The study has found high levels of uranium in some young people (Ciondy Yurth. "Birth Cohort Study to continue, expand with new grant: study finds high uranium levels in some kids," Navajo Times, January 11, 2018).

Milk in the Ukraine, far from the site of the Chernobyl nuclear disaster, is still tainted by radioactivity, more than three decades after the nuclear meltdown at the atomic power plant (Richard Perez-Pena, "Chernobyl Disaster Is Still Tainting Milk in the Ukraine," The New York Times, June 9, 2018).
Sydney Greene, "Large portions of West Texas sinking at alarming rate, new report finds," The Texas Tribune (Facebook @TexasTribune, Twitter @TexasTribune, Instagram @Texas_Tribune), March 22, 2018, https://www.texastribune.org/content/republish/119760/, reported, "

Nearly two years after a pair of giant West Texas sinkholes gained national attention, new research in the area shows they likely won't be the last in the region.

A report released Thursday by geophysicists at Southern Methodist University says a 4,000-square-mile area near the 'Wink Sinks' is showing signs of alarming instability.

'The ground movement we’re seeing is not normal. The ground doesn’t typically do this without some cause,' SMU geophysicist Zhong Lu said in a statement.

The Wink Sinks — two gaping sinkholes that sit between the small towns of Wink and Kermit atop the largely tapped out Hendrick oilfield — gained national attention in 2016 after a study revealed they were at risk of collapsing into each other as they grew and the land around them sank.

But the new report says the damage could be much more widespread. Over almost three years, researchers tracking geological activity over four oil patch counties in the Permian Basin found that decades of oil activity and its effects on rocks below the earth's surface has contributed to the area’s ground sinking and uplifting — including one area where the ground sank almost 40 inches.

The report warns that the area of instability could be larger than the surveyed land — and that the entire region is vulnerable to human activity because of its geology.

'This region of Texas has been punctured like a pin cushion with oil wells and injection wells since the 1940s, and our findings associate that activity with ground movement,' study co-author Jin-Woo Kim said in a statement.

A previous SMU report focused on the Wink Sinks, warning that they were continuing to grow while the land around them was sinking. Kim said Texans in the area should pay special attention to roads, like FM 1053 near Imperial, that are experiencing rapid sinking.

'When residents take the roads, they may need to be alerted. Also, the rapid subsidence will not be stopped in a few years, creating cracks and potholes,' Kim told The Texas Tribune. 'Therefore, Texas [Department of Transportation] may need to suspend the use of the roads, or if needed, they have to consider relocating them.'

The Texas Department of Transportation could not be reached for comment as of Thursday afternoon.


Ailene Rogers, "How is education throughout the U.S. dealing with climate change?" The New York Times, February 21, 2018, https://www.nytimes.com/newsletters/2018/02/21/climate-change?nlid=52235981, reported, "While scientists overwhelmingly agree that human activity is the primary driver of global warming, climate change is presented as a controversial subject in a significant number of American classrooms, according to research from the National Center for Science Education, which monitors anti-science teaching.

In a 2016 study that surveyed 1,500 public middle and high-school science teachers, roughly 75 percent said they devoted at least one class session to climate change. But of those teachers, around 30 percent taught their students that scientists are split on whether recent climate change is the result of human activities, and 10 percent emphasized the views of scientists who think that it is not."

production in the nation’s hottest shale field by 2025 in the newest sign that the boom in national crude production is gaining momentum.

The company cited the recent reduction in the corporate tax rate as one reason for its increased interest in investing more in the Permian Basin, which straddles West Texas and New Mexico. It is also a logical sequel to its acquisition of 275,000 acres of Permian fields in New Mexico from the Bass family of Fort Worth last year for up to $6.6 billion in stock and cash."

**A major reason for the increase in U.S. oil and gas drilling is the rise in oil prices.**

The rise in oil prices has made oil drilling, almost entirely via fracking, viable again in the United States. In many areas where extensive fracking was cut back or ceased when oil prices dropped, a drilling boom has begun again. This, again, has brought to the fore conflicts over fracking as to whether it should take place; if it is to take place where is it O.K. to do so; and if at all, how - with what regulations - is to O.K. for fracking to proceed. The issue of where fracking is, and is not O.K., has been particularly contentious in Weld County, Colorado, north of Denver. There, rapid population growth is in progress as fracking greatly increases, with a 70% increase in drilling applications in the last year.

"In Weld County — the center of the state’s oil and gas activity and home to more than 23,000 active wells — that tension has converged at a school called Bella Romero Academy. Just behind the school, workers are laying the foundation for a 24-well project that will pull oil and gas from the earth as students race across the playground.

The project has the support of state regulators and the county commission. But it is opposed by the school board, the superintendent and many parents, some of whom say they support fossil fuel development but are alarmed by such a large operation so close to their school."

Andy Stiny, "Judge pulls plug on N.M. area fracking — for now, Santa Fe New Mexican, Jun e14, 2018, http://www.santafenewmexican.com/news/local_news/judge-pulls-plug-on-n-m-area-fracking-for-now/article_9f10b10f-3aff-550f-a95e-ad8005e1534c.html, reported, "In a victory for conservation groups, a federal judge on Thursday rejected a government finding that no significant environmental impact would occur if hydraulic fracturing were used in drilling for oil or gas on 13 leased parcels in the Four Corners area.

The U.S. Bureau of Land Management proposed hydraulic fracturing and approved the lease sale in October 2015.

But Senior U.S. District Court Judge M. Christina Armijo set aside the leases on about 20,000 acres and sent the issue back to the BLM 'for further analysis and action."

Deb Haaland, "Trump’s Solar Panel Tariff Will Cost 23,000 Us Jobs," Newsweek, January 31, 2018, reported in a forwarded E-mail, "President Donald Trump just slapped a whopping 30 percent tariff on solar panel imports." This will hurt the solar industry, and as a result the economy, likely costing 30,000 jobs and stopping the growth of an expanding industry."

Harvey Wasserman, "Trump’s Assault on Solar Masks an Epic Crisis in the Nuclear Industry," The Progressive, January 25, 2018, http://progressive.org/dispatches/trumps-assault-on-solar-masks-an-epic-crisis-in-nuclear-180125/, reported, "As Donald Trump launches his latest assault on renewable energy—imposing a 30 percent tariff on solar panels imported from China—a major crisis in the nuclear power industry is threatening to shut four high-profile reactors, with more shutdowns to come. These closures could pave the way for thousands of new jobs in wind and solar, offsetting at least some of the losses from Trump’s attack."

New Energy Economy wrote in an April 19 E-mail, "we solarized the Hahn community center at Pueblo de Cochiti."

Nathanel Johnson, "California is turning farms into carbon-sucking factories," Grist50, May 11, 2018 , https://grist.org/article/california-is-turning-farms-into-carbon-sucking-factories/, reported, "In a grand experiment, California switched on a fleet of high-tech greenhouse gas removal machines last month. Funded
by the state’s cap-and-trade program, they’re designed to reverse climate change by sucking carbon dioxide out of the atmosphere. These wonderfully complex machines are more high-tech than anything humans have designed. They’re called plants.

Seriously, though: Plants breathe in carbon dioxide and breathe out oxygen. They break open the tough CO2 molecule and use the carbon to build their leaves and roots. In the process, they deposit carbon into the ground. For years people have excitedly discussed the possibility of stashing carbon in the soil while growing food. Now, for the first time, California is using cap-and-trade money to pay farmers to do it on a large scale. It’s called the California Healthy Soils Initiative."

The techniques being applied to about 50 farms in California are expected to pull about 1,088 tons of carbon a year out of the atmosphere, while increasing the water retention of the soil. In one case, the method involved planted clover to cover the ground between the trunks of almond trees in an orchard. There are numerous variations of combining plants, reminiscent of ancient American Indian farming, combining food plants in gardens that supplied both a variety of important foods while supporting the soil and the plants. California is the first state to officially apply this method on a substantial scale. Oklahoma, has been experimenting on a small scale, since 2001, with soil carbon agriculture.

Lisa Friedman and Marina Affo and Derek Kravitz, "Brain drain at the EPA," New Mexico Poliical Report, December 22, 2017, http://nmpoliticalreport.com/788280/brain-drain-at-the-epa/?mc_id=12b6993b7b&mc_eid=cde7993ced, reported, "More than 700 people have left the Environmental Protection Agency since President Donald Trump took office, a wave of departures that puts the administration nearly a quarter of the way toward its goal of shrinking the agency to levels last seen during the Reagan administration.

Of the employees who have quit, retired or taken a buyout package since the beginning of the year, more than 200 are scientists. An additional 96 are environmental protection specialists, a broad category that includes scientists as well as others experienced in investigating and analyzing pollution levels. Nine department directors have departed the agency as well as dozens of attorneys and program managers. Most of the employees who have left are not being replaced.

The departures reflect poor morale and a sense of grievance at the agency, which has been criticized by Trump and top Republicans in Congress as bloated and guilty of regulatory overreach. That unease is likely to deepen following revelations that Republican campaign operatives were using the Freedom of Information Act to request copies of emails from EPA officials suspected of opposing Trump and his agenda."

In Germany renewable electricity is now so developed that at times of low electricity use consumers are paid to use electric power (Stanley Reed, "Power Prices Go Negative in Germany, a Positive for Consumers," The New York Times, December 26, 2017).

Over the past decade, Saudi Arabia has been investing heavily in solar energy (Stanley Reed, "From Black Gold to Golden Rays," The New York Times, February 6, 2018).

The use of solar power to generate electricity around the world by 12% in 2017 (Somini Sengupta, "Use of Solar Power Grew, But only 12% Globally," The New York Times, April 6, 2018).


Abstract

International climate change agreements typically specify global warming thresholds as policy targets1, but the relative economic benefits of achieving these temperature targets remain poorly understood2,3. Uncertainties include the spatial pattern of temperature change, how global and regional economic output will respond to these changes in temperature, and the willingness of societies to trade present for future consumption. Here we combine historical evidence4 with national-level climate5 and socioeconomic6 projections to quantify the economic
damages associated with the United Nations (UN) targets of 1.5 °C and 2 °C global warming, and those associated with current UN national-level mitigation commitments (which together approach 3 °C warming). We find that by the end of this century, there is a more than 75% chance that limiting warming to 1.5 °C would reduce economic damages relative to 2 °C, and a more than 60% chance that the accumulated global benefits will exceed US$20 trillion under a 3% discount rate (2010 US dollars). We also estimate that 71% of countries—representing 90% of the global population—have a more than 75% chance of experiencing reduced economic damages at 1.5 °C, with poorer countries benefiting most. Our results could understate the benefits of limiting warming to 1.5 °C if unprecedented extreme outcomes, such as large-scale sea level rise, occur for warming of 2 °C but not for warming of 1.5 °C. Inclusion of other unquantified sources of uncertainty, such as uncertainty in secular growth rates beyond that contained in existing socioeconomic scenarios, could also result in less precise impact estimates. We find considerably greater reductions in global economic output beyond 2 °C. Relative to a world that did not warm beyond 2000–2010 levels, we project 15%–25% reductions in per capita output by 2100 for the 2.5–3 °C of global warming implied by current national commitments, and reductions of more than 30% for 4 °C warming. Our results therefore suggest that achieving the 1.5 °C target is likely to reduce aggregate damages and lessen global inequality, and that failing to meet the 2 °C target is likely to increase economic damages substantially.


The storm's effects were felt as far south as Georgia and as far north as Maine. In Rhode Island, the winds were so severe that officials shut down the Newport Bridge. In New York City, most flights were grounded for a time on Friday afternoon. And in the Washington suburbs, downed trees were strewn across the streets.

More than 3,000 flights were canceled and more than 3,500 others delayed across the country on Friday, according to FlightAware, many at coastal airports in the storm's path. Amtrak suspended service along its Northeast Corridor, and more than two million people lost electricity. Meteorologists at the National Weather Service said coastal flooding had damaged homes, closed roads and sent at least one car floating down a street, warning that more water-related destruction could be forthcoming."
Radio weather reports told of a third major storm dumping deep snow from northern New England to southern Appalachia, disrupting transportation, including thousands of flights, and reducing human activity, on March 21, the first day of spring in 2018.

Radio reports, June 30, 2018, indicated that much of the United States was under a heat bubble, expected to bring near record, and record temperatures for the day, in numerous municipalities across a wide area.

A disaster was declared, in December 2017, at Acoma Pueblo in New Mexico to help with repairs from serious flooding that occurred from an unusually heavy October 4-6 storm ("Disaster declared due to Oct. storm at Acoma," Navajo Times, January 4, 2018).

In Colorado, the Southern Ute Tribe Wildlife Division reported, in February, that unusually warm weather and shortage of snow changed migration patterns, bringing few elk onto the reservation this past winter (Jeremy Wade Shockley, Migration patterns shift due to unseasonable warm weather, lack of snow, "Southern Ute Drum," February 2, 2018).


Governor Steve Bullock today encouraged Montanans across the state to assist Montanans in need suffering from the impacts of severe winter weather across the state. Governor Bullock Tuesday declared a winter storm emergency in Northwestern and Southeastern Montana, including on the Blackfeet, Fort Belknap, and Northern Cheyenne reservations and in Glacier and Golden Valley Counties."

John Schwartz, "Canada’s Outdoor Rinks Are Melting. So Is a Way of Life," The New York Times, March 20, 2018, https://www.nytimes.com/2018/03/20/climate/canada-outdoor-rinks.html?ref=collection%2Fissuecollection%2Ftodays-new-york-times&action=click&contentCollection=todayspaper&region=rank&module=package&version=highlights&contentPlacement=8&pgtype=collection, reported, "A rink like the Williamses’ used to offer good skating in this part of Canada from early December into March. But on this late February afternoon, the temperature outside was 55 degrees and rain had fallen steadily all day. The week before, two feet of snow — mostly gone now, with leftover mounds seeping foggy wisps into the saturated air — blanketed the ground."

"But Mr. Williams is finding it hard to maintain the ice in a warming world. “There’s a huge difference between when I grew up and was skating outside, and the last five years of skating out here,” he said. “Will my kids, my grandkids, be able to play in an outdoor rink? Probably not. It might be a dying tradition.”

That day last month happened to be the warmest Feb. 20 in recorded history for Waterloo. The previous record was set in 2016, noted Robert McLeman, an environmental scientist at Wilfrid Laurier University here."

The Seine River overflowed its banks again in Paris and several nearby cities this week, a mere 18 months after reaching its highest level since 1982.

Thirteen of France’s 96 administrative departments had flood alerts as of Friday, in what the monitoring body Météo-France says is the country’s wettest winter since 1959.

Some experts suggest climate change is likely to make such events more frequent. And an international body chose this week to publish a study arguing that Paris and the rest of the Seine basin needed greater protection against the risk of a catastrophic flood.

A powerful storm struck western Europe with wind, rain and snow, killing at least 7 people in Germany, Holland and Belgium, in mid-January (Mike Corder, "Gale lashes region, 7 die amid traffic chaos," San Francisco Chronicle, January 19, 2018).


Since last Friday, Europe has been locked in a Siberian weather pattern that has pummeled the Continent with snow, freezing rain and brutal wind chills, paralyzing cities unaccustomed to more than a thin wet film of snow and killing dozens of people, mainly older and homeless people.

The weather system that is being called the “Beast From the East” has hit Britain especially hard, with some areas buried in up to three feet of snow and pushing temperatures as low as 14 degrees Fahrenheit (minus 10 Celsius).


And on Friday, Britain and Ireland were buffeted by a storm that brought snow and high winds, along with cold that was expected to linger for days.

If Europe feels like the Arctic right now, the Arctic itself is balmy by comparison. The North Pole is above the freezing mark in the dead of winter; there are no direct measurements there, but merging satellite data with other temperature data shows that temperatures soared this week to 35 degrees Fahrenheit (2 degrees Celsius). That is 50 degrees Fahrenheit above normal, and 78 degrees warmer than in parts of Norway.

The Arctic warmth and the European cold snap have raised questions over whether the unusual weather occurrences are linked to each other, and if they are somehow related to climate change. Here are some answers."

A major one is that with climate change, the low pressure over the Arctic that used to keep its cold in place most of the time, is now broken through, with cold running south, and warmer air moving in from the south.

After a week of blizzards, freezing rain and brutal wind — some of the worst winter weather Britain has seen in decades — the sun finally emerged in northern England on Monday, piercing the thick gray storm clouds and melting layers of ice that had sent cars spinning off roads and left towns and cities paralyzed for days.

For most of England, the warmer conditions brought a thaw after a week of chaos, but for many in remote regions like some of the hills of the Pennines, the worst was far from over.

The extreme winds and snows, created by the collision of two weather systems, Storm Emma and a blast of arctic Siberian air nicknamed the Beast from the East, left several rural communities stranded for days with limited food and fuel, prompting the military to drop emergency supplies by helicopter on Monday.

Snowdrifts piled up to seven feet high in the northern Pennines, leaving some residents trapped in their homes for more than 48 hours before emergency services and volunteers were able to dig them out.

Local farmers were hit especially hard, with several losing livestock because of the deep snows, freezing temperatures and wind gusts up to 105 m.p.h. The Department for Environment, Food & Rural Affairs was being called upon to release emergency funds to help defray the costs of disposing of hundreds and perhaps thousands of sheep carcasses, at a cost of about $25 to $30 per animal.

Supermarkets ran out of milk, bread and fresh vegetables and some residents were cut off from urgent medical supplies.

Unusually heavy snow and rain trapped 13,000 tourists in the Zermatt area of Switzerland, in early January (Palko Karsz, "13,000 Tourists Trapped at Resort in Swiss Alps" January 11, 2018).

Unusually heavy rain caused a dam to break in Nakuru County, Kenya, destroying several villages and killing at least 44 people (Ruben Kyama and Richard Perez-Pena, "Villages Gone After Dam Fails in Kenya," The New York Times, May 11, 2018).

Rising seas and more intense storms have been increasingly rapidly collapsing the shore in northern Senegal, devouring homes and other buildings (Aurelien Breeden, "'Wrath of Costal Erosion' Devours a Fishing Hub in Senegal," The New York Times, May 24, 2018).

Iran has been suffering a serious, and unusual, drought this winter, bringing the levels of reservoirs supplying Tehran water very low, while usually snow covered mountains were bare. In late January a major blizzard brought much Iran relief, but it is likely to be only temporary (Thomas Erdbrink, "Iranians Prayed for Rain, but Were Covered in Snow," The New York Times, January 28, 2018, https://www.nytimes.com/2018/01/28/world/middleeast/iran-tehran-snow-drought.html?ref=todayspaper).


The United Nations humanitarian coordinator in Afghanistan said in a report released last week that a 'precipitation deficit' of 70 percent in most parts of the country had affected winter harvests, and resulted in grim prospects for the spring and summer.

Many farmers have seen their seeds dry out or have delayed planting crops, and there is little or no feed for livestock on pasturelands."

The drought has led to the displacement of thousands of people this spring, adding to the nearly two million who have been forced from their homes in recent years, largely because of violence."
Tropical storm Tmin killed at least 103 people on the Philippine island of Mindanao, as its heavy rains brought mud slides and major flooding. 20,000 people were forced from their homes when the Cagayan de Oro River overflowed its banks, in late December 2017 (Felipe Vilamor, "Tropical Storm Kills Over 100 in Philippines," The New York Times, December 24, 2017).

Michael Coleman "Zinke Cancels Chaco Canyon lease sale," Albuquerque Journal, March 1st, 2018, https://www.abqjournal.com/1140105/zinke-cancels-chaco-canyon-lease-sale.html, "U.S. Interior Secretary Ryan Zinke has canceled an oil and gas lease sale near Chaco Canyon in northern New Mexico until the agency can further review the impact on cultural artifacts in the area.

The sale was set for March 8."


Besides phasing out all chlorpyrifos uses by 2023, this comprehensive bill puts in place robust pesticide reporting, prohibits the use of the most toxic pesticides within 100 feet of schools during normal school hours, requires a pesticide drift monitoring pilot study, and beefs up funding for the state’s pesticide enforcement. Governor David Ige could sign the bill into law in the coming days.

Chlorpyrifos has been linked to reduced IQ and attention deficit disorder in children, and is highly toxic to farmworkers, some of whom have been poisoned by it on multiple occasions on Hawai‘i farms in recent years. Last year, the EPA refused to ban chlorpyrifos, claiming the science is 'unresolved' and decided it would study the issue until 2022."


A recent aerial survey shows that this international herd of southern mountain caribou, which spends part of its year in the Selkirk Mountains of northern Idaho and Washington near the Canadian border, has dwindled to just three animals and should be considered 'functionally extinct,' experts say."

A study by researchers at Dartmouth College and University of Wisconsin, Madison, has found that reservation forests in Wisconsin are generally have older trees, are more biologically diverse, and are more sustainable than surrounding national and state forests ("Wisconsin tribal forests more diverse and sustainable," NFIC, May 2018).

Brazil’s relaxed environmental regulation enforcement has been a major factor in the huge expanse of the countries cattle and soy industries into wetlands. Since 2002, 8700 miles of the Pantanal wetlands, the world’s largest, in Brazil, Paraguay, and Bolivia have become dry, in many places with yellow arid land (Enesto Londono, "Brazil Wavers on Environment, and Wetlands Start to Wither," The New York Times, December 24, 2017).

Laura Paskus, "When rivers, or at least their remnants, return," New Mexico Political Report, March 2, 2018, http://nmpoliticalreport.com/810233/when-rivers-or-at-least-their-remnants-return-en/?mc_cid=293785a9b3&mc_eid=cde7993ced, reported from La Ciénega de Santa Clara, Mexico, "Alejandra Calvo crosses a barren stretch of desert in Sonora, México almost daily during certain times of the year. The route
could easily disappear beneath blowing dust and when rain does fall here, it renders the road impassable. There are no birds or wildlife here, not even any visible plants.

It wasn’t always like this: Until the 1960s, the Colorado River spread across this delta on its path to the Sea of Cortez.


As flood danger grows — the consequence of a warming climate — the risk is that there will be more toxic spills like the one that struck Baytown, Texas, where Hurricane Harvey swamped a chemicals plant, releasing lye. Or like the ones at a Florida fertilizer plant that leaked phosphoric acid and an Ohio refinery that released benzene.

Flooding nationwide is likely to worsen because of climate change, an exhaustive scientific report by the federal government warned last year. Heavy rainfall is increasing in intensity and frequency.

At the same time, rising sea levels combined with more frequent and extensive flooding from coastal storms like hurricanes may increase the risk to chemical facilities near waterways.

The Times analysis looked at sites listed in the federal Toxic Release Inventory, which covers more than 21,600 facilities across the country that handle large amounts of toxic chemicals harmful to health or the environment.

Of those sites, more than 1,400 were in locations the Federal Emergency Management Agency considers to have a high risk of flooding. An additional 1,100 sites were in areas of moderate risk. Other industrial complexes lie just outside these defined flood-risk zones, obscuring their vulnerability as flood patterns shift and expand."

Brad Plumer and Nadja Popovich, "Here Are the Places That Struggle to Meet the Rules on Safe Drinking Water," The New York Times, February 12, 2018, https://www.nytimes.com/2018/02/12/climate/drinking-water-safety.html?em_pos=small&ref=headline&nl_art=0&te=1&nl=&emc=edit_clim_20180214, reported, "To ensure that tap water in the United States is safe to drink, the federal government has been steadily tightening the health standards for the nation’s water supplies for decades. But over and over again, local water systems around the country have failed to meet these requirements.

In a new study published in the Proceedings of the National Academy of Sciences, researchers found that, since 1982, between 3 and 10 percent of the country’s water systems have been in violation of federal Safe Drinking Water Act health standards each year. In 2015 alone, as many as 21 million Americans may have been exposed to unsafe drinking water.

Struggling to Meet New Water Quality Standards

Some rural water systems, especially in Texas and Oklahoma, have had many violations as new rules have gone into effect over the past decade.

Total violations per community water system, 2004-2015, Total violations per community water system, 2004-2015
No data, 5, 10, 25, 50
The problem is particularly severe in low-income rural areas, the study found. And the researchers identified several places, including Oklahoma and West Texas, that have repeatedly fallen short in complying with water safety rules issued by the Environmental Protection Agency over the past decade."

Jessica Corbett, "This Is a Big Deal': Fearing 'Public Relations Nightmare,' Pruitt's EPA Blocked Release of a Major Water Contamination Study: Journalists, members of Congress, environmental and public health advocates, and water experts are all calling on the Trump administration to "immediately" release the report, Common Dreams, May 15, 2018, https://www.commondreams.org/news/2018/05/15/big-deal-fearing-public-relations-nightmare-pruitts-epa-blocked-release-major-water?utm_term=%27This%20Is%20a%20Big%20Deal%27%2C%20Fearing%20%27Public%20Relations%20Nightmare%27%20Pruitt%27s%20EPA%20Blocked%20Release%20of%20a%20Major%20Water%20Contamination%20Study&utm_campaign=News%20%2526%20Views%20%7C%20%273A%20%20Court%20%27%2C%20%20China%20%20Funding%20%20Project%2C%20%20Violations%20%20of%20%20Constitution&utm_content=email&utm_source=Act-On+Software&utm_medium=email&cm_mmc=Act-On%20Software_-_email--News%20%2526%20Views%20%7C%20%273A%20%20Court%20%27%2C%20%20China%20%20Funding%20%20Project%2C%20%20Violations%20%20of%20%20Constitution--_%27This%20Is%20a%20Big%20Deal%27%2C%20Fearing%20%27Public%20Relations%20Nightmare%2C%20Pruitt%27s%20EPA%20Blocked%20Release%20of%20a%20Major%20Water%20Contamination%20Study., reported, "Fearing a 'public relations nightmare,' President Donald Trump's White House and the Environmental Protection Agency (EPA), under the reign of administrator Scott Pruitt, blocked the release of a major water contamination story, according to emails obtained by the Union of Concerned Scientists and reported on by Politico.

News of the Trump administration's interference with a federal study on 'a nationwide water-contamination crisis' infuriated reporters, politicians, experts, and advocates for public health and the environment. Friends of the Earth tweeted, 'Scott Pruitt is more worried about journalists than poisoning millions of Americans.'

'There's a lot of bleak news today, but this is important,' journalist Mariah Blake said Monday, pointing to the Politico report.

The chemicals that were under review are PFOA and PFOS, which, as Politico notes, "have long been used in products like Teflon and firefighting foam"—as well as by the Department of Defense, when it conducts exercises at U.S. bases—despite the fact that they "have been linked with thyroid defects, problems in pregnancy, and certain cancers, even at low levels of exposure."

The study, conducted by the Department of Health and Human Services' (HHS) Agency for Toxic Substances and Disease Registry (ATSDR), reportedly shows that these chemicals are dangerous to human health at far lower levels than previously known or disclosed by the EPA, and have 'contaminated water supplies near military bases, chemical plants, and other sites from New York to Michigan to West Virginia.'

One email sent by a White House aide to a staffer who oversees environmental issues at the Office of Budget and Management said:

'The public, media, and Congressional reaction to these numbers is going to be huge. ...The impact to EPA and [the Defense Department] is going to be extremely painful. We (DoD and EPA) cannot seem to get ATSDR to realize the potential public relations nightmare this is going to be.'

'Soon after the Trump White House raised concerns about the impending study,' Politico reports, 'EPA chief of staff Ryan Jackson reached out to his HHS counterpart, as well as senior officials in charge of the agency overseeing the assessment to discuss coordinating work among HHS, EPA, and the Pentagon.' However, according to HHS, there are no plans to publicly release the study.

'Only Scott Pruitt and the Trump administration would consider reducing drinking water contamination for the American people to be a 'nightmare,' remarked Ken Cook, president of the Environmental Working Group.

'This is a big deal,' oceanographer Jamie Collins said of the study and efforts to block its release.
Rep. Dan Kildee (D-Mich.), who was raised in and now represents Flint, Michigan—which has been poisoned by a water crisis created by state-mandated austerity measures—responded with a letter to Trump-appointed HHS Secretary Alex Azar, demanding that he 'immediately' release the study.

In a series of tweets, Sen. Maggie Hassan (D-N.H.) also called on the Trump administration to release the study.

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City officials criticized the decision, in part because Flint is still recovering from a crisis that left residents with dangerous levels of lead in their tap water beginning in 2014.

But Michigan officials said lead levels in the water there have not exceeded federal limits for about two years, so the state was closing the four remaining distribution centers where residents have been picking up cases of free water since January 2016.

"We have worked diligently to restore the water quality and the scientific data now proves the water system is stable and the need for bottled water has ended,' Mr. Snyder, a Republican, said in a statement on Friday."

"We did not cause the man-made water disaster, therefore adequate resources should continue being provided until the problem is fixed and all the lead and galvanized pipes have been replaced," she (the Flint mayor) said in a statement. There are still contaminated pipes in the water distribution system.

In the drying Western United States water, increasingly, has been becoming an issue. Laura Paskus, "East Mountain water application spurs protests from residents, silence from State Engineer," New Mexico Political Report, March 26, 2018. http://nmpoliticalreport.com/817967/east-mountain-water-application-spurs-protests-from-residents-silence-from-state-engineer/?mc_cid=28fdd44a4e&mc_eid=cde7993ced, reported, "The tony neighborhoods tucked into the juniper-dotted grasslands on the east side of the Sandia Mountains represent yet another battleground in New Mexico's water wars, one in which the state's top water official has abandoned one side for the other.

Last week, testimony ended in a trial over whether a private company can pump more water—114 million gallons more each year—from the Sandia Basin.

Nancy Benson and her husband live in San Pedro Creek Estates, where they built their retirement home in 2000 after living in Albuquerque. She is shocked the state would consider granting the application after rejecting it previously. 'This area is fully appropriated, there is nothing extra,' she said. 'The scale of this is just mind-bending.'

Like other East Mountain residents who are protesting the application, she has firsthand knowledge of drying domestic wells. 'We assumed our builder knew what he was doing, so when we built the home we drilled [our well] to a little over 150 feet,' Benson said. 'In 2011, that well went dry.' They drilled a second well to 300 feet, she said, which cost them about $10,000.

During the trial, she had a few minutes to address District Court Judge Shannon Bacon. 'The essence of my point was that she can't protect us from climate change—nobody can—but we urged her to deny the Aquifer Science appeal to pump 312,000 gallons of water each day for thousands of new homes from this extremely fragile aquifer that just barely meets the needs of the existing homes,' Benson said. 'Many people who testified had already lost their wells to drought.'

In Bernalillo County, hydrogeologist Philip Rust and his colleagues have found through the county’s water level monitoring project that, on average, water levels in the East Mountain area are dropping 1.8 feet per year. And many domestic wells are drying within the Sandia Basin, a 400-mile area that stretches from Placitas to Tijeras and Sandia Crest to Edgewood.

It's happening elsewhere, too. A peer-reviewed study published earlier this year of more than 2 million groundwater wells in 17 states, including New Mexico. The researchers found that one-in-30 wells no
longer produce water, and they noticed two 'hot spots' for drying in New Mexico. One of those is the Estancia Basin just south of Moriarity.

Conditions aren’t likely to improve in the short or long-term: Compared with last year’s relatively wet conditions, most of New Mexico is currently experiencing moderate to extreme drought, and as the region continues warming, there will be even more pressure on both rivers and aquifers."

Mark Trahant, "MN Legislature, Supported By The Mining Industry Votes To Weaken Water Standards: Approval of measure would threaten wild rice," ICTMN, May 2, 2018, https://newsmaven.io/indiancountrytoday/news/mn-legislature-supported-by-the-mining-industry-votes-to-weaken-water-standards-G38NBE4Cg0SmviQVRG7KGsA/, reported, "The Minnesota Legislature, supported by the mining industry, voted to weaken water standards for sulfates in areas where wild rice grows. Wild rice is the essential Ojibwe food. The Senate voted Monday to withdraw the water standards that have been in place for a decade by a vote of 38 to 28.

The Associated Press reports that senators also voted to add $500,000 for restoration work to the bill, which passed the House 78-45 last week, so the legislation will have to go back to the House before it goes to Gov. Mark Dayton. The governor has not publicly said whether he’ll sign or veto the measure."

"One problem is that the old water quality standard was not enforced. “Up until now, the standard has maintained that sulfate should not enter wild rice waters in higher quantities than 10 parts per million,” according to a blog post from Honor The Earth. 'The new proposed rule would make a different standard for every lake and wetland with wild rice – an unbelievably complicated and costly rule to implement.' That is the rule that the Senate proposed be withdrawn."

However, Governor Mark Dayton vetoed the bill, leaving the wild rice protected under the previous standards ("Dayton vetoes bill on wild rice water standards," NFIC, June 2018).

Meanwhile, funded by the mining industry, an engineering project has developed floating bioreactors that remove sulfate put into the water from mining, which can bring the sulfate pollution to levels that are not harmful to wild rice. These bioreactors are a potential tool for wild rice protection, and from other harms from sulfide pollution ("Use of floating bioreactors proposed to save Minnesota wild rice," NFIC, June 2018).

In Bokoshe, OK a pile of fly ash from coal powered electric production leaks significant amounts of toxic pollution into nearby lakes and tributaries of the Arkansas River ("When it Rains It Polluted," In These Times, June 2018).

Laura Paskus, "Grim forecast for the Rio Grande has water managers, conservationists concerned," New Mexico Political Report, March 5, 2018, http://nmpoliticalreport.com/811259/grim-forecast-for-the-rio-grande-has-water-managers-conservationists-concerned-en/?mc_cid=aa580161b9&mc_eid=cde7993ced, reported, "According to the National Water and Climate Center’s forecast for the Rio Grande Basin, the water supply outlook for spring and summer remains 'dire.' In his monthly email, forecast hydrologist Angus Goodbody noted that while storms did hit the mountains in February, particularly along the headwaters in Colorado, snowpack in some parts of the Sangre de Cristo’s continued to decline. That means the river and its tributaries will receive less runoff than normal this spring and summer—and many areas may reach or break historic low flows.

Last week, a new study in the peer-reviewed journal, Nature, also heralded troubling news. According to the authors, more than 90 percent of snow monitoring sites in the western United States showed declines in snowpack—and 33 percent showed significant declines. The trend is visible during all months, states and climates, they write, but are largest in the spring and in the Pacific states and locations with mild winter climates. To drive home the numbers, they noted the decrease in springtime snow water equivalent—the amount of water in snow—when averaged across the entire western U.S. is 25 to 50 cubic kilometers, or about the volume of water Hoover Dam was built to hold in Lake Mead.

Lake Mead in late February was at less than 40 percent capacity.

And conditions on the Colorado River, which feeds Lake Mead, don’t look good this year.
The March forecast for the Colorado River Basin remains 'well below average.' Lake Mead, the largest reservoir in the United States, has already dipped below 40 percent of capacity and its 'bathtub ring' is about 130 feet tall. As of Sunday, the lake’s water level was 1,088 feet above sea level. If it reaches 1,075 feet, that will trigger federal rules that cut the amount of water Nevada, Arizona and California can take.

Meanwhile, water users in the three states, including cities like Las Vegas and Los Angeles, the Central Arizona Project, irrigation districts in southern California and tribes, are all keeping a close eye on Lake Mead—and trying to work out a drought contingency plan to avoid those federally-mandated cuts if the reservoir keeps dropping."

Laura Paskus, "It’s only April and a stretch of the Rio Grande has already dried," New Mexico Political Report, April 5, 2018, http://nmpoliticalreport.com/822352/its-only-april-and-a-stretch-of-the-rio-grande-has-already-dried-en/, reported, "In springtime, rivers are supposed to swell with snowmelt, filling their channels and triggering fish to spawn. This year, however, the Middle Rio Grande has already dried south of Socorro.

Record-low snowpack in the mountains upstream means that the state’s largest river is in trouble this year. And so are the species and communities that depend on it.

Earlier this week, biologists headed to Bosque del Apache National Wildlife Refuge to start scooping up endangered fish from pools and puddles and relocating them to a stretch of the river that is still flowing."

Laura Paskus, "'Pray for rain, and bale your hay,'" New Mexico Political Report, June 14, 2018, http://nmpoliticalreport.com/846827/pray-for-rain-and-bale-your-hay-en/?mc_cid=0a5d894c08&mc_eid=cde7993ced, reported, "The Middle Rio Grande Conservancy District (MRGCD) is curtailing water deliveries to some users and warning people of fire danger in the bosque.

The Rio Grande has been running far below normal this spring due to drier-than-normal conditions in the mountains this winter. About 20 miles of the river are currently dry south of Albuquerque.

This week, MRGCD told Water Bank participants they can no longer irrigate this spring.

The MRGCD delivers water to about 10,000 irrigators across 70,000 acres between Cochiti dam and Elephant Butte Reservoir. Those irrigators own the water rights and it’s the district’s job to deliver the water through a system of canals and ditches."


Observed streamflow and climate data are used to test the hypothesis that climate change is already affecting Rio Grande streamflow volume derived from snowmelt runoff in ways consistent with model-based projections of 21st-Century streamflow. Annual and monthly changes in streamflow volume and surface climate variables on the Upper Rio Grande, near its headwaters in southern Colorado, are assessed for water years 1958–2015. Results indicate winter and spring season temperatures in the basin have increased significantly, April 1 snow water equivalent (SWE) has decreased by approximately 25%, and streamflow has declined slightly in the April–July snowmelt runoff season. Small increases in precipitation have reduced the impact of declining snowpack on trends in streamflow. Changes in the snowpack–runoff relationship are noticeable in hydrographs of mean monthly streamflow, but are most apparent in the changing ratios of precipitation (rain + snow, and SWE) to streamflow and in the declining fraction of runoff attributable to snowpack or winter precipitation. The observed changes provide observational confirmation for model projections of decreasing runoff attributable to snowpack, and demonstrate the decreasing utility of snowpack for predicting subsequent streamflow on a seasonal basis in the Upper Rio Grande Basin."

Joe McCarthy, "The US Is Rapidly Running Out of Landfill Space: There are a few ways to avoid a catastrophe," *Global Citizen*, May 14, 2018, https://www.globalcitizen.org/en/content/us-landfills-are-filling-up/?utm_source=Iterable&utm_medium=email&utm_campaign=US_May_16_2018_Mon_content_digest_actives Alive_180d, The US generates more than 258 million tons of municipal solid waste each year — that’s all the packaging, clothing, bottles, food scraps, newspapers, batteries, and everything else that gets thrown into garbage cans and hauled onto sidewalks for weekly pick-up.

Around 34.6% of that waste gets recycled, some gets burned for energy, and the rest gets sent to landfills.

Now it looks like the 2,000 active landfills in the US that hold the bulk of this trash are reaching their capacity, according to a new report by the Solid Waste Environmental Excellence Protocol (SWEEP).

In fact, the US is on pace to run out of room in landfills within 18 years, potentially creating an environmental disaster, the report argues. The Northeast is running out of landfills the fastest, while Western states have the most remaining space, according to the report.

Meanwhile, the amount of solid waste being produced is rising. And a regulation recently adopted by China could bring about a landfill catastrophe even sooner.

At the start of 2018, the Chinese government enacted a ban on the import of various kinds of low-grade plastics and other materials that are extremely hard to recycle. The US exports around one-sixth of its recyclable material to China, and now waste processors are scrambling to find alternative places to send it.

This is already creating massive landfill pile-ups in parts of the country, according to *The New York Times*. With trash spilling out of warehouses and lots, the predicament offers a glimpse of what could happen on a larger scale over the next few decades.

"There are a few things that could be done to prevent landfills from filling up. Waste processors could begin burning more waste for energy, but the emissions and air pollution this would cause may be too great to justify."

The US currently burns around 33 million tons of waste each year for energy, according to the Environmental Protection Agency.

Other countries invest heavily in burning trash. Sweden, for example, burns around half of of its solid waste and has developed ways to reduce emissions.


In the past, the municipalities would have shipped much of their used paper, plastics and other scrap materials to China for processing. But as part of a broad antipollution campaign, China announced last summer that it no longer wanted to import 'foreign garbage.' Since Jan. 1 it has banned imports of various types of plastic and paper, and tightened standards for materials it does accept.

While some waste managers already send their recyclable materials to be processed domestically, or are shipping more to other countries, others have been unable to find a substitute for the Chinese market.

New Delhi, and several other major cities in India, have a very serious garbage problem. The huge amounts of garbage produced by their populations have been dumped in mountainous piles outside the cities, causing serious air and water pollution, spreading tuberculosis and dengue fever, and in one case bringing about two deaths in a garbage avalanche. Outside of New Delhi, four official dump sites have accumulated some 80 billion pounds of trash ("‘The Dump Killed My Son’: Mountains of Garbage Engulf India’s Capital" *The New York Times*, June 10, 2018, https://www.nytimes.com/2018/06/10/world/asia/india-delhi-

'Single-Use Plastics: A Roadmap to Sustainability' (pdf: https://wedocs.unep.org/bitstream/handle/20.500.11822/25496/singleUsePlastic_sustainability.pdf?sequence=1&isAllowed=y) details 'what has worked well, what hasn't, and why' in terms of regulating plastic. The report was released by the United Nations Environment Program (UNEP) as part of a global effort on Tuesday to raise awareness about initiatives to #BeatPlasticPollution.

Plastic pollution has become 'one of our planet's greatest environmental challenges,' Erik Solheim, head of UNEP, wrote in the introduction of the report, the first comprehensive review of efforts in more than 60 countries to address the crisis.

'Our oceans have been used as a dumping ground, choking marine life and transforming some marine areas into a plastic soup,' Solheim continued, detailing the scope of the issue. 'In cities around the world, plastic waste clogs drains, causing floods and breeding disease. Consumed by livestock, it also finds its way into the food chain.'

Just last week, a pilot whale died just off the coast of Thailand. 'A necropsy revealed that more than 17 pounds of plastic had clogged up the whale's stomach, making it impossible for it to ingest nutritional food. This waste was in the form of 80 shopping bags and other plastic debris,' reported National Geographic.

'Governments need to improve waste management practices and introduce financial incentives to change the habits of consumers, retailers, and manufacturers, enacting strong policies that push for a more circular model of design and production of plastics,' the report states. 'They must finance more research and development of alternative materials, raise awareness among consumers, fund innovation, ensure plastic products are properly labeled, and carefully weigh possible solutions to the current crisis.'

U.N. Secretary-General António Guterres issued a call to action on Tuesday, noting that 'microplastics in the seas now outnumber stars in our galaxy,' and warning that 'if present trends continue, by 2050 our oceans will have more plastic than fish.'

Pointing to the example that 'plastic bag bans, if properly planned and enforced, can effectively counter one of the causes of plastic overuse,' the report features a 10-step roadmap for governments to improve current measures and implement new ones:

1. Target the most problematic single-use plastics by conducting a baseline assessment to identify the most problematic single-use plastics, as well as the current causes, extent and impacts of their mismanagement.
2. Consider the best actions to tackle the problem (e.g. through regulatory, economic, awareness, voluntary actions), given the country's socio-economic standing and considering their appropriateness in addressing the specific problems identified.

3. Assess the potential social, economic, and environmental impacts (positive and negative) of the preferred short-listed instruments/actions. How will the poor be affected? What impact will the preferred course of action have on different sectors and industries?

4. Identify and engage key stakeholder groups—retailers, consumers, industry representatives, local government, manufacturers, civil society, environmental groups, tourism associations—to ensure broad buy-in. Evidence-based studies are also necessary to defeat opposition from the plastics industry.

5. Raise public awareness about the harm caused by single-use plastics. Clearly explain the decision and any punitive measuresthat will follow.

6. Promote alternatives. Before the ban or levy comes into force, assess the availability of alternatives. Ensure that the pre-conditions for their uptake in the market are in place. Provide economic incentives to encourage the uptake of eco-friendly and fit-for-purpose alternatives that do not cause more harm. Support can include tax rebates, research and development funds, technology incubation, public-private partnerships, and support to projects that recycle single-use items and turn waste into a resource that can be used again. Reduce or abolish taxes on the import of materials used to make alternatives.

7. Provide incentives to industry by introducing tax rebates or other conditions to support its transition. Governments will face resistance from the plastics industry, including importers and distributors of plastic packaging. Give them time to adapt.

8. Use revenues collected from taxes or levies on single-use plastics to maximize the public good. Support environmental projects or boost local recycling with the funds. Create jobs in the plastic recycling sector with seed funding.

9. Enforce the measure chosen effectively, by making sure that there is clear allocation of roles and responsibilities.

10. Monitor and adjust the chosen measure if necessary and update the public on progress.

The U.N. report was developed in cooperation with the Indian government and the Ministry of Environment, Forest and Climate Change. It was unveiled in New Delhi by Solheim and Indian Prime Minister Narendra Modi, alongside an announcement by the Indian government that the nation will work to completely eliminate single-use plastic by 2022.

It also comes as the European Union is considering a ban on 10 single-use plastics that, in addition to fishing gear, account for about 70 percent of marine pollution across Europe. Although campaigners welcomed the proposal as a step in the right direction, they maintain that it does not go far enough to address the issue.

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“For generations, Amuay’s fisherman have pulled snapper, mackerel, sardines, clams and crabs from these waters to feed their families and sell to wholesalers who cart the catch to markets and restaurants elsewhere.

But the plant, part of the largest refinery complex in Venezuela, has from time to time spewed contaminants into the bay and the adjoining Caribbean Sea, threatening the livelihood of families living in this poor fishing village of several thousand on the country’s northwest coast."
With each spill — scores of them over the past three decades, residents say — fishermen have been forced to suspend their work as plumes of contaminants turned the water’s surface into a shimmering toxic kaleidoscope, poisoned fish and waterfowl, killed mangroves and soiled the town’s beaches."

There is now some 87,000 tons of plastic in the Pacific Ocean, between California and Hawai’i, much of it in a huge swirl. As the plastic breaks up into small pieces, much of it is eaten by fish, and is likely to work its way up the food chain to human beings (Livia Albeck-Ripka, "87,000 Tons of Plastic and Counting in the Pacific," The New York Times, March 23, 2017).

Oceana reported in an E-mail, May 23, 2018, "Critically endangered North Atlantic right whales are in serious trouble. Federal officials are poised to grant a record number of offshore oil and gas drilling leases in the next year and could green-light seismic airgun blasting in the Atlantic Ocean any day now. The Trump Administration’s actions could seal these whales’ fate once and for all.

Their existence is hanging by a thread. No calves are known to have been born during this year’s calving season, and in the past year, 18 whales have been found dead — the most since scientists started reporting on mortality rates. Only about 100 breeding females remain alive."


"The European Commission on Monday proposed an ambitious set of measures to clean up Europe’s beaches and rid its seas and waterways of disposable plastics, and urged the European Union to lead the way in reducing marine litter worldwide.

The measures, which will need to be approved by the European Union’s 28 member states, would reduce or alter the consumption and production of the top 10 plastic items most commonly found on beaches, including straws, cotton swabs, disposable cutlery and fishing gear."

A study published in February found that the petroleum based chemicals used in many perfumes and deodorants when taken together can cause as much toxic air pollution in an area as exhaust from motor vehicles (Kendra Pierre-Louis and Hirokp Tabuchi, "Want to Save the Planet? Try Using Less Deodorant," The New York Times, February 17, 2018).


In%20%27Huge%20Win%20for%20Pollinators%2C%20People%2C%20and%20the%20Planet%27%20EU%20Bans%20Bee-Killing%20Pesticides, reported, "Faced with mounting scientific evidence that bee-poisoning neonicotinoids, or neons, could cause an 'ecological armageddon,' European regulators on Friday approved a 'groundbreaking' and 'historic' ban on the widely-used class of pesticides—an announcement met with immediate applause by campaigners."
Snakes in the United States have been struck, at least since 2006, with a sometimes deadly fungus disease (Games Gorman, "A Spreading Fungus Can Be Deadly to Snakes," The New York Times, December 26, 2017).

Jessica Corbett, 'In Decline 'Invariably of Humanity's Making,' 1 in 8 of World's Bird Species Threatened by Extinction: Emphasizing concerns about the man-made climate crisis, experts note that "while the report focuses on birds, its conclusions are relevant to biodiversity more generally," Common Dreams, April 23, 2018, https://www.commondreams.org/news/2018/04/23/decline-invariably-humanitys-making-1-8-worlds-bird-species-threatened-

State of the World’s Birds (pdf) [https://www.birdlife.org/sites/default/files/attachments/BL_ReportENG_V11_spreads.pdf], conducted by the U.K.-based charity BirdLife, found that 40 percent of bird species populations worldwide are in decline due to various man-made threats.

'Agricultural expansion, logging, overexploitation, urbanization, pollution, disturbance, and the effects of invasive alien species are all driving bird declines and diminishing the natural world,' the report details. "Longer term, human-induced climate change may prove to be the most serious threat of all."

Although the study focused solely on the state of bird species, as BirdLife International CEO Patricia Zurita explained in the introduction, the findings have broader implications.

'Birds are more popular and better studied than any other comparable group and are consequently an excellent means through which to take the pulse of the planet,' Zurita wrote. 'So, while the report focuses on birds, its conclusions are relevant to biodiversity more generally.'

Experts estimate that global warming—driven largely by greenhouse gas emissions from burning fossil fuels—is currently affecting 33 percent of world’s threatened bird species.

That number is expected to rise as a growing number of species struggle to adapt to warmer temperatures, which are disruptive to migratory and breeding patterns and well as predator-prey relationships. The consequences of these disruptions could travel all the way up the food chain, as detailed in another study published this month.

While the climate crisis is identified as the most serious long-term threat, currently, the greatest threat to birds is unsustainable agricultural practices.

In recent centuries, there has been a surge in demand for tropically grown products such as coffee, cocoa, sugar, palm oil, and soya, which has contributed to a dramatic expansion of farming. The report claims that 'the area of Earth's land surface given over to agriculture has increased more than sixfold over the past 300 years.'

Noting that researchers estimated 74 percent of the 1,469 threatened species are impacted by agriculture, the Guardian charted the number of species at risk by threat:
A key element of the broader agricultural threat is the use of neonicotinoids, pesticides that are common in North America and Europe—despite mounting opposition. Experts are concerned not only how neonics, as they are called, impact seed-eating birds, but also how their buildup in soil and plants could have long-term and further-reaching consequences.

'The data are unequivocal. We are undergoing a steady and continuing deterioration in the status of the world's birds,' concluded Tris Allinson, BirdLife’s senior global science officer, and lead author of the report. "The threats driving the avian extinction crisis are many and varied, but invariably of humanity's making."

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Migrating shore birds are in serious decline, around the world. There are several causes, climate change, coastal development, destruction of wetlands, and hunting. Several species in particular have suffered major decline since 1974. Pectoral sandpipers have lost 50% of their population. Hudsonian Godwits have lost 70% of their numbers. The 19 North American migratory shore bird populations as a group have declined by 40%. Extinctions are quite possible (John W. Fitzpatrick and Nathan R. Senner, "The Globe's Greatest Travelers Are Dying," The New York Times, April 29, 2018).
Warming waters off the Maine coast have caused shrimp to move north, greatly reducing shrimp fishing in the state and threatening to end it (Mary Pols, "The End of Maine Shrimp," The New York Times, December 27, 2017).

Sea Turtles off Hawai'i have been shifting gender birth ratios over the last few decades as waters warm, from 87% female to 99% female (Karen Weintraub, "More Female Sea Turtles Born as Temperatures Rise," The New York Times, January 11, 2018).

A fiery tanker collision and sinking in the South China Sea, in January 2018, has caused a nearly invisible toxic chemical to spread across one of Asia's most important fishing grounds, threatening fish from China to Japan and beyond (Steven Lee Myers and Javier C. Hernandez, "A Ghostly Spill Menaces Asia's Richest Fisheries," The New York Times, February 13, 2018).

Jessica Corbett, "'Beyond Comprehension': In Just Two Years, Half of All Corals in 'Forever Damaged' Great Barrier Reef Have Died: Global warming, researchers warn, 'is rapidly emerging as a universal threat to ecological integrity and function,'" Common Dreams, April 19, 2018, https://www.commondreams.org/news/2018/04/19/beyond-comprehension-just-two-years-half-all-corals-forever-damaged-great-barrier?utm_term=%27Beyond%20Comprehension%27%3A%20In%20Just%20Two%20Years%2C%20Half%20of%20All%20Corals%20In%20Forever%20Damaged%27%20Great%20Barrier%20Reef%20Have%20Died&utm_campaign=News%20%2526%20Views%20%2526%20Deeply%20Disappointing%27%20to%20%27Disgusting%27%20%2526%20First%20%2526%20Pompeo&utm_content=email&utm_source=Act-On+Software&utm_medium=email&cm_mmc=Act-On%20Software--email--News%20%2526%20Views%20%2526%20Deeply%20Disappointing%27%20to%20%27Disgusting%27%20%2526%20First%20%2526%20Pompeo--%27Beyond%20Comprehension%27%3A%20In%20Just%20Two%20Years%2C%20Half%20of%20All%20Corals%20In%20Forever%20Damaged%27%20Great%20Barrier%20Reef%20Have%20Died, reported, "Beyond comprehension: In the summer of 2015, more than 2 billion corals lived in the Great Barrier Reef. Half of them are now dead.'

—The Atlantic: Between March and November of 2016, a 'record-breaking' marine heatwave caused rampant coral bleaching around the globe, and the Great Barrier Reef, located off the coast of northeastern Australia, lost nearly a third of its corals.

When corals bleach from a heatwave, they can either survive and regain their color slowly as the temperature drops, or they can die,' explained Terry P. Hughes, the report's lead author and director of the ARC Center of Excellence for Coral Reef Studies.

While the team of researchers focused on the 2016 heatwave, Hughes shared with The Atlantic early results from a follow-up wave last year:

Combined, he said, the back-to-back bleaching events killed one in every two corals in the Great Barrier Reef. It is a fact almost beyond comprehension: In the summer of 2015, more than 2 billion corals lived in the Great Barrier Reef. Half of them are now dead.

What caused the devastation? Hughes was clear: human-caused global warming. The accumulation of heat-trapping pollution in the atmosphere has raised the world's average temperature, making the oceans hotter and less hospitable to fragile tropical corals.
People often ask me, 'Will we have a Great Barrier Reef in 50 years, or 100 years?' Hughes said. 'And my answer is, yes, I certainly hope so—but it's completely contingent on the near-future trajectory of greenhouse gas emissions.'

Following the 2016 heatwave, Hughes's team found that across the Great Barrier Reef, 'fast-growing staghorn and tabular corals suffered a catastrophic die-off, transforming the three-dimensionality and ecological functioning of 29 percent of the 3,863 reefs comprising the world's largest coral reef system.'

The severity of that heatwave's impact surprised even experts, as it was far more powerful than past bleaching events, which have caused five-to-ten percent of corals to die off, Hughes told the Guardian.

Bleaching occurs when the coral expels algae that lives within it and provides food. For past mass bleaching events, corals either recovered when the water cooled down, or died slowly of 'starvation.' However, with the 2016 heatwave, Hughes said, 'That's not what we found.'

'About half of the mortality we measured occurred very quickly,' he explained. Rather than starving, 'temperature-sensitive species of corals began to die almost immediately in locations that were exposed to heat stress,' which radically altered the mix of coral species that now live in the sprawling 1,400-mile system.

Global warming, the report concludes, 'is rapidly emerging as a universal threat to ecological integrity and function, highlighting the urgent need for a better understanding of the impact of heat exposure on the resilience of ecosystems and the people who depend on them.'

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Environmental scientist and climatologist Simon Gear told CBC Radio's Anna Maria Tremonti, 'Anyone who works in climate change knows that we've given lots of quite doomsday-esque scenarios in the last two decades. This is the first one which I've really seen come true.'

'Eventually,' writes meteorologist Bob Henson, the winter rains will arrive, and the reservoirs will most likely be up and running for at least another few months—thus buying some much-needed time to develop other water supply options. The region's water crisis may be far from over, though, especially if the winter rains are once again lackluster.

That's in part because, as climate scientist Peter Johnston told CBS News, Cape Town is forecast to become warmer, and 'That increase in temperature is going to increase evaporation. Increased evaporation is going to mean that there is less water that's available for our use.'

Henson adds:

Increased development and rising temperatures are going to add to the impacts when drought does occur, regardless of how rainfall evolves in a warming world. If nothing else, Cape Town's predicament reminds us that we ought to bolster our urban water supplies with extra buffers—from beefed-up conservation to back-up sources—as much as possible, and as soon as possible. In a nonstationary climate, past weather performance is no guarantee of future results.

As Cape Town resident Mohammed Allie of the BBC notes, 'Without water there cannot be life.'

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News%20%2526%20Views%20%7C%20%22Don%20Agonize%2C%20Organize%21%22--
Analysis%3A%20More%20Than%20100%20Cities%20Now%20Mostly%20Powered%20by%20Renewable Energy, reported, "More than 100 cities across the globe are now mostly powered by renewable energy, a number that has more than doubled over the past three years, according to a review of environmental data collected from entities worldwide.

The new analysis, a tally of information collected by the U.K.-based group CDP and released Tuesday, accounts for towns and cities that get at least 70 percent of their electricity from renewable sources such as wind and solar. In addition to publishing its complete list, the group created an interactive map that features key details about some municipalities' transitions.

While only four U.S. cities made the list—Aspen, Colorado; Burlington, Vermont; Eugene, Oregon; and Seattle, Washington—the group says 58 cities in the United States have committed to a full transition. Among the largest cities on CDP's list are Auckland, New Zealand; Nairobi, Kenya; Oslo, Norway; and Vancouver, Canada. Forty-seven of the cities listed are located in Brazil. More than 40 cities—from Burlington to Reykjavik, Iceland to Basel, Switzerland—are fully powered by renewables.

'Through our diverse mix of biomass, hydro, wind, and solar, we have seen first-hand that renewable energy boosts our local economy and creates a healthier place to work, live, and raise a family,' said Burlington Mayor Miro Weinberger, who urged 'other cities around the globe to follow our innovative path as we all work toward a more sustainable energy future.'

'Cities are responsible for 70 percent of energy-related CO₂ emissions and there is immense potential for them to lead on building a sustainable economy. Reassuringly, our data shows much commitment and ambition,' said Kyra Appleby, CDP’s director of cities. 'Cities not only want to shift to renewable energy but, most importantly—they can.'

The new data reflects the rapidly growing trend to commit to a renewable energy transition at a local level. CDP noted in a statement that Tuesday's analysis "comes on the same day the UK 100 network of local government
leaders announce that over 80 UK towns and cities have committed to 100 percent clean energy by 2050, including Manchester, Birmingham, Newcastle, Glasgow, and 16 London boroughs."

The group attributed the rising excitement about energy transitions in part to the Global Covenant of Mayors for Climate and Energy, which claims to be 'the broadest global alliance committed to climate leadership, building on the commitment of over 7,400 cities and local governments from six continents and 121 countries representing more than 600 million residents.' The alliance launched last summer, after U.S. President Donald Trump revealed his intention to withdraw from the Paris Climate Agreement.

The transition trend is being driven not only by a widespread desire to eliminate the use of oil and gas— which is fueling the global climate crisis— but also by economic arguments. An International Renewable Energy Agency report (pdf) published in January found that "by 2020, all the renewable power generation technologies that are now in commercial use are expected to fall within the fossil fuel-fired cost range, with most at the lower end or undercutting fossil fuels," meaning 'electricity from renewables will soon be consistently cheaper than from most fossil fuels.'

Michael J. Coren, "Companies are using California homes as batteries to power the grid," Quartz, May 25, 2018, https://qz.com/1278588/heres-a-t-shirt-you-could-wear-everywhere-in-east-asia-without-upsetting-anyone/, reported, "Every new home in California is going solar by 2020. If solar-energy companies have their way, those homes also will come with batteries.

Companies like Tesla and SunRun are starting to bid on utility contracts that would allow them to string together dozens or hundreds of systems that act as an enormous reserve to balance the flow of electricity on the grid. Doing so would accelerate the grid’s transformation from 20th century hub-and-spoke architecture to a transmission network moving electricity among thousands or millions of customers who generate and store their own power. “It’s less like broadcast and more like the internet,” says Haresh Kamath at the Electric Power Research Institute (EPRI).

In theory, networked home-solar-and-battery systems, acting in coordination over a single geographical area, could replace things like natural gas “peaker” plants need to help support the grid on a moment’s notice. But it’s an open question whether it makes financial sense."

Lisa Friedman, "Tuvalu is growing (for now)," The New York Times, February 14, 2018, https://www.nytimes.com/newsletters/2018/02/14/climate-change?nlid=52235981, reported, "A new study shows that the Pacific island nation of Tuvalu, long considered all but doomed by rising sea levels, has grown slightly since the 1970s.

At first glance, the findings, published in the journal Nature Communications, appear to challenge the conventional wisdom that low-lying nations might one day disappear into the sea. But the lead author, Paul S. Kench, a coastal geomorphologist (the study of how the earth’s surface is formed and changed) at the University of Auckland in New Zealand, said simply that the effects of climate change on islands can be complicated.

'Our work isn’t suggesting they have nothing to worry about,' said Dr. Kench, who has been studying climate and islands for about 20 years. 'But there is more to this than the simple, linear doomsday scenario.'

The reason? Islands are dynamic ecosystems, he said, which means that changing wave patterns and sediment dumped by storms might be offsetting the erosion caused by rising seas. Some of Tuvalu’s islands grew, and some shrunk, but averaged together they gained overall.

Similar things could happen with other island nations, Dr. Kench said, depending on the nature of the sand and other ecosystem dynamics."

Hiroko Tabuchi and Kendra Pierre-Louis, "Valentines Day Mood Killer," The New York Times, February 14, 2018, https://www.nytimes.com/newsletters/2018/02/14/climate-change?nlid=52235981, reported, "Cacao thrives in a narrow band around the Equator, and only under specific conditions — high humidity, abundant rain and fairly constant temperatures. And in Ivory Coast and Ghana, which together produce over half of the world’s chocolate, higher temperatures are expected to sharply reduce areas suitable for"
One study predicted that, given current temperature trends, as much as 90 percent of the cacao-growing regions examined would become less suitable for the crop by 2050.

At the same time, chocolate is a contributor to climate change. The chocolate industry has been a primary driver behind illegal deforestation in Africa’s cacao-growing regions, the environmental advocacy group Mighty Earth said in a report last year."

Alex Formuzis, "ERC Rejection of Coal and Nuclear Bailout Is Big Win for Renewable Energy," EcoWatch, January 9, 2017, https://www.ecowatch.com/ferc-nuclear-coal-2523876761.html, reported, 'Federal regulators' rejection Monday of the White House's scheme to prop up the coal and nuclear power industries is a big win for electricity customers and renewable energy, said Environmental Working Group (EWG) President Ken Cook. The Federal Energy Regulatory Commission (FERC) denied a petition by Energy Sec. Rick Perry to require the use of electricity from coal and nuclear plants, even when cheaper sources are available—a move analysts said would drive up Americans' utility bills by billions of dollars a year.


New Jersey took a major step in that direction Monday when newly elected Gov. Philip D. Murphy, a Democrat, ordered his state to rejoin a regional carbon-trading program that his Republican predecessor, Chris Christie, had pulled out of in 2012."

Andrew McMaster, "Bill Gates Is Investing in a Technology That Turns CO₂ into Clean Fuel: Engineers are creating 'mechanized trees' to clean up the air," Global Citizen, February 5, 2018, https://www.globalcitizen.org/en/content/bill-gates-carbon-emission-engineering-co2/?utm_source=Iterable&utm_medium=email&utm_campaign= iterable_campaign_US_Feb_7_2018_Wed_content_digest_actives_alive_180d, reported, "Microsoft billionaire and Global Citizen Bill Gates is banking on a new technology that could reduce atmospheric CO₂ levels on an industrial scale, The Guardian reports. Known as Direct Air Capture (DAC), this technology enables scientists to literally suck CO₂ out of the air by separating it from other molecules and converting it to solid matter.

Carbon Engineering, one of a handful of companies leading the development of these technologies, and a recipient of Gates Foundation funding, claims their current prototype technology can remove 1 million tons of pure CO₂ from the air each year."


The idea is to foster taller, more compact residential neighborhoods that wean people from long, gas-guzzling commutes, reducing greenhouse-gas emissions.

So it was surprising to see the Sierra Club among the bill’s opponents, since its policy proposals call for communities to be 'revitalized or retrofitted' to achieve precisely those environmental goals. The California chapter described the bill as 'heavy-handed,' saying it could cause a backlash against public transit and lead to the displacement of low-income residents from existing housing.
Bryan Denton, "Burning Coal for Survival in the World’s Coldest Capital," *The New York Times*, March 15, 2018, Bryan Denton, reported, "But for the nearly 1.5 million residents of the capital [of Mongolia], Ulan Bator, the misery of winter is now defined almost singularly by the smoke rising out of the city’s chimneys. Since 2016, in addition to being the world’s coldest capital city, it has also had the distinction of being the one with the highest recorded levels of air pollution, surpassing notoriously polluted megacities like Beijing and New Delhi." The direct cause is the use of coal for heating, in this very cold location.

"Number of Electric Vehicles on Roads Reaches Three Million: IEA, *Slashdot.com* (reuters.com), Posted May 30, 2018, https://tech slash dot.org/story/18/05/30/1424249/number-of-electric-vehicles-on-roads-reaches-three-million-iae, reported, "The number of electric vehicles on roads worldwide rose to a record high of 3.1 million in 2017, but more research, policies and incentives are needed to drive further uptake, the International Energy Agency (IEA) said."


— Kevin Gosztola

Called the National Center for Environmental Research (NCER), the program previously provided millions of dollars in grants per year to researchers studying the effects of chemicals on children's health. The EPA's move, first reported by The Hill, will eliminate the NCER in the process of consolidating three EPA offices.

Critics responded to the move with outrage, denouncing it as 'truly wicked' and further proof of the Trump administration's willingness to sacrifice the health of the public in the service of its corporate-friendly deregulatory agenda.

Kate Aronoff ✔ @KateAronoff

Finally America's children will be allowed to choke on the freedom of a lighter regulatory burden

http://thehill.com/regulation/energy-environment/375725-major-epa-reorganization-will-end-science-research-program#.WpTAQiw5w8Y.twitter ... 7:28 PM - Feb 26, 2018

Twitter Ads info and privacy
Kevin Gosztola ✔ @kgosztola

Scott Pruitt's EPA is shutting down program that monitors effects of chemicals on children's health. Truly wicked
http://thehill.com/regulation/energy-environment/375725-major-epa-reorganization-will-end-science-research-program#.WpTAQiw5w8Y.twitter
While the decision to dissolve the NCER was portrayed by the EPA as an effort 'to create management efficiencies,' experts argued that the move is perfectly in line with the Trump administration's push to gut funding for research programs and undercut the agency's ability to regulate and fine corporate polluters.

'They make it sound like this is a way to create efficiency, but it masks what's happening to this actually programmatic, scientific function of NCER....That makes you think, 'Is this really just an efficiency argument masking their real intention to get rid of the research grant program, which they have said they want to do in the past?'” Tracey Woodruff, a former senior scientist and policy advisor at the EPA under Clinton and Bush, said in an interview with The Hill.

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Sabrina Shankman, "Premature Birth Rates Drop in California After Coal and Oil Plants Shut Down: Within a year of eight coal- and oil-fired power plant retirements, the rate of preterm births in mothers living close by dropped, finds new study on air pollution," Inside Climate News, accessed May 27, 2018, https://insideclimatenews.org/news/22052018/air-pollution-coal-power-plants-oil-health-risks-premature-births-california?amp, reported, "Shutting down power plants that burn fossil fuels can almost immediately reduce the risk of premature birth in pregnant women living nearby, according to research published Tuesday.

Researchers scrutinized records of more than 57,000 births by mothers who lived close to eight coal- and oil-fired plants across California in the year before the facilities were shut down, and in the year after, when the air was cleaner.

The study, published in the American Journal of Epidemiology, found that the rate of premature births dropped from 7 to 5.1 percent after the plants were shuttered, between 2001 and 2011. The most significant declines came among African American and Asian women. Preterm birth can be associated with lifelong health complications."

Bees are not the only insects that have been declining. Pollinating hawk moths have also been in decline for several decades in the U.S. northeast, for unknown reasons, raising the question if a large insect Armageddon might be in progress (Curt Stager, "The Silence of the Bugs," The New York Times, May 27, 2018).


coming across the scarred and emaciated carcasses of dolphins, sometimes five a day, bobbing up to the surface.

Since then, scientists there have discovered more than 200 dead Guiana dolphins, or Sotalia guianensis, a quarter of what was the world's largest concentration of the species. The deaths, caused by respiratory and nervous system failures linked to a virus, have subsided, but scientists are working to unravel the mystery behind them.

"The dolphins are 'sentinels,' said Mariana Alonso, a biologist at the Biophysics Institute at the Federal University of Rio de Janeiro, one of a number of groups working to understand the epidemic. 'When something is wrong with them, that indicates the whole ecosystem is fractured.'"


With 10,500 square miles of coral reef, the Philippines is a global center for marine biodiversity, which the country has struggled to protect in the face of human activity and institutional inaction. But as the effects of climate change on oceans become more acute, stopping dynamite and other illegal fishing has taken on a new urgency.

According to the initial findings of a survey of Philippine coral reefs conducted from 2015 to 2017 and published in the Philippine Journal of Science, there are no longer any reefs in excellent condition, and 90 percent were classified as either poor or fair. A 2017 report by the United Nations predicts that all 29 World Heritage coral reefs, including one in the Philippines, will die by 2100 unless carbon emissions are drastically reduced."


In the valley below, not far from the town of Cochrane, President Michelle Bachelet announced the creation of a vast national park system in Chile stretching from Hornopirén, 715 miles south of the capital, Santiago, to Cape Horn, the southern tip of South America, where Chile splinters into fjords and canals.

The park is the brainchild of Kristine McDivitt Tompkins and her husband, Douglas Tompkins, who founded The North Face and Esprit clothing companies, and starting in 1991, put $345 million — much of his fortune — buying large swaths of Patagonia."


We recently investigated 26 wildlife tourism venues that house 1,500 wild animals, including elephants, dolphins and orangutans.

Our new report, Wildlife Abusement Parks, details the horrifying results is available at: https://d3lj74p4lpxrfp.cloudflare.net/sites/default/files/us_files/180522_wildlife_abusement_parks_bali.pdf.
Bali is a popular travel destination; more than five million tourists visited the island in 2017. But despite being an island paradise for people, our report paints a bleak picture of the conditions these captive wild animals are forced to endure day-in, day-out. Almost all of these animals will spend the rest of their lives suffering for tourists.

This is another indication that Indigenous people are the best protectors of the environment.

On paper, increasing areas of land and sea seem to be set aside as protected environmental areas. Since the 1980's about 15% of Earth's land areas and about 5% of the oceans have been so designated, and these protected designations are increasing. However, with the U.S. and Australia recently allowing extraction within them, and increasing extractive activities in the already poorly enforced, or disregarded, protections of designated wild areas in Latin America and Africa, the "protections" are becoming increasingly limited, and in many instances may become entirely fictitious (Richard Connif, "Selling the Protected Area Myth." *The New York Times*, June 9, 2018, https://www.nytimes.com/2018/06/09/opinion/protected-area-myth.html?ref=collection%2Fissuecollection%2Ftodays-new-york-times&action=click&contentCollection=todayspaper&region=rank&module=package&version=highlights&contentPlacement=10&pgtype=collection).


**U.S. Developments**

Many of the reports in this issue of U.S. government legislation, agency action, and court decisions are informed by electronic flyers from Hobbs, Straus, Dean and Walker, LLP, 2120 L Street NW, Suite 700, Washington, DC 20037, http://www.hobbsstraus.com. Reports from Indian Country Today Media Network, from the web, are listed as from ICTMN. Reports from *New from Indian Country* are listed as NFIC.

**U.S. Government Developments**

**Presidential Actions**

Rebecca Pilar Buckwalter Poza, "The Trump administration is going after Native Americans now, too," *Daily Kos*, May 2, 2018, https://www.dailykos.com/stories/2018/5/2/1761447-The-Trump-administration-is-going-after-Native-Americans-now-too, reported that in violation of U.S. trust responsibility, "President Trump, though, has no interest in law, history or Native Americans’ welfare. His administration is claiming that tribal citizens must work to receive health care supplemented by the federal government. Three states have so far been given permission to impose the Medicaid work requirement and another 10 have put in requests. That adds up to more than 600,000 Native Americans already affected or at risk of being affected.

Even Native Americans in states that oppose Trump’s measures may be affected.

Some states, like Arizona, are asking HHS for permission to exempt Native Americans from their proposed work requirements. But officials at the National Indian Health Board say that may be moot, as federal officials can reject state requests.

The tribes, former officials, and legal experts have pushed back against the administration’s purported rationale, that exempting tribes constitutes racial bias.

The tribes insist that any claim of 'racial preference' is moot because they’re constitutionally protected as separate governments, dating back to treaties hammered out by President George Washington and reaffirmed in recent decades under Republican and Democratic presidents alike, including the Clinton, George W. Bush and Obama administrations."
"President Signs Virginia Tribes Recognition Bill," Hobbs-Straus General Memorandum 18-006, February 6th, 2018, http://www.hobbstrauss.com/general-memorandum-18-006, reported, "On January 29, 2018, the President signed HR 984, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2017 into law as PL 115-121. It extends federal recognition, with gaming restrictions, to six state-recognized tribes from the Commonwealth of Virginia, namely: the Chickahominy Indian Tribe; the Chickahominy Indian Tribe--Eastern Division; the Upper Mattaponi Tribe; the Rappahannock Tribe, Inc.; the Monacan Indian Nation; and the Nansemond Indian Tribe. Enactment of PL 115-121 is a landmark event that was years in the making.

Context. As the Report (S. Rept. 115-123) accompanying the Senate companion bill (S 691) explains, these six tribes were some of the first to come into contact with early English settlers but, because of events specific to Virginia history that resulted in the destruction of important records, they ultimately lacked the necessary documentation to successfully navigate the Department of Interior's (DOI) document-intensive federal acknowledgement process. There are a variety of avenues by which the federal government recognizes a government-to-government relationship with an Indian tribe, including treaties (prior to 1871) as well as legislation, executive orders, and administrative decisions. The Report further explains that federal courts may clarify the status of an Indian group. Of the 567 other tribes that are currently federally recognized, only 18 were recognized under DOI's administrative acknowledgement process, commonly referred to as the "Part 83 process" (see 25 C.F.R. Part 83).

Content. Each of the six tribes is the subject of a separate title in PL 115-121, which:
• Sets forth findings which detail the history unique to the tribe;
• Extends federal recognition to the tribe;
• Establishes that all laws applicable to federally recognized tribes will extend to the tribe;
• Creates a service area for the tribe;
• Makes the tribe and its members eligible for federal services and benefits provided to federally recognized tribes;
• Establishes that DOI will accept the last membership roll submitted by the tribe prior to enactment of PL 115-121 as the tribe's membership roll;
• Authorizes, at the request of the tribe, the Secretary of Interior to take land into trust for the tribe to establish a reservation, defines the counties where the land may be taken into trust and creates a three-year deadline to take the land into trust;
• Prohibits the tribe from conducting gaming activities "as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission"; and
• Establishes that nothing in the Act expands or reduces hunting, fishing, trapping or water rights enjoyed by members of the tribe.
• Finally, PL 115-121 limits the use of eminent domain to acquire lands in fee or trust for any of the six tribes recognized by the Act.

Eligibility for Federal Funding. The Bureau of Indian Affairs (BIA) budget, under the Tribal Government budget activity includes a sub-activity titled New Tribes. This sub-activity provides both minimum funding for BIA Regions or Agencies to provide support services for newly federally recognized tribes and provides each newly recognized tribe with $160,000 in tribal priority allocation (TPA) base funding per fiscal year for a period of three years "to establish and carry out the day-to-day responsibilities of a tribal government." With regard to funding for federal services from DOI (which includes the BIA budget), the Senate Report provides a Congressional Budget Office estimate that providing services to the six newly recognized tribes will cost DOI $30 million from FY 2018-2022. The estimate for services from the Indian Health Service (IHS) is $37 million for that same period. Finally, the Report explains that in addition to assistance from DOI and IHS, certain Indian tribes also receive support from other federal programs within the Departments of Education, Housing and Urban Development, Labor and Agriculture. The Report explains that because the six tribes in the Act were already recognized by Virginia, they were already eligible to receive support from these federal departments.

Legislative History. Before final passage and submission to the President for signature, HR 984 had been considered under Suspension of the Rules in the House, passed via a voice vote and then passed in the Senate
without amendment via a voice vote. HR 984 was co-sponsored by the following Representatives: Wittman (R-VA-1st); Beyer (D-VA-8th); Scott (D-VA-3rd); Connolly (D-VA-11th); Taylor (R-VA-2nd); and McEachin (D-VA-4th). The Senate companion bill, S 691 was cosponsored by both Virginia Senators: Kaine (D-VA) and Warner (D-VA). Iterations of this legislation had been introduced, without success, since the 107th Congress.

Other Federally Recognized Tribes. On July 2, 2015, DOI issued a final determination recognizing the Pamunkey Indian Tribe in Virginia under the Part 83 process. See 80 Fed. Reg. 39144 (July 8, 2015). Enactment of PL 115-121 brings the total number of federally recognized tribes in the Commonwealth of Virginia to seven and the total number in the country to 573. These six newly recognized tribes, however, do not appear in the DOI’s recent publication of the list of federally recognized tribes, which was published in the FEDERAL REGISTER the day after their recognition, but they will appear on any updated published list."

Congressional Developments


The legislation, called the Tribal Labor Sovereignty Act, would have exempted enterprises owned and operated by Native American tribes from federal labor standards, even for employees who were not tribal citizens."

"Tribal Governments Gain Access to Crime Victims Fund and AMBER Alert Funds; Tribal Consultation Teleconferences to be Held June 12 and 14," Hobbs-Straus, General Memorandum 18-021, June 1st, 2018, http://hobbsstraus.com/general-memorandum-18-021-0, reported, "In this Memorandum we report on the status of tribal government access to the Crime Victims Fund for FYs 2018 and 2019 and the recent enactment of the AMBER Alert in Indian Country Act of 2017 which provides tribal governments with access to funding for implementing and integrating alert systems regarding missing and abducted children.

Crime Victims Fund (Fund), FY 2018 Enacted. The FY 2018 Omnibus Appropriations Act provided the first ever direct tribal allocation under the Crime Victims Fund (Fund). The allocation is three percent, which for FY 2018, amounts to $133 million. The spending cap for the entire Fund in FY 2018 is $4.4 billion, an 80 percent increase over FY 2017, and an amount not expected for FY 2019.

The Fund comes from the collection of federal criminal fines, penalties and assessments, not taxpayer funds. It is not subject to the appropriations process except that in annual appropriations bills, Congress places a cap on how much of these monies will be distributed from the Fund. The Fund supports the Children's Justice Act; U.S. Attorney's victim/witness coordinators; FBI victim specialists; federal victim notification systems; discretionary grants from the Department of Justice's Office for Victims of Crime; state compensation formula grants; State victim assistance formula grants; and an Antiterrorism Emergency Reserve. We have written about the Crime Victims Fund developments in our General Memoranda 15-050 of July 10, 2015; 16-053 of August 19, 2016; and 17-053 of November 6, 2017.

Multi-Year Authorization Still Pending. The tribal three percent allocation in the FY 2018 Omnibus Appropriations Act applies only to this one fiscal year. Ultimately, the underlying law will need to be amended in order to provide a permanent tribal allocation. In the current Congress there is legislation pending in the House (HR 4608, Rep. O'Halleran (D-AZ)) and Senate (S 1870, Sen. Hoeven (D-ND)) which would provide a five percent tribal allocation for 10 years.

Tribal Consultation. The Department of Justice has scheduled tribal consultation teleconference calls on June 12 and 14, 2018, to discuss administration of the tribal monies made available from the Fund for FY 2018. The teleconference sessions will take place on:
Online registration is required to participate. The announcement with detailed registration and call-in information is here: http://www.unified-solutions.org/tribal-consultations-scheduled-regardin...

Crime Victims Fund, FY 2019 Pending. The House Appropriations Committee has approved its FY 2019 appropriations bill which funds the Department of Justice (the Commerce-Justice-Science appropriations bill) and it includes a five percent tribal allocation. The cap for the Fund is set in the bill at $2.6 billion. Five percent of that is $130 million, roughly the same amount of tribal funding as in FY 2018. (The Administration had requested a $2.3 billion cap). The tribal five percent allocation was added in Committee markup by Representatives McCollum (D-MN) and Cole (R-OK), co-chairs of the House Native American Caucus.

We are hopeful that the Senate Appropriations Committee will also include a five percent tribal allocation in its FY 2019 Commerce-Justice-Science appropriations bill (the markup of which is scheduled for the week of June 11). We encourage you to write your Senators in support of the tribal allocation from the Crime Victims Fund.

AMBER Alert in Indian Country Act. On April 13, 2018, President Trump signed the Ashlynne Mike AMBER Alert in Indian Country Act as PL 115-166. The Act, sponsored by Senators McCain (R-AZ) and Heitkamp (D-ND) allows tribes to access resources to develop and integrate their alert systems for missing and abducted children into surrounding state and regional systems. Prior to this, the Department of Justice operated a pilot program for tribes regarding AMBER Alert training services. The Act contains authority for Department of Justice to waive matching requirements for tribes in some instances and requires a report on tribal capacities and needs to implement AMBER Alert systems.

The impetus for the bill was the delay in reporting the abduction of 11-year old Ashlynne Mike of the Navajo Nation, and who was later found murdered."


The PL 477 program allows tribal organizations to combine certain federal funds that come from varied sources, but all pertain to employment, training, or related services into a single plan with a single budget and reporting system. The PL 477 program provides tribal organizations more flexibility in deciding how to spend their federal funds, and they are therefore able to design programs that are more successful based on the unique needs of their own community members. It also allows them to streamline administrative processes, including program applications and federal reporting, thereby lowering administrative costs and making more funds available for direct services.

Several years in the making, the Act serves multiple important purposes in strengthening the PL 477 program. It reauthorizes the PL 477 program as permanent rather than as a demonstration project. It clarifies that PL 477 plans require only one annual report or audit and do not require reporting dollar-for-dollar by program—as some federal officials had insisted. It creates strict deadlines and processes for review and approval of PL 477 plans, as some federal officials have wrongly disapproved or delayed approval of eligible programs' integration within PL 477 plans. It also clarifies the process for agencies to waive requirements of integrated programs.

The Act also expands the types of programs and funding that may be integrated into PL 477 plans. Programs must now meet the following requirements in order to be eligible for integration:

- **Agency.** In addition to integrating programs operated by the Departments of the Interior, Health and Human Services, Labor, and Education, programs operated by the Departments of Justice, Agriculture, Commerce, Energy, Homeland Security, Housing and Urban Development, Transportation, and Veterans Affairs may also be integrated.
• **Purpose.** A program must be "implemented for the purpose of" any of the following: "job training"; "welfare to work and tribal work experience"; "creating or enhancing employment opportunities"; "skill development"; "assisting Indian youth and adults to succeed in the workforce"; "encouraging self-sufficiency"; "familiarizing individual participants with the world of work"; "facilitating the creation of job opportunities"; "economic development"; or "any services related to" the above listed activities.

• **Funding.** A program's funding must be granted on one of the following grounds: an Indian tribe or members of Indian tribes are eligible to receive funds "under a statutory or administrative formula making funds available to an Indian tribe"; an Indian tribe or members of Indian tribes are eligible to receive funds "based solely or in part on their status as Indians under Federal law"; an Indian tribe or members of Indian tribes "have secured funds as a result of a noncompetitive process or a specific designation"; or the program is funded by a block grant provided to an Indian tribe.

The agencies have a statutory deadline of one year from enactment of the amendment legislation to develop and enter into an interdepartmental memorandum of agreement (MOA) on implementation of the new PL 477 legislation. Federal agency officials and tribal advocates from the PL 477 Work Group will be meeting on February 14, 2018, to discuss next steps.


"Senate committee recommends Chumash land affirmation bill: Bill would confirm Interior Secretary's decision to take 'Camp 4' land into trust for tribe," ICTMN, June 14, 2018, https://newsmaven.io/indiancountrytoday/the-press-pool/senate-committee-recommends-chumash-land-affirmation-bill-19yIQaQtYMs024P4keTIRJEg/, reported, "The U.S. Senate Committee on Indian Affairs voted unanimously today [June 13, 2018] to send H.R. 1491, the Santa Ynez Band of Chumash Indians Land Affirmation Act of 2017, to the Senate floor with the recommendation that the bill be enacted by the full body."

The bill ratifies the decision by the Secretary of the Interior on December 24, 2014, to place approximately 1,400 acres of land, known locally as Camp 4, into trust for the benefit of the tribe."

Several bills were passed, in June 2018, by the House Natural Resources Committee: "Committee on Natural Resources Rob Bishop Chairman, Markup Memorandum," June 8, 2018, https://naturalresources.house.gov/uploadedfiles/markup_memo__h.r._5874_06.13.18_2.pdf, "H.R. 5874, “Restoring Accountability in the Indian Health Service Act of 2018” Bill Summary."

H.R. 5874 was introduced by Rep. Kristi Noem (R-SD) on May 18, 2018. The bill would amend the Indian Health Care Improvement Act (IHCIA)¹ to improve the Indian Health Service (IHS) by reforming the agency’s personnel processes, medical credentialing system, fiscal accountability, and other operations. Specifically, the bill provides IHS broader hiring authority, and makes it easier to discipline and fire underperforming employees. Additional IHS reforms include:

- Requiring all IHS employees and contractors to undergo cultural competency training;
- Improving IHS doctor recruitments by expanding the loan repayment program and existing recruitment tools;
- Streamlining the volunteer credentialing process and reducing related paperwork burdens;
- Providing transparency in reports from the Center for Medicare and Medicaid Services;
- Requiring regular reporting from the IHS, the Government Accountability Office, and the Department of Health and Human Services Office of Inspector General on patient care; and
- Providing whistleblower retaliation protections for IHS employees.

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¹ 25 U.S.C. 1601 et seq.
H.R. 3744 (Bishop of Utah), the “Tribal Recognition Act of 2017,”
https://naturalresources.house.gov/uploadedfiles/markup_memorandum--h.r._3744_06.13.18.pdf,

Summary of the Bill

H.R. 3744 reclaims the Article I authority of Congress over recognizing tribes from the Executive Branch, which has appropriated this power. The bill establishes a statutory process for the Department of the Interior to examine evidence submitted by groups seeking recognition as tribes within the meaning of federal law, and for Congress to make a final determination on extending recognition. The status of a tribe federally recognized prior to the date of enactment of the bill shall be unaffected. H.R. 3744 is the same as Title I of H.R. 3764 of the 114th Congress, reported by the Committee on December 7, 2016.¹

1 H. Rept. 114-847.


Summary of the Bill

H.R. 2606 was introduced by Congressman Tom Cole on May 23, 2017. The bill would amend the Act of August 4, 1947¹ to remove the Indian blood quantum requirement for interests in certain allotments of land to be maintained in restricted fee status² for any member of the Five Civilized Tribes of Oklahoma.³ Currently, interests in such allotments may be sold, exchanged, and taxed when individuals of less than one-half degree Indian blood inherit them, even though such individuals remain members of the Five Tribes.⁴ Under H.R. 2606, restricted fee land currently owned by members of the Five Tribes would remain in restricted status regardless of the blood quantum of the owners.

1 Stigler Act, 61 Stat. 731.
2 This is land or interest in land whose title is held in fee by an Indian, but such land may not, as a matter of federal law, be taxed or transferred (through sale, exchange, donation, or otherwise) without authorization from the federal government.
3 The Cherokee Nation, Chickasaw Nation, Choctaw Nation, Muscogee (Creek) Nation, and the Seminole Nation.
4 The Five Tribes do not maintain a minimum degree blood quantum requirement for membership.

"Efforts to Reauthorize the Farm Bill Underway in the House," Hobbs-Straus General Memorandum 18-018, April 25th, 2018, http://hobbsstraus.com/general-memorandum-18-018, reported, "On April 12, 2018, House Agriculture Committee Chairman Mike Conaway (R-TX) introduced HR 2, the 'Agriculture and Nutrition Act of 2018' (the "2018 House Farm Bill"), which would reauthorize the Farm Bill, one of the United States’ largest pieces of domestic legislation enacted by Congress every five years. The Farm Bill authorizes United States Department of Agriculture (USDA) programs and covers a variety of issues, including: (1) commodities; (2) conservation; (3) trade; (4) nutrition; (5) credit; (6) rural development; (7) research; (8) forestry; (9) energy; (10) horticulture; and (11) crop insurance. As all of these issues touch on important aspects of Indian Country and quality of life for Native people, we encourage tribes to engage with Congress on the Farm Bill reauthorization.

Congress last enacted a Farm Bill in 2014, and many of those provisions will expire on September 30, 2018. The likelihood for a reauthorization of the Farm Bill in the 115th Congress is unclear, but there is significant interest from Members of Congress in hearing from tribes about their priorities and needs. The House Agriculture Committee marked up and reported out the 2018 House Farm Bill. House Speaker Paul Ryan (R-WI) has indicated his intent to pass the 2018 House Farm Bill this Spring. The Senate has yet to release its version of a Farm Bill. Senate Agriculture Committee Chairman Pat Roberts (R-KS) has publicly stated that the Senate will not support a bill from the House that includes controversial changes to the Supplemental Nutrition Assistance Program (SNAP).

As the Farm Bill has many titles and covers numerous issues critically important to Indian Country, this report does not contain a comprehensive analysis of the legislation. Within this General Memorandum, we highlight some of the matters pertinent to tribes at this stage of the Farm Bill reauthorization. However, Hobbs, Straus, Dean & Walker, LLP is tracking and reporting on Farm Bill developments in detail for clients who have requested such work. Please contact us to let us know if you would like reports and analysis on the details.
Significant Changes Proposed to Food Assistance Programs

Two fundamentally important food assistance programs for Indian Country—SNAP and the Food Distribution Program on Indian Reservations (FDPIR)—are under attack in the 2018 House Farm Bill, as there is a push in the House to increase work requirements for SNAP beneficiaries. Approximately 25 percent of American Indian/Alaskan Natives (AI/ANs), and as high as 60-80 percent in some tribal communities, receive federal food assistance. Members of the Native Farm Bill Coalition (the "Coalition") (discussed below) have reported that the new SNAP work requirements would likely cause a substantial shift in participants leaving SNAP and joining FDPIR, which has no contingency plan for managing food shortages due to the rapid escalation of participation numbers.

The 2018 House Farm Bill would make significant changes to SNAP work requirements, with no American Indian/Alaska Native or tribal exception. Currently, to receive SNAP benefits, Able-Bodied Adults Without Dependents (ABAWD) between the ages of 18 and 49 are required to either work or participate in employment training or a work program (or a combination) for a minimum of 80 hours a month. The bill would restructure the work hour requirement to be 20 hours per week. It would also expand the requirements to apply to those ages 50 to 59. By 2026, the work hour requirement would increase to 25 hours per week.

Violations of these rules come with stiff penalties. After the first violation of the work or reporting requirements, individuals become ineligible for SNAP benefits for a year, and subsequent violations result in a three-year ineligibility period. Individuals can regain SNAP benefits if they are employed and work the required number of hours or circumstances change so that they are not subject to work requirements.

The 2018 House Farm Bill does not explicitly impose these work requirements on FDPIR participants, but, as reported by the Coalition, there historically is conformity between the requirements of SNAP and FDPIR. The bill would maintain the current prohibition on simultaneously participating in FDPIR and SNAP but would make several positive amendments to FDPIR. First, the bill would add regionally grown foods to the list of foods that the USDA Secretary may purchase for distribution to FDPIR participants, in addition to traditional and locally-grown foods. Additionally, the bill would allow appropriated program funds to remain available for two fiscal years. Lastly, the bill would eliminate the surveying and reporting requirements regarding traditional foods.

Opportunities for Indian Country

The Farm Bill offers an important opportunity for tribes to expand self-governance and self-determination contracting authority to USDA programs. Currently, this authority is only available for programs within the Department of the Interior, the Department of Transportation, and the Indian Health Service in the Department of Health and Human Services. On April 18, 2018, at a hearing before the Senate Committee on Indian Affairs on "The 30th Anniversary of Tribal Self-Governance: Successes in Self-governance and an Outlook for the Next 30 Years," Vice Chairman Tom Udall (D-NM) stated that he and Chairman John Hoeven (R-N]) plan to introduce bipartisan legislation for the Farm Bill that would allow tribes to assume self-governance authority over USDA programs, notably food distribution and forestry. The 2018 House Farm Bill does not contain this broad authority but it would extend self-governance authority to tribes to take on the management and function of the federal government under the Tribal Forest Protection Act (P.L. 108-278).

Advocacy Steps

Tribal Nations have considerable experience and much to share regarding the federal nutrition, agriculture, conservation, and other policies included in the Farm Bill. The Native Farm Bill Coalition formed to voice the positions of Indian Country during the reauthorization of the Farm Bill. The Coalition is a joint project of the Shakopee Mdewakanton Sioux Community’s Seeds of Native Health campaign, the Intertribal Agriculture Council, the National Congress of American Indians, and the Indigenous Food and Agriculture Initiative. It is co-chaired by Keith B. Anderson, Vice-Chairman of the Shakopee Mdewakanton Sioux Community, and Ross Racine, Executive Director of the Intertribal Agriculture Council. All Tribes are welcome to join the Coalition and the website has a draft letter of support and draft resolution. See: http://seedsofnativehealth.org/native-farm-bill-coalition. Over 70 Tribes and Tribal organizations are currently members of the Coalition, representing over 125 Tribes.

As there are numerous opportunities in the Farm Bill to improve the efficiency and effectiveness of agriculture and nutrition programs in Indian Country, the Coalition is encouraging Tribes to engage with their congressional representatives to boost support for tribal interests and educate them about the significant impact
Farm Bill policies have on tribal communities. During the week of May 7, 2018, the Coalition is planning to hold educational sessions and coordinate advocacy efforts for the Farm Bill in Washington, D.C. Numerous Tribal Leaders are expected to already be in Washington, D.C. to testify before the House Interior Appropriations Subcommittee on funding priorities for American Indian/Alaska Native programs.

Conclusion
We encourage Tribes to engage in the reauthorization of the Farm Bill. Please do not hesitate to contact us for further information or to discuss approaches for engaging with your congressional delegation about your Tribe's positions regarding the Farm Bill. We are also happy to assist you with coordinating with the Coalition on advocacy opportunities if you will be in Washington, D.C. to testify the week of May 7th.


Representative Jared Huffman (D-CA), joined by the bill's original cosponsors, introduced the "Arctic Cultural and Plain Protection Act," in the House, in May, that would repeal the provision of the December tax legislation authorizing oil and gas drilling in the Arctic National Wildlife Refuge ("Legislation would repeal disastrous Arctic Refuge tax bill drilling provision," NFIC, June 2018).

Senator Maria Cantwell, Democrat of Washington, in June 2018, introduced in the U.S. Senate, S. 3060, "To repeal section 2141 of the Revised Statutes to remove the prohibition on certain alcohol manufacturing on Indian lands." This would allow Indian tribes to manufacture alcoholic products.

Senator Lisa Murkowski (R-AK), proposed the Alaska Native Claims Improvement Act if 2017, which would give 100,000 acres of federal land in Alaska to Native groups in five southeast Alaska towns, establishing Native corporations in Ketchikan, Wrangell, Petersburg, Tenakee and Haines ("Bill would create new Native corporations," NFIC, February 2018).

"Senate hearing examines "high risk" agencies serving Indian Country," ICTMN, June 14, 2018, https://newsmaven.io/indiancountrytoday/news/senate-hearing-examines-high-risk-agencies-serving-indian-country-Hjzf2unxwEmUUbE6R3qO6w/, reported, "Federal agencies that operate Indian programs are making progress toward fixing management shortcomings that landed them on a list of 'high-risk' agencies, but not enough progress to satisfy some senators." The Government Accountability Office’s (GAO) list of federal programs that are at risk of mismanagement has included the Bureau of Indian Affairs, the Bureau of Indian Education and the Indian Health Service.

At a June 13, 2018, session of the Senate Indian Affairs Committee, testimony by officials from those agencies, and from the GAO indicate some progress has been made in beginning to meet the GAO recommendations for improvement by these agencies. However, both the testimony and comments by committee members indicated that there is a great deal yet to be accomplished.

Frank Rusco, GAO director of natural resources and environment stated that the BIA had met almost one-third of the GAO’s 14 recommendations for improvement. He stated, “We identified most, if not all, progress meeting this criteria. Still, additional progress is required in all areas, particularly in the areas of leadership, commitment and the capacity and resources needed to identify and address root causes.”

BIE Director Tony Dearman said his agency had met seven of its 13 recommendations to improve school management and was moving forward on the others.

A pair of related problems at the Indian agencies are high rates of personnel turnover and large numbers of staff vacancies. One aspect of that problem is funding levels for the agencies, which at least in some cases have relatively low salary levels. The BIE director stated that “location and isolation of our positions” was an
ongoing difficulty in recruiting and retaining personnel. He indicated that to meet the problem the agency was planning to relocate some positions. However, as a great many of the positions need to be at reservation schools, that can only partially solve the problem.

Rear Adm. Michael Weahkee, acting director of IHS, stated that shortage of staff has led to long patient wait times, lack of organizational capacity, and lack of effective monitoring of health care centers and hospitals across the system. He said, "Reducing wait times continues to be a priority for the agency." "The OQ (Office of Quality) will ensure that quality is integrated into all agency programs in a collaborative and organized manner."

Several committee members were critical of the agencies efforts to meet the GAO recommendations. For example, Senator Tom Udall, D-New Mexico, questioned whether officials were actually changing the culture of their agencies or merely “checking off boxes” in the list of what needed to be accomplished.

Federal Agency Developments

After major complaints by Indian Nations that they were not being consulted on a major reorganization of the Bureau of Indian Affairs (BIA), a short period for submitting comments and a series of listening sessions was initiated by the BIA from June 3 to August 15, 2018. The 2019 funding bill for the Department of the Interior contained a recognition that tribes and states had complained about insufficient consultation by the department, and urged Interior to increase its consultation, including formal consultations with Indian tribes ("Trump administration finally informs tribes about BIA reorganization," NFIC, June 2018).

United States Department of the Interior, Bureau of Land Management (BLM) and Bureau of Indian Affairs (BIA), announced via E-mail (blm_nm_ffo_rmp@blm.gov), January 24, 2018, "The United States Department of the Interior, Bureau of Land Management (BLM) and Bureau of Indian Affairs (BIA), have developed preliminary draft alternatives that will be further refined and analyzed in the Farmington Mancos-Gallup Resource Management Plan (RMP) Amendment/Environmental Impact Statement (EIS). The agencies have formulated these alternatives in response to the issues and concerns identified during two rounds of public scoping: the first in 2014 and the second conducted from 2016 to 2017 after the BIA joined as a co-lead agency. Per the National Environmental Policy Act, the agencies developed these alternatives because there were unresolved conflicts concerning different uses of available resources. These alternatives are reasonable and respond to the project purpose and need, are technically and economically feasible, and are consistent with the basic policy and management objectives for the BIA and BLM. Please see the attached newsletter for a further summary of the alternatives.

Want More Information?

While the BLM and BIA are not soliciting public comments at this time, we encourage you to stay informed on the process and future opportunities for submitting your comments.

Visit www.blm.gov/nm/farmington for more information. Anyone wishing to be added to or deleted from the mailing list, wishing to change their contact information, or requesting further information may contact the BLM and BIA by any of the following methods:

Email: blm_nm_ffo_rmp@blm.gov

Mail: BLM, Farmington Field Office, Attention: Jillian Aragon, RMPA Team Lead, 6251 North College Blvd., Suite A, Farmington, NM 87402

BIA, Navajo Region, Attention: Harrilene Yazzie, BIA Supervisory Environmental Protection Specialist, P.O. Box 1060, Gallup, NM 87305

Phone: BLM:505-564-7670, BIA: 505-863-8287

Before providing your phone number, email address, or other personal identifying information, you should be aware that your information may be made publicly available at any time. While you can request that your personal identifying information be withheld from public review, we cannot guarantee that we will be able to do so."

"In fact, according to the surveys, employees with the Bureau of Indian Affairs, an agency staffed mostly by American Indians, experience more harassment than other Interior agencies. The problem is acute across the BIA, an underfunded agency whose employees are scattered across 12 different regional offices in Indian Country. The bureau has a long, complicated history with Indigenous people; it was first established under the War Department in 1824, with the explicit purpose of assimilating Native Americans into non-Native culture. The survey’s findings raise big questions: How can the agency fulfill its stated mission — empowering tribal governments — when it is so rife with harassment? Recent investigations show that little meaningful action has been taken to prevent such harassment, or address it when it is reported."

"Bureau of Indian Affairs Updates Federally Recognized Tribes List; Virginia Tribes' Recognition Enacted After this Notice," Hobbs-Straus General Memorandum 18-007, February 6th, 2018, http://www.hobbsstraus.com/general-memorandum-18-007, reported, "On January 30, 2018, the Department of Interior – Bureau of Indian Affairs (BIA) published in the FEDERAL REGISTER its annual list of federally recognized tribal entities. Recognized entities are eligible to receive funding and services from the BIA due to their status as Indian tribes. The notice states: 'The listed Indian entities are acknowledged to have the immunities and privileges available to federally recognized Indian tribes by virtue of their government-to-government relationship with the United States as well as the responsibilities, powers, limitations and obligations of such Tribes.' The FEDERAL REGISTER NOTICE may be found here: https://www.gpo.gov/fdsys/pkg/FR-2018-01-30/pdf/2018-01907.pdf

The 2018 list identifies 567 tribal entities, the same as in the previous (January 2017) listing. The list is divided by those located in the "Lower 48" and those in Alaska.

Of note is that the BIA notice was signed and sent to the FEDERAL REGISTER on January 11, 2018, a week before the Senate passed HR 984, legislation extending federal recognition to six tribes in Virginia and sending the bill to the President for signature. President Trump signed the legislation on January 29, 2018, as Public Law 115-121. The six newly recognized tribes are: the Chickahominy Indian Tribe; the Chickahominy Indian Tribe—Eastern Division; the Upper Mattaponi Tribe; the Rappahannock Tribe, Inc.; the Monacan Indian Nation; and the Nansemond Indian Tribe. (See our General Memorandum 18-006 of February 6, 2018,[above, under Congressional Developments])."

Secretary of the Interior Ryan Zinke signed the Blackfeet water settlement, in March 2018, and transferred the first $800,000 of an anticipated $470 million. The compact confirmed the tribe's water rights and jurisdiction of over the water on its reservation ("Zinke signs historic Blackfeet water settlement," NFIC, March 2018).

Affairs (BIA) published a notice in the February 14, 2018, FEDERAL REGISTER that the deadline for Indian tribes/consortia to submit completed applications to begin participation in the Self-Governance program in fiscal year 2019 or calendar year 2019 is March 1, 2018. The notice can be found here: https://www.gpo.gov/fdsys/pkg/FR-2018-02-14/pdf/2018-03075.pdf

Agreements for fiscal year 2019 need to be signed and submitted to the tribes who are party to the agreement and to Congress by July 1. Agreements for calendar year 2019 need to be signed and submitted by October 1.

Tribes/consortia that are currently involved in self-governance negotiation with the BIA or already have a signed agreement do not need to respond to the notice."


The purpose of this cooperative agreement is to provide planning resources to tribes interested in participating in the TSGP. Under the agreements tribes may undertake planning such as legal and budget research that leads to a greater understanding of which programs, functions, activities, and services they may want to assume and any organizational changes that may be necessary to do so. They may also be used to help identify programmatic alternatives that will better meet tribal needs. Receipt of a planning grant is not a pre-requisite to enter the TSGP.

There is $600,000 available to fund up to five tribes to enter the TSGP planning process. Accepted tribes would be awarded up to $120,000 for a 12-month project period (July 15, 2018 to July 14, 2019).

To be eligible for the planning agreement, the applicant must be a tribe, tribal organization or inter-tribal consortium; and demonstrate financial stability and management capability by having had no significant and material audit exceptions for three previous fiscal years. Alaska Native Villages or Village Corporations are not eligible to apply for this funding if they are located within an area served by an Alaska Native regional health entity (including the Native Village of Eyak, the Eastern Aleutian Tribes, and the Council for Athabascan Tribal Governments which have been deemed Alaska Native regional health entities and are eligible to apply) already participating in the Alaska Tribal Health Compact.

With regard to the submission of resolution authorizing the application, the IHS states: ‘Submit Tribal resolution(s) from the appropriate governing body of the appropriate Indian Tribe to be served by the ISDEAA Compact authorizing the submission of a Negotiation Cooperative Agreement application. Tribal consortia applying for a TSCP Negotiation Cooperative Agreement shall submit Tribal Council resolutions from each Tribe in the consortium. Tribal resolutions can be attached to the electronic online application.'
The solicitation also provides that an official signed Tribal resolution must be received by the Division of Grants Management prior to a Notice of Award being issued to any applicant selected for funding.

Applications are to be submitted electronically via www.Grants.gov. Detailed eligibility, application criteria and contact information are contained in the announcement."

"IHS FY 2018 Self-Governance Program Negotiation Cooperative Agreements," Hobbs-Straus General Memorandum 18-017, April 20th, 2018, http://hobbsstraus.com/general-memorandum-18-017, reported, On April 17, 2018, the Indian Health Service (IHS) published in the FEDERAL REGISTER a notice of the availability of FY 2018 cooperative agreements for negotiation under the Tribal Self-Governance Program (TSGP). This competitive grant program is authorized by Title V, Tribal Self-Governance Amendments of 2000, of the Indian Self-Determination and Education Assistance Act, PL 93-638, as amended. The TSGP is designed to promote self-determination by allowing tribes to assume more control of IHS programs and services through compacts negotiated with the IHS. Applications are due by June 17, 2018. A copy of the notice is available here: https://www.gpo.gov/fdsys/pkg/FR-2018-04-17/pdf/2018-07941.pdf

The purpose of the negotiation cooperative agreement is to defray some of the costs tribes incur in preparing for and negotiating compacts and funding agreements. A tribe is not required to have had a negotiation agreement in order to enter the TSGP.

There is $240,000 available to fund approximately five tribes to enter the TSGP negotiation process for compacts. Awards are expected to be $48,000 each for a 12-month project period (July 15, 2018 to July 14, 2019). To be eligible for a negotiation cooperative agreement, the applicant must be a tribe, tribal organization or intertribal consortium; and demonstrate financial stability and management capability by having had no significant and material audit exceptions for three previous fiscal years. Alaska Native Villages or Village Corporations are not eligible to apply for this funding if they are located within an area served by an Alaska Native regional health entity (including the Native Village of Eyak, the Eastern Aleutian Tribes, and the Council for Athabascan Tribal Governments which are deemed Alaska Native regional health entities and are eligible to apply) already participating in the Alaska Tribal Health Compact.

With regard to the submission of resolutions the IHS states: 'Submit Tribal resolution(s) from the appropriate governing body of the appropriate Indian Tribe to be served by the ISDEAA Compact authorizing the submission of a Negotiation Cooperative Agreement application. Tribal consortia applying for a TSCP Negotiation Cooperative Agreement shall submit Tribal Council resolutions from each Tribe in the consortium. Tribal resolutions can be attached to the electronic online application.'

The solicitation also provides that an official signed Tribal resolution must be received by the Division of Grants Management prior to a Notice of Award being issued to any applicant selected for funding.

Applications are to be submitted electronically via www.Grants.gov. Detailed eligibility, application criteria and contact information are contained in the notice."

"Indian Health Service Soliciting Applications for FY 2018 Loan Repayment Program," Hobbs Straus General Memorandum 18-019, April 25th, 2018, http://hobbsstraus.com/general-memorandum-18-019, reported, "The Indian Health Service (IHS) is soliciting applications, via an April 18, 2018, FEDERAL REGISTER notice, for the repayment of health professions educational loans. Under the Loan Repayment Program (LRP), authorized under Section 108 of the Indian Health Care Improvement Act, the IHS may make awards to persons for the repayment of health professions educational loans in return for full-time clinical service in Indian health programs. The FEDERAL REGISTER NOTICE may be found here: https://www.gpo.gov/fdsys/pkg/FR-2018-04-18/pdf/2018-07892.pdf and the application materials may be obtained here: http://www.ihs.gov/loanrepayment

The IHS estimates that it will provide $17.7 million in FY 2018 funds for the LRP, which will support "approximately 384 competing awards averaging $46,210 per award for a two-year contract." Applications for the FY 2018 LRP will be evaluated monthly beginning April 18, 2018, and will continue to be accepted each month thereafter until all funds are exhausted for FY 2018. Subsequent monthly deadline dates are scheduled for Friday of the second full week of each month until August 15, 2018.

In addition, $9.32 million is estimated to be available for "approximately 373 competing awards averaging $25,000 per award for a one-year extension."
The attached notice contains a list of priority health professions that will be considered in making awards under the LRP. In addition to the level of need for specific disciplines, factors that will be taken into consideration are: 1) an applicant's length of current employment in the IHS, tribal, or urban program; 2) availability for service earlier than other applicants; and 3) date of receipt of the individual's application.

The IHS Area Offices and Service Units are authorized to provide supplemental funds for LRP participants for use in their areas, but the total amount cannot exceed the amount authorized by statute plus tax assistance.

Additional information regarding this program may be obtained from: Jacqueline Santiago Chief, IHS Loan Repayment Program, 5600 Fishers Lane Mail Stop: OHR (11E53A), Rockville, Maryland 20857 301-443-3396

Finally, we note that the IHS, in the Budget Justification regarding its proposed FY 2019 appropriations, has recommended legislation that would allow the IHS loan repayment and scholarship obligations to be allowed for part time work (20 hours per week) in return for four-year clinical service or accept half the amount of IHS discretionary use of awards in exchange for a two-year service obligation; another IHS proposal is for an option to allow combined part-time clinical and part-time administrative work.

We remind potential applicants that because of the great demand for the IHS loan repayment funds, persons intending to apply should do so early.

"Indian Health Service Issues Reimbursement Rates for Calendar Year 2018," Hobbs-Straus General Memorandum 18-002, January 8th, 2018, http://hobbsstraus.com/general-memorandum-18-002, reported, "The Indian Health Service (IHS) issued in a January 5, 2018, FEDERAL REGISTER notice its Calendar Year (CY) 2018 reimbursement rates applicable to Medicare and Medicaid services provided by IHS-funded health programs (operated by IHS and tribes/tribal organizations). These rates are set annually by IHS, with the concurrence of the Office of Management and Budget, and are based on cost reports compiled by IHS. The notice may be found here: https://www.gpo.gov/fdsys/pkg/FR-2018-01-05/pdf/2018-00047.pdf

Medicare Part A (Inpatient Services) rates are not included in the notice as they are paid based on the prospective payment system. A comparison of the 2017 and 2018 rates follows:

<table>
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<tr>
<th>Inpatient Hospital Per Diem Rate (Excludes Physician Services)</th>
<th>CY 2017</th>
<th>CY 2018</th>
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<tbody>
<tr>
<td>Lower 48</td>
<td>$2,933</td>
<td>$3,229</td>
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<tr>
<td>Alaska</td>
<td>$3,235</td>
<td>$3,277</td>
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</table>

Outpatient Per Visit Rate (Excluding Medicare) for MEDICAIDCY 2017 CY 2018 Lower 48 $391 $427 Alaska $616 $653

Outpatient Per Visit Rate for MEDICARECY 2017 CY 2018 Lower 48 $349 $383 Alaska $577 $595

The Outpatient Surgery Rates for Medicare are the established Medicare rates for freestanding Ambulatory Surgery Centers."

Doug Steiger, "ICWA: They Don’t Want You to Know About Your Children: HHS is likely to pull back requirements on states to collect ICWA-related data," ICTMN, June 11, 2018, https://newsmaven.io/indiancountrytoday/opinion/icwa-they-don-t-want-you-to-know-about-your-children-4dcNDaNDckKV05lNvZzFhA/, reported, "ICWA was enacted in the 1970s in response to so many AI/AN children being removed from Indian homes and placed with non-Indian families, making it more difficult for tribes to pass along their cultures to future generations. ICWA puts requirements on states to engage with tribes when their children come into the child welfare system due to alleged neglect or abuse.

Unfortunately, state compliance with ICWA has been uneven at best. South Dakota, for example, has been repeatedly found in litigation to have failed its obligations under ICWA."
In an attempt to address this, HHS under President Obama included significant data collection related to ICWA in an update of a regulation governing state child welfare systems, known by its acronym as AFCARS. (Full disclosure – I served at HHS under Obama.)

This regulation would require states to report on such important issues as whether the child’s parents were members of a tribe and whether a child would qualify for ICWA procedures. The result would be a clearer picture of the extent to which Indian children in a state are – or are not – receiving the protections under ICWA that would help them preserve their tribal connections.

But the Trump Administration has delayed implementation of the AFCARS regulation and re-opened it for comments, signaling in particular an interest in reducing or even eliminating the data collection related to ICWA. Some states have claimed that they are too burdensome.

"EPA Announces $2 Million competition for tribes to help clean up diesel engines," ICTMN, June 5, 2018.

"Priority is given to diesel emission reduction projects in Tribal areas facing air quality challenges," U.S. Environmental Protection Agency News release:

"The U.S. Environmental Protection Agency announced the availability of $2.0 million in grant funding for tribal applicants to establish clean diesel projects. Under this grant competition, each applicant may request up to $800,000 in federal funding.

'This funding will promote clean diesel projects and enable tribes to improve air quality and public health,' said EPA Administrator Scott Pruitt. 'EPA will continue to target funds to tribal areas facing significant air quality issues.'

EPA anticipates awarding up to eight tribal assistance agreements. Projects may include replacing, upgrading or retrofitting school buses, transit buses, heavy-duty diesel trucks, marine engines, locomotives, energy production generators or other diesel engines. Proposals from tribal applicants must be received by Thursday, September 6, 2018.

The Tribal Clean Diesel Funding Assistance Program gives priority to projects that achieve significant reduction in diesel emissions and exposure in areas designated as having poor air quality, and in areas receiving a disproportionate quantity of air pollution from diesel fleets. In addition, funding priority will be given to projects that address the needs and concerns of local communities, use partnerships to leverage additional resources to advance the goals of the project, and demonstrate the ability to promote and continue efforts to reduce emissions after the project has ended.

This competition is part of the Diesel Emission Reduction Act (DERA) program, which funds projects that clean up the nation’s legacy fleet of diesel engines. Older diesel engines emit more air pollutants, such as nitrogen oxides and particulate matter, than newer diesel engines. These pollutants are linked to a range of serious health problems including asthma, lung and heart disease, other respiratory ailments, and premature death."

Since 2008, DERA grants have funded projects that have significantly improved air quality and provided critical health benefits by reducing hundreds of thousands of tons of air pollution, while saving millions of gallons of fuel. This is the fifth tribes-specific competition for clean diesel funding. Funding for the first four tribes-specific competitions (2014-2017) ranged from $925,000 to $1.5M per year. Projects included replacement of marine engines, generators used for prime power production, and vehicles, as well as the addition of electrified parking spaces to reduce truck idling.

For more information on the Tribal Request for Proposals and related documents, visit www.epa.gov/cleandiesel/clean-diesel-tribal-grants.

For more information on the National Clean Diesel campaign, visit www.epa.gov/cleandiesel.

"Attorney General Sessions Rescinds Obama-Era Marijuana Policy for Indian Tribes," Hobs-Straus General Memorandum 18-001, January 5th, 2018, http://hobbsstraus.com/general-memorandum-18-001, reported, "On January 4, 2018, U.S. Attorney General Jeff Sessions sent the attached memorandum to all United States Attorneys announcing the termination of previous policies issued under the Obama Administration regarding the federal enforcement of federal criminal law prohibitions against marijuana activities in jurisdictions that met key criteria. This new memorandum also rescinds a policy specifically applicable to
Indian tribes wishing to engage in marijuana-related activities. The Sessions Memorandum does not replace the rescinded memoranda with any new guidance.

The 2013 Cole Memorandum to U.S. Attorneys described situations in which each U.S. Attorney could exercise discretion not to take enforcement actions against individuals or officials in states which had in place robust regulatory and enforcement systems governing recreational or medicinal marijuana production, processing, and sales. The Cole Memorandum described eight priority areas that the states would have to address - including preventing the distribution of marijuana to minors, the use of marijuana in criminal activities, and the diversion of marijuana to states that have not legalized marijuana. In 2014, the U.S. Justice Department issued similar guidance to U.S. Attorneys through the Wilkinson Memorandum regarding the production, processing, and sale of recreational and medicinal marijuana in Indian Country. In states such as Washington, Oregon, and Nevada, a number of Indian tribes have entered both the recreational and medicinal marijuana markets since the issuance of the Wilkinson Memorandum. Others have been considering undertaking such enterprises. Those tribes will need to review the Sessions Memorandum and review their legal options going forward.

The Sessions Memorandum makes clear that the Cole and Wilkinson Memoranda are no longer in effect and that all U.S. Attorneys are free to prosecute marijuana related activities under existing federal laws and in accordance with the U.S. Attorney's Manual.

We note that, of course, the Cole and Wilkinson Memoranda did not legalize marijuana in the states and Indian Country. Both memoranda stated that the U.S. Attorneys always retained the power and discretion to take enforcement action as they saw necessary. Thus, the Sessions Memorandum does nothing to change any federal laws. Furthermore, the Sessions Memorandum provides that U.S. Attorneys retain their discretion to investigate or prosecute marijuana crimes based upon 'relevant considerations' including 'federal law enforcement priorities, the seriousness of the crime, the deterrent effect of criminal prosecution, and the cumulative impact of particular crimes on the community.' Thus, it is possible that U.S. Attorneys who already have declined to take actions against actors in states which have legalized marijuana will continue to decline to do so. The same possibility exists for Indian Country as well.

We also note that the Sessions Memorandum rescinds the 2014 Cole Memorandum (also called the FinCen Memorandum) regarding the ability of banks and other financial institutions to provide their services to marijuana-related businesses and still comply with the Bank Secrecy Act. Banks, credit unions, and other financial institutions have remained leery about providing services to marijuana-related businesses and the Sessions Memorandum will likely have a further chilling effect on the financial industry and its willingness to provide banking services to individuals, organizations, and tribes involved in the marijuana industry.

The Sessions Memorandum does not address the Rohrabacher-Farr Amendment which currently prevents the Department of Justice from using appropriated funds to prevent states from "implementing their own state laws that authorize the use, distribution, possession or cultivation of medical marijuana." (The Amendment only addresses medicinal marijuana and not recreational marijuana.) The Amendment was set to expire at the end of FY 2017 (September 30, 2017) but several continuing resolutions (CRs) have been enacted since that time which largely extended FY 2017 terms and conditions (including the Rohrabacher-Farr Amendment) to January 19, 2018. It is unclear if Congress will pass another short-term CR that extends the Amendment or if Congress will include the Amendment in any deal they reach on an FY 2018 Omnibus spending bill. If not, the Amendment and its protections will expire.

The impetus for any new federal investigations or prosecutions against actors in Indian Country will continue to be determined on a case-by-case basis by each U.S. Attorney. Because of the lack of any new guidance, there remains a great deal of uncertainty as to whether U.S. Attorneys in states covering Indian Country will begin new enforcement actions against tribes, tribal businesses, or consultants in the tribal marijuana industry."

On Department of Justice tribal consultations, see "Tribal Governments Gain Access to Crime Victims Fund and AMBER Alert Funds; Tribal Consultation Teleconferences to be Held June 12 and 14," in Congressional Developments, above.
"DOJ Background Paper on Tribal Access to Crime Victims Fund; Comments Due June 29; FY 2019 Appropriations Bills Would Continue Tribal Access." Hobbs-Straus General Memorandum 18-023, June 15th, 2018, http://hobbstraus.com/general-memorandum-18-023, reported, The Department of Justice (DOJ) is seeking comments on the provision of direct tribal access to the Crime Victims Fund (Fund) for FY 2018. Consultation calls were held this week and written comments are being accepted through June 29, 2018. The DOJ's background paper is attached and described below. So far for FY 2019, the House and Senate Appropriations Committees have each approved bills which would continue the provision of direct tribal access to the Crime Victims Fund. Direct access to the Fund means that tribes are now directly eligible for millions of dollars to assist victims of crime.

**Background.** The Fund comes from the collection of federal criminal fines, penalties and assessments, not taxpayer funds. It is not subject to the appropriations process except that in annual appropriations bills, Congress places a cap on how much of these monies will be distributed from the Fund. The FY 2018 Omnibus Appropriations Act provided the first ever direct tribal allocation under the Crime Victims Fund (Fund). The allocation is three percent, which for FY 2018, amounts to $133 million. (The spending cap for the entire Fund in FY 2018 is $4.4 billion.)

Consultation on the FY 2018 Tribal Set Aside. On June 12 and 14, the DOJ held tribal consultation calls on the tribal set aside for FY 2018 (see our General Memorandum 18-022 of June 1, 2018). The attached background paper, which was released after our memo was published, provides a short explanation of the Victims of Crime Act (VOCA) (the authorizing statute for the Fund), including a list of eligible categories of activities for awards from the Fund. The DOJ notes the time pressure they are under to disperse these funds: the last day of FY 2018 is September 30, 2018. The paper explains that the DOJ is particularly interested in receiving feedback on the following questions:

1. What can the Department do to ensure that information about the funding is available to all eligible potential applicants;
2. What can the Department do to encourage eligible entities to apply for this funding; and
3. Are there other activities and/or items that may be funded under VOCA that the Department should consider funding?

Written comments are to be submitted on or before 5:00 PM, ET on June 29, 2018 via email to ovctribalsetaside@ojp.usdoj.gov or via first class mail to:
Office of Victims of Crime, Office for Victims of Crime, 810 7th Street, NW, Washington, DC 20531
Attn.: Allison Turkel

Further information can be found at the DOJ's page for the tribal set aside: https://www.ovc.gov/news/fy18-tribal-set-aside.html

**Status of the FY 2019 Tribal Set Aside.** As we reported in our General Memorandum 18-022 the House Appropriations Committee has approved its FY 2019 appropriations bill which funds the Department of Justice (the Commerce-Justice-Science appropriations bill) and it includes a five percent tribal allocation from the Fund. The cap for the Fund is set in the bill at $2.6 billion. Five percent of that is $130 million, roughly the same amount of tribal funding as in FY 2018. Since that memo, the Senate Appropriations Committee has approved its FY 2019 Commerce-Justice-Science appropriations bill and it includes a five percent tribal allocation. Notable, however, is that the Senate Appropriations Committee's version would set the cap for the Fund at $4.4 billion, resulting in $220 million for tribes in FY 2019, if enacted. We are hopeful that as Congress considers FY 2019 appropriations bill that the tribal set aside will remain intact.

Multi-Year Authorization Still Pending. The drawback to securing a tribal set aside through the appropriations process is that it only applies to the fiscal year for which the bill is written. Ultimately, the underlying law will need to be amended in order to provide a permanent tribal allocation. In the current Congress there is legislation pending in the House (HR 4608, Rep. O'Halleran (D-AZ)) and Senate (S 1870, Sen. Hoeven (D-ND)) which would provide a five percent tribal allocation for 10 years."
Kim Maida, 

"#Honornativeland Campaign Aims To Raise Awareness Of Native Sovereignty And Rights," Cultural Survival, March 07, 2018, https://www.culturalsurvival.org/news/honornativeland-campaign-aims-raise-awareness-native-sovereignty-and-rights, reported, "The U.S. Department of Arts and Culture (USDAC) launched a new campaign called Honor Native Land in October 2017 that calls on individuals and organizations 'to open all public events and gatherings with an acknowledgment of the traditional Native inhabitants of the land.' Whether it be in a conference setting, classroom, place of worship or sports stadium, the practice of honoring the historic relationship Indigenous Peoples have with the land is a crucial step in the process of decolonization and reconciliation. It’s an act of respect toward Native peoples who have lived and continue to live on their land despite centuries of dispossession and oppression. According to the USDAC website, 75 organizations have already signed the pledge to make acknowledgment a regular practice including arts organizations, non-profits and educational institutions.

The USDAC notes that acknowledgment is an important way to prevent the perpetuation of distorted history, it’s 'a simple, powerful way of showing respect and a step toward correcting the stories and practices that erase Indigenous people’s history and culture and toward inviting and honoring the truth.' It’s also seen as a way of exposing people, some for the first time, to the traditional inhabitants of the land they live on and interact with every day, therefor paving a way toward greater understanding of Native sovereignty and cultural rights.

Acknowledgment is intended to be a first step in addressing past injustices that when paired with 'authentic relationships and informed action' can lead to legitimate change.

In Canada, Australia, and New Zealand, acknowledgment is not only common but is mandated by policy. In 2016, Toronto Public Schools began opening school days with an acknowledgment of the Indigenous inhabitants of the area, showing their commitment to instilling this practice in younger generations. In the United States, some individuals and institutions have adopted this practice, but the vast majority have not. The Honor Native Land campaign seeks to make acknowledgment a regular practice at all public and private events to increase public awareness and ideally promote further action.

In partnership with Native allies and organizations including the Native Arts and Cultures Foundation and Indigenous Direction, the USDAC has created a guide that offers a step by step process of how to research, formulate and deliver an acknowledgment of traditional lands. The guide emphasizes the importance of thoroughly researching local Indigenous Peoples in the area before making any statements. Identifying who to acknowledge can be complicated because of the history of erasure that has occurred along with resettlement and federal recognition issues, for this reason the guide suggests one on one dialogue with Native communities first. This way any acknowledgements respect the wishes of how Indigenous Peoples want to be named.

A part of the campaign also includes using Native art that is downloadable on the USDAC website to acknowledge traditional lands. The posters designed by Native artists are customizable to include the Indigenous Peoples living in the area. To learn more about the practice of acknowledgement you can access the Honor Native Land Guide on the USDAC website at: https://usdac.us/nativeland?link_id=1&can_id=d9fd44d51299ca2953ebf86bd13221bc&source=email-thanksgiving-is-complicated-whats-a-citizen-artist-to-do&email_referrer=email_265130&email_subject=thanksgiving-is-complicated-whats-a-citizen-artist-to-do."

"NIGC Announces the Publication of Final Rule for Part 547 Minimum Technical Standards for Class II Gaming Systems and Equipment," December 27, 2017, https://www.nigc.gov/news/detail/nigc-announces-the-publication-of-final-rule-for-part-547, stated, "The NIGC announces the culmination of two years of active engagement with tribes, the Indian gaming industry, and the public, on December 27, 2017, in the publication of an amendment to its regulations establishing minimum technical standards for Class II gaming systems and equipment. These amended standards continue to promote the integrity of Indian gaming while fostering the entrepreneurial spirit of tribes.

The final rule amends part 547 to remove the sunset provision requiring systems manufactured before 2008 to either be compliant with all 547 standards or be removed from the gaming floor. Instead, the amended rule requires an additional annual review of the 2008 Systems by TGRA's and requires all..."
modifications of Class II gaming systems to be compliant with post-2008 standards as verified by uniform independent laboratory testing and approved by the applicable TGRA.

Consistent with the NIGC mission, this final rule comes after a series of substantial consultations with tribes. The feedback received during these consultations, as well as comments from the industry and the public, were essential in the commission’s decision to amend the regulation. “This final rule is good for the Indian gaming industry. It allows Tribes to continue to offer the Class II systems that their players continue to expect while at the same time ensuring the integrity of the industry. It is a result of working hand in hand with our regulatory partners to protect the industry while also protecting the entrepreneurial spirit of Indian country.” Chairman of the NIGC, Jonodev Chaudhuri said, “This is what good regulation is about – protecting the industry while not overregulating.”

The final rule can be found in the Federal Register: https://www.federalregister.gov/documents/2017/12/27/2017-27945/minimum-technical-standards-for-class-ii-gaming-systems-and-equipment


For other actions by the National Indian Gaming Commission (NICG) go to: https://www.nigc.gov.

Federal Indian Budgets

FY 2018 Omnibus Enacted, Includes Indian Affairs
Hobbs-Straus General Memorandum 18-014

On March 23, 2018, the President signed the FY 2018 Omnibus spending bill (HR 1625) into law as PL 115-141, thus averting a government shutdown. The Omnibus funds the entire federal government for the remainder of the fiscal year (through September 30, 2018) and provides billions of dollars in increases for both domestic and defense discretionary spending above what the House and Senate had originally contemplated for FY 2018. These increases are possible because earlier this year, Congress reached a deal to increase the discretionary spending caps for both FY 2018 and FY 2019, titled the Bipartisan Budget Act of 2018 (see our General Memorandum 18-008 of February 9, 2018), thus creating room for targeted spending increases on certain priorities. In this memorandum, we report on the FY 2018 funding for Indian Affairs (which includes the Bureau of Indian Affairs (BIA) and Bureau of Indian Education (BIE)), as well as a few other selected programs under the Department of Interior Title. For Indian Affairs, the lion's share of the increases were directed to the BIA Construction accounts and the BIA Public Safety and Justice account. Also, a one-time increase was directed to the BIE Post-Secondary account to complete the transition to a forward funded funding cycle for all tribal colleges and universities.

Guidance on Implementation. In lieu of a Conference Report, the Omnibus is accompanied by a Joint Explanatory Statement, which provides guidance on its implementation. Prior to enactment of the Omnibus, the House Appropriations Committee had reported out their version of an Interior, Environment and Related Agencies bill (HR 3354) and report (H. Rept. 115-238) (see our General Memorandum 17-044 of August 25, 2017) but the Senate Appropriations Committee did not report out their own version. Instead, they later released an unofficial "Chairman's Mark" (see our General Memorandum 18-003 of January 16, 2018). Thus, the Joint Explanatory Statement explains that it is only H. Rept. 115-238 and the Joint Explanatory Statement which are to be complied with. We note that the Joint Explanatory Statement does repeat some language from the Senate Chairman's Mark. The following guidance is found at the beginning of Division G (Interior, Environment and Related Agencies) of the Joint Explanatory Statement:

Unless otherwise noted, the language set forth in House Report 115-238 carries the same weight as language included in this joint explanatory statement and should be complied with unless specifically addressed to the
In instances where the House report speaks more broadly to policy issues or offers views that are subject to interpretation, such views remain those of the House and are not affirmed by this explanatory statement unless repeated herein. In cases where the House report or this explanatory statement directs the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations. Where this explanatory statement refers to the Committees or the Committees on Appropriations, unless otherwise noted, this reference is to the House Subcommittee on Interior, Environment, and Related Agencies and the Senate Subcommittee on Interior, Environment, and Related Agencies.

INDIAN AFFAIRS (IA) OVERVIEW

The Omnibus provides $3 billion for Indian Affairs. This reflects not only a wholesale rejection of the $371.7 million in cuts proposed by the Trump Administration (including the proposed cuts to the Tiwahe Initiative) and a consensus on updating the estimate for Contract Support Costs, but also a $203.8 million increase above FY 2017. In keeping with prior years, the following statement of values was included in the House Report:

The Bureau of Indian Affairs, the Bureau of Indian Education, and the Office of the Assistant Secretary—Indian Affairs (together, "Indian Affairs") provide services directly or through contracts, grants, or compacts to a service population of more than 1.7 million American Indians and Alaska Natives (AI/AN) who are enrolled members of 567 federally recognized Tribes in the 48 contiguous United States and Alaska. While the role of the organization has changed significantly in the last four decades in response to a greater emphasis on Indian self-determination, Tribes still look to Indian Affairs for a broad spectrum of services. Almost 85 percent of all appropriations are expended at the local level, and over 62 percent of appropriations provided directly to Tribes and Tribal organizations through grants, contracts, and compacts. In preparation for the fiscal year 2018 appropriation bill, the Subcommittee held two days of hearings and received testimony from over 75 witnesses on a variety of topics pertaining to AI/AN programs. The Federal government has a legal and moral obligation to provide quality services to American Indians and Alaska Natives. On a nonpartisan basis, the Committee continues to protect and, where possible, strengthen the budgets for Indian Country programs in this bill in order to address longstanding and underfunded needs [emphasis added].

Indian Affairs-Specific Guidance on Implementation, Including: Fixed Costs, Transfers and Reports. The Joint Explanatory Statement, expanding on the general implementation guidance provided at the beginning of the Interior, Environment and Related Agencies Division, provides the following Indian Affairs-specific guidance:

The Bureaus are expected to execute their budgets in accordance with the justification submitted to the Congress, except as otherwise directed below or in the funding allocation table at the end of this report. The table has been expanded to include additional lines for the Bureau of Indian Education and Public Safety and Justice. The Bureaus are reminded of the guidance and reporting requirements contained in House Report 115-238 that should be complied with unless specifically addressed to the contrary herein, as explained in the front matter of this explanatory statement. The Committees also expect the timely submission of reporting requirements as contained in House Report 115-238 and as outlined in this explanatory statement. The agreement includes requested fixed costs and transfers except where discussed below, and the following details and instructions.

Government Accountability Office (GAO) Recommendations. The Joint Explanatory Statement states:

The Committees are concerned about the addition of several programs to the Government Accountability Office's 2017 high-risk list (GAO-17-317). The inclusion of these programs to this list indicate there are several challenges to overcome in order to improve the Federal management of programs that serve Tribes and their members. The Committees stand ready to work with the Bureaus to implement the necessary GAO recommendations.

NATIVE Act Implementation. Both the House Report and the Joint Explanatory Statement provide funding for and direction to the Administration on implementing the Native American Tourism and Improving Visitor Experience Act ("NATIVE Act", PL 114-221). The NATIVE Act is designed to facilitate international and domestic tourism in tribal communities via updating federal agency tourism strategies and providing increased resources and technical assistance to tribes, tribal organizations, and Native Hawaiian organizations for their tourism efforts. The focus of the NATIVE Act is the utilization of tribal communities' rich and diverse cultures and histories in the visitor experience (see our General Memorandum 16-060 of October 7, 2016).
Request for Indian Reorganization Act – Carcieri Fix Not Included. Each fiscal year from FY 2011 to FY 2017, the Obama Administration requested and Congress continued to not provide language which would reverse the U.S. Supreme Court's 2009 decision that the Secretary of the Interior does not have authority to take land into trust for tribes who came under federal jurisdiction after 1934. The Trump Administration did not request this Carcieri Fix language, nor Congress provide it.

OPERATION OF INDIAN PROGRAMS

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Operation of Indian Programs (OIP) budget includes the Bureau of Indian Affairs (BIA) and the Bureau of Indian Education (BIE).

BUREAU OF INDIAN AFFAIRS

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Activities within the Bureau of Indian Affairs are: Tribal Government; Human Services; Trust-Natural Resources Management; Trust-Real Estate Services; Public Safety and Justice; Community and Economic Development; and Executive Direction and Administrative Services.

TRIBAL GOVERNMENT

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The Tribal Government sub-activities are: Aid to Tribal Government; Consolidated Tribal Government Program; Self-Governance Compacts; New Tribes; Small and Needy Tribes; Road Maintenance; and Tribal Government Program Oversight. (Spending levels by sub-activity are found on p. 1 of the attached chart.)

Congress rejected the Administration's proposed cuts, including the proposal to zero out funding for the Small and Needy Tribes sub-activity. For some sub-activities, modest increases are provided.

Consolidated Tribal Government Program. Congress rejected the Administration's requests for changes to this program, stating the following in the Joint Explanatory Statement:

The Committees are concerned about the Consolidated Tribal Government Program internal transfer of $1,733,000 and have not agreed to any changes from the fiscal year 2017 enacted level of $75,429,000 for this program. The Bureau is directed to report back to the Committees within 30 days of enactment of this Act with a description of the number of Tribes that use this program and how increases for this program compare to others that offer similar services.

New Tribes. This sub-activity provides $160,000 in Tribal Priority Allocation (TPA) base funding per tribe to support newly federally-recognized tribes. Once a tribe has been acknowledged, it remains in this category for three fiscal years. The Administration proposed $160,000 (level funding) to assist the newly-recognized Pamunkey Tribe. Congress ultimately provided $1,120,000--enough to fund not only the Pamunkey Tribe but also the six Virginia tribes who were federally recognized after the Administration had already submitted its FY 2018 Budget Justification (see our General Memorandum 18-006 of February 6, 2018). In addition to providing this increase, Congress urged the Administration to, "efficiently administer the Tribal recognition process and strongly encourage action on pending requests."

Small and Needy Tribes. The purpose of this sub-activity is to provide small tribes with a minimum Tribal Priority Allocation (TPA) base funding by which they can support their tribal governments. Congress rejected the Administration's request to zero out this sub-activity, instead providing level funding ($4,448,000) and explaining
that the amount appropriated is for "ensuring that all Tribes receive the maximum base level provided by the Bureau to run Tribal governments."

Road Maintenance. Congress provided a $4.3 million increase for this sub-activity, specifying in the Joint Explanatory Statement that:

Road maintenance is funded at $34,653,000 and includes $1,000,000 to improve the condition of unpaved roads and bridges used by school buses transporting students, and $1,000,000 for road maintenance in support of implementing the NATIVE Act (P.L. 114-221). The Bureau is directed to report back to the Committees within 60 days of enactment of this Act on how the Bureau plans to allocate the funds provided in the bill and the progress being made to implement the GAO recommendations outlined in the report GA0-17-423.

Authorization for the BIA to Accept Road Funding From U.S. Customs and Border Protection. The Act includes the following provision:

Provided further, That the Bureau of Indian Affairs may accept transfers of funds from U.S. Customs and Border Protection to supplement any other funding available for reconstruction or repair of roads owned by the Bureau of Indian Affairs as identified on the National Tribal Transportation Facility Inventory, 23 U.S.C. 202(b)(1).

The Joint Explanatory Statement explains:
The Committees are aware that in some areas along the border, including the areas of the Tohono O'odham Nation in Arizona, and the Blackfeet Nation in Montana, U.S. Customs and Border Protection (CBP) and Tribes work together on border security. The Committees have included bill language to support the transfer of funds from CBP to BIA, in consultation with affected Tribes, for the reconstruction or repair of BIA owned roads needed as a result of cooperative security efforts on the U.S. border.

HUMAN SERVICES

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The Human Services sub-activities are: Social Services; Welfare Assistance; Indian Child Welfare Act (ICWA); Housing Improvement Program (HIP); Human Services Tribal Design; and Human Services Program Oversight. (Spending levels by sub-activity are found on p. 2 of the attached chart.)

Tiwahe Initiative. Congress rejected the Administration's proposed cuts to the individual Human Services sub-activities (many of which support the broader Tiwahe Initiative) as well as the Administration's proposal to zero out funding for the Tiwahe Initiative demonstration project and the Housing Improvement Program sub-activity. Instead, the House Report affirms the importance of culturally-appropriate services to strengthen families and communities:
The Committee continues to recognize the importance of providing culturally-appropriate services with the goals of empowering individuals and families through health promotion, family stability, and strengthening Tribal communities as a whole. Indian Affairs is urged to make services available to law enforcement officers, in coordination with the Indian Health Service.
The Joint Explanatory Statement elaborates:
The agreement … includes funding to continue the Tiwahe initiative at the fiscal year 2017 enacted level. The Bureau is directed to report back to the Committees within 90 days of enactment of this Act on the performance measures being used to monitor and track the Tiwahe initiative's effectiveness in Indian Country. The Committees are aware of the pressing needs women and children face in domestic violence situations; therefore, the Committees expect at least $200,000 from human services activities be used to support women and children's shelters that are serving the needs of multiple Tribes or Alaska Native Villages in the areas served by the Tiwahe pilot sites.

Welfare Assistance. The Congress, in the Joint Explanatory Statement, requests the following report:
The Committees are concerned about the funding distribution for welfare assistance and direct the Bureau to report back to the Committees within 30 days of enactment of this Act on how this funding would be distributed.

TRUST–NATURAL RESOURCES MANAGEMENT
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The Trust–Natural Resources Management sub-activities are: Natural Resources, general; Irrigation Operation and Maintenance; Rights Protection Implementation; Tribal Management/Development Programs; Endangered Species; Tribal Climate Resilience/Cooperative Landscape Conservation; Integrated Resource Information; Agriculture and Range; Forestry; Water Resources; Fish/Wildlife & Parks; and Resource Management Oversight. (Spending levels by sub-activity are found on p. 2 of the attached chart.)

Congress rejected the Administration's proposed cuts, as well as the Administration's proposal to zero out funding for the Tribal Climate Resilience/Cooperative Landscape Conservation sub-activity. Instead, Congress funded the Trust–Natural Resources Management sub-activities at close to FY 2017 enacted levels.

Irrigation Operation and Maintenance. Notably, the Administration requested a rare $1.1 million increase for this sub-activity to which Congress agreed. As the Administration explains, this increase would be directed towards the Operations and Maintenance for the Gallegos Pumping Plant because in FY 2016, the responsibility for the plant was transferred from the Bureau of Reclamation to the BIA without any accompanying funds.

Transfer to the Tribal Management/Development Program. The Joint Explanatory Statement states, "The agreement includes $355,000 in the Tribal Management Development Program (TMDP) for fisheries activities previously funded within the Forestry program. Future funding requests should reflect the transfer of this activity to TMDP.

Cooperative Agreements and Alaska Subsistence. The Joint Explanatory Statement explains: It is the Committees' understanding that the Bureau has entered into cooperative agreements with the Ahtna Intertribal Resource Commission and the Kuskokwim River Inter-Tribal Fisheries Commission, and with other organizations interested in establishing similar agreements; therefore, it is the Committees' expectation that within the funding provided for the Tribal Management Development Program (TMDP), pilot projects and programs for Alaska subsistence will continue.

Resiliency and Resource Management Agreements with Tribes. The House Report provides:

The Committee supports the Bureau of Indian Affairs' efforts to address the resiliency needs of Tribal communities by working to address threats to public safety, natural resources, and sacred sites. Consistent with the Federal government's treaty and trust obligations, the Committee directs the Bureau of Indian Affairs to work with at-risk Tribes to identify and expedite the necessary resources. The Department of the Interior is expected to promote and expand the use of agreements with Indian Tribes to protect Indian trust resources from catastrophic wildland fire, insect and disease infestation, or other threats from adjacent Federal lands, as authorized by law. The Joint Explanatory Statement provides: Consistent with treaty and trust obligations, the Committees direct the Bureau to work with at risk Tribes to identify and expedite the necessary resources to address the resiliency needs of Tribal communities.

The Department of the Interior is expected to promote and expand the use of agreements with Indian Tribes to protect Indian trust resources from catastrophic wildfire, insect and disease infestation, or other threats from adjacent Federal lands, as authorized by law. The Committees direct the Bureau to coordinate with the Office of Wildland Fire to submit a report describing how the Department determines the use of wildfire suppression and rehabilitation resources and prioritizes Indian forest land, the title to which is held by the United States in trust.

Water Resources. The House Report and the Joint Explanatory Statement state that of the amount appropriated for the Water Resources sub-activity, $390,000 is to continue the Seminole and Miccosukee water study.

Fish, Wildlife, and Parks. The Joint Explanatory Statement directs: Within the amounts provided for Fish, Wildlife, and Parks, the agreement continues $545,000 for substantially producing Tribal hatcheries in BIA's Northwest Region currently not receiving annual BIA hatchery operations.
funding. This funding should be allocated in the same manner as in fiscal year 2017 but should be considered base funding in fiscal year 2018 and thereafter.

The House Report specifies and that of the amount appropriated for the Fish, Wildlife and Parks sub-activity, $9,933,000 is for Projects.

Tribal Partnerships with USGS. The Joint Explanatory Statement directs:

The Bureau is directed to enter into a formal partnership with local Tribes and the United States Geological Survey to help develop a water quality strategy for transboundary rivers.

Funding Distributions for Tribes East of the Mississippi River. The Joint Explanatory Statement provides:

The Committees expect that Tribes east of the Mississippi River who have resource challenges also receive appropriate funding.

TRUST–REAL ESTATE SERVICES

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The Trust–Real Estate Services sub-activities are: Trust Services; Navajo-Hopi Settlement Program; Land Title and Records Offices; Real Estate Services; Land Records Improvement; Environmental Quality; Alaska Native Programs; Rights Protection; and Trust-Real Estate Services Oversight. (The attached chart does not break down spending levels by sub-activity for the Trust–Real Estate Services activity.)

Congress rejected the Administration's proposed cuts, including the Administration's proposal to zero out funding for the Alaska Native Programs sub-activity and the Litigation Support/Attorney Fees program element within the Rights Protection sub-activity. The Joint Explanatory Statement explains:

The agreement provides $129,841,000 for real estate services. All program elements within this subactivity are continued at fiscal year 2017 enacted levels plus fixed costs and transfers, except where discussed below.

The following line items each receive a $500,000 program increase: land title and records offices; land records improvement-regional; and regional oversight. The Bureau is expected to distribute the program increases to regional offices to address administrative backlogs for Trust Real Estate Services programs.

Alaska Native Programs. Congress not only rejected the Administration's proposal to zero out the sub-activity, they provided a $400,000 increase for a total of $1,470,000, in order to, "support a program level of $450,000 for the ANCSA Historical Places and Cemetery Sites Program."

Outstanding Title Conveyance Requests.

The Joint Explanatory Statement reinforces the direction in the House Report:

The Committee directs the Bureau of Indian Affairs (BIA) to have no outstanding title conveyance requests older than 12 months, including those who have been initially rejected by the Land Titles and Record Offices for insufficient or incorrect documentation in TAAMS, by September, 2018. The Committee expects an update on the status of their outstanding conveyances by September, 2018 and a report on what the BIA will be changing in their operations policy to ensure these backlogs and documentation related rejections do not occur in the future.

Elwha River Ecosystem and Fisheries Restoration Act. The Joint Explanatory Statement repeats the House Report language:

The Committees direct the Secretary, or his designee, to work with the Lower Elwha Klallam Tribe to identify appropriate lands in Clallam County, Washington, to satisfy the requirements of section 7 of the Elwha River Ecosystem and Fisheries Restoration Act (P.L. 102-495).

Report on Implementation of a 1992 Law that Transferred a BIA Administrative Site in Bethel, AK to the Yukon Kuskokwim Health Corporation. The Joint Explanatory Statement directs:

The Secretary, in consultation with other interested agencies, is directed to provide a report to Congress, on or before August 1, 2018, on the estimated cost of responses that are necessary under applicable Federal and State
laws to protect human health and the environment with respect to any hazardous substance or hazardous waste remaining on the property as authorized by section 13 of Public Law 102-497.

Abandoned Wells. The Joint Explanatory Statement directs:
A program increase of $3,000,000 is included for the plugging of abandoned wells not under Bureau of Land Management authority. The Committees direct the BIA to conduct an inventory of wells for which the BIA is responsible to reclaim, including cost estimates for submission to the Committees within 180 days of enactment of this Act.

PUBLIC SAFETY AND JUSTICE

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The Public Safety and Justice sub-activities are: Law Enforcement; Tribal Courts; and Fire Protection. (Spending levels by sub-activity and program element are found on p. 5 of the attached chart.)

Congress rejected all of the Administration's proposed cuts, including the proposal to eliminate funding for the Tiwahe Initiative-funded pilot programs focused on reducing recidivism in five targeted Indian communities. Further, Congress provided important increases, including $7.5 million to address the impacts of opioid addiction and a $3 million increase for tribal justice needs in PL 280 states.

Law Enforcement Funding for Restored Tribes. The Joint Explanatory Statement directs:
The Committees understand that several Tribes whose Federal recognition was terminated and then subsequently restored now face significant challenges in securing law enforcement funding through self-determination contracts. The Bureau is directed to work with affected Tribes to assess their law enforcement needs and submit a report within 120 days of enactment of this Act that details the amounts necessary to provide sufficient law enforcement capacity for them.

NAGPRA Implementation. The Joint Explanatory Statement directs:
Included within Criminal Investigations and Police Services is $1,000,000 to implement the Native American Graves Protection and Repatriation Act.

New Funding to Address the Impacts of Opioid Addictions. This funding was added after Congress reached a deal to increase the FY 2018 domestic discretionary spending cap. The Joint Explanatory Statement provides:

Program Funding for Recently Constructed Facilities. The Joint Explanatory Statement directs:
Within Detention/Corrections is a $1,400,000 increase for recently constructed facilities that do not currently have existing program funding within the BIA budget; additional funding in future years will be considered as information becomes available.

Educational and Health-Related Services for Individuals in Tribal Detention Centers Considered Allowable Costs. The House continued language from the FY 2017 House Report, stating:
For the purpose of addressing the needs of juveniles in custody at Tribal detention centers operated or administered by the BIA, educational and health-related services to juveniles in custody are allowable costs for detention/corrections program funding. Indian Affairs is urged to provide mental health and substance abuse services when needed by juvenile and adult detainees and convicted prisoners.

Tiwahe Initiative: Reducing Recidivism. The Joint Explanatory Statement directs:
Within Law Enforcement Special Initiatives is $3,033,000 to reduce recidivism through the Tiwahe initiative.

Tribal Courts and Tribal Justice Support in PL 280 States. The Joint Explanatory Statement directs funding to tribes affected by PL 83-280 and urges the BIA to take the following actions:
Within Tribal Justice Support is … $13,000,000 to address the needs of Tribes affected by Public Law 83-280. The Committees remain concerned about Tribal courts' needs as identified in the Indian Law and Order Commission's November 2013 report, which notes that Federal investment in Tribal justice in "P.L. 280" States has been more limited than elsewhere in Indian Country. The Committees expect the Bureau to continue to work
with Tribes and Tribal organizations in these States to consider options that promote, design, or pilot Tribal court systems for Tribal communities subject to full or partial State jurisdiction under Public Law 83-280.

VAWA Implementation. The Joint Explanatory Statement directs: Within Tribal Justice Support is $2,000,000 to implement the Violence Against Women Act for both training and specific Tribal court needs.

Office of Justice Services. The Joint Explanatory Statement directs: Within Law Enforcement Program Management is a $500,000 increase for the Office of Justice Services' District III Office to promote timely payments.

COMMUNITY AND ECONOMIC DEVELOPMENT
FY 2017 Enacted $41,844,000
FY 2018 Admin. Request $39,464,000
FY 2018 House $45,447,000
FY 2018 Senate Committee Mark $44,047,000
FY 2018 Enacted $46,447,000

The Community and Economic Development sub-activities are: Job Placement and Training; Economic Development; Minerals and Mining; and Community Development Oversight. (The attached chart does not break down spending levels by sub-activity for the Community and Economic Development activity.) Congress rejected all of the Administration's proposed cuts, including the proposal to zero out the elements of the Tiwahe Initiative funded under Job Placement and Training sub-activity. Congress also provided targeted increases to fund implementation of the NATIVE Act and to modernize the National Indian Oil and Gas Management System (NIOGEMS).

Continuation of the Tiwahe Initiative. Elements of the Tiwahe Initiative are funded by the Job Placement and Training sub-activity. Congress provided $12,549,000 for Job Placement and Training and designated $1,550,000 of those funds for the Tiwahe Initiative.

Economic Development. According to the FY 2018 Indian Affairs Budget Justification, "This funding assists tribes in developing programs to build business or commercial capacity for individual tribal members, as well as opportunities for business and energy development to enhance reservation economies." Congress provided $1,826,000 for this sub-activity (near the FY 2017 level).

Implementation of the NATIVE Act. Congress provided $5,656,000 for the Community Development-Central Oversight program element, and designated $3.4 million of those funds "to implement the Native American Tourism and Improving Visitor Experience Act, including via cooperative agreements with Tribes or Tribal organizations."

Minerals and Mining and the Indian Energy Service Center. This sub-activity promotes and provides technical assistance for the development of renewable energy, conventional energy, and mineral resources. It also funds the Indian Energy Service Center, which Congress initially funded in FY 2016. The Center is to be tasked with expediting leasing, permitting, and reporting on conventional and renewable energy on Indian lands. For FY 2017, both the House and Senate report language pushed the Department of Interior to get the Energy Service Center up and running, requesting a report on the status of the Center and directing the Department of Interior to submit a budget request for FY 2018 to fund the next phase of the Center. For FY 2018, the Administration proposed to shield the Minerals and Mining sub-activity from the most onerous cuts, specifically protecting the funding for the Indian Energy Service Center. Ultimately, Congress continued to fund the Minerals and Mining sub-activity and the House directed Administration to submit a budget request in FY 2019 for the next phase of the Service Center. Minerals and Mining and NIOGEMS. Congress provided a $1 million increase for the Minerals and Mining sub-activity and directed that to "the modernization of oil and gas records including the National Indian Oil and Gas Management System (NIOGEMS)" Further, the Joint Explanatory Statement requests the following report: The Committees understand that the NIOGEMS has been distributed to some Tribes and regional offices; the Bureau is instructed to report back within 120 days of enactment of this Act on the cost to further expand this system to more reservations and offices.

GAO High Risk Report. The Joint Explanatory Statement requests the following report: The recent high risk GAO report (GA0-17-317) found the Bureau does not properly manage Indian energy
resources. The Committees request the Bureau to report back within 180 days of enactment of this Act outlining any barriers, statutory or regulatory, that impede development of these resources.

EXECUTIVE DIRECTION AND ADMINISTRATIVE SERVICES

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The Executive Direction and Administrative Services sub-activities are: Assistant Secretary Support; Executive Direction; Administrative Services; Safety and Risk Management; Information Resources Technology; Human Capital Management; Facilities Management; Intragovernmental Payments; and Rentals. (The attached chart does not break down spending levels by sub-activity for the Executive Direction and Administrative Services activity.) Congress rejected most of the Administration's proposed cuts, explaining, "All budget line items are funded at fiscal year 2017 enacted levels and adjusted for fixed costs and transfers, except for human capital management and intragovernmental payments, which are funded at the requested levels." Most of the Administration's proposed cuts had been in the form of proposed staffing cuts—60 Full Time Equivalent (FTE) positions, along with the proposed elimination of 13 vacant FTE positions.

Health and Safety Inspections of BIE Schools.

The House Report directs:

Indian Affairs is directed to complete annual health and safety inspections of all BIE system facilities, and to submit quarterly updates on the status of such inspections to the Committee. The Committee is deeply disappointed by continued GAO reports of shortcomings and delays in school safety inspections and repairs. Self-determination does not absolve the Federal government of the responsibility to inspect and repair buildings it owns. The Bureau is urged to exercise its authority to resume the operation of federally-owned but tribally-operated schools when necessary.

The Joint Explanatory Statement echoes the request:

Indian Affairs is directed to complete annual health and safety inspections and background checks at all BIE system facilities, and to submit quarterly updates on the status of such efforts to the Committees.

Operating and Law Enforcement Needs for Treaty Fishing Sites on the Columbia River.

The Joint Explanatory statement directs:

The Committees note that the Bureau has not yet complied with the fiscal year 2017 directive to provide a report on funding requirements associated with operating and law enforcement needs for congressionally authorized treaty fishing sites on the Columbia River. The Bureau is directed to transmit the report no later than 30 days following enactment of this Act. The Bureau is also urged to incorporate unfunded needs for these sites as part of future budget requests.

Report on Impacts of the Closure of the Navajo Generating Station Power Plant.

The Joint Explanatory Statement directs:

Within 60 days on enactment of this Act, the Bureau is directed to make funds provided within executive direction available to solicit proposals from independent non-profit or academic entities to prepare a report on the likely impacts of the closure of the Navajo Generating Station power plant on affected Tribes, State and local governments and other stakeholders within the Four Comers region. In consultation with impacted Tribes, an entity shall be selected to prepare a report within 12 months of the award that (1) details potential economic impacts related to the plant's closure; and (2) identifies specific policy recommendations that would mitigate the potential economic and societal consequences of the plant's closure on affected Tribes or other stakeholders.

BUREAU OF INDIAN EDUCATION

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The Bureau of Indian Education (BIE) category displays funds for the BIE-funded elementary and secondary school systems as well as other education programs including higher education and scholarships. The Bureau of Indian Education sub-activities are: Elementary and Secondary Programs (Forward Funded); Elementary and Secondary Programs (Non-Forward Funded); Post Secondary Programs (Forward Funded); Post Secondary Programs (Non-Forward Funded); and Education Management.

Congress wholeheartedly rejected the Administration’s proposal to dramatically cut the BIE’s budget. Further, Congress provided a one-time increase to ensure that all remaining tribal colleges and universities (including those operated by the BIE) not currently on a forward funded cycle can transition to it.

Implementation of the BIE Transformation and GAO Recommendations.

The Administration describes the status of the BIE transformation as follows:

The BIE is currently in the process of reorganizing. Phase I involved the realignment of the internal organization of BIE from a regional basis to a structure based on the types of schools serviced; namely, (1) schools in the Navajo Nation, (2) tribally-controlled schools, and (3) BIE-operated schools. Phase I also replaced the Education Line Offices with Education Resource Centers (ERCs) which will house School Solutions Teams. The BIE began implementing Phase I of the reorganization in early 2016 after Congress issued a "notice of no objection" to the BIE. Phase II, to be implemented in 2017, involves a realignment of support operations within Indian Affairs including, contracting, IT, and facilities functions to BIE and includes an expansion of the School Support Solutions Teams to include school operations staff. (FY 2018 Indian Affairs Budget Justification, p. IA-BIE-10)

The House Report provides the following direction:

Indian education remains among the Committee's top priorities because it is a fundamental trust responsibility and because elementary and secondary students in particular have fallen far behind their peers for reasons now well documented by the Government Accountability Office (GAO), the Department of Education, and others. The BIE system is undergoing a major transformation in direct response to these reports, in order to meet the changing needs of schools now that most schools are tribally-run, and in order to improve accountability. With the concurrence of elected Tribal leaders and major interTribal organizations, the Committee continues to support this transformation. All of the education-related responsibilities under Indian Affairs, including procurement, human resources, budget and finance, and BIE facilities operations, maintenance, and inspections, should be consolidated under the BIE, which should be led by an experienced and proven superintendent selected from a pool of qualified candidates inside and outside the BIE system.

The Committee remains concerned about recent GAO reports detailing problems within the K–12 Indian education system at the Department of the Interior, in particular as they pertain to organizational structure, accountability, finance, health and safety, and ultimately student performance. As the Department takes steps to reform the system, the Secretary is reminded that future support from Congress will continue to be based in large part upon successful implementation of GAO report recommendations. In particular, consistent with GAO report 13–774, the Secretary is urged to reorganize Indian Affairs so that control and accountability of the BIE system is consolidated within the BIE, to present such reorganization proposal in the fiscal year 2019 budget request, and to submit to the Committees on Appropriations a corresponding updated workforce plan. Consistent with GAO testimonies 15–389T, 15–539T, 15–597T, and any subsequent reports, the Secretary is urged to personally oversee immediate actions necessary to ensure the continued health and safety of students and employees at BIE schools and facilities. The Joint Explanatory Statement concurs, raises concerns, and requests information: The Committees remain concerned about recent Government Accountability Office (GAO) reports detailing problems within the K–12 Indian education system at the Department of the Interior, in particular as they pertain to organizational structure, accountability, finance, health and safety, and ultimately student performance. As the Department takes steps to reform the system, the Secretary is reminded that future support from Congress will continue to be based in large part upon successful implementation of GAO report recommendations. In particular, consistent with GAO report 13–774, the Secretary is urged to reorganize Indian Affairs so that control and accountability of the BIE system is consolidated within the BIE, to present such reorganization proposal in the next fiscal year budget request, and to submit to the Committees a corresponding updated workforce plan. Consistent with GAO testimonies 15–389T, 15–539T, 15–597T, and any subsequent reports, the Secretary is urged to personally oversee immediate actions necessary to ensure the continued health and safety of students and employees at BIE schools and facilities. The Office of the Assistant Secretary-Indian Affairs is directed to report
back within 60 days of enactment of this Act on the progress made towards implementing all the GAO recommendations and the current status of the reform effort.

Inter-Agency Coordination to Serve Native Children. The House Report urges the BIE is to coordinate with the Indian Health Service to integrate preventive dental care and mental health care at schools within the BIE system, while the Joint Explanatory statement repeats this language and urges coordination on a more extensive scale:

The Committees continue to encourage efforts to improve interagency coordination for the wide range of programs that affect the wellbeing of Native children and expect the Bureau to work with relevant Federal, State, local and Tribal organizations to make these programs more effective.

The BIE is encouraged to coordinate with the Indian Health Service to integrate preventive dental care and mental health care at schools within the BIE system.

Bill Language Continuing Limitations on New Schools and the Expansion of Grades, Charter Schools, Satellite Locations and BIE-funded Schools in Alaska. The Administration requested the continuation of this language from prior years. The House and the Senate provided it with one exception: the House proposed one change: modifying the restriction on BIE funds being used to support expanded grades for any school or dormitory beyond its current grade structure. Currently, the law allows for this restriction to be waived only under certain defined conditions and only for one additional grade to be added. The House proposed to continue these conditions but delete the provision restricting any such expansion to one additional grade.

The House Report explains this proposed change and also clarifies how the restrictions on charter schools and satellite locations should be interpreted:

The recommendation modifies bill language limiting the expansion of grades and schools in the BIE system, including charter schools. The intent of the language is to prevent already limited funds from being spread further to additional schools and grades. The intent is not to limit Tribal flexibility at existing schools. Nothing in the bill is intended to prohibit a Tribe from converting a tribally-controlled school already in the BIE system to a charter school in accordance with State and Federal law. The modification removes the grade expansion limitation of one grade.

The recommendation continues bill language providing the Secretary with the authority to approve satellite locations of existing BIE schools if a Tribe can demonstrate that the establishment of such locations would provide comparable levels of education as are being offered at such existing BIE schools, and would not significantly increase costs to the Federal government. The intent is for this authority to be exercised only in extraordinary circumstances to provide Tribes with additional flexibility regarding where students are educated without compromising how they are educated, and to significantly reduce the hardship and expense of transporting students over long distances, all without unduly increasing costs that would otherwise unfairly come at the expense of other schools in the BIE system.

The Joint Explanatory Statement explains:

The bill includes modified language limiting the expansion of grades and schools in the BIE system which allows for the expansion of additional grades to schools that meet certain criteria.

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FY 2018 Enacted $579,242,000

The Elementary and Secondary forward funded sub-activity includes the following program elements: ISEP Formula Funding; ISEP Program Adjustments; Education Program Enhancements; Tribal Education Departments; Student Transportation; Early Childhood Development; and Tribal Grant Support Costs (formerly titled Administrative Cost Grants). Funds appropriated for FY 2018 for these programs will become available for obligation on July 1, 2018, for SY 2018-2019. (Spending levels by program element are found on p. 3 of the attached chart.)

By and large, the House and the Senate Committee rejected the Administration's requests to deeply cut forward funded Elementary and Secondary Programs. Further, both Chambers recommended a more than $2 million
increase for ISEP Formula Funds, a slight increase for Student Transportation, and full funding for Tribal Grant Support Costs.

Support for Native Languages Included in Funding Recommendations for ISEP and Education Program Enhancements. In FY 2017, Congress increased funding for Education Program Enhancements in order to support efforts to revitalize and maintain Native languages and expand the use of language immersion programs. For FY 2018, Congress rejected the Administration's request to cut this program element by more than 50 percent. Further, Congress specified that $2 million of the Education Program Enhancements funding is to be used for Native language immersion capacity building grants. The House Report affirms the importance of Native languages and requests the following report:
The Committee supports efforts to revitalize and maintain Native languages and expand the use of language immersion programs and has provided $2,000,000 within education program enhancements for capacity building grants for Bureau and tribally operated schools to expand existing language immersion programs or to create new programs. Prior to distributing these funds, the Bureau shall coordinate with the Department of Education and Department of Health and Human Services to ensure that Bureau investments compliment, but do not duplicate, existing language immersion programs. The Bureau is also directed to submit a report to the Committees on Appropriations within 180 days of enactment of this Act regarding the distribution of these funds and the status of Native language classes and immersion programs offered at Bureau-funded schools.
The Joint Explanatory Statement concurs and requests the following report:
The Committees support efforts to revitalize and maintain Native languages and expand the use of language immersion programs. The ISEP program is expected to continue to enhance access to Native language and culture programs in Bureau-funded schools, and the Bureau shall report back within 60 days of enactment of this Act on how funding has been and can continue to be used to support these programs. In addition, $2,000,000 is provided within Education Program Enhancements for capacity building grants for Bureau and tribally operated schools to expand existing language immersion programs or to create new programs. Prior to distributing these funds, the Bureau shall coordinate with the Department of Education and Department of Health and Human Services to ensure that Bureau investments compliment, but do not duplicate, existing language immersion programs. The Committees also direct the Bureau to submit a report to the Committees within 120 days of enactment of this Act regarding the distribution of these funds and the status of Native language classes and immersion programs offered at Bureau-funded schools.

Student Transportation. Congress provided a modest increase for this program element. The Joint Explanatory Statement also requests the following report:
The Committees are concerned by the recent Government Accountability Office report (GAO-17-423) on Tribal transportation, which identified potential negative impacts of road conditions on Native student school attendance. The Committees recommend BIE take steps to improve its data collection on the cause of student absences, including data on road and weather conditions, and to report back to the Committees within 120 days of enactment of this Act regarding its actions to improve student absence data tracking and analysis.

Early Childhood and Family Development Program ("FACE"). Congress rejected the Administration's proposed $10.7 million cut, instead providing near level funding. Separately, and to no impact on current FACE programs, Congress rescinded $8 million in prior year unobligated balances that were set to expire. The Joint Explanatory Statement provides the following detail:
The agreement includes $18,810,000 for early child and family development, which should be used to expand the Family and Child Education (FACE) program. The agreement rescinds $8,000,000 from expiring prior year balances that were set to expire. The Joint Explanatory Statement provides the following detail:
The agreement includes $18,810,000 for early child and family development, which should be used to expand the Family and Child Education (FACE) program. The agreement rescinds $8,000,000 from expiring prior year balances that were set to expire. The Joint Explanatory Statement provides the following detail:

Full Funding for Tribal Grant Support Costs. Congress provided $81 million (the current estimate for full funding) for Tribal Grant Support Costs for tribally-operated, BIE-funded schools. The Administration's estimate for full funding had come in slightly lower, but it had been calculated months earlier. Both Congress and the Administration stated their intent to fully fund Tribal Grant Support Costs.

<table>
<thead>
<tr>
<th>Elementary and Secondary Programs</th>
<th>FY 2017 Enacted</th>
<th>FY 2018 Admin. Request</th>
<th>FY 2018 House Funded</th>
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<tr>
<td>$140,540,000</td>
<td>$123,871,000</td>
<td>$141,438,000</td>
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The Elementary and Secondary non-forward funded sub-activity includes the following program elements: Facilities Operations; Facilities Maintenance; Juvenile Detention Center Grants; and Johnson-O’Malley Assistance Grants. (Spending levels by program element are found on p. 4 of the attached chart.) Congress rejected the Administration's request to cut $16.6 million from all of the non-forward funded Elementary and Secondary programs, including the request to zero out the funding for Juvenile Detention Center Grants. In FY 2016, Congress initiated this grant program to meet the education and health related needs of Native youth detained or incarcerated in currently operating, BIA-funded, juvenile detention centers for an extended period of time.

Johnson-O’Malley Assistance Grants. Congress rejected the Administration's proposed $4.6 million cut to the Johnson O’Malley (JOM) program but expressed continued concerns about the distribution of funds. The House Report states:

The Committee remains concerned that the distribution of funds is not an accurate reflection of the distribution of students. The Bureau is reminded of the reporting requirement contained in the explanatory statement accompanying the Consolidated Appropriations Act, 2017.

The Joint Explanatory Statement requests the following report:

The Johnson O'Malley program is funded at $14,903,000. The Committees remain concerned that the distribution of funds is not an accurate reflection of the distribution of students. The Bureau is directed to report back to the Committees within 90 days of enactment of this Act on the status of updating the student counts.

Post Secondary Programs (Forward Funded)

<table>
<thead>
<tr>
<th>FY</th>
<th>Senate</th>
<th>Committee</th>
<th>Mark</th>
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<tbody>
<tr>
<td>2018</td>
<td>Enacted $141,563,000</td>
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</table>

This sub-activity includes forward funded Tribal Colleges and Universities and forward funded Tribal Technical Colleges (United Tribes Technical College (UTTC) and Navajo Technical University (NTU)). (Spending levels by program element are found on p. 3 of the attached chart.)

Forward Funding for Haskell and SIPI. In FY 2017, Congress "encouraged" the Administration to request forward funding for the BIE-run Haskell Indian Nations University (Haskell) and the Southwestern Indian Polytechnic Institute (SIPI) in future budget requests "so that all tribal colleges are on the same funding schedule." For FY 2018, the Administration declined to request the one-time funding needed to put them on a forward funded (school year) schedule. Despite this, Congress appropriated $16.8 million in one-time funding to ensure that all tribal colleges and universities are on a forward funded schedule, explaining:

A one-time increase is provided to complete the transition to a school year funding cycle for all Tribal colleges and universities, including Haskell Indian Nations University and Southwestern Indian Polytechnic Institute.

Study of Unfunded Tribal College Needs. The Joint Explanatory statement requests the following:

The Committees recognize that many Tribal colleges have significant unfunded needs, and direct the Bureau to work with Tribal leaders and other stakeholders to develop a consistent methodology for determining Tribal college operating needs to inform future budget requests. The Committees expect the methodology to address operating and infrastructure needs including classrooms and housing.

<table>
<thead>
<tr>
<th>FY</th>
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<th>Committee</th>
<th>Mark</th>
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<td>2018</td>
<td>Enacted $89,142,000</td>
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</table>

The two post-secondary schools overseen by the BIE are Haskell and SIPI. They are being transitioned to a forward funded schedule but appear in this chart for a final time this fiscal year. The non-forward funded Post Secondary Programs sub-activity also includes: Tribal Colleges and Universities Supplements; Scholarships and
Adult Education; Special Higher Education Scholarships; and the Science Post Graduate Scholarship Fund. (Spending levels by program element are found on p. 4 of the attached chart.)

Congress rejected the Administration's proposal to cut $11 million from non-forward funded Post Secondary programs, including the proposal to zero out Special Higher Education Scholarships and the Science Post Graduate Scholarship Fund and cut $2.7 million from Haskell and SIPI. In FY 2019, Haskell and SIPI will appear only under the Post Secondary Programs (Forward Funded) category.

Education Management
FY 2017 Enacted $35,050,000
FY 2018 Admin. Request $24,047,000
FY 2018 House $35,254,000
FY 2018 Senate Committee Mark $26,485,000
FY 2018 Enacted $35,254,000

The Education Management sub-activity consists of Education Program Management and Information Technology. (Spending levels by program element are found on p. 4 of the attached chart.)

Congress rejected the Administration's request to cut $11 million from Education Management and weighed in on the matter of high-speed internet access schools.

High-Speed Internet Access for Schools.

The Administration described the status of providing all BIE-funded schools with adequate internet access:

The BIE is committed to supporting its educators by expanding the access of BIE-funded schools to adequate bandwidth. To this end the BIE has actively sought working partnerships with Federal, state, tribal, and private agencies. Over the course of the last year, BIE has worked in close conjunction with the Federal Communications Commission with regard to the E-rate program. Specifically, the BIE increased the bandwidth of 28 of its schools to 10 Mbps per 100 students. The ultimate goal of BIE is to increase the bandwidth of all of its schools to the State Education Technology Directors Association's (SETDA) standard of 100Mbps per school of 1,000 students. In addition, BIE ordered 77 circuits for its schools with another 71 upgraded circuits also being ordered. Once completed 81 percent of BIE-funded schools will meet the 100 Mbps per 1,000 student school standard. The BIE plans build upon its successes over the past year by continuing to seek out working partnerships with the goal of meeting SETDA minimum standards at all BIE-funded schools. (FY 2018 Indian Affairs Budget Justification, p. IA-BIE-29)

The House Report explains:

Without question, high-speed internet access is essential for student success and economic development in modern society. However, the GAO recently identified Tribal internet access as an area of fragmentation, overlap, or duplication (GAO–16–375SP). Indian Affairs is urged to coordinate with larger, existing broadband access programs funded by the Federal Communications Commission and the U.S. Department of Agriculture. The Joint Explanatory Statement expresses concern about the planning process and requests the following report:

The Committees understand the importance of bringing broadband to reservations and villages, but remain concerned about the planning process used for this type of investment. The Committees direct the agency to report back within 90 days of enactment of this Act on a scalable plan to increase bandwidth in schools, procure computers and software, and to include in this report how the Bureau is working with other Federal agencies to coordinate and plan for the technology buildout.

CONTRACT SUPPORT COSTS

FY 2017 Enacted Such sums as may be necessary (Estimated: $278,000,000)
FY 2018 Admin. Request Such sums as may be necessary (Estimated: $241,600,000)
FY 2018 House Such sums as may be necessary (Estimated: $241,600,000)
FY 2018 Senate Committee Mark Such sums as may be necessary (Estimated: $241,600,000)
FY 2018 Enacted Such sums as may be necessary (Estimated: $241,600,000)
The Congress concurred with the Administration's request that Contract Support Costs (CSC) continue as an indefinite appropriation at "such sums as may be necessary" and that it continue in its own separate account comprised of Contract Support (such sums as may be necessary, estimated to be: $236,600,000) and the Indian Self-Determination Fund ($5,000,000). The lower number reflects an adjustment to the estimated amount.

General Provisions Continued. At the Administration's request, Congress continued the following general provisions:

**Contract Support Costs, Prior Year Limitation**

Sec. 405. Sections 405 and 406 of division F of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235) shall continue in effect in fiscal year 2018.

**Contract Support Costs, Fiscal Year 2018 Limitation**

Sec. 406. Amounts provided by this Act for fiscal year 2018 under headings "Department of Health and Human Services, Indian Health Service, Contract Support Costs" and "Department of the Interior, Bureau of Indian Affairs and Bureau of Indian Education, Contract Support Costs" are the only amounts available for contract support costs arising out of self-determination or self-governance contracts, grants, compacts, or annual funding agreements for fiscal year 2018 with the Bureau of Indian Affairs or the Indian Health Service: Provided, That such amounts provided by this Act are not available for payment of claims for contract support costs for prior years, or for repayment of payments for settlement or judgments awarding contract support costs for prior years.

### CONSTRUCTION

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The Construction budget includes: Education Construction; Public Safety and Justice Construction; Resources Management Construction; and Other Program Construction/ General Administration.

Recognizing the substantial unmet need in Indian Country, Congress roundly rejected the Administration's request to cut $48.7 million from the overall Construction budget and instead provided a record breaking $162 million increase—by far the largest increase in the FY 2018 Indian Affairs budget. Further, the Joint Explanatory Statement provides the following direction:

Account-wide. - Not later than 90 days after enactment of this Act, Indian Affairs shall submit an operating plan to the Committees detailing how fiscal year 2018 funding will be allocated and including specific projects where available and the methodology used in the prioritization. Where specific project allocations are not yet available, the plan shall provide the circumstances and Indian Affairs shall brief the Committees when project allocations are available.

Joint Ventures. - Indian Affairs is expected to comply with the directive in House Report 115-238 regarding the establishment of joint venture programs for schools and justice centers and modeled after the Indian Health Service's program.

### EDUCATION CONSTRUCTION

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<td>FY 2018</td>
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<td>$136,268,000</td>
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The Education Construction sub-activities are: Replacement School Construction; Replacement Facility Construction; Employee Housing Repair; and Facilities Improvement and Repair.

Despite the substantial demonstrated need for school repair and replacement funding, the Administration had asked Congress to zero out funding for Replacement School Campus Construction and Replacement School Facility Construction in FY 2018. Instead, Congress provided one the largest and most substantial increases in decades to Education Construction, apportioning the funding as follows:

- Replacement School Campus Construction $105,504,000
- Replacement Facility Construction $23,935,000
• Employee Housing Repair $ 13,574,000
• Facilities Improvement and Repair $ 95,232,000

2016 National Review Committee List and Creation of 2019 List. In FY 2017, Congress directed the Administration to provide a plan to allocate the Replacement School Construction and Replacement Facility Construction funds and to create a 2018 replacement list. It appears that so far, the Administration has declined to do so. The House Report once again directs:

The Bureau is directed to submit an allocation plan to the Committee for campus-wide replacement and facilities replacement within 30 days of enactment of this Act. The Committee recognizes the School Facilities and Construction Negotiated Rulemaking Committee established under Public Law 107–110 for the equitable distribution of funds. Appropriations in this bill for campus-wide replacement are limited to the 10 schools selected via the rulemaking committee process and published by Indian Affairs on April 5, 2016. The BIE should submit a similar list for facilities with the fiscal year 2019 budget request.

Innovative Financing Options to Supplement School Repair and Replacement Appropriations. In FY 2017, Congress urged the Administration to include in its FY 2018 budget request a proposal to reconstitute the National Fund for Excellence in American Indian Education. The Administration declined to do so. The House Report once again urges:

The Committee continues to strongly support innovative financing options to supplement annual appropriations and accelerate repair and replacement of Bureau of Indian Education schools, including through the use of construction bonds, tax credits, and grant programs. The Department is urged to revise and resubmit its proposal to reconstitute the National Fund for Excellence in American Indian Education, and to include authority for the Fund to facilitate public-private partnership construction projects.

The Joint Explanatory Statement affirms:

The Committees continue to strongly support innovative financing options to supplement annual appropriations and accelerate repair and replacement of Bureau schools, including through the use of construction bonds, tax credits, and grant programs.

Facilities Improvement and Repair: Safety Inspections, Implementation of GAO Recommendations, Provision of Training, and Long-Term Planning. The Joint Explanatory Statement directs:

The Committees expect the increase provided for facilities improvement and repair to be used to address deficiencies identified by annual school safety inspections. The Committees continue to expect BIA and BIE to work together to ensure that annual safety inspections are completed for all BIE schools and remain concerned that the Bureaus have not developed concrete tracking and capacity-building systems to ensure that safety issues flagged by these inspections are addressed in a timely manner. The Committees are also concerned by reports from tribally operated schools that BIE is not providing necessary training or access to funding from the Facilities Improvement and Repair program to meet urgent safety and maintenance needs. The Committees direct BIE and BIA to provide an implementation plan to the Committees to address these concerns within 120 days of enactment of this Act.

The Bureau of Indian Education is directed to report back within 60 days of enactment of this Act on the progress the Bureau has made towards implementing a long-term facilities needs assessment modeled after the Department of Defense Education Activity, as directed by House Report 114-632.

PUBLIC SAFETY & JUSTICE (PS&J) CONSTRUCTION

<table>
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<tr>
<th>FY 2017 Enacted</th>
<th>FY 2018 Admin. Request</th>
<th>FY 2018 House Request</th>
<th>FY 2018 Senate Committee Mark</th>
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<td>$10,416,000</td>
<td>$11,309,000</td>
<td>$13,309,000</td>
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FY 2018 Enacted $35,309,000

The Public Safety & Justice Construction sub-activities are: Facilities Replacement/New Construction; Employee Housing; Facilities Improvement and Repair; Fire Safety Coordination; and Fire Protection.

Congress provided a substantial increase to Public Safety & Justice Construction, reviving the Facilities Replacement and New Construction program and apportioning the funding as follows:

• Facilities Replacement and New Construction $18,000,000
• Employee Housing $ 4,494,000
• Facilities Improvement and Repair $ 9,372,000
• Fire Safety Coordination $ 169,000
• Fire Protection $ 3,274,000

Facilities Replacement and New Construction. The Joint Explanatory Statement explains: The Committees include funding for the replacement construction program, which has not received funding from the Bureau since fiscal year 2010, as other agencies have sought to build these facilities. The Committees also understand the Bureau currently has compiled a list of replacement facilities based upon the facilities condition index, inmate populations, and available space. It is the expectation the funding made available for this activity will utilize this list.

Master Plan Development. The Joint Explanatory Statement directs: Further, the Committees encourage the Bureau to develop a master plan that details the location and condition of existing facilities relative to the user population, and incorporates the use of existing tribally constructed facilities and regional justice centers, such as the Shoshone-Bannock Tribes' Justice Center, as an efficient approach to filling gaps where additional facilities are needed. Reasonable driving distances for visitation should be taken into consideration.

Joint Venture Demonstration Program. In FY 2017, Congress encouraged the Administration to include in its FY 2018 budget request a legislative proposal for a joint venture demonstration program for regional justice centers. The Administration declined to do so. For FY 2018, the House Committee once again made this request, stating: The Committee is concerned that Indian Affairs' focus on alternatives to incarceration has come at a cost to justice facilities construction. Indian Affairs, in coordination with the Department of Justice, is therefore urged to consider including with its fiscal year 2019 budget a legislative proposal for a joint venture demonstration program for regional justice centers, similar to the Shoshone-Bannock Tribes' Justice Center, and modeled after the joint venture program for Indian health facilities.

Radio Tower Dead Zones. The House Report states, "Indian Affairs is urged to improve officer safety by eliminating radio tower communications dead zones."

RESOURCES MANAGEMENT CONSTRUCTION

<table>
<thead>
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<th>Year</th>
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<th>Admin. Request</th>
<th>House</th>
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<td>FY 2018 Enacted $67,192,000</td>
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The Resources Management Construction sub-activities are: Irrigation Project Construction; Engineering and Supervision; Survey and Design; Federal Power and Compliance; and Dam Projects.

Congress provided a substantial increase for Resources Management Construction, apportioning the funding as follows:

- Irrigation Project Construction $24,692,000
- Engineering and Supervision $ 2,596,000
- Survey and Design $ 1,016,000
- Federal Power Compliance $ 648,000
- Dam Safety and Maintenance $38,240,000

Irrigation Project Construction. The Administration had proposed a $1.5 million increase for the Irrigation Projects-Rehabilitation program element to address critical outstanding maintenance issues at the 17 Indian Irrigation Projects and a $724,000 increase to the Survey and Design program element to fast track the technical modernization studies needed to complete this rehabilitation work. Congress responded with an $18.6 million increase for Irrigation Project Construction, stating: The Committees are aware of the aging Indian irrigation systems and that most of these systems are in need of major capital improvement; therefore, additional funding has been included to address the infrastructure needs. Additionally, it is the Committees' understanding that these projects are consistent with those activities authorized as part of the Water Infrastructure Improvements for the Nation Act (P.L.114-322).
Dam Projects. The Administration had proposed a $2.4 million increase for the Safety of Dams program element to support the award of construction contracts for one or more of the 11 dam safety rehabilitation projects already designed or with expected design completion in FY 2018 and a $1.8 million increase for the Dam Maintenance program element to prioritize deferred maintenance projects at the 138 BIA dams classified as "high hazard." (According to the Indian Affairs FY 2018 Budget Justification, there is currently an identified deferred maintenance need of $538 million.) Congress responded with a $10.7 million increase for Dam Projects, stating: The Committees are concerned that there are an unknown number of dams on reservations that have not received a hazard classification, and that the current review process is behind schedule. The Committees strongly encourage the Bureau to begin the work on these dams and report back to the Committees on the best way to effectively quantify the potential pool of dams on reservations in need of a review and/or classification.

OTHER PROGRAM CONSTRUCTION/ GENERAL ADMINISTRATION

FY 2017 Enacted $10,941,000
FY 2018 Admin. Request $11,963,000
FY 2018 Senate Committee Mark $13,367,000
FY 2018 Enacted $13,367,000

The Other Program Construction sub-activities are: Telecommunications Improvement and Repair; Facilities/Quarters Improvement and Repair; and Construction Program Management. Congress apportioned the funding as follows:

- **Telecommunications**: $1,119,000
- **Facilities and Quarters**: $3,919,000
- **Program Management**: $8,329,000*

*(Includes $2,400,000 to continue the project at Fort Peck.)

INDIAN LAND AND WATER CLAIMS SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

FY 2017 Enacted $45,045,000
FY 2018 Admin. Request $13,999,000
FY 2018 Senate Committee Mark $45,045,000
FY 2018 Enacted $55,457,000

For FY 2018, Administration explained, "Funding allocations to enacted settlements in 2018 are contingent on the operating plan developed for FY 2017. The 2017 operating plan was not complete at the time the Budget Justification was written. An updated proposal for 2018 allocations will be provided once the 2017 operating plan is complete." (FY 2018 Indian Affairs Budget Justification, p. IA-SET-3). Congress responded by providing both direction and specific funding amounts:

The bill provides $55,457,000 for Indian Land and Water Claims Settlements and Miscellaneous Payments to Indians, ensuring that Indian Affairs will meet the statutory deadlines of all authorized settlement agreements to date. The detailed allocation of funding by settlement is included in the table at the end of this explanatory statement. [See pages 6-7 of the attached chart.]

INDIAN GUARANTEED LOAN PROGRAM

FY 2017 Enacted $8,757,000
FY 2018 Admin. Request $6,692,000
FY 2018 House $9,272,000
FY 2017 Senate Committee Mark $9,272,000
FY 2018 Enacted $9,272,000

The House Report describes the Indian Guaranteed Loan Program as "the most effective Federal program tailored, dedicated to, and capable of facilitating greater access to private capital for Indian Tribes and Indian-owned economic enterprises." Congress rejected the Administration's request for a $2 million cut and instead provided an increase.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO-HOPI INDIAN RELOCATION
The Office of Navajo and Hopi Indian Relocation was established by Public Law 93–531. The Office is charged with planning and conducting relocation activities associated with the settlement of land disputes between the Navajo Nation and Hopi Tribe.

Closure of the Office.

The House Report directs:

The Committee recommends $15,431,000 for the Office of Navajo and Hopi Indian Relocation (Office), equal to the fiscal year 2017 enacted level. Of this amount, $200,000 shall be transferred to the Inspector General of the Department of the Interior for continued oversight of planning, transition, and closure of the Office. The Committee has directed the Office to begin to communicate with Congress, the affected Tribes, and the Department of the Interior about what will be required to ensure relocation benefits and necessary support services are provided in accordance with the specifications in Public Law 93–531 and to initiate closure of the Office. The Committee requests continuation of the quarterly reports and a comprehensive plan for closing the Office, as outlined in House Report 114–632. Legal analysis on whether any enacting legislation is required to transfer or maintain any identified functions to another agency or organization should also be included. The Office should be transparent about the path forward and should actively consult with all affected parties and agencies.

The Joint Explanatory Statement directs:

The agreement continues the direction provided in the explanatory statement accompanying Division G of the Consolidated Appropriations Act, 2017, P.L. 115-31. The Committees remain committed to bringing the relocation process to an orderly conclusion and ensuring all eligible relocatees receive the relocation benefits to which they are entitled. Consultation with all affected parties and agencies is the key to a transparent, orderly closeout. The statute provides for termination of the Office when the President determines its functions have been fully discharged. That determination requires development of a comprehensive plan. The Committees expect to receive a progress report on development of this plan within 90 days of enactment of this Act.

National Park Service

Tribal Historic Preservation

Congress rejected the Administration's requested cut and instead provided a $1 million increase. In its FY 2018 Budget Justification, the Administration had explained, "The proposed reduction would impact the tribes' capacity to conduct cultural and historic preservation activities and to participate in required consultation on federally-funded projects that impact tribal land or any historic property to which a tribe attaches religious or cultural significance." (FY 2018 National Park Service Budget Justification, p. 31)

National Recreation and Preservation

National Recreation and Preservation is found under a different part of the National Park Service budget than Historic Preservation. Under National Recreation and Preservation the Congress provided an increase for the Cultural Programs sub-activity, in order to support programs for Native Hawaiian or Alaska Native culture and arts development:

Cultural Programs.-The Committees provide $25,062,000 for Cultural Programs, an increase of $500,000 above the enacted level. The increase is provided for grants to nonprofit organizations or institutions pursuant to 20 U.S.C. 4451(b). The Committees direct the Department to consider funding the Northwest Coast arts program as outlined by the memorandum of agreement between the Institute of American Indian Arts and the Sealaska Heritage Institute. Funding for the Native American Graves Protection and Repatriation Grant Program and the Japanese American Confinement Site Grant Program is maintained at the fiscal year 2017 enacted level.
Congress provided the following direction to Secretary of Interior regarding national monument designations and tribal energy development:

National Monument Designations. The Department is directed to collaboratively work with interested parties, including Congress, States, local communities, Tribal governments, and others before making national monument designations.

Tribal Energy Development. The Committees direct the Secretary to provide a report to the Committees within 90 days of enactment of this Act on efforts to improve the ability of Tribes to develop energy resources on tribal lands. Such report should address any potential obstacles, including statutory or regulatory, to full resource utilization.

FY 2018 Indian Health Service Final Appropriations
Hobbs-Straus General Memorandum 18-013

On March 23, 2018, President Trump signed the Consolidated Appropriations Act, 2018 (Act) which funded the Indian Health Service (IHS) and other federal agencies through the remaining six months of fiscal year 2018. The Act is PL 115-141 and IHS bill language is in Division G of the Act. Prior to this signing, Congress had enacted five short-term Continuing Resolutions (CRs) to fund federal agencies at basically their FY 2017 levels. Congress rejected the deep cuts recommended by the Administration for IHS. The IHS made out well in the Act due in significant part to the earlier enactment of the Bipartisan Budget Act of 2018 (PL 115-123) which raised the spending cap on domestic discretionary spending cap by $63 billion for FY 2018 (and by $68 billion for FY 2019).

As a result there are IHS programs funded for FY 2018 at significantly higher levels – notably in the Facilities Account – than either FY 2017 enacted appropriations or what was earlier (before the budget cap was raised) recommended for FY 2018 funding by the House or the Senate Interior Appropriations Subcommittee.

In lieu of a Conference Report, the Act is accompanied by a Joint Explanatory Statement which provides that the IHS is to comply with House Report language (H. Rept. 115-238) unless the Statement provides otherwise. Much of the Senate Interior Appropriations Subcommittee explanatory statement accompanying its recommendations last November is repeated in the Joint Explanatory Statement accompanying the Act as it was not filed as an official Committee report.

The Consolidated Appropriations Act, FY 2018 bill and Explanatory Statement language may be found in the March 22, 2018, three-volume CONGRESSIONAL RECORD. Our General Memorandum 17-059 of December 18, 2017, provides a comparison of the House and Senate FY 2018 IHS budget recommendations prior to the additional funding that became available as a result of the Bipartisan Budget Act. We reported on the Bipartisan Budget Act of 2018 in our General Memorandum 18-008 of February 9, 2018.

IHS OVERALL FUNDING

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The Act increases IHS funding by nearly $500 million over FY 2017 which is a 10 percent increase.

Current Services (Pay Costs/Medical Inflation). The Act overall contains $98.2 million for pay costs increases and medical inflation, approximately $25 million over the FY 2017 amount.

Staffing Packages. The Act overall provides $65.8 million for staffing of newly opened health facilities. The Joint Explanatory Statement notes that this should fund the full amount estimated in a recent update to the Committees. Funds are for facilities funded through the Health Care Facilities Construction Priority System or the Joint Venture Construction Program that have opened in FY 2017 or will open in FY 2018. Of note is that the CR signed into law on December 21, 2017, contained $12.8 million in IHS funds for staffing packages.
Indian Health Care Improvement Act Unfunded Authorities Report. The House Report repeats the language from FY 2017 regarding funding for Indian Health Care Improvement Act authorizations. In the FY 2018 Budget Justification, IHS stated that 90 days is an insufficient time to provide the required report and also that the cost of it would be significant. The Joint Explanatory Statement repeats that the Committees want the report within 90 days of enactment. The House Report language is as follows:

It has been over six years since the permanent reauthorization of the Indian Health Care Improvement Act (IHCA), yet many of the provisions in the law remain unfunded. Tribes have specifically requested that priority areas for funding focus on diabetes treatment and prevention, behavioral health, and health professions. The Committee requests that the Service provide, no later than 90 days after the date of enactment of this Act, a detailed plan with specific dollars identified to fully fund and implement the IHCA.

Reimbursable Funding. The Joint Explanatory Statement directs the IHS to report on population and service growth over the past 10 years and the funding sources used to address these needs:

This agreement directs the Service to report, within 180 days of enactment of this Act, on patient population and service growth over the past ten years and the funding sources used to provide for these medical services. The IHS is to include a breakdown, by dollar amount and percentage, of funding sources which supplement appropriated dollars to cover the provision of medical services at IHS operated and tribally contracted and compacted facilities. The Committees are interested in detailed information on whether medical services have been able to expand over this time period as a result of increases in the ability to charge medical services due to new authorities outlined in the Indian Health Care Improvement Act and other Federal laws. As a point of comparison, and to the extent possible, the Service shall compare these impacts across the twelve Service areas, with the degree to which patient populations services in the respective states has increased.

<table>
<thead>
<tr>
<th>CONTRACT SUPPORT COSTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2017 Enacted</td>
</tr>
<tr>
<td>FY 2018 Admin. Request</td>
</tr>
<tr>
<td>FY 2018 House</td>
</tr>
<tr>
<td>FY 2018 Senate Mark</td>
</tr>
<tr>
<td>FY 2018 Enacted</td>
</tr>
</tbody>
</table>

The Act continues Contract Support Costs (CSC) as a separate appropriation account with an indefinite amount—"such sums as may be necessary." The Joint Explanatory Statement notes:

The agreement continues language from fiscal year 2017 establishing an indefinite appropriation for contract support costs estimated to be $717,970,000, which is equal to the request. By retaining an indefinite appropriation for this account, additional funds may be provided by the agency if its budget estimate proves to be lower than necessary to meet the legal obligation to pay the full amount due to Tribes. The Committees believe fully funding these costs will ensure Tribes have the necessary resources they need to deliver program services efficiently and effectively.

Fortunately for tribes, Congress again ignored two CSC restrictions proposed in the President's Budget: (1) a command to count unspent CSC against a tribe's requirement in the next year—a provision that could be read to deny the carryover authority in the ISDEAA; and (2) a "notwithstanding" clause that IHS has relied on, in part, to deny CSC for some grant programs, such as the Substance Abuse and Suicide Prevention program and the Domestic Violence Prevention Initiative. For FY 2018, Congress has gone further on this matter and has called upon IHS to provide CSC for these programs. The Explanatory Statement provides:

ISDEAA Contracts. – The Committees encourage the transfer of amounts provided to tribal organizations for the Substance Abuse and Suicide Prevention Program, for the Domestic Violence Prevention Program, for the Zero Suicide Initiative, for aftercare pilots at Youth Regional Treatment Centers, and to improve collections from public and private insurance at tribally-operated facilities to such organizations through Indian Self-Determination Act compacts and contracts, and not through separate grant agreements. This will ensure that associated administrative costs will be covered through the contract support cost process.

The Act continues by reference sections 405 and 406 of the FY 2015 Appropriations Act. These provisions prohibit BIA and IHS from using FY 2018 CSC funds to pay past-year CSC claims or to repay the Judgment Fund for judgments or settlements related to past-year CSC claims. They do not preclude tribes from recovering such judgments or settlements from the Judgment Fund. The following is from Division G, Title IV of the Act:
Contract Support Costs, Prior Year Limitation
Sec. 405. Sections 405 and 406 of division F of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235) shall continue in effect in fiscal year 2018.

Contract Support Costs, Fiscal Year 2018 Limitation
Sec. 406. Amounts provided by this Act for fiscal year 2018 under headings "Department of Health and Human Services, Indian Health Service, Contract Support Costs" and "Department of the Interior, Bureau of Indian Affairs and Bureau of Indian Education, Contract Support Costs" are the only amounts available for contract support costs arising out of self-determination or self-governance contracts, grants, compacts, or annual funding agreements for fiscal year 2018 with the Bureau of Indian Affairs or the Indian Health Service:

Provided, That such amounts provided by this Act are not available for payment of claims for contract support costs for prior years, or for repayment of payments for settlement or judgments awarding contract support costs for prior years.

FUNDING FOR INDIAN HEALTH SERVICES

<table>
<thead>
<tr>
<th>FY</th>
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<tr>
<td>FY 2018</td>
<td>Senate</td>
<td></td>
<td>$3,759,258,000</td>
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<tr>
<td>FY 2018</td>
<td>Enacted</td>
<td>$3,952,290,000</td>
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</tbody>
</table>

Current Services/Staffing. The Act provides in the Services Account $23.5 million for pay costs increases, $70.4 million for medical inflation, and $60.3 million for staffing of newly opened facilities.

HOSPITALS AND CLINICS

<table>
<thead>
<tr>
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<td>FY 2018</td>
<td>Senate</td>
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<tr>
<td>FY 2018</td>
<td>Enacted</td>
<td>$2,045,128,000</td>
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</table>

Current Service/Staffing. Of the total $36 million is for current services (pay costs and medical inflation) and $43.7 million for staffing of new facilities.

Tribal Clinic Leases. The Act provides $11 million for village built and tribally leased clinics, the same as FY 2017 enacted. The Administration proposed only $2 million for this purpose. Congress rejected the Administration's proposal for bill language to amend the law in order to avoid full compensation for section 105(I) Indian Self-Determination and Education Act leases which would be contrary to the decision in Maniilaq Association v. Burwell, 170 F. Supp.3rd 243 (D.D.C. 2016).

Accreditation Emergencies. The Act provides $58 million for hospital accreditation emergencies, $30 million over the FY 2017 level. The Joint Explanatory Statement reads: Accreditation Emergencies.-The Committees consider the loss or potential loss of a Medicare or Medicaid agreement with the Centers for Medicare and Medicaid Services (CMS) at any facility to be an accreditation emergency. The agreement includes $58,000,000 for accreditation emergencies at an increasing number of direct service facilities, and is based upon updated and itemized information provided to the Committees on December 13, 2017. The Service is encouraged to share this information with Tribes, and to keep Tribes and the Committees apprised of any need for significant deviations from the planned use of funds. Bill language has been added as requested to allow the use of a portion of the funds for facility expansion or renovation and staff quarters.

Of the amounts provided, no less than $20,000,000 is directed to facilities for purchased/referred care, replacement of third-party revenues lost as a result of decertification, replacement of third-party carryover funds expended to respond to decertification, and reasonable costs of achieving recertification, including recruitment costs necessary to stabilize staffing. Primary consideration should be given but is not limited to facilities that have been without certification the longest. Such funds shall be made available to Tribes assuming operation of such facilities pursuant to the Indian Self-Determination and Education Assistance Act of 1975 (P.L. 93-638).

The Committees are concerned by the continued occurrence of deficiencies in patient care, facilities and hospital administration at IHS facilities, including the recent identification of these deficiencies at the Gallup Indian Medical Center (GIMC) by the Centers for Medicare and Medicaid Services (CMS) and the Joint Commission. It
is imperative that the Service take all needed steps to ensure patient safety, improve the quality of care, and ensure that GIMC does not lose access to third party reimbursements, which account for more than 90 percent of the facility's funding. Within 90 days of enactment of this Act, the Service is directed to provide a report to the Committees that details all actions taken to address the deficiencies identified by CMS and the Joint Commission and a list of any outstanding recommendations that require future action by GIMC or the Service to implement. The Service is expected to include its corrective action plans submitted to CMS and the Joint Commission as well as the CMS 2567 deficiency report as part of this report.

The following House Committee Report language is related to the accreditation crisis and the issue of communication between the IHS and tribes:

The accreditation crisis in the Great Plains and the subsequent House provision have highlighted the need for IHS facilities to be significantly more inclusive of Tribes in the decision-making process. The Committees on Appropriations are encouraged by the IHS's own recent initiative to reform its governing boards, but reforms are limited under existing statutes. The Committees are aware that the authorizing committees of jurisdiction are examining this issue and support these efforts to improve the communication and collaboration between the IHS and Tribes at direct service facilities.

Domestic Violence Prevention Initiative. The Act includes $4 million to continue this program.

Prescription Drug Monitoring. The Act provides $1 million to continue the multi-state prescription drug monitoring program authorized by Section 196 of the Indian Health Care Improvement Act, equal to the FY 2017 enacted level.

Teleophthalmology Program. The Act includes $1 million for the teleophthalmology program for retinal camera upgrades.

DENTAL SERVICES

<table>
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<tr>
<td>2018</td>
<td>$185,920,000</td>
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</table>

Current Services/Staffing. Of the total amount, $5.8 million is for current services and $6.8 million is for staffing of new facilities.

Oral Health Care. The House Committee Report states:

The Committee has recognized for many years the dire need to increase oral health care to American Indians/Alaska Natives. Because of funding increases, an additional 263,565 dental services were provided in fiscal year 2016. However, the demand for dental treatment remains overwhelming due to the high incidence of dental caries (cavities) in AI/AN children. Over 80 percent of AI/AN children ages 6–9 and 13–15 years suffer from dental caries, while less than 50 percent of the U.S. population in the same age cohort have experienced tooth decay. The Committee recognizes that more needs to be done to fully address the need for oral health care.

The Joint Explanatory Statement provides the following: "The Service is directed to backfill vacant dental health positions in headquarters and encouraged to coordinate with the Bureau of Indian Education to integrate preventive dental care at schools across the system."

MENTAL HEALTH

<table>
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<td>2018</td>
<td>$95,450,000</td>
<td>$97,201,000</td>
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</table>

Current Services/Staffing. Included in the total is $2.9 million each for current services and for staffing of new facilities.

Behavioral Health. The Act provides $6.9 million to continue behavioral health integration and $3.6 million to continue the suicide prevention initiative.

ALCOHOL AND SUBSTANCE ABUSE

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<td>The Joint Explanatory Statement</td>
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<tr>
<td>Distribution of Funds</td>
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</tr>
<tr>
<td>The Committee remains concerned</td>
<td>$78,701,000</td>
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<tr>
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<tr>
<td>the Indian Health Care Improvement Fund</td>
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</tr>
<tr>
<td>FY</td>
<td>Request</td>
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<td>-------</td>
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</tr>
<tr>
<td>2018</td>
<td>$58,906,000</td>
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HEPATITIS B and HAEMOPHILUS IMMUNIZATION (Hib) PROGRAMS IN ALASKA

<table>
<thead>
<tr>
<th>FY</th>
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<th>House</th>
<th>Senate</th>
<th>Mark</th>
<th>Enacted</th>
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<tr>
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<td>$1,950,000</td>
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URBAN INDIAN HEALTH

<table>
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<tr>
<th>FY</th>
<th>Request</th>
<th>House</th>
<th>Senate</th>
<th>Mark</th>
<th>Enacted</th>
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</thead>
<tbody>
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<td>$47,943,000</td>
<td>$47,678,000</td>
<td>$49,315,000</td>
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</tr>
</tbody>
</table>

Current Services. Within the total is $1.6 million for current services. The Joint Explanatory Statement provides that the IHS "is expected to continue to include current services estimates for urban Indian health in future budget requests".

Native Veterans. The House Report comments on the need for culturally appropriate services for Native veterans and also notes the provision in the FY 2018 House Veterans Administration appropriations report (H. Rept. 115-88) requiring a report regarding the cost differential for VA to reimburse IHS for services rather than to provide services directly to urban Indian veterans:

Seven out of ten American Indians/Alaska Natives live in urban centers and receive vital culturally appropriate health services from urban Indian health organizations. As such, many Indian veterans obtain their health care services from these organizations. Currently the Veterans' Administration (VA) and the Indian Health Service are operating under a memorandum of understanding (MOU) which is effective through June 30, 2019. Under this agreement, VA reimburses care provided to Indian veterans at IHS facilities and Tribal health programs. The MOU recognizes the importance of a coordinated and cohesive effort on a national scope to meet the needs of individual tribes, villages, islands, and communities, through VA, IHS, Tribal and Urban Indian health programs; however, to date, there has not been equitable reimbursement for the culturally appropriate services provided to Native individuals, including Native veterans. This year, House Report 115–188 accompanying the fiscal year 2018 Military Construction, Veterans' Administration, and Related Agencies Appropriation bill included a directive requiring the VA to prepare a report for the Appropriations Committee examining the impact of Indian veterans receiving health services at urban clinics and the annual estimated cost differential for VA to reimburse IHS rather than provide services directly in these urban areas. The report is also to estimate the capacity of Indian urban clinics to treat increased Indian veteran caseloads and include any data supporting the use of the higher negotiated reimbursement rate in urban settings versus rural areas. The report is due 90 days after enactment of the Act, and the Committee directs IHS to work with the VA to complete this report.

INDIAN HEALTH PROFESSIONS

<table>
<thead>
<tr>
<th>FY</th>
<th>Request</th>
<th>House</th>
<th>Senate</th>
<th>Mark</th>
<th>Enacted</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>$49,345,000</td>
<td>$49,363,000</td>
<td>$49,345,000</td>
<td>$49,363,000</td>
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</table>

Programs funded under Indian Health Professions are: Health Professions Preparatory and Pre-Graduate Scholarships; Health Professions Scholarships; Extern Program; Loan Repayment Program; Quentin N. Burdick American Indians Into Nursing Program; Indians Into Medicine Program; and American Indians into Psychology. Loan Repayment Program. The Act includes $36 million for the loan repayment program of which $18,000 is for current services. The House Report comments:
Loan repayment has proven to be the Service's best recruitment tool for staffing health professionals. The Committee was dismayed to learn that the Service has three thousand vacancies for health professionals. Overall, this is a vacancy rate of 20 percent, with a physician shortage rate of 30 percent and a dentist rate of 18 percent. The Committee has included $49,363,000 to better enable the Service to recruit and retain health providers. The Service is urged to consider making health administrators a higher priority for loan repayments, in consultation with Tribes.

Quentin N. Burdick American Indians into Nursing Program, Indians into Medicine Program, and American Indians into Psychology Program. The Joint Explanatory Statement provides that these programs are to be funded "at no less than fiscal year 2017 enacted levels."

Improving Access to Quality Care. The Joint Explanatory Statement provides: Extension Services. The Committees continue to be concerned about the urgent need for skilled health providers in AI/AN communities and is encouraged by the success of the University of New Mexico's Project ECHO—Extension for Community Healthcare Outcomes—in delivering timely care to underserved communities. The Service shall consider how Project ECHO could support existing Indian Health Service providers, and how potential partnerships with Project ECHO could aid in the recruitment and retention of healthcare providers to IHS sites, thereby expanding the provider network and improving access to care.

Patient Wait Times. The Committees are encouraged by the Service's recent focus on improving wait times for patients seeking primary and urgent care, including the August 2017 publication of Circular No. 17–11 and related efforts to track, report, and improve patient wait times. The Committees direct the Service to provide a report to the Committees on the status of these efforts no later than 90 days after enactment of this act. This report shall include a clear explanation of how these efforts will address GAO's recommendation in report number GAO–16–333 of setting and monitoring Agency-wide standards for patient wait times in federally operated facilities and an analysis of any potential barriers to continued monitoring of wait times caused by IT infrastructure limitations or incompatibility.

Quality of Care. The Committees are extremely concerned about the lack of access to quality healthcare for Tribes around the Nation, including the ongoing healthcare quality problems in the Great Plains. In order to address these issues, the agreement includes a pilot program and related directives to improve access to quality health services and to improve recruitment and retention of qualified medical personnel as detailed below [Housing Improvements; Workforce Development; Title 38 Personnel Authorities]:

→ Housing Improvements. In addition to funds provided for staffing quarters within the Facilities Appropriation, the administrative provisions section of the bill also contains new language [see below] allowing for a program to provide a housing subsidy to medical personnel at facilities operated by the Indian Health Service. The Committees are concerned that the lack of affordable and available housing plays a significant role in the agency's personnel vacancy rates and contributes to lowering the quality of care. The Committee expects the Service to provide a plan within 90 days of enactment of this Act that details how the agency plans to use this authority is fiscal year 2018, including the measures it will use to determine whether the authority is successful and how it should be expanded in future years. The Committees have added funds for accreditation emergencies that could be made available for this purpose. The Committees also direct the Service to work with Tribes and with the Department of Housing and Urban Development to develop a long-term strategy to address professional housing shortages in Indian Country and to ensure that the Service and its partner agencies are fully utilizing existing authorities to improve the availability of housing stock.

(The bill language regarding housing subsidies is: "Provided further, That the Indian Health Service may provide to civilian medical personnel serving in hospitals operated by the Indian Health Service housing allowances equivalent to those that would be provided to members of the Commissioned Corps of the United States Public Health Service serving in similar positions at such hospitals.")

→ Workforce Development. The Committees believe that expanded workforce development training for all Service personnel—including non-clinical personnel—must be part of efforts to improve healthcare quality. In addition to continuing skills development opportunities, the Committees believe that IHS should expand its efforts to provide education to all staff and Federal employee management training to facility and area leadership that will provide employees a better understanding of their obligations to report failures in quality of care.
Title 38 Personnel Authorities. The Committees are aware of significant differences between the personnel authorities used by the Service versus the Department of Veterans Affairs under Title 38 of the United States Code. The Committee believes that an analysis of these differences—which include hiring and benefits authorities—may provide strategies for recruiting and retaining qualified personnel in the same rural and remote locations as the VA. The Committees direct the Service to work with the Department of Health and Human Services to analyze the differences between the two agencies’ personnel authorities and to submit a report no later than 90 days after enactment of this Act that details the differences and makes specific legislative recommendations, as appropriate, to provide parity between the two agencies.

TRIBAL MANAGEMENT

<table>
<thead>
<tr>
<th>Fiscal Year</th>
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<th>Request</th>
</tr>
</thead>
<tbody>
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<tr>
<td>FY 2018</td>
<td>Admin.</td>
<td>Request</td>
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<tr>
<td>FY 2018</td>
<td>House</td>
<td></td>
</tr>
<tr>
<td>FY 2018 Enacted $2,465,000</td>
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</table>

The Tribal Management grant program, authorized in 1975 under the authority of the Indian Self-Determination and Education Assistance Act, provides competitive grant funding for new and continuation grants for the purpose of evaluating the feasibility of contracting IHS programs, developing tribal management capabilities, and evaluating health services.

DIRECT OPERATIONS

<table>
<thead>
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<th>Request</th>
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<td>FY 2018</td>
<td>House</td>
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<tr>
<td>FY 2018 Enacted $72,338,000</td>
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IHS estimates that 58.7 percent of the Direct Operations budget would go to Headquarters and 41.3 percent to the 12 Area Offices. Tribal Shares funding for Title I contracts and Title V compacts are also included.

SELF-GOVERNANCE

<table>
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<tr>
<td>FY 2018 Enacted $5,806,000</td>
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The Self-Governance budget supports implementation of the IHS Tribal Self-Governance Program including funding required for Tribal Shares; oversight of the IHS Director's Agency Lead Negotiators; technical assistance on tribal consultation activities; analysis of Indian Health Care Improvement Act new authorities; and funding to support the activities of the IHS Director's Tribal Self-Governance Advisory Committee.

SPECIAL DIABETES PROGRAM FOR INDIANS

While the entitlement funding for the Special Diabetes Program for Indians (SDPI) is not part of the IHS appropriations process, tribes and tribal organizations often include support for this program in their testimony on IHS funding. The Bipartisan Budget Act extended the SDPI program for fiscal years 2018 and 2019 at $150 million each year.

FUNDING FOR INDIAN HEALTH FACILITIES

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<tr>
<td>FY 2018 Enacted $867,504,000</td>
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</table>

The Administration's proposal for the Facilities Account was especially harsh, proposing a $100 million reduction. The final FY 2018 Facilities appropriation is $421 million over the Administration's request.
Current Services/Staffing. The Act provides for the Facilities Account $2.4 million for pay costs, $1.9 million for medical inflation, and $5.5 million for staffing for newly opened facilities.

MAINTENANCE AND IMPROVEMENT

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FY 2018 Enacted $167,527,000

As of October 1, 2016, the Backlog of Essential Maintenance, Alteration, and Repair is $515.4 million. Maintenance and Improvement (M&I) funds are provided to Area Offices for distribution to projects in their regions.

The Joint Explanatory Statement directs IHS "to provide a spend plan within 60 days of enactment of this Act detailing how IHS plans to utilize this funding."

FACILITIES AND ENVIRONMENTAL HEALTH SUPPORT

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<td>FY 2018</td>
<td>Senate Mark</td>
<td>$232,913,000</td>
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FY 2018 Enacted $240,758,000

Current Services/Staffing. The Act provides $3.3 million for current services and $5.5 million for staffing of new facilities. An additional $5 million is provided "to address the increased workload in construction."

The Joint Explanatory Statement directs the IHS to "provide a spend plan within 60 days of enactment of this Act for the additional infrastructure funding provided above the fiscal year 2017 enacted level."

MEDICAL EQUIPMENT

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FY 2018 Enacted $23,706,000

The Act provides up to $500,000 for TRANSAM equipment and up to $2.7 million for purchase of ambulances.

CONSTRUCTION

Construction of Sanitation Facilities

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FY 2018 Enacted $192,033,000

Within the total is $261,000 for current services. The Joint Explanatory Statement directs the IHS "to continue following its existing interpretation of criteria for the funding of new, improved, or replacement sanitation facilities."

The sanitation facilities construction program provides funding for sanitation projects to serve new or like-new housing, existing homes, emergency projects, and studies and training related to sanitation facilities construction projects. The funds cannot be used to provide sanitation facilities for HUD-built homes.

Construction of Health Care Facilities

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FY 2018 Enacted $243,480,000

Small Ambulatory Program. The Act provides $15 million for the Small Ambulatory Program.
New and Replacement Quarters. The Act provides $11.5 million for this program and the Joint Explanatory Statement requires a report from IHS:

The Committees believe that additional funds for quarters is essential to help resolve the widespread housing shortages which have contributed to high vacancy rates for medical personnel throughout the system, particularly in rural areas. These funds have been used in areas with chronic housing shortages like Alaska and the Great Plains in order to ameliorate these problems. The Committees expect a report from the Service within 60 days of enactment of this Act on the distribution of funds.

Facility Construction Analysis. The House Report repeats language from the FY 2017 Explanatory Statement (conference report) addressing the need for a project-level funding distribution plan for healthcare facilities construction, and calls for a gap analysis of the level of healthcare services across the IHS system:

The Committee remains dedicated to providing access to health care for IHS patients across the system. The IHS is expected to aggressively work down the current Health Facilities Construction Priority System list as well as work with the Department and Tribes to examine alternative financing arrangements and meritorious regional demonstration projects authorized under the Indian Health Care Improvement Act that would effectively close the service gap. Within 60 days of enactment of this Act, the Service shall submit a spending plan to the Committees on Appropriations that details the project-level distribution of funds provided for healthcare facilities construction. The IHS has no defined benefit package and is not designed to be comparable to the private sector health system. IHS does not provide the same health services in each area. Health services provided to a community depend upon the facilities and services available in the local area, the facilities’ financial and personnel resources (42 CFR 136.11(c)) and the needs of the service population. In order to determine whether IHS patients across the system have comparable access to healthcare, the IHS is directed to conduct and publish a gap analysis of the locations and capacities of patient health facilities relative to the IHS user population. The analysis should include: facilities within the IHS system, including facilities on the Health Facilities Construction Priority System list and the Joint Venture Construction Program list; and where possible facilities within private or other Federal health systems for which arrangements with IHS exist, or should exist, to see IHS patients.

MEDICARE LOW VOLUME PAYMENT ADJUSTMENTS

The Act contains a provision that allows retroactive payment of Medicare Low Volume Payment Adjustments to be made for tribal and non-tribal hospitals. Section 429 of the Act (Division G, Title IV) extends the right of certain tribal and non-tribal hospitals who see a low volume of Medicare patients to receive the low volume payment adjustments retroactively to 2011.

CONTINUING BILL LANGUAGE

Restriction of IHS Funds in Alaska to Regional Native Organizations Extended to October 1, 2019. The Consolidated Appropriations Act, 2014 (PL 113-76) extended to October 1, 2018, the provision that provides that IHS funds for Alaska be made available only to regional Alaska Native health organizations (with some exceptions). Section 428 of the Act (Division G, Title IV) extends that period to October 1, 2019. We repeat here the language from the FY 2014 Appropriations Act:

Alaska Native Regional Health Entities SEC 424. (a) Notwithstanding any other provision of law and until October 1, 2018, the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93–638 (25 U.S.C. 450 et seq.) to any Alaska Native village or Alaska Native village corporation that is located within the area served by an Alaska Native regional health entity.

(b) Nothing in this section shall be construed to prohibit the disbursal of funds to any Alaska Native village or Alaska Native village corporation under any contract or compact entered into prior to May 1, 2006, or to prohibit the renewal of any such agreement.

(c) For the purpose of this section, Eastern Aleutian Tribes, Inc., the Council of Athabascan Tribal Governments, and the Native Village of Eyak shall be treated as Alaska Native regional health entities to which funds may be disbursed under this section.

The Act also continues language from previously enacted bills, including the following: IDEA Data Collection Language. The Act continues the BIA authorization to collect data from the IHS and tribes regarding disabled children in order to assist with the implementation of the Individuals with Disabilities Education Act (IDEA). The provision is:

Provided further, That the Bureau of Indian Affairs may collect from the Indian Health Service and tribes and
tribal organizations operating health facilities pursuant to Public Law 93-638 such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act. (20 U.S.C. 1400, et. seq.)

Prohibition on Implementing Eligibility Regulations. The Act continues the prohibition on the implementation of the eligibility regulations, published September 16, 1987.

Services for Non-Indians. The Act continues the provision that allows the IHS and tribal facilities to extend health care services to non-Indians, subject to charges. The provision states:
Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation.

Assessments by DHHS. The Act continues the provision which provides that no IHS funds may be used for any assessments or charges by the Department of Health and Human Services "unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process."

Limitation on No-Bid Contracts. The Act continues the provision regarding the use of no-bid contracts. The provision specifically exempts Indian Self-Determination agreements: Sec. 411. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of Chapter 33 of title 41 United States Code or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulations, unless:
(1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes; or

Use of Defaulted Funds. The Act continues the provision that allows funds collected on defaults from the Loan Repayment and Health Professions Scholarship programs to be used to make new awards under the Loan Repayment and Scholarship programs.

Appropriations Structure. The Act continues language that has been in the bill for a number of years that the appropriations structure of the IHS may not be altered without advance notification to the House and Senate Committees on Appropriations. The Administration proposed to delete this provision in order "to maximize operational flexibility."

Please let us know if we may provide additional information or assistance regarding FY 2018 Indian Health Service appropriations.

"FY 2018 Continuing Resolution to Fund Federal Agencies Enacted through January 19; Includes Funding for CHIP, SDPI, and Community Health Centers through March 31," Hobbs-Straus General Memorandum 17-060, December 22nd, 2017, http://www.hobbstraus.com/general-memorandum-17-060, reported, Late last evening, the President signed yet another Continuing Resolution (CR), this time to provide FY 2018 funding for federal agencies through January 19, 2018. This action occurred one day before the previous CR was set to expire. As with the prior CR, funding is, by and large, provided at FY 2017 levels and conditions. (See our GM 17-045 of September 11, 2017, and GM 17-058 of December 8, 2017). Also included in the CR are funding extensions through March 31, 2018, for: the Children's Health Insurance Program (CHIP); the Special Diabetes Program for Indians (SDPI); and Community Health Centers.

Anomalies and Additions. Notably, the CR includes an 'anomaly' for the Indian Health Service (IHS) providing funding increases (to be 'apportioned as necessary') to cover the costs of staffing and operating newly constructed facilities. To this effect, the CR provides a rate of operations of $11,761,000 for IHS
Services and a rate for operations of $1,104,000 for IHS Facilities in addition to the regular amounts provided by the CR. The CR includes $2.1 billion in mandatory funding for the Veterans Choice program. Also included in the CR is a provision waiving 'paygo' rules from applying to the $1.5 trillion tax cut enacted this week. If the provision to waive paygo rules had not been included, there would have been automatic spending cuts to important entitlement programs such as Medicare. Missing from the CR is a deal negotiated by Senators Alexander (R-TN) and Murray (D-WA) to stabilize the individual health insurance marketplaces.

Outlook for Detailed FY 2018 Appropriations Bills. With this nearly month-long CR in place, Congress will (theoretically) have time to try to reach an agreement on FY 2018 funding levels and instructions for the 12 appropriations bills when they return in early January of 2018. If that does not come about they will need to enact yet another Continuing Resolution to avoid a partial government shutdown after January 19. A major issue that remains to be dealt with are the spending caps set by the Budget Control Act. There is significant support in Congress for raising the cap for defense funding but other members, primarily Democrats, want an equal raise in non-defense spending as well. In order to raise the spending caps for FY 2018, the Budget Control Act has to be amended. Should an agreement be reached on the spending caps it would likely be for a two-year period (FYs 2018-2019)."

"President Signs Continuing Resolution through February 8; Government Shutdown Ended," Hobbs-Straus General Memorandum 18-005, January 23rd, 2018, http://hobbsstraus.com/general-memorandum-18-005, reported, "This Memorandum is a follow-up to our General Memorandum 18-004 of yesterday, January 22, concerning the status of the federal government shutdown and the pending Continuing Resolution (CR) to extend funding for federal agencies. As we previously reported, the CR also extends the Children's Health Insurance Program for six years

Yesterday afternoon the Senate and the House each approved HR 195, a CR to provide funding for federal agencies through February 8, 2018. The President signed the bill last night, thus ending the shutdown. A correction was made to the CR by the Senate before it was sent to the House for consideration by adding a provision that provides that military and civilian federal employees will receive back pay for periods when shutdown-related furloughs are in effect during FY 2018. It is significant that the promise of pay for shutdown-related furloughed days extends through all of FY 2018 (through September 30, 2018) as the issue of another government shutdown could occur when the current CR expires after February 8."

"Senators Reach Agreement on Reopening Government," Hobbs-Straus General Memorandum 18-004, January 22nd, 2018, http://hobbsstraus.com/general-memorandum-18-004, reported, "Today the Senate, on a bipartisan basis, reached an agreement paying the way for ending the three-day shutdown of the federal government. The Senate voted 81-18 to invoke cloture (end debate) on a Continuing Resolution (CR)— the 4th this fiscal year – that would provide funding for federal agencies through February 8, 2018. As with previous CRs, funding would, by and large, be at FY 2017 levels and conditions. The CR also includes a six-year reauthorization of the Children’s Health Insurance Program (CHIP) and temporarily suspends the following health-related taxes: 1) a 2-year moratorium on the 2.3 percent excise tax on the sale of medical devices; 2) a 2-year delay of the excise tax on high-cost employer health coverage (the "Cadillac" tax) until 2022; and 3) a 1-year moratorium on the annual excise tax imposed on health insurers for calendar year 2019. An extension of the Special Diabetes Program for Indians (SDPI) was not included in this CR. Funding for SDPI currently runs through March 31, 2018.

With debate ended, the Senate is expected to vote to approve the CR later today, then the bill will go back to the House of Representatives for a vote (where we understand it is expected to pass) and finally to the President, who has indicated that he will sign it. Previously, the House had approved their own version of a bill which would have extended the CR through February 16 but a bill must pass both houses in an identical form in order to be sent to the President for signature.

Late last week and throughout the weekend, Senate Republicans and Democrats blamed each other for the standoff on the CR. Among other matters, many Senate Democrats wanted the Senate to take action on the
"Dreamers" or Deferred Action for Childhood Arrivals (DACA) program which protects nearly 700,000 persons who, as children, were brought to the U.S. without immigration documents. President Trump had halted that program as of March 5, 2018, and many Senate Democrats wanted DACA protections included in the CR. Prior to the shutdown, bipartisan negotiations with the President over DACA, other immigration matters, and border security had broken down.

The Senate Democrats did not literally get what they wanted in this CR but Senate Majority Leader McConnell said today that if the Dreamers issue and other key matters are not resolved by February 8, then his "intention" is to "take up legislation here in the Senate that would address DACA, border security and related issues, as well as disaster relief, defense funding, healthcare, and other important matters." The category of "healthcare" would likely include an extension of funding for SDPI and community health centers. With regard to defense funding, it would likely require amending the Budget Control Act to increase the cap on discretionary defense spending – and many Senators want that paired with an equal increase in the spending cap for discretionary non-defense spending. Senator McConnell stressed that the Senate would take up legislation on these issues only if the federal government remains open. This is a rather tall order of legislative matters to consider within three weeks and the agreement does not/could not commit the House to any specific action.

The use of Continuing Resolutions, which hamstrings the ability of federal agencies to undertake new initiatives and wrecks havoc on grant programs and distribution of funds, speaks to the need to seriously consider advance appropriations for some programs (i.e., the Indian Health Service) whereby funds are appropriated two years in advance. Health care funds for the Veterans Administration are already on an advance appropriations basis. In addition, some programs, mostly education programs, are funded on a 9-month forward funded basis. For example, most core Bureau of Indian Education funding for K-12 schools and the tribal colleges (except Haskell Indian Nations University and the Southwestern Indian Polytechnic Institute (SIPI)) is appropriated on a forward funded basis and the appropriations committees have indicated an interest in extending this forward funding schedule to Haskell and SIPI.

"President Signs Continuing Resolution through March 23, Debt Ceiling Suspension and Increased Budget Caps for FYs 2018, 2019"
Hobbs-Straus General Memorandum 18-008


This morning, the President signed HR 1892, the Bipartisan Budget Act of 2018 (Act). The Act averted a government shutdown, averted a default on the federal debt, and includes a (fifth) Continuing Resolution which funds federal agencies through March 23, 2018. Significantly, it increases the budget caps for both defense and non-defense spending for FYs 2018 and 2019, thus allowing the appropriations committees to re-work their pending FY 2018 appropriations bills taking the increased spending authority into account. The Act provides focus for where the increased funding should be directed. The goal is to have these appropriations bills finished by March 23. The Act also provides a full fiscal year of funding for the Defense Department and suspends the debt ceiling through March 1, 2019 (hence, no debt ceiling vote before the November elections). Also included are provisions concerning disaster aid, health and family programs reauthorizations, and "tax extenders". Notably, the Act does not include the funding that the President is seeking for a wall on our Nation's southern border nor does it include the protections that House Minority Leader Pelosi (D-CA) and others are seeking for individuals known as "Dreamers". Thus, both will remain sources of contention and will likely continue to complicate the remainder of the congressional session. Below is information on selected provisions of significance in the Act for tribes/tribal organizations.

Spending Caps. The Act raises the Budget Control Act's discretionary spending caps for defense by $80 billion for FY 2018 ($629 billion total) and by $85 billion for FY 2019 ($647 billion total). For non-defense discretionary spending the cap is raised by $63 billion for FY 2018 ($579 billion total) and by $68 billion for FY 2019 ($597 billion total).

Via informal agreement, the additional non-defense spending authority would be geared toward addressing the opioid crisis ($6 billion over two years), infrastructure, including: rural drinking water and waste water, rural broadband, energy, innovative capital projects, and surface transportation ($20 billion over two years); child care ($5.8 billion over two years); Veterans Administration hospital and clinics improvements ($4 billion over two
years); higher education ($4 billion over two years); and National Institutes of Health research ($2 billion over two years).

Disaster Aid. The Act provides an additional $89.3 billion to continue response and recovery from the damage caused by last year's hurricanes, wildfires and other severe weather events. This amount is largely directed to the Federal Emergency Management Agency's Disaster Relief Fund, the Department of Housing and Urban Development's Community Development's Block Grant Program and the U.S. Army Corps of Engineers.

Health Programs. The Act includes:
• Special Diabetes Program for Indians – extended for two years with $150 million for each of fiscal years 2018 and 2019;
• Community Health Centers – extended for two years with $3.8 billion in FY 2018 and $4 billion in FY 2019;
• Children's Health Insurance Program (CHIP) – extended for an additional four years, through FY 2027. The previous CR (PL 115-120) had extended CHIP through FY 2023.
• Medicare – while not the subject of this Memorandum, the Act also contains numerous Medicare provisions, including the extension of certain expired Medicare programs.

Family/Social Services Programs. The Act includes an array of family service/child welfare reauthorizations:
• Maternal, Infant, and Early Childhood Home Visiting Program – extended through FY 2022. This program, created through the Affordable Care Act, has mandatory funding of $400 million annually. Three percent of funds are reserved for tribes, tribal organizations, and urban Indian organizations. This voluntary program provides for home visits relating to maternal and child health and development.
• Stephanie Tubbs Jones Child Welfare Services Program – extended through FY 2021. Although the statute does not specify a percentage or an amount of funds for tribes, they receive formula funds under this program, which is authorized under Title IV-B, Subpart 1 of the Social Security Act. Tribes currently receive about $6 million under this program.
• Promoting Safe and Stable Families Program – extended through FY 2021. This program receives both discretionary and mandatory funds and the authorization covers both sources. The Act provides for level funding for the mandatory source. Tribes receive a three percent statutory allocation of the mandatory and discretionary funds which amounts to approximately $12 million annually.
• Court Improvement Program – extended through FY 2021. These grants are for courts to improve their handling of child welfare cases. Tribes receive $1 million annually which is awarded competitively.
• Family First Prevention Services Act – this lengthy portion of the Act is taken from five bills relating to child welfare passed earlier this Congress by the House. The Family First Act takes steps to reorient the title IV-E Foster Care, Adoption, and guardianship program from one that focuses on the child once he is removed from the home to providing support to the family in an effort to prevent the child from needing to be in foster care. We will write a separate report on this section of the Act.

Taxes. The Act includes extensions of specific provisions in the tax code, including a one year, retroactive extension of the:
• Indian Employment Tax Credit;
• Accelerated Depreciation for Business Property on Indian Reservations; and
• Production Credit for Indian Coal Facilities.

House-Senate FY 2018 Indian Health Service Appropriations Recommendations
Hobbs-Straus General Memorandum 17-059, December 18th, 2017,
http://www.hobbsstraus.com/general-memorandum-17-059

In this Memorandum we report on the Senate "Chairman's Mark" making recommendations on the FY 2018 budget for the Indian Health Service (IHS) and compare it to the House-passed bill. We reported on the House Appropriations Committee recommendations for FY 2018 funding for the IHS in our General Memorandum 17-039 of July 27, 2017 and on the House-passed FY 2018 omnibus appropriations bill which includes funding for the IHS in our General Memorandum 17-047 of September 18, 2017. The House Interior Appropriations bill and report are HR 3354 and H. Rept. 115-238, respectively.
The House and Senate have not agreed on any appropriations bills for FY 2018 and consequently have had to pass two Continuing Resolutions (CR) funding programs, by and large, at FY 2017 levels and conditions. The current CR extends through December 22, 2017 (PL 115-90) (see our General Memorandum 17-058 of December 8, 2017). Hindering progress is the uncertainty regarding what the defense and non-defense spending caps will be – whether Congress will amend the Budget Control Act to allow for increased spending caps for FY 2018. Some members of Congress favor raising the cap for defense only, while the general position of Congressional Democrats is that the cap should be raised by the same amount for defense and non-defense discretionary spending alike.

Neither the Senate Appropriations Committee nor its Interior Appropriations Subcommittee marked up a FY 2018 Interior, Environment and Related Agencies bill. However, Interior Appropriations Subcommittee Chairman Murkowski (R-AK) released a "Chairman's Mark" and an Explanatory Statement on November 20, 2017, which will be used in negotiations with the House when crafting a final bill.

IHS OVERALL FUNDING

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Both the House and Senate bills reject the large IHS budget cuts proposed by the Trump Administration so increases provided in FY 2017 would be retained. The Administration had proposed decreases for behavioral health initiatives, accreditation emergencies, prescription drug monitoring, detoxification, small ambulatory construction program, domestic violence, clinic leases, and the Facilities account. Those proposed decreases were rejected. Notable among the differences between the House and Senate recommendations are in the areas of pay costs increases, staffing for new facilities, Indian Health Care Improvement Fund, small ambulatory program; and quarters funding. The Senate bill has new provisions regarding housing subsidies for civilian personnel at IHS hospitals and Medicare Low Volume Payment Adjustments.

Pay Costs Increases. The House recommended $36.7 million for pay costs in the Services Account which compares to a FY 2017 enacted amount of $13.2 million. For the Facilities Account, the House recommended $3.6 million for pay costs which compares to an FY 2017 enacted amount of $1.2 million. The Senate bill does not contain funding for pay costs increases.

Staffing Packages. The House recommended $20 million for the staffing of two newly constructed Joint Venture projects – the Flandreau Health Center in Flandreau, SD and the Choctaw Nation Regional Medical Center in Durant, OK. This is the same as the Administration's request. The Senate recommended $70 million and notes that the requested amount was $50 million short of need. The Explanatory Statement describes the Red Tail Hawk Health Center and the Phoenix Indian Medical Center in Arizona, the Fort Yuma Health Center in California and the Muskogee Creek Choctaw Nation Health Center in Oklahoma as needing staffing money (in addition to Flandreau and Choctaw). All the increases over FY enacted in the Senate Mark in the Services account are for the staffing of the new facilities.

Indian Health Care Improvement Act Unfunded Authorities Report. The House Report repeats the language from FY 2017 regarding funding for Indian Health Care Improvement Act authorizations. In the FY 2018 Budget Justification, IHS stated that 90 days is an insufficient time to provide the required report and also that the cost of it would be significant. The Committee language is as follows:

It has been over six years since the permanent reauthorization of the Indian Health Care Improvement Act (IHCIA), yet many of the provisions in the law remain unfunded. Tribes have specifically requested that priority areas for funding focus on diabetes treatment and prevention, behavioral health, and health professions. The Committee requests that the Service provide, no later than 90 days after the date of enactment of this Act, a detailed plan with specific dollars identified to fully fund and implement the IHCIA.

Reimbursable Funding. The House Report also directs the IHS to report on population and service growth over the past 10 years and the funding sources used to address these needs:

The Committee directs the Service to report, within 180 days of enactment of this Act, on patient population and service growth over the past ten years and the funding sources used to provide for these medical services. The IHS is to include a breakdown, by dollar amount and percentage, of funding sources which supplement appropriated.
dollars to cover the provision of medical services at IHS operated and tribally contracted and compacted facilities. The Committee is interested in detailed information on whether medical services have been able to expand over this time period as a result of increases in the ability to charge medical services to supplementary funding sources. As a point of comparison, and to the extent possible, the Service shall compare these impacts across the twelve IHS areas, with the degree to which patient populations services in the respective states has increased.

Appropriations Structure. Both bills would continue language that has been in the bill for a number of years that the appropriations structure of the IHS may not be altered without advance notification to the House and Senate Committees on Appropriations. The Administration proposed to delete this provision in order "to maximize operational flexibility."

**CONTRACT SUPPORT COSTS**

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The House and Senate have the same proposals regarding Contract Support Costs (CSC). The recommendations, consistent with the Administration's request for IHS and the Bureau of Indian Affairs (BIA), does not make any major changes in the structure or amount of CSC appropriations—although the IHS estimated expenditures are lower than predicted for FY 2017. Funding for CSC in each agency remains a separate appropriation account with an indefinite amount—"such sums as may be necessary."

The estimation for CSC spending for IHS is $717,970,000, the same as in the Administration's budget justification. The Senate proposal, consistent with the House recommendation, did not include two CSC restrictions proposed in the President’s Budget: (1) a command to count unspent CSC against a tribe's requirement in the next year—a provision that could be read to deny the carryover authority in the ISDEAA; and (2) a "notwithstanding" clause that IHS has relied on, in part, to deny CSC for some programs, such as the Substance Abuse and Suicide Prevention program and the Domestic Violence Prevention Initiative. These provisions last appeared in the FY 2016 appropriations act, but tribes successfully advocated for their removal in FY 2017.

Both bills would continue prior language in the General Provisions section:

**Contract Support Costs, Prior Year Limitation**

Sec. 405. Sections 405 and 406 of division F of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235) shall continue in effect in fiscal year 2018.

**Contract Support Costs, Fiscal Year 2018 Limitation**

Sec. 406. Amounts provided by this Act for fiscal year 2018 under headings "Department of Health and Human Services, Indian Health Service, Contract Support Costs" and "Department of the Interior, Bureau of Indian Affairs and Bureau of Indian Education, Contract Support Costs" are the only amounts available for contract support costs arising out of self-determination or self-governance contracts, grants, compacts, or annual funding agreements for fiscal year 2018 with the Bureau of Indian Affairs or the Indian Health Service: Provided, That such amounts provided by this Act are not available for payment of claims for contract support costs for prior years, or for repayment of payments for settlement or judgments awarding contract support costs for prior years.

**FUNDING FOR INDIAN HEALTH SERVICES**

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**HOSPITALS AND CLINICS**

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Tribal Clinic Leases. Both bills would provide $11 million for tribal clinic leases, the same as FY 2017 enacted. The Administration proposed only $2 million for this purpose. They also rejected the Administration's proposal for bill language to amend the law in order to avoid full compensation for section 105(l) Indian Self-Determination

Accreditation Emergencies. Both bills would provide $29 million for hospital accreditation emergencies, the same as the FY 2017 level. The Administration proposed only $2 million for this purpose. The House Committee Report states:

Accreditation Emergencies.—The Committee considers the loss or potential loss of a Medicare or Medicaid agreement with the Centers for Medicare and Medicaid Services (CMS) at any facility to be an accreditation emergency. The recommendation includes a total of $29,000,000 for accreditation emergencies at an alarming number of facilities over the past year. Funds may be used for personnel or other expenses essential for sustaining operations of an affected service unit, including but not to exceed $4,000,000 for Purchased/Referred Care. These are not intended to be recurring base funds. The Director should reallocate the funds annually as necessary to ensure that agreements with CMS are reinstated, and to restore third-party collection shortfalls. Shortfalls should be calculated relative to a baseline, which should be the average of the collections in each of the two fiscal years preceding the year in which an agreement with CMS was terminated or put on notice of termination.

The following House Committee Report language is related to the accreditation crisis and related reform:

The accreditation crisis in the Great Plains and the subsequent House provision have highlighted the need for IHS facilities to be significantly more inclusive of Tribes in the decision-making process. The Committees on Appropriations are encouraged by the IHS's own recent initiative to reform its governing boards, but reforms are limited under existing statutes. The Committees are aware that the authorizing committees of jurisdiction are examining this issue and support these efforts to improve the communication and collaboration between the IHS and Tribes at direct service facilities.

The Senate Explanatory Statement likewise strongly disagrees with the proposal to virtually eliminate funding for accreditation emergencies:

The Committee strongly disagrees with the Service's request to virtually eliminate funding for accreditation emergencies when this has proven to be such a persistent problem that jeopardizes necessary healthcare delivery at numerous locations. The Committee has maintained funding for accreditation emergencies at the fiscal year 2017 level of $29,000,000. The Committee remains extremely concerned with the potential loss of Medicare or Medicaid agreements with the Centers for Medicare and Medicaid Services (CMS) at any facility. This has been a particular problem in the Great Plains region and the Committee expects the Service to use these funds in order to correct problems at those facilities and to keep the Committee apprised of its progress.

Domestic Violence Prevention Initiative. Both bills recommend $12.9 million for this program, equal to the FY 2017 enacted level.

Prescription Drug Monitoring. Both bills recommend $1 million to fund the multi-state prescription drug monitoring program authorized by Section 196 of the Indian Health Care Improvement Act, equal to the FY 2017 enacted level.

Teleophthalmology Program. The Senate Explanatory Statement proposes $1 million for the teleophthalmology program for retinal camera upgrades.

DENTAL

<table>
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<tr>
<th>Year</th>
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The House Committee Report states:

The Committee has recognized for many years the dire need to increase oral health care to American Indians/Alaska Natives. Because of funding increases, an additional 263,565 dental services were provided in fiscal year 2016. However, the demand for dental treatment remains overwhelming due to the high incidence of dental caries (cavities) in AI/AN children. Over 80 percent of AI/AN children ages 6–9 and 13–15 years suffer from dental caries, while less than 50 percent of the U.S. population in the same age cohort have experienced tooth decay. The Committee recognizes that more needs to be done to fully address the need for oral health care.

The Senate Explanatory Statement encourages the IHS "to coordinate with the Bureau of Indian Education (BIE) to integrate preventive dental care at schools within the BIE system."
### Mental Health

<table>
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<td>FY 2018 Senate Mark</td>
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Included in both bills is funding for a Behavioral Health Integration Initiative and the Zero Suicide Initiative ($21.4 million and $3.6 million, respectively, the same as in FY 2017).

### Alcohol and Substance Abuse

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<td>FY 2018 Senate Mark</td>
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IHS states that its request includes $101.5 million for drug control activities which will maintain the program's progress "in addressing the alcohol and substance abuse needs by improving access to behavioral health services through tele-behavioral health efforts and providing a comprehensive array of preventive, educational and treatment services."

The Senate notes that the IHS is to continue its partnership with the Na'Nizhoozhi Center in Gallup, NM and "to distribute funds provided for detoxification services in the same manner as fiscal year 2017." With regard to alcoholism and opioid addiction, the Senate Committee "encourages the Service to employ the full spectrum of medication assisted treatments (MAT) for alcoholism and opioid addiction, including non-narcotic treatment options that are less subject to diversion combined with counseling services."

### Purchased/Referred Care

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Of the total, $53 million is for the Catastrophic Health Emergency Program. The House expresses concern regarding distribution of funds and encourages, in certain circumstances, agreements with non-IHS federal facilities:

The recommendation includes $928,830,000 for Purchased/Referred Care (PRC), equal to the fiscal year 2017 enacted level. The Committee remains concerned about the inequitable distribution of funds as reported by the Government Accountability Office (GAO–12–446). The IHS is encouraged to evaluate the feasibility of entering into reimbursable agreements with Federal health facilities outside of the IHS system for patient referrals. Such agreements should be considered only when such referrals save costs and patient travel times relative to referrals to the nearest non-Federal health facilities, and when such referrals do not significantly increase patient wait times at such Federal facilities.

### Indian Health Care Improvement Fund

The House recommended $130 million for the Indian Health Care Improvement Fund. It is listed as its own line item under the Services account. Report language notes it is provided "in order to reduce disparities across the IHS system." Bill language would provide that the Fund "may be used, as needed, to carry out activities typically funded under the Indian Health Facilities Account." The Senate Mark does not include funding for the Indian Health Care Improvement Fund.

### Public Health Nursing

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### Education

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</table>
INDIAN HEALTH PROFESSIONS
FY 2017 Enacted $49,345,000
FY 2018 Admin. Request $43,342,000
FY 2018 House $49,943,000

Programs funded under Indian Health Professions are: Health Professions Preparatory and Pre-Graduate Scholarships; Health Professions Scholarships; Extern Program; Loan Repayment Program; Quentin N. Burdick American Indians Into Nursing Program; Indians Into Medicine Program; and American Indians into Psychology.

Loan Repayment Program. Both bills include $36 million for the loan repayment program. The House Report also comments:

Loan repayment has proven to be the Service’s best recruitment tool for staffing health professionals. The Committee was dismayed to learn that the Service has three thousand vacancies for health professionals. Overall,
this is a vacancy rate of 20 percent, with a physician shortage rate of 30 percent and a dentist rate of 18 percent. The Committee has included $49,363,000 to better enable the Service to recruit and retain health providers. The Service is urged to consider making health administrators a higher priority for loan repayments, in consultation with Tribes.

The Senate Committee notes that funding for the Americans into Nursing Program, Indians into Medicine Program, and American Indians into Psychology Program are to be funded "at no less than fiscal year 2017 levels." The Senate Committee, in addition, comments on issues regarding extension services, patient wait times, and quality of care:

Extension Services. The Committee continues to be concerned about the urgent need for skilled health providers in AI/AN communities and is encouraged by the success of the University of New Mexico's Project ECHO—Extension for Community Healthcare Outcomes—in delivering timely care to underserved communities. The Service shall consider how Project ECHO could support existing Indian Health Service providers, and how potential partnerships with Project ECHO could aid in the recruitment and retention of healthcare providers to IHS sites, thereby expanding the provider network and improving access to care.

Patient Wait Times. The Committee is encouraged by the Service's recent focus on improving wait times for patients seeking primary and urgent care, including the August 2017 publication of Circular No. 17–11 and related efforts to track, report, and improve patient wait times. The Committee directs the Service to provide a report to the Committee on the status of these efforts no later than 90 days after enactment of this act. This report shall include a clear explanation of how these efforts will address GAO's recommendation in report number GAO–16–333 of setting and monitoring Agency-wide standards for patient wait times in federally operated facilities and an analysis of any potential barriers to continued monitoring of wait times caused by IT infrastructure limitations or incompatibility.

Quality of Care. The Committee is extremely concerned about the lack of access to quality healthcare for Tribes around the Nation, including the ongoing healthcare quality problems in the Great Plains. In order to address these issues, the Committee recommendation includes a pilot program and related directives to improve access to quality health services and to improve recruitment and retention of qualified medical personnel as detailed below [Housing Improvements; Workforce Development; Title 38 Personnel Authorities]:

Housing Improvements. In addition to funds provided for staffing quarters within the Facilities Appropriation, the administrative provisions section of the bill also contains new language [see below] allowing for a program to provide a housing subsidy to medical personnel at facilities operated by the Indian Health Service. The Committee is concerned that the lack of affordable and available housing plays a significant role in the agency’s personnel vacancy rates and contributes to lowering the quality of care. The Committee expects the Service to provide a plan within 90 days of enactment of this Act that details how the agency plans to use this authority is fiscal year 2018, including the measures it will use to determine whether the authority is successful and how it should be expanded in future years. The Committee notes that it has restored funds for accreditation emergencies that could be made available for this purpose. The Committee also directs the Service to work with Tribes and with the Department of Housing and Urban Development to develop a long-term strategy to address professional housing shortages in Indian Country and to ensure that the Service and its partner agencies are fully utilizing existing authorities to improve the availability of housing stock.

(The Senate bill language regarding housing subsidies is: "Provided further, That the Indian Health Service may provide to civilian medical personnel serving in hospitals operated by the Indian Health Service housing allowances equivalent to those that would be provided to members of the Commissioned Corps of the United States Public Health Service serving in similar positions at such hospitals.")

Workforce Development. The Committee believes that expanded workforce development training for all Service personnel—including non-clinical personnel—must be part of efforts to improve healthcare quality. In addition to continuing skills development opportunities, the Committee believes that IHS should expand its efforts to provide education to all staff and Federal employee management training to facility and area leadership that will provide employees a better understanding of their obligations to report failures in quality of care.

Title 38 Personnel Authorities. The Committee is aware of significant differences between the personnel authorities used by the Service versus the Department of Veterans Affairs under Title 38 of the United States Code. The Committee believes that an analysis of these differences—which include hiring and benefits authorities—may
provide strategies for recruiting and retaining qualified personnel in the same rural and remote locations as the VA. The Committee directs the Service to work with the Department of Health and Human Services to analyze the differences between the two agencies’ personnel authorities and to submit a report no later than 90 days after enactment of this Act that details the differences and makes specific legislative recommendations as appropriate to provide parity between the two agencies.

TRIBAL MANAGEMENT

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FY 2018 Senate Mark $2,465,000

The Tribal Management grant program, authorized in 1975 under the authority of the Indian Self-Determination and Education Assistance Act (ISDEAA), provides competitive grant funding for new and continuation grants for the purpose of evaluating the feasibility of contracting IHS programs, developing tribal management capabilities, and evaluating health services.

DIRECT OPERATIONS

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FY 2018 Senate Mark $70,420,000

IHS estimates that 58.7 percent of the Direct Operations budget would go to Headquarters and 41.3 percent to the 12 Area Offices. Tribal Shares funding for Title I contracts and Title V compacts are also included.

SELF-GOVERNANCE

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<tr>
<td>FY 2018</td>
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FY 2018 Senate Mark $5,786,000

The Self-Governance budget supports implementation of the IHS Tribal Self-Governance Program including funding required for Tribal Shares; oversight of the IHS Director's Agency Lead Negotiators; technical assistance on tribal consultation activities; analysis of Indian Health Care Improvement Act new authorities; and funding to support the activities of the IHS Director's Tribal Self-Governance Advisory Committee.

The IHS notes in its FY 2018 budget justification that in FY 2016, $1.9 billion was transferred to tribes to support 89 ISDEAA Title V compacts and 115 funding agreements.

SPECIAL DIABETES PROGRAM FOR INDIANS

While the entitlement funding for the Special Diabetes Program for Indians (SDPI) is not part of the IHS appropriations process, tribes and tribal organizations routinely include support for this program in their testimony on IHS funding. SDPI is currently funded through December 31, 2017 at a rate of $150 million annually. The program needs to be extended this year. Tribes and tribal organizations are advocating for a $200 million annual funding level.

FUNDING FOR INDIAN HEALTH FACILITIES

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FY 2018 Senate Mark $563,658,000

The Administration's proposal for the Facilities Account was especially harsh, proposing a $100 million reduction. The House and the Senate Mark reject the proposed cut and recommend $6 million and $18 million, respectively, over the FY 2017 enacted level.

MAINTENANCE AND IMPROVEMENT

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FY 2018 Senate Mark $77,527,000
As of October 1, 2016, the Backlog of Essential Maintenance, Alteration, and Repair is $515.4 million. Maintenance and Improvement (M&I) funds are provided to Area Offices for distribution to projects in their regions.

### FACILITIES AND ENVIRONMENTAL HEALTH SUPPORT

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### MEDICAL EQUIPMENT

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<th>FY 2018 Senate Mark</th>
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Both bills would provide up to $500,000 for TRANSAM equipment and up to $2.7 million for purchase of ambulances. The IHS Budget Justification stated that IHS expects to provide $450,000 to purchase TRANSAM equipment from the Department of Defense and no funding for the purchase of ambulances, but both bills would restore those amounts.

### CONSTRUCTION

#### Construction of Sanitation Facilities

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<th>FY 2018 Senate Mark</th>
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The House and Senate rejected the Administration's proposals to greatly reduce funding for sanitation projects to serve new or like-new housing, existing homes, emergency projects, and studies and training related to sanitation facilities construction projects. The IHS sanitation facilities construction funds cannot be used to provide sanitation facilities for HUD-built homes.

#### Construction of Health Care Facilities

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<th>FY 2018 Senate Mark</th>
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The House Report does not specify specific construction projects; while The IHS proposed construction funding for the following specific projects:
- $45 million to complete construction of the Rapid City Health Center, Rapid City, SD;
- $50 million to continue construction of the Dikon Alternative Rural Health Center, Dikon, AZ; and
- $5 million for design/build activities for the Alamo Health Center, Alamo, NM

Small Ambulatory Program/New and Replacement Quarters. The House recommends level funding for the Small Ambulatory Program ($5 million) and for New and Replacement Quarters ($8.5 million). The Senate Mark, on the other hand, recommends $10 million for the Small Ambulatory Program and $11.5 million for new and replacement quarters.

Facility Construction Analysis. The House Report repeats language from the FY 2017 Explanatory Statement (conference report) addressing the need for a project-level funding distribution plan for healthcare facilities construction, and calls for a gap analysis of the level of healthcare services across the IHS system:

The Committee remains dedicated to providing access to health care for IHS patients across the system. The IHS is expected to aggressively work down the current Health Facilities Construction Priority System list as well as work with the Department and Tribes to examine alternative financing arrangements and meritorious regional demonstration projects authorized under the Indian Health Care Improvement Act that would effectively close the service gap. Within 60 days of enactment of this Act, the Service shall submit a spending plan to the Committees that details the project-level distribution of funds provided for healthcare facilities construction.
The IHS has no defined benefit package and is not designed to be comparable to the private sector health system. IHS does not provide the same health services in each area. Health services provided to a community depend upon the facilities and services available in the local area, the facilities' financial and personnel resources (42 CFR 136.11(c)) and the needs of the service population. In order to determine whether IHS patients across the system have comparable access to healthcare, the IHS is directed to conduct and publish a gap analysis of the locations and capacities of patient health facilities relative to the IHS user population. The analysis should include: facilities within the IHS system, including facilities on the Health Facilities Construction Priority System list and the Joint Venture Construction Program list; and where possible facilities within private or other Federal health systems for which arrangements with IHS exist, or should exist, to see IHS patients.

**MEDICARE LOW VOLUME PAYMENT ADJUSTMENTS**

The Senate bill contains a provision that would allow retroactive payment of Medicare Low Volume Payment Adjustments to be made for tribal and non-tribal hospitals. Section 437 of the bill would extend the right of certain tribal and non-tribal hospitals who see a low volume of Medicare patients to receive the low volume payment adjustments retroactively to 2014.

**CONTINUING BILL LANGUAGE**

Both bills would continue language from previously enacted bills, including the following:

Restriction of IHS Funds in Alaska to Regional Native Organizations Extended to October 1, 2019. The Consolidated Appropriations Act, 2014 (PL 113-76) extended to October 1, 2018, the provision that provides that IHS funds for Alaska be made available only to regional Alaska Native health organizations (with some exceptions). Section 436 of the FY 2018 Senate bill would extend that period to October 1, 2019. We repeat here the language from the FY 2014 Appropriations Act:

**Alaska Native Regional Health Entities SEC 424.** (a) Notwithstanding any other provision of law and until October 1, 2018, the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93–638 (25 U.S.C. 450 et seq.) to any Alaska Native village or Alaska Native village corporation that is located within the area served by an Alaska Native regional health entity.

(b) Nothing in this section shall be construed to prohibit the disbursal of funds to any Alaska Native village or Alaska Native village corporation under any contract or compact entered into prior to May 1, 2006, or to prohibit the renewal of any such agreement.

(c) For the purpose of this section, Eastern Aleutian Tribes, Inc., the Council of Athabascan Tribal Governments, and the Native Village of Eyak shall be treated as Alaska Native regional health entities to which funds may be disbursed under this section.

**IDEA Data Collection Language.** Both bills would continue the BIA authorization to collect data from the IHS and tribes regarding disabled children in order to assist with the implementation of the Individuals with Disabilities Education Act (IDEA). The provision is:

Provided further, That the Bureau of Indian Affairs may collect from the Indian Health Service and tribes and tribal organizations operating health facilities pursuant to Public Law 93-638 such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act. (20 U.S.C. 1400, et. seq.)

**Prohibition on Implementing Eligibility Regulations.** Both bills would continue the prohibition on the implementation of the eligibility regulations, published September 16, 1987.

**Services for Non-Indians.** Both bills would continue the provision that allows the IHS and tribal facilities to extend health care services to non-Indians, subject to charges. The provision states:

Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation.

**Assessments by DHHS.** Both bills would continue the provision which provides that no IHS funds may be used for any assessments or charges by the Department of Health and Human Services "unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process."
Limitation on No-Bid Contracts. Both bills would continue the provision regarding the use of no-bid contracts. The provision specifically exempts Indian Self-Determination agreements:

Sec. 411. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of Chapter 33 of title 41 United States Code or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulations, unless:

(1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes; or

(2) such contract is authorized by the Indian Self-Determination and Education and Assistance Act (Public Law 93-638, 25 U.S.C. 450 et seq.) or by any other Federal laws that specifically authorize a contract within an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)); or

(3) Such contract was awarded prior to the date of enactment of this Act.

Use of Defaulted Funds. Both bills would continue the provision that allows funds collected on defaults from the Loan Repayment and Health Professions Scholarship programs to be used to make new awards under the Loan Repayment and Scholarship programs.

Senate Appropriations Committee Releases FY 2018 Chairman's Mark for Indian Affairs
Hobbs-Straus General Memorandum 18-003

In this Memorandum we report on the Senate Appropriations Committee's recommendations for FY 2018 funding for Indian Affairs (which includes the Bureau of Indian Affairs (BIA) and Bureau of Indian Education (BIE)), as well as a few other selected programs in the Interior, Environment and Related Agencies bill. The Senate Appropriations Committee has not voted on this, rather the Committee released the Interior, Environment and Related Agencies bill language and accompanying explanatory statement as a "Chairman's Mark". This "Chairman's Mark" will be used as a negotiating position with the House as the House has already passed its own FY 2018 Omnibus Appropriations bill (see our General Memorandum 17-044 of August 25, 2017). We include both House and Senate Committee numbers in this memorandum.

As of this writing, the federal government is being funded via a "Continuing Resolution" (CR) which by and large continues FY 2017 funding levels and conditions to January 19, 2018. Given Congress's inability to come to an agreement on whether or how to increase discretionary budget caps for FY 2018, we understand that yet another CR (the fourth this fiscal year) may be likely, this time extending at least some into February. If Congress does come to an agreement on increasing the budget caps, at least some of the appropriations bills will need to be reconfigured to reflect this—creating a potential opportunity for increases for Indian Country’s priorities.

INDIAN AFFAIRS (IA) OVERVIEW

Fortunately for Indian Country, both the Senate Appropriations Committee's Chairman's Mark and the House's Omnibus bill recommend similar funding levels for Indian Affairs: $2.8 billion. This reflects a nearly wholesale rejection of the $371.7 million in cuts proposed by the Trump Administration (including the proposed cuts to the Tiwahe Initiative), a consensus on updating the estimate for Contract Support Costs, and a modest increase above FY 2017. In keeping with prior years, the following statement of values was included in the House Report:

The Bureau of Indian Affairs, the Bureau of Indian Education, and the Office of the Assistant Secretary—Indian Affairs (together, "Indian Affairs") provide services directly or through contracts, grants, or compacts to a service population of more than 1.7 million American Indians and Alaska Natives (AI/AN) who are enrolled members of 567 federally recognized Tribes in the 48 contiguous United States and Alaska. While the role of the organization has changed significantly in the last four decades in response to a greater emphasis on Indian self-determination, Tribes still look to Indian Affairs for a broad spectrum of services. Almost 85 percent of all appropriations are expended at the local level, and over 62 percent of appropriations provided directly to Tribes and Tribal organizations through grants, contracts, and compacts. In preparation for the fiscal year 2018 appropriation bill, the Subcommittee held two days of hearings and received testimony from over 75 witnesses on a variety of topics pertaining to AI/AN programs. The Federal government has a legal and moral obligation to provide quality
services to American Indians and Alaska Natives. On a nonpartisan basis, the Committee continues to protect and, where possible, strengthen the budgets for Indian Country programs in this bill in order to address longstanding and underfunded needs [emphasis added].

Request for Indian Reorganization Act – Carcieri Fix Not Included. Each fiscal year from FY 2011 to FY 2017, the Obama Administration requested and Congress continued to not provide language which would reverse the U.S. Supreme Court's 2009 decision that the Secretary of the Interior does not have authority to take land into trust for tribes under federal jurisdiction after 1934. The Trump Administration did not request this Carcieri Fix language, nor does the House or the Senate Committee bill provide it.

Authorization for the Tohono O’odham Nation to Accept Road Funding From U.S. Customs and Border Protection. The updated version of the House's bill now includes the following provision, "Provided further, That the Bureau of Indian Affairs may accept transfers of funds from U.S. Customs and Border Protection to supplement any other funding available for reconstruction or repair of roads on the Tohono O’odham Nation." The Nation had raised this issue in Congressional testimony and in other forums.

NATIVE Act Implementation. Both the House and the Senate Committee include in their Report and Explanatory Statement direction to the Administration on implementing the Native American Tourism and Improving Visitor Experience Act (NATIVE Act, PL 114-221). The NATIVE Act is designed to facilitate international and domestic tourism in tribal communities via updating federal agency tourism strategies and providing increased resources and technical assistance to tribes, tribal organizations, and Native Hawaiian organizations for their tourism efforts. The focus of the NATIVE Act is the utilization of tribal communities' rich and diverse cultures and histories in the visitor experience (for further information, see our General Memorandum 16-060 of October 7, 2016).

OPERATION OF INDIAN PROGRAMS

<table>
<thead>
<tr>
<th>FY</th>
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<th>Admin. Request</th>
<th>House Committee</th>
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<tr>
<td>FY 2018</td>
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Operation of Indian Programs (OIP) budget includes the Bureau of Indian Affairs (BIA) and the Bureau of Indian Education (BIE).

The House Report directs, "Indian Affairs is expected to execute its budget in accordance with the justification submitted to the Congress, except as otherwise directed below and summarized in the table at the end of this report."

Fixed Costs and Transfers. From within this total, the Administration requests $17.1 million for fixed cost increases as well as a number of transfers between accounts. The House and Senate Committee Mark agree to these requests.

*$1.3 Million Increase. The House Rules Committee print of the 8-Bill Minibus increases the amount recommended for Operation of Indian Programs by $1.3 million above the House Appropriations Committee recommendations; however, it does not detail which to accounts within OIP that increase would be directed. Thus, some amounts within OIP will be slightly higher than reported below.

Government Accountability Office (GAO) Reports. The Senate Committee reminds the Bureau of the importance of meeting reporting requirements, noting: The addition of programs to the Government Accountability Office's [GAO] 2017 high risk list (GAO–17–317) indicate there are several challenges to overcome in order to improve the Federal management of programs that serve Tribes and their members. The Committee stands ready to work with the Bureau to implement the GAO recommendations necessary changes to make these improvements and strongly encourages the Bureau to timely submit the reporting requirements and directives contained in this report.

BUREAU OF INDIAN AFFAIRS

<table>
<thead>
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</table>
Activities within the Bureau of Indian Affairs are: Tribal Government; Human Services; Trust-Natural Resources Management; Trust-Real Estate Services; Public Safety and Justice; Community and Economic Development; and Executive Direction and Administrative Services.

**TRIBAL GOVERNMENT**

<table>
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<td>FY 2018 Senate Committee Mark</td>
<td>$316,007,000</td>
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</table>

The Tribal Government sub-activities are: Aid to Tribal Government; Consolidated Tribal Government Program; Self-Governance Compacts; New Tribes; Small and Needy Tribes; Road Maintenance; and Tribal Government Program Oversight.

The House and the Senate Committee largely rejected the Administration's proposed cuts, including the proposal to zero out funding for the Small and Needy Tribes sub-activity. For some sub-activities, modest increases are recommended.

**Consolidated Tribal Government Program.** The Senate Committee recommends level funding for this sub-activity, stating:
The Senate Committee is concerned about the Consolidated Tribal Government Program TPA internal transfer of $1,733,000 and has included the fiscal year 2017 enacted level of $75,429,000 for this program. The Committee requests the Bureau report back to the Committee within 30 days of enactment of this act with a description of the number of Tribes that use this program and how increases for this program compare to others that offer similar services.

**New Tribes.** This sub-activity provides $160,000 in Tribal Priority Allocation (TPA) base funding per tribe to support newly federally-recognized tribes. Once a tribe has been acknowledged, it remains in this category for three fiscal years. The Administration proposed $160,000 (level funding) to assist the newly-recognized Pamunkey Tribe. Both House and Senate Committee concurred with this funding level. The Senate Committee Explanatory Statement states:
The recommendation supports $160,000 for new Tribes and notes the challenge of reconciling the timing of the Tribal recognition process with the annual budget formulation process. If additional Tribes are recognized during fiscal year 2018 beyond those contemplated in the budget request, the Bureau is urged to support their capacity building efforts to the extent feasible.

The Committee is also aware that new Tribes seeking Tribal recognition are often met with delay. The Committee expects the Bureau to efficiently administer the Tribal recognition process and strongly encourages action on pending requests.

**Road Maintenance.** The House and the Senate Committee both recommend increases for this sub-activity, just differing amounts. The House recommends $31,653,000, an increase of $1,346,000 above FY 2017. Further, the House Report specifies that, "Not less than $1,000,000 must be used to improve the condition of gravel roads and bridges used by school buses transporting students." The Senate Committee recommends $33,653,000, stating that:

**HUMAN SERVICES**

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<td>FY 2018 Senate Committee Mark</td>
<td>$161,063,000</td>
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</table>

The Human Services sub-activities are: Social Services; Welfare Assistance; Indian Child Welfare Act (ICWA); Housing Improvement Program (HIP); Human Services Tribal Design; and Human Services Program Oversight.
Tiwahe Initiative. The House and the Senate Committee rejected the Administration's proposed cuts to the individual Human Services sub-activities (many of which support the broader Tiwahe Initiative) as well as the Administration's proposal to zero out funding for the Tiwahe Initiative demonstration project and the Housing Improvement Program sub-activity. Instead, the House Report affirms the importance of culturally-appropriate services to strengthen families and communities:

The Committee continues to recognize the importance of providing culturally-appropriate services with the goals of empowering individuals and families through health promotion, family stability, and strengthening Tribal communities as a whole. Indian Affairs is urged to make services available to law enforcement officers, in coordination with the Indian Health Service.

The Senate Committee concurs and requests the following report:

The recommendation includes funding to continue the Tiwahe Initiative at the enacted levels. The Committee believes this initiative is a way to help strengthen Tribal communities by leveraging programs and resources; however, it is important to measure program effectiveness. The Committee directs the Bureau to report back in 90 days of enactment of this act on the performance measures being used to monitor and track the initiative’s effectiveness in Indian country.

Welfare Assistance. The Senate Committee requests the following report:

The recommendation includes funding to continue the Tiwahe Initiative at the enacted levels. The Committee believes this initiative is a way to help strengthen Tribal communities by leveraging programs and resources; however, it is important to measure program effectiveness. The Committee directs the Bureau to report back in 90 days of enactment of this act on the performance measures being used to monitor and track the initiative’s effectiveness in Indian country.

TRUST–NATURAL RESOURCES MANAGEMENT

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Administration Request</th>
<th>House</th>
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<tr>
<td>FY 2018</td>
<td>$165,462,000</td>
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<td>$203,935,000</td>
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The Trust–Natural Resources Management sub-activities are: Natural Resources, general; Irrigation Operation and Maintenance; Rights Protection Implementation; Tribal Management/Development Programs; Endangered Species; Tribal Climate Resilience/Cooperative Landscape Conservation; Integrated Resource Information; Agriculture and Range; Forestry; Water Resources; Fish/Wildlife & Parks; and Resource Management Oversight.

The House and the Senate Committee largely rejected the Administration's proposed cuts, as well as the Administration's proposal to zero out funding for the Tribal Climate Resilience/Cooperative Landscape Conservation sub-activity. Instead, they recommended that the Trust–Natural Resources Management sub-activities be funded at close to FY 2017 enacted levels.

Irrigation Operation and Maintenance. Notably, the Administration requested a rare $1.1 million increase for this sub-activity to which the both the House and Senate Committee concurred. As the Administration explains, this increase would be directed towards the Operations and Maintenance for the Gallegos Pumping Plant because in FY 2016, the responsibility for the plant was transferred from the Bureau of Reclamation to the BIA without any accompanying funds. Regarding funding for Indian irrigation projects generally, the Senate Committee states:

The Senate Committee is aware the Indian Irrigation Fund was passed as part of the Water Infrastructure Improvements for the Nation Act, which became Public Law 114–322. This law authorized the creation of an Indian irrigation fund within the United States Treasury in order to address the deferred maintenance and water storage needs of irrigation projects. The Committee understands the significant infrastructure needs of Indian irrigation systems and strongly supports finding a way to provide a reliable water infrastructure source for Tribes. The Committee requests the Bureau report back to the Committee within 60 days of enactment of this act on the progress of establishing this fund and the estimated costs of deficiencies of the current inventory of irrigation systems.

Water Resources and Wildlife and Parks. The House Report specifies that of the $10,581,000 the Committee recommended for the Water Resources sub-activity, $390,000 is to continue the Seminole and Miccosukee water study and that of the $15,260,000 recommended for the Wildlife and Parks sub-activity, $9,933,000 is for Projects.

Cooperative Agreements and Alaska Subsistence. The Senate Committee directs:

It is the Committee's understanding the Bureau has entered into cooperative agreements with Ahtna Inter Tribal Resource Commission and the Kuskokwim River Inter-Tribal Fisheries
Commission with other organizations interested in establishing similar agreements; therefore, it is the Committee's expectation that within the funding provided, pilot projects and programs for Alaska subsistence will continue.

Resiliency. The House Report directs:
The Committee supports the Bureau of Indian Affairs' efforts to address the resiliency needs of Tribal communities by working to address threats to public safety, natural resources, and sacred sites. Consistent with the Federal government's treaty and trust obligations, the Committee directs the Bureau of Indian Affairs to work with at-risk Tribes to identify and expedite the necessary resources. The Department of the Interior is expected to promote and expand the use of agreements with Indian Tribes to protect Indian trust resources from catastrophic wildland fire, insect and disease infestation, or other threats from adjacent Federal lands, as authorized by law.

Tribal Partnerships with USGS. The Senate Committee directs:
The Committee directs the Bureau to enter into a formal partnership with local Tribes and the United States Geological Survey to help develop a water quality strategy for transboundary rivers.

Wildland Fire Coordination. The Senate Committee directs:
The Committee directs the Bureau to coordinate with the Office of Wildland Fire and submit a report describing how the Department determines the use of wildfire suppression and rehabilitation resources, prioritizes Indian forest land, and the title to which is held by the United States in trust.

Drought. The Senate Committee states:
The Committee also recognizes that many Tribes west of the Mississippi River tend to have reservations that are larger in terms of land mass than those east of the Mississippi River and face challenges including drought. However, the Committee expects that Tribes across the country who have resource challenges receive appropriate funding.

Fish, Wildlife, and Parks. The Senate Committee directs:
Within the amounts provided for Fish, Wildlife, and Parks, the Committee includes $545,000 for substantially-producing Tribal hatcheries in BIA's Northwest Region currently not receiving annual BIA hatchery operations funding and it is the Committee's expectation this funding will be included in the base amount.

TRUST–REAL ESTATE SERVICES

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<th>FY</th>
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<td>$126,708,000</td>
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<td>2018</td>
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FY 2018 Senate Committee Mark $128,371,000

The Trust–Real Estate Services sub-activities are: Trust Services; Navajo-Hopi Settlement Program; Land Title and Records Offices; Real Estate Services; Land Records Improvement; Environmental Quality; Alaska Native Programs; Rights Protection; and Trust-Real Estate Services Oversight.

The House and the Senate Committee largely rejected the Administration's proposed cuts, including the Administration's proposal to zero out funding for the Alaska Native Programs sub-activity and the and Litigation Support/Attorney Fees program element within the Rights Protection sub-activity.

Alaska Native Programs. The Senate Committee not only rejected the Administration's proposal to zero out the sub-activity, they recommended an increase of $80,000 above FY 2017 "in order to sustain a program level of $450,000 for the certification of historical places and cultural sites, including ANSCA sites."

Trust-Real Estate Services Oversight. For Central Oversight, the House concurred with the Administration's proposed $164,000 cut, recommending a total of $3,160,000. For Regional Oversight, the House recommended a $500,000 increase, for a total of $10,977,000

Records and Titles. The House recommended a $500,000 increase to the Land Title and Records Offices sub-activity for a total of: $14,774,000 and a $500,000 increase to the Regional program element within the Land Records Improvement sub-activity for a total of $2,444,000. Regarding title conveyance requests, the House Report directs:
The Committee directs the Bureau of Indian Affairs (BIA) to have no outstanding title conveyance requests older than 12 months, including those who have been initially rejected by the Land Titles and Record Offices for insufficient or incorrect documentation in TAAMS, by September, 2018. The Committee expects an update on the status of their outstanding conveyances by September, 2018 and a report on what the BIA will be changing in their operations policy to ensure these backlogs and documentation related rejections do not occur in the future.
Elwha River Ecosystem and Fisheries Restoration Act. The House Report directs: The Committee directs the Secretary, or his designee, to work with the Lower Elwha Klallam Tribe to identify appropriate lands in Clallam County, WA to satisfy the requirements of Sec. 7 of the Elwha River Ecosystem and Fisheries Restoration Act (P.L. 102–495).

Abandoned Wells. The Senate Committee directs: A program increase of $3,000,000 has been included for the plugging of abandoned wells not under Bureau of Land Management authority. The Committee directs the Bureau to conduct an inventory of wells for which BIA is responsible to reclaim, including cost estimates, for submission to the Committee within 90 days of enactment of this act.

PUBLIC SAFETY AND JUSTICE

<table>
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<tr>
<th>Year</th>
<th>Enacted</th>
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<td>$393,588,000</td>
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The Public Safety and Justice sub-activities are: Law Enforcement; Tribal Courts; and Fire Protection.

The House and the Senate Committee rejected all of the Administration's proposed cuts, including cuts which would have eliminated funding for the Tiwahe Initiative-funded pilot programs focused on reducing recidivism in five targeted Indian communities (funded under the Law Enforcement Special Initiatives program element).

Law Enforcement. The House specified increases above FY 2017 for the following program elements within the Law Enforcement sub-activity for a total of:

- $98,056,000 for Detention/Corrections;
- $11,000,000 for Law Enforcement Special Initiatives (with all of the increase directed towards hiring "additional drug enforcement agents to assist Tribes in the fight against drugs, particularly opioids"); and
- $6,530,000 for Law Enforcement Program Management.

Educational and Health-Related Services for Individuals in Tribal Detention Centers Considered Allowable Costs. The House continued language from the FY 2017 House Report, stating:

For the purpose of addressing the needs of juveniles in custody at Tribal detention centers operated or administered by the BIA, educational and health-related services to juveniles in custody are allowable costs for detention/corrections program funding. Indian Affairs is urged to provide mental health and substance abuse services when needed by juvenile and adult detainees and convicted prisoners.

NAGPRA Implementation. The Senate Committee directs:

Within the funding provided for criminal investigations and police services, $1,000,000 is to be continued for the implementation of Native American Graves Protection and Repatriation Act.

Recidivism Initiative. The Senate Committee directs:

The Committee also expects the recidivism initiative administered within the Office of Justice Services to be continued at current levels.

Tribal Courts and Tribal Justice Support in PL 280 States. The Senate Committee states:

The Committee does not accept the proposed decrease for Tribal justice support and restores this amount to ensure $10,000,000 remains available to address the needs of Public Law 83–280 States.

The Committee remains concerned about the Tribal courts needs as identified in the Indian Law and Order Commission’s November 2013 report which notes Federal investment in Tribal justice for Public Law 83–280 States has been more limited than elsewhere in Indian Country. The Committee expects the Bureau to continue to work with Indian Tribes and Tribal organizations to consider options that promote, design, or pilot Tribal court systems for Tribal communities subject to full or partial State jurisdiction under Public Law 83–280.

VAWA Implementation. The Senate Committee directs:

Within the amounts provided, the Committee has also included an additional $2,000,000 for the implementation of the Violence Against Women Act [VAWA] for both training and VAWA specific Tribal court needs.

TLOA Implementation. The Senate Committee urges:

The Committee is concerned the Bureau has not submitted reports required by the Tribal Law and Order Act, Public Law 111–211 on a timely basis. Providing this information would help ensure Tribal governments are
receiving funding levels for public safety and justice programs based on need; therefore, the Committee strongly encourages the Bureau submit these reports on time.

Restored Tribes. The Senate Committee directs:
The Committee understands that several Tribes who were terminated and then subsequently restored now face significant challenges in securing law enforcement funding through self-determination contracts. The Bureau is directed to work with affected Tribes to assess their law enforcement needs and submit a report to the Committee within 60 days of enactment of this act that details the amounts necessary to provide sufficient law enforcement capacity for these Tribes.

COMMUNITY AND ECONOMIC DEVELOPMENT

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<tr>
<th>Activity</th>
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<td>Economic Development</td>
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<tr>
<td>Minerals and Mining</td>
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<tr>
<td>Community Development Oversight</td>
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<tr>
<td>Native American Tourism Improvement and Visitor Experience Act of 2016 (NATIVE Act)</td>
<td>$3.4 million</td>
<td>$1 million</td>
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<td>Tiwahe Initiative</td>
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<tr>
<td>Indian Energy Service Center</td>
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<tr>
<td>NIOGEMS</td>
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The Community and Economic Development sub-activities are: Job Placement and Training; Economic Development; Minerals and Mining; and Community Development Oversight.

The House and the Senate Committee rejected all of the Administration's proposed cuts.

Continuation of the Tiwahe Initiative. Elements of the Tiwahe Initiative, including Job Placement and Training, are funded under the Community and Economic Development activity. The Senate Committee urges: "Within these amounts, the Committee expects the funding for the Tiwahe initiative will continue at enacted levels."

Implementation of the NATIVE Act. The Senate Committee countered with a recommended $1 million increase to implement the NATIVE Act, explaining, "In addition to the funds provided within the Tribal government program for roads, the Committee has provided an additional $1,000,000 for cooperative agreements to carry out the provisions of the NATIVE Act."

Minerals and Mining including the Indian Energy Service Center. This sub-activity promotes and provides technical assistance for the development of renewable energy, conventional energy, and mineral resources. It also funds the Indian Energy Service Center, which Congress initially funded in FY 2016. The Center is to be tasked with expediting leasing, permitting, and reporting on conventional and renewable energy on Indian lands. For FY 2017, both the House and Senate report language pushed the Department of Interior to get the Energy Service Center up and running, requesting a report on the status of the Center and directing the Department of Interior to submit a budget request for FY 2018 to fund the next phase of the Center. For FY 2018, the Administration proposed to shield the Minerals and Mining sub-activity from the most onerous cuts, specifically protecting the funding for the Indian Energy Service Center. The House recommended no cuts to Minerals and Mining sub-activity and directed Administration to submit a budget request for FY 2019 for the next phase of the Service Center.

NIOGEMS. The Senate Committee recommended a $1 million increase "for the modernization of oil and gas records including the National Indian Oil and Gas Management System [NIOGEMS]" and requested the following report: "The Committee understands the NIOGEMS has been distributed to some Tribes and regional offices and instructs the Bureau to report back within 120 days of enactment of this act on the cost to further expand this system to more reservations and offices."

GAO High Risk Report. The Senate Committee made the following request:
The recent GAO high-risk report found the Bureau does not properly manage Indian energy resources held in trust and thereby limits opportunities for Tribes and their members to use those resources to create economic benefits in their communities. The Committee requests the Bureau work to make the necessary changes recommended by the GAO report and report back to the Committee outlining any barriers, statutory or regulatory, that prohibits or slows the pace of resource development as well as a status update on the open items that still need to be implemented according to the GAO report.

EXECUTIVE DIRECTION AND ADMINISTRATIVE SERVICES
FY 2017 Enacted $228,824,000
FY 2018 Admin. Request $215,592,000
FY 2018 House $223,947,000
FY 2018 Senate Committee Mark $229,506,000

The Executive Direction and Administrative Services sub-activities are: Assistant Secretary Support; Executive Direction; Administrative Services; Safety and Risk Management; Information Resources Technology; Human Capital Management; Facilities Management; Intra-Governmental Payments; and Rentals.

The House and the Senate Committee rejected the majority of the Administration's proposed cuts. These cuts had largely been proposed in the form of staffing cuts—73 Full Time Equivalent (FTE) positions to be precise.

Health and Safety Inspections of BIE Schools. The House Report directs:

Indian Affairs is directed to complete annual health and safety inspections of all BIE system facilities, and to submit quarterly updates on the status of such inspections to the Committee. The Committee is deeply disappointed by continued GAO reports of shortcomings and delays in school safety inspections and repairs. Self-determination does not absolve the Federal government of the responsibility to inspect and repair buildings it owns. The Bureau is urged to exercise its authority to reassume the operation of federally-owned but tribally-operated schools when necessary.

Operating and Law Enforcement Needs for Treaty Fishing Sites on the Columbia River. The Senate Committee directs:

The Committee notes that the Bureau has not yet complied with the fiscal year 2017 directive to provide a report on funding requirements associated with operating and law enforcement needs for congressionally authorized treaty fishing sites on the Columbia River. The Bureau is directed to transmit the report no later than 30 days following enactment of this act. The Bureau is also urged to incorporate unfunded needs for these sites as part of the Bureau’s fiscal year 2019 budget.

BUREAU OF INDIAN EDUCATION
FY 2017 Enacted $891,513,000
FY 2018 Admin. Request $786,372,000
FY 2018 House $901,912,000
FY 2018 Senate Committee Mark $888,856,000

The Bureau of Indian Education (BIE) category displays funds for the BIE-funded elementary and secondary school systems as well as other education programs including higher education and scholarships. The Bureau of Indian Education sub-activities are: Elementary and Secondary Programs (Forward Funded); Elementary and Secondary Programs (Non-Forward Funded); Post Secondary Programs (Forward Funded); Post Secondary Programs (Non-Forward Funded); and Education Management.

The House and the Senate Committee rejected the Administration's proposal to dramatically cut the BIE's budget. Further, both Chambers specified that: (1) Tribal Grant Support Costs will continue to be fully funded, and (2) a one-time increase is provided to ensure that all remaining tribal colleges and universities (including those operated by the BIE) who are not currently on a forward funded cycle can transition to it.

Implementation of the BIE Transformation and GAO Recommendations. The Administration describes the status of the BIE transformation as follows:

The BIE is currently in the process of reorganizing. Phase I involved the realignment of the internal organization of BIE from a regional basis to a structure based on the types of schools serviced; namely, (1) schools in the Navajo Nation, (2) tribally-controlled schools, and (3) BIE-operated schools. Phase I also replaced the Education Line Offices with Education Resource Centers (ERCs) which will house School Solutions Teams. The BIE began implementing Phase I of the reorganization in early 2016 after Congress issued a "notice of no objection" to the BIE. Phase II, to be implemented in 2017, involves a realignment of support operations within Indian Affairs including, contracting, IT, and facilities functions to BIE and includes an expansion of the School Support Solutions Teams to include school operations staff. (FY 2018 Indian Affairs Budget Justification, p. IA-BIE-10)

The House Report provides the following direction:

Indian education remains among the Committee's top priorities because it is a fundamental trust responsibility and because elementary and secondary students in particular have fallen far behind their peers for reasons now well documented by the Government Accountability Office (GAO), the Department of Education, and others. The BIE
The House Report explains this proposed change and also clarifies how the restrictions on charter schools and satellite locations should be interpreted:

The Committee remains concerned about recent GAO reports detailing problems within the K–12 Indian education system at the Department of the Interior, in particular as they pertain to organizational structure, accountability, finance, health and safety, and ultimately student performance. As the Department takes steps to reform the system, the Secretary is reminded that future support from Congress will continue to be based in large part upon successful implementation of GAO report recommendations. In particular, consistent with GAO report 13–774, the Secretary is urged to reorganize Indian Affairs so that control and accountability of the BIE system is consolidated within the BIE, to present such reorganization proposal in the fiscal year 2019 budget request, and to submit to the Committees on Appropriations a corresponding updated workforce plan. Consistent with GAO testimonies 15–389T, 15–539T, 15–597T, and any subsequent reports, the Secretary is urged to personally oversee immediate actions necessary to ensure the continued health and safety of students and employees at BIE schools and facilities.

The Senate Committee's Explanatory Statement concurs, raises concerns, and requests information:

The Committee fully supports making much needed reforms to the Bureau of Indian Education [BIE] in order to improve the quality of education offered to address the performance gap of student’s education at BIE-funded schools. The first phase of the current reform effort was approved in 2015; however, the Committee has not received any updated information on the next phase nor has the Bureau complied with Committee directives to report on the status of multiple programs as part of the fiscal year 2017 appropriations process.

Over the past 3 years, the GAO has issued several reports (GAO–13–774, GAO–15–121, GAO–17–447, GAO–17–421, and GAO–16–313) outlining management challenges at the Bureau and there are still outstanding open recommendations to address as well as additional issues outlined in the high risk report (GAO–17–317). The Committee is fully supportive of efforts to reform and better the system, but concerns about how the Bureau manages funding, tracks school conditions, and manages the overall school system remain. The Committee stands ready to work with the administration on the appropriate steps forward and directs the Office of the Assistant Secretary-Indian Affairs to report back within 60 days of enactment of this act on the progress made towards implementing all the GAO recommendations and the current status of the reform effort.

Inter-Agency Coordination to Serve Native Children. The House Report urges the BIE is to coordinate with the Indian Health Service to integrate preventive dental care and mental health care at schools within the BIE system, while the Senate Committee's Explanatory Statement concurs and takes this several steps further:

The administrations emphasis on education must be complemented by efforts to improve interagency coordination for the multiplicity of programs that affect the wellbeing of Native children. In addition to education, these include healthcare, social service, child welfare and juvenile justice programs. The Committee encourages the Bureau to work with other relevant Federal, State, local, and Tribal organizations to begin the process of identifying ways to make programs more effective in serving Native Children. The Bureau, working with the Indian Health Service as appropriate, is also urged to consider integrating school-based preventative health services such as dental care into elementary schools in order to improve health outcomes of Tribal students.

Limitations on New Schools and the Expansion of Grades, Charter Schools, Satellite Locations and BIE-funded Schools in Alaska. The Administration requested the continuation of this language from prior years. The House and the Senate provided it with one exception: the House proposed one change: modifying the restriction on BIE funds being used to support expanded grades for any school or dormitory beyond its current grade structure. Currently, the law allows for this restriction to be waived only under certain defined conditions and only for one additional grade to be added. The House proposed to continue these conditions but delete the provision restricting any such expansion to one additional grade.

The House Report explains this proposed change and also clarifies how the restrictions on charter schools and satellite locations should be interpreted:
The recommendation modifies bill language limiting the expansion of grades and schools in the BIE system, including charter schools. The intent of the language is to prevent already limited funds from being spread further to additional schools and grades. The intent is not to limit Tribal flexibility at existing schools. Nothing in the bill is intended to prohibit a Tribe from converting a tribally-controlled school already in the BIE system to a charter school in accordance with State and Federal law. The modification removes the grade expansion limitation of one grade.

The recommendation continues bill language providing the Secretary with the authority to approve satellite locations of existing BIE schools if a Tribe can demonstrate that the establishment of such locations would provide comparable levels of education as are being offered at such existing BIE schools, and would not significantly increase costs to the Federal government. The intent is for this authority to be exercised only in extraordinary circumstances to provide Tribes with additional flexibility regarding where students are educated without compromising how they are educated, and to significantly reduce the hardship and expense of transporting students over long distances, all without unduly increasing costs that would otherwise unfairly come at the expense of other schools in the BIE system.

### Elementary and Secondary Programs (Forward Funded)

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The Elementary and Secondary forward funded sub-activity includes the following program elements: ISEP Formula Funding; ISEP Program Adjustments; Education Program Enhancements; Tribal Education Departments; Student Transportation; Early Childhood Development; and Tribal Grant Support Costs (formerly titled Administrative Cost Grants). Funds appropriated for FY 2018 for these programs will become available for obligation on July 1, 2018, for SY 2018-2019.

By and large the House and the Senate Committee rejected the Administration's requests to deeply cut forward funded Elementary and Secondary Programs. Further, both Chambers recommended a more than $2 million increase for ISEP Formula Funds a slight increase for Student Transportation and full funding for Tribal Grant Support Costs.

Support for Native Languages Included in Funding Recommendations for ISEP and Education Program Enhancements. In FY 2017, Congress increased funding for Education Program Enhancements in order to support efforts to revitalize and maintain Native languages and expand the use of language immersion programs. For FY 2018, the House and the Senate Committee rejected the Administration's request to cut this program element by more than 50 percent. Further, the House and Senate Committee specify that $2 million of the Education Program Enhancements funding is to be used for Native language immersion capacity building grants:

The House Report affirms the importance of Native languages and requests the following report:

The Committee supports efforts to revitalize and maintain Native languages and expand the use of language immersion programs and has provided $2,000,000 within education program enhancements for capacity building grants for Bureau and tribally operated schools to expand existing language immersion programs or to create new programs. Prior to distributing these funds, the Bureau shall coordinate with the Department of Education and Department of Health and Human Services to ensure that Bureau investments compliment, but do not duplicate, existing language immersion programs. The Bureau is also directed to submit a report to the Committees on Appropriations within 180 days of enactment of this Act regarding the distribution of these funds and the status of Native language classes and immersion programs offered at Bureau-funded schools.

The Senate Committee Explanatory Statement concurs and requests the following reports:

- Within the funds provided for education program enhancements, $2,000,000 is directed to continue native language immersion grants. The Bureau is expected to report within 60 days of enactment of this act regarding the status of fiscal year 2017 funds and the planned distribution of funds in this act.
- The Committee fully supports broadening access to Native language and culture programs, which have been linked to higher academic achievement for Native youth. The Committee expects the ISEP program should continue to enhance access to Native language and culture programs in BIE-funded schools and directs the Bureau to report
within 60 days of enactment of this act on how previous funding provided has been and can continue to be used to support these programs.

Student Transportation. Both the House and Senate Committee recommend a modest increase for this program element. The Senate Committee Explanatory Statement also requests the following report:
The Committee is concerned by the recent Government Accountability Office report (GAO–17–423) on Tribal transportation, which identified potential negative impacts of road conditions on Native student school attendance. The Committee recommends BIE take steps to improve its data collection on the cause of student absences, including data on road and weather conditions, and to report back to the Committee within 120 days of enactment of this act regarding its actions to improve student absence data tracking and analysis.

Funding Cut Proposed for Early Childhood and Family Development Program ("FACE"). In a rare instance, the Senate Committee disagreed with the House and supported the Trump Administration's request to cut $10.7 million from the FACE program, explaining:
For the Early Childhood and Family Development Program, the Committee expects the Bureau to utilize prior year unobligated funds to support the Family and Child Education [FACE] programs. The Committee continues to support these types of programs and the program decrease as shown in the table is not a reflection of the program’s goals, but of the accrued balance from previous years that should be spent as expeditiously, efficiently, and as soon as possible. Amounts provided are sufficient to fund all currently operating FACE programs at their fiscal year 2017 levels.

Full Funding for Tribal Grant Support Costs. Because the Administration's FY 2018 budget request was written before the final FY 2017 Omnibus was enacted, the Administration used FY 2016 numbers as the budget baseline to compare with their FY 2018 request. By this accounting, the $74.3 million requested by the Administration for Tribal Grant Support Costs in FY 2018 was described as an "increase". This, however, failed to account for the fact that in FY 2017 after conferring with the BIE, Congress ultimately provided an increase for Tribal Grant Support Costs in order to ensure full funding for all tribally-controlled schools. For FY 2018, the House and the Senate Committee estimate that the $80.1 million they recommend will provide full funding.

Full Funding for Tribal Grant Support Costs.

The Elementary and Secondary non-forward funded sub-activity includes the following program elements: Facilities Operations; Facilities Maintenance; Juvenile Detention Center Grants; and Johnson-O'Malley Assistance Grants.

The House and the Senate Committee rejected the Administration's request to cut $16.6 million from all of the non-forward funded Elementary and Secondary programs, including the request to zero out the funding for Juvenile Detention Center Grants. In FY 2016, Congress initiated this grant program to meet the education and health related needs of Native youth detained or incarcerated in currently operating, BIA-funded, juvenile detention centers for an extended period of time.

Johnson-O'Malley Assistance Grants. The House and the Senate Committee both rejected the Administration's proposed cuts to the Johnson O'Malley (JOM) program but expressed continued concerns about the distribution of funds.

The House Report states:
The Committee remains concerned that the distribution of funds is not an accurate reflection of the distribution of students. The Bureau is reminded of the reporting requirement contained in the explanatory statement accompanying the Consolidated Appropriations Act, 2017.

The Senate Committee also requests the following report:
The Committee remains concerned about the distribution methodology of the Johnson O’Malley [JOM] assistance grants and requests the Bureau report back to the Committee within 90 days of enactment of this act on the status of updating the JOM counts and the methodology used to determine the new counts. The Committee would like the Bureau to include what, if any, barriers there are to providing updates to the JOM count.
This sub-activity includes forward funded Tribal Colleges and Universities and forward funded Tribal Technical Colleges (United Tribes Technical College (UTTC) and Navajo Technical University (NTU)).

The House and the Senate Committee recommended level funding ($69.7 million) for the Tribal Colleges and Universities sub-activity. The House recommended a total of $14.4 million for the Tribal Technical Colleges sub-activity, specifying that this total reflects the $6.9 million internal transfer requested by the Administration from the non-forwarded funded Tribal Technical Colleges line item to the forward funded Tribal Technical Colleges line item. Discounting the $6.9 million transfer, the House and the Senate Committee recommendation for Tribal Technical Colleges is $7.5 million, the same as the FY 2017 level.

Forward Funding for Haskell and SIPI. In FY 2017, Congress "encouraged" the Administration to request forward funding for the BIE-run Haskell Indian Nations University (Haskell) and the Southwestern Indian Polytechnic Institute (SIPI) in future budget requests "so that all tribal colleges are on the same funding schedule." Haskell and SIPI are the final two non-forward funded colleges. For FY 2018, the Administration declined to request the one-time funding needed to put them on a forward funded schedule. Despite this, both the House and the Senate Committee have included it.

The Senate Committee's Explanatory Statement directs:

The Committee also recognizes that many Tribal colleges have significant unfunded needs and directs the Bureau to work with Tribal leaders and other stakeholders to develop a consistent methodology for determining Tribal college operating needs to inform future budget requests. The Committee expects the methodology to address operating and infrastructure needs including classrooms and housing.

The two post-secondary schools overseen by the BIE are: Haskell SIPI. The non-forwarded funded Post Secondary Programs sub-activity also includes: Tribal Colleges and Universities Supplements; Tribal Technical Colleges; Scholarships and Adult Education; Special Higher Education Scholarships; and the Science Post Graduate Scholarship Fund.

<table>
<thead>
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<th>Post Secondary Programs</th>
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The Education Management sub-activity consists of Education Program Management and Information Technology.
While broadband deployment to BIE schools remains a stated priority, the House and the Senate Committee disagree over the Administration's request to cut $11 million from Education Management. The Administration described the status of providing all BIE-funded schools with adequate internet access:

The BIE is committed to supporting its educators by expanding the access of BIE-funded schools to adequate bandwidth. To this end the BIE has actively sought working partnerships with Federal, state, tribal, and private agencies. Over the course of the last year, BIE has worked in close conjunction with the Federal Communications Commission with regard to the E-rate program. Specifically, the BIE increased the bandwidth of 28 of its schools to 10 Mbps per 100 students. The ultimate goal of BIE is to increase the bandwidth of all of its schools to the State Education Technology Directors Association's (SETDA) standard of 100Mbps per school of 1,000 students. In addition, BIE ordered 77 circuits for its schools with another 71 upgraded circuits also being ordered. Once completed 81 percent of BIE-funded schools will meet the 100 Mbps per 1,000 student school standard. The BIE plans build upon its successes over the past year by continuing to seek out working partnerships with the goal of meeting SETDA minimum standards at all BIE-funded schools. (FY 2018 Indian Affairs Budget Justification, p. IA-BIE-29)

The House Report explains:

Without question, high-speed internet access is essential for student success and economic development in modern society. However, the GAO recently identified Tribal internet access as an area of fragmentation, overlap, or duplication (GAO–16–375SP). Indian Affairs is urged to coordinate with larger, existing broadband access programs funded by the Federal Communications Commission and the U.S. Department of Agriculture.

The Senate Committee Explanatory Statement expresses concern about the planning process and requests the following report:

The Committee understands the importance of bringing broadband to reservations and villages, but remains concerned about the planning process used for this type of investment. The Committee directs the agency to report back within 90 days of enactment of this act on a scalable plan to increase bandwidth in schools, procure computers, and software include in this report how the Bureau is working with other Federal agencies to coordinate and plan for the technology buildout.

**CONTRACT SUPPORT COSTS**

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<td>Such sums as may be necessary (Estimated: $241,600,000)</td>
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The House and the Senate Committee concurred with the Administration's request that Contract Support Costs (CSC) continue as a as an indefinite appropriation at "such sums as may be necessary" and that it continue in its own separate account comprised of Contract Support (such sums as may be necessary, estimated to be: $236,600,000) and the Indian Self-Determination Fund ($5,000,000). The lower number reflects an adjustment to the estimated amount. As the Senate Committee's Explanatory Statement explains:

By retaining an indefinite appropriation for this account, additional funds may be provided by the Bureau if its budget estimate proves to be lower than necessary to meet the legal obligation to pay the full amount due to Tribes. The Committee believes fully funding these costs will ensure that Tribes have the necessary resources they need to deliver program services efficiently and effectively.

General Provisions Continued. The Administration, the House and the Senate Committee requested that the following general provisions be continued:

**Contract Support Costs, Prior Year Limitation**

Sec. __. Sections 405 and 406 of division F of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235) shall continue in effect in fiscal year 2018.
Sec. ___. Amounts provided by this Act for fiscal year 2018 under headings "Department of Health and Human Services, Indian Health Service, Contract Support Costs" and "Department of the Interior, Bureau of Indian Affairs and Bureau of Indian Education, Contract Support Costs" are the only amounts available for contract support costs arising out of self-determination or self-governance contracts, grants, compacts, or annual funding agreements for fiscal year 2018 with the Bureau of Indian Affairs or the Indian Health Service: Provided, That such amounts provided by this Act are not available for payment of claims for contract support costs for prior years, or for repayment of payments for settlement or judgments awarding contract support costs for prior years.

CONSTRUCTION

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The Construction budget includes: Education Construction; Public Safety and Justice Construction; Resources Management Construction; and Other Program Construction/General Administration.

The House and the Senate Committee concurred with the Administration's request for certain changes for fixed costs and related transfers but jointly rejected the Administration's request to cut $48.7 million from the overall Construction budget (nearly all of which would have come from the Education Construction budget).

EDUCATION CONSTRUCTION

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The Education Construction sub-activities are: Replacement School Construction; Replacement Facility Construction; Employee Housing Repair; and Facilities Improvement and Repair.

The House and the Senate Committee rejected all of the cuts to Education Construction proposed by the Administration for FY 2018, including the Administration's request to zero out funding for out both the Replacement School Construction and Replacement Facility Construction sub-activities. The House and the Senate Committee instead recommended level funding for all sub-activities plus an increase for Facilities Improvement and Repair (the House recommends a $5 million increase while the Senate Committee recommends a $2 million increase) These funds would come at a critical time: construction continues for the remaining schools on the 2004 replacement list and planning and design work are moving forward for schools on the 2016 list. According to the FY 2018 Indian Affairs Budget Justification, 70 BIE schools are in "good" condition, while 41 are in "fair" condition and 68 are in "poor" condition. Further, the Justification states that there is currently over $770.4 million in deferred maintenance across BIE-funded school facilities and grounds that needs corrective action.

2016 National Review Committee List and Creation of 2019 List. In FY 2017, Congress directed the Administration to provide a plan to allocate the Replacement School Construction and Replacement Facility Construction funds and to create a 2018 replacement list. It appears that so far, the Administration has declined to do so. The House Report once again directs:

The Bureau is directed to submit an allocation plan to the Committee for campus-wide replacement and facilities replacement within 30 days of enactment of this Act. The Committee recognizes the School Facilities and Construction Negotiated Rulemaking Committee established under Public Law 107–110 for the equitable distribution of funds. Appropriations in this bill for campus-wide replacement are limited to the 10 schools selected via the rulemaking committee process and published by Indian Affairs on April 5, 2016. The BIE should submit a similar list for facilities with the fiscal year 2019 budget request.

National Fund for Excellence in American Indian Education. In FY 2017, Congress urged the Administration to include in its FY 2018 budget request a proposal to reconstitute the National Fund for Excellence in American Indian Education. The Administration declined to do so. The House Report once again urges:

The Committee continues to strongly support innovative financing options to supplement annual appropriations and accelerate repair and replacement of Bureau of Indian Education schools, including through the use of construction bonds, tax credits, and grant programs. The Department is urged to revise and resubmit its proposal to
reconstitute the National Fund for Excellence in American Indian Education, and to include authority for the Fund to facilitate public-private partnership construction projects.

Facilities Improvement and Repair: Safety Inspections, Implementation of GAO Recommendations, Provision of Training, and Long-Term Planning. The Senate Committee directs:

The Committee remains concerned about the deferred maintenance projects at schools and directs the Bureau to submit the allocation plan as required by Public Law 115–31. The Committee expects the increases provided for the facility improvement and repair program shall be used to address deficiencies identified by annual school safety inspections.

The Committee is encouraged to learn that BIA and BIE continue to work together to ensure annual safety inspections are completed for all BIE school facilities. However, the Committee is concerned that, as recommended by the Government Accountability Office in report GAO–16–313, BIA and BIE have not developed concrete tracking and capacity-building systems to ensure safety issues flagged by these inspections are addressed in a timely manner.

Furthermore, the Committee is concerned by reports from tribally operated BIE schools that BIE does not provide timely access to or training about the Facilities Improvement and Repair Program and other available emergency maintenance funding. The Committee directs BIE and BIA report back within 90 days with a detailed implementation plan to address these remaining concerns.

The Committee understands many schools are in need of repair, improvement, and upgrades in order to bring schools into good condition. The Committee stands ready to work with the administration and Tribes to develop a comprehensive strategy that provides safe, functional, and accessible facilities for schools. The Committee directs the Bureau to report back within 90 days of enactment of this act on the progress the Bureau has made towards implementing a long-term facilities plan similar to the Department of Defense [DoD] process in 2009 as encouraged in the joint explanatory statement accompanied by Public Law 114–113.

PUBLIC SAFETY & JUSTICE (PS&J) CONSTRUCTION

| FY 2017 | Enacted | $11,306,000 |
| FY 2018 Admin. Request | $10,416,000 |
| FY 2018 House | $11,309,000 |

The Public Safety & Justice Construction sub-activities are: Facilities Replacement/New Construction; Employee Housing; Facilities Improvement and Repair; Fire Safety Coordination; and Fire Protection.

Facilities Improvement and Repair. The Senate Committee surpassed the House's recommendation and suggested a $2 million program increase for this sub-activity.

Joint Venture Demonstration Program. In FY 2017, Congress encouraged the Administration to include in its FY 2018 budget request a legislative proposal for a joint venture demonstration program for regional justice centers. The Administration declined to do so. For FY 2018, the House Committee once again made this request, stating:

The Committee is concerned that Indian Affairs’ focus on alternatives to incarceration has come at a cost to justice facilities construction. Indian Affairs, in coordination with the Department of Justice, is therefore urged to consider including with its fiscal year 2019 budget a legislative proposal for a joint venture demonstration program for regional justice centers, similar to the Shoshone-Bannock Tribes’ Justice Center, and modeled after the joint venture program for Indian health facilities.

Radio Tower Dead Zones. The House Report states, "Indian Affairs is urged to improve officer safety by eliminating radio tower communications dead zones."

RESOURCES MANAGEMENT CONSTRUCTION

| FY 2017 | Enacted | $36,513,000 |
| FY 2018 Admin. Request | $40,696,000 |
| FY 2018 House | $40,696,000 |

The Resources Management Construction sub-activities are: Irrigation Project Construction; Engineering and Supervision; Survey and Design; Federal Power and Compliance; and Dam Projects.
The House concurred with the overall amount requested by the Administration but provided no further details. The Senate Committee exceeded the Administration's request, providing the following direction in the Explanatory Statement:

Resources management receives a total of $43,080,000 and includes: $6,181,000 for irrigation projects related to the WIIN Act, $29,740,000 for dam projects and $1,016,000 for survey and design. Proposed reductions within resources management are not accepted.

Irrigation Project Construction. The Administration proposed a $1.5 million increase for the Irrigation Projects-Rehabilitation program element to address critical outstanding maintenance issues at the 17 Indian Irrigation Projects and a $724,000 increase to the Survey and Design program element to fast track the technical modernization studies needed to complete this rehabilitation work.

Dam Projects. The Administration proposed a $2.4 million increase for the Safety of Dams program element to support the award of construction contracts for one or more of the 11 dam safety rehabilitation projects already designed or with expected design completion in FY 2018 and a $1.8 million increase for the Dam Maintenance program element to prioritize deferred maintenance projects at the 138 BIA dams classified as "high hazard." There is currently an identified deferred maintenance need of $538 million.

The Senate Committee states:
The Committee includes the requested increases for dam safety and is concerned there is an unknown number of dams on reservations that have not received a hazard classification and that the current review process is behind schedule resulting in delays for dams to receive a comprehensive review. The Committee strongly encourages the Bureau to begin the work on the dams and report back to the Committee on the best way to effectively quantify the potential pool of dams on reservations in need of a review and/or classification.

OTHER PROGRAM CONSTRUCTION/ GENERAL ADMINISTRATION

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The Other Program Construction sub-activities are: Telecommunications Improvement and Repair; Facilities/Quarters Improvement and Repair; and Construction Program Management. The House concurred with the overall amount requested by the Administration but provided no further details. The Senate Committee exceeded the Administration's request, providing some details on where the increases should be directed.

Telecommunications Improvement and Repair. The Administration proposed a $263,000 increase to support the repair and modernization of BIA telecommunication systems across the regions and agencies. The Senate Committee specifically concurred with the request.

Facilities/Quarters Improvement and Repair. The Administration proposed a $1.7 million increase to fund deferred maintenance projects at BIA Administration facilities. There is approximately $253 million of deferred maintenance.

Construction Program Management. The Senate Committee recommends an additional $400,000 above the Administration's request for this sub-activity in order to "fully fund" the Ft. Peck water system.

INDIAN LAND AND WATER CLAIMS SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For FY 2018, Administration explained, "Funding allocations to enacted settlements in 2018 are contingent on the operating plan developed for FY 2017. The 2017 operating plan was not complete at the time the Budget Justification was written. An updated proposal for 2018 allocations will be provided once the 2017 operating plan is complete." (FY 2018 Indian Affairs Budget Justification, p. IA-SET-3)

The House responded:
The Committee recommends $55,457,000 for Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians. A detailed table of funding recommendations below the account level is provided at the end of this report [see attachment]. The recommended level enables Indian Affairs to meet statutory deadlines of all authorized settlement agreements to date.

The Senate Committee countered with the following recommendation:

The bill provides a total appropriation of $45,045,000 for the Indian Land and Water Claim Settlements account which is equal to the enacted level. The Committee appreciates the importance of settling the numerous land and water settlements and directs the Department to submit a spending plan to the Committee within 90 days of enactment of this act for how it plans to allocate the funds provided by the bill for the specific settlements detailed in the budget request. The Committee understands that several high priority projects critical to the Navajo-Gallup Water Supply Project must be funded no later than December 31, 2019 as required by law and expects the operating plan to ensure that the FruitlandCambridge Project and the rehabilitation of the Hogback-Cudei Irrigation Project are appropriately funded and deposits to the Navajo Nation Water Resources Development Trust Fund are made.

**INDIAN GUARANTEED LOAN PROGRAM**

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The House Report describes the Indian Guaranteed Loan Program as "the most effective Federal program tailored, dedicated to, and capable of facilitating greater access to private capital for Indian Tribes and Indian-owned economic enterprises." The House and the Senate Committee rejected the Administration's request for a $2 million cut.

**OTHER RELATED AGENCIES**

**OFFICE OF NAVAJO-HOPI INDIAN RELOCATION**

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<tbody>
<tr>
<td>FY 2017</td>
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<td>$14,970,000</td>
</tr>
<tr>
<td>FY 2018</td>
<td>$15,431,000</td>
<td>$14,970,000</td>
</tr>
</tbody>
</table>

The Office of Navajo and Hopi Indian Relocation was established by Public Law 93–531. The Office is charged with planning and conducting relocation activities associated with the settlement of land disputes between the Navajo Nation and Hopi Tribe.

**Closure of the Office.**

The House Report directs:

The House Report directs:

The Senate Explanatory Statement directs:

The bill provides $14,970,000 for the Office of Navajo and Hopi Indian Relocation, a decrease of $461,000 below the fiscal year 2017 enacted level. The Committee again directs the Office of Navajo and Hopi Relocation [OHNIR], in consultation with the Secretary of Interior, to report back to the Committee within 90 days after enactment of this act detailing the functions of the OHNIR that could be transferred to the Department of Interior. It is the Committee's expectation this report include any costs associated with a potential transfer and any costs to maintain ongoing activities of the
OHNIR. This report should also include a legal analysis examining whether any potential office closure would require enacting legislation to transfer or maintain any identified functions to another agency or organization.

NATIONAL PARK SERVICE
TRIBAL HISTORIC PRESERVATION

<table>
<thead>
<tr>
<th>FY 2017</th>
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<tbody>
<tr>
<td>FY 2018</td>
<td>Admin. Request</td>
<td>$8,996,000</td>
</tr>
<tr>
<td>FY 2018</td>
<td>House</td>
<td>$9,485,000</td>
</tr>
</tbody>
</table>

The House proposed to restore a portion of the Administration's requested cut while the Senate Committee rejected the proposed cut wholesale. In its FY 2018 Budget Justification, the Administration explained, "The proposed reduction would impact the tribes' capacity to conduct cultural and historic preservation activities and to participate in required consultation on federally-funded projects that impact tribal land or any historic property to which a tribe attaches religious or cultural significance." (FY 2018 National Park Service Budget Justification, p. 31)

NATIONAL RECREATION AND PRESERVATION

National Recreation and Preservation is found under a different part of the National Park Service budget than Historic Preservation. Under National Recreation and Preservation the Senate Committee proposed an increase for the Cultural Programs sub-activity, in order to support programs for Native Hawaiian or Alaska Native culture and arts development:

Cultural Programs.—The Committee recommends $25,062,000 for cultural programs, an increase of $500,000 above the enacted level. The increase above the enacted level is provided pursuant to 20 U.S.C. 4451(b) for grants to nonprofit organizations or institutions for the purpose of supporting programs for Native Hawaiian or Alaska Native culture and arts development. The Committee directs the Department to consider funding the establishment of the Northwest Coast arts program as outlined by the memorandum of agreement between the Institute of American Indian Arts and the Sealaska Heritage Institute. This program is a good example of a multi-state, multi-organizational collaboration as envisioned under the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act."

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FY 2019 Proposed Indian Health Service Appropriations
Hobs-Straus General Memorandum 18-015,

In this Memorandum we report on the Trump Administration's proposed FY 2019 budget for the Indian Health Service (IHS). The Administration issued a summary proposed budget request for federal agencies on February 12 and it was many weeks after that before the detailed IHS Budget Justification was available. The FY 2019 proposed budget was developed long before we knew what final FY 2108 budget amounts would be, and thus the numbers reported as FY 2019 proposed increases or decreases in the IHS Budget Justification are described in relation to the annualized FY 2018 CR – which is essentially FY 2017 funding levels. We reported on the final FY 2018 IHS budget in our General Memorandum 18-013 of April 6, 2018, and we show the FY 2019 proposed account numbers in this Memorandum in relationship to FY 2018 enacted levels (not annualized FY 2018 CR numbers).

Legislative Proposals. The IHS made several legislative proposals as part of its FY 2019 Budget Justification:
- Expand the scope of IHS scholarship and loan repayment awards by not taxing those monies; thus providing more funding for scholarships and loans and not requiring the recipients to count it as income;
- Allow IHS loan repayment and scholarship obligations to be allowed for part time work (20 hours per week) in return for two-year clinical service or accept half the amount of IHS discretionary use of awards in exchange for a two-year service obligation; another option is to work part time clinical and part time administrative services;
- Allow the IHS discretionary use of all USC Title 38 Personnel Authorities which the Veterans Health Administration is allowed to use. The point is to increase the ability for IHS and to recruit and retain health professionals. Currently the IHS can access some, but not all, of these authorities. The Budget Justification notes
the need to access the authorities regarding annual leave, hiring non-citizens (often trained in the U.S.) and instituting two-year probationary period for staff appointed under Title 38.

- While not mentioned under Legislative Proposals in the Budget Justification, the Administration proposes bill language to change the funding for the Special Diabetes Program from mandatory to a discretionary basis (see below).

**IHS OVERALL FUNDING**

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<thead>
<tr>
<th>Year</th>
<th>Description</th>
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<tr>
<td>FY 2018 Enacted</td>
<td>$5,537,764,000</td>
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</tr>
</tbody>
</table>

FY 2019 Admin. Request $5,424,023,000

The FY 2019 requested amount above is for the Services, Contract Support Costs, and Facilities accounts. It also includes $150 million for the Special Diabetes Program for Indians (SDPI) for which the Administration is requesting bill language to change its funding from mandatory to discretionary spending. Discounting SDPI funding being discretionary, the request figure would be $5,274,023,000 or $263.7 million below the FY 2018 enacted level.

Programs Funding Proposed for Deletion. The Administration proposes to delete all funding for the Community Health Representatives ($62.8 million), the Health Education ($19.8 million), and the Tribal Management ($2.4 million) programs.

Opioid Funding. Proposed is $150 million for the IHS to address the opioid crisis. This is funding that would be passed to IHS from the Department of Health and Human Services – it is part of the $10 billion made available by the Bipartisan Budget Act to address the opioid epidemic and mental health issues. As pass-through funding it would not count against the Interior Appropriations Subcommittees' allocations. The Budget Justification states; "Funding will be awarded to Tribes using competitive grant amounts based on need with a portion of funding made available to Title V Urban Indian organizations. IHS facilities operating a primary care clinic will be eligible to apply for a federal program award with agreement from the direct service Tribe." (p. CJ-213). IHS Acting Director Weahkee has testified before Congressional committees with regard to this funding that the IHS is initially looking at the SDPI funding process as a model where the funds are allocated via a needs formula based on tribes submitting eligible applications. IHS has indicated that there will be a tribal consultation process on this funding distribution.

Current Services (Pay Costs/Medical Inflation). $46.7 million for pay raises and $47.9 million for medical inflation (combined, the total is $3.6 million below FY 2018 enacted).

Staffing Packages for Newly Constructed Facilities. $159 million.

**CONTRACT SUPPORT COSTS**

<table>
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<tr>
<th>Year</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
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<td>Such sums as may be necessary</td>
<td></td>
</tr>
<tr>
<td>FY 2018 Enacted</td>
<td>Such sums as may be necessary</td>
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</tr>
</tbody>
</table>

FY 2019 Admin. Request Such sums as may be necessary

The Administration's proposal would continue Contract Support Costs (CSC) as a separate appropriation account with an indefinite amount — "such sums as may be necessary." The FY 2019 estimate is $822,227,000.

The Administration proposes to reinstate two provisions from the FY 2016 Appropriations Act for IHS which are contrary to the Indian Self-Determination and Education Assistance Act (ISDEAA) with regard to CSC. The first is the "carryover" clause that could be read to deny the CSC carryover authority granted by the ISDEAA; the other is the "notwithstanding" clause used by IHS to deny contract support cost for their grant programs – Domestic Violence Prevention; Substance Abuse and Suicide Prevention; Zero Suicide Initiative; after-care pilot projects at Youth Regional Treatment Centers; funding for the improvement of third party collections; and accreditation emergencies. Congress has not gone along with those two proposals in the past. In fact, the FY 2018 House Report encourages IHS to provide CSC for its grant programs.

105(l) Clinic Leases. The Administration proposes to amend the law in order to avoid full compensation for leases under section 105(l) of the ISDEAA. The proposed bill language in the IHS Administrative provisions is designed to overrule the decision in Maniilaq Association v. Burwell, 170 F. sup. 3d 243 (D.D.C. 2016) which held that section 105(l) of the ISDEAA provides an entitlement to full compensation for leases of tribal facilities used to carry out ISDEAA agreements. The proposed language would make section 105(l) lease funding entirely
discretionary, essentially nullifying the provision. The Administration made the same proposal in last year's budget, but Congress ignored it.

Continuation of Sections 405 and 406 of General Provisions. The FY 2019 budget proposal would continue by reference sections 405 and 406 of the FY 2015 Appropriations Act. These provisions prohibit BIA and IHS from using FY 2019 CSC funds to pay past-year CSC claims or to repay the Judgment Fund for judgments or settlements related to past-year CSC claims. They do not preclude tribes from recovering such judgments or settlements from the Judgment Fund. The following is from Division G, Title IV of the Act:

Contract Support Costs, Prior Year Limitation
Sec. 405. Sections 405 and 406 of division F of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235) shall continue in effect in fiscal year 2019.

Contract Support Costs, Fiscal Year 2019 Limitation
Sec. 406. Amounts provided by this Act for fiscal year 2019 under headings "Department of Health and Human Services, Indian Health Service, Contract Support Costs" and "Department of the Interior, Bureau of Indian Affairs and Bureau of Indian Education, Contract Support Costs" are the only amounts available for contract support costs arising out of self-determination or self-governance contracts, grants, compacts, or annual funding agreements for fiscal year 2019 with the Bureau of Indian Affairs or the Indian Health Service: Provided, That such amounts provided by this Act are not available for payment of claims for contract support costs for prior years, or for repayment of payments for settlement or judgments awarding contract support costs for prior years.

FUNDING FOR INDIAN HEALTH SERVICES

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HOSPITALS AND CLINICS

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<td>FY 2018</td>
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<tr>
<td>FY 2019 Admin. Request</td>
<td>$2,189,688,000</td>
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</table>

Current Services/Staffing. $31.7 million for pay increases; $13.5 million for medical inflation; $103.6 million for staffing of new facilities.

Tribal Clinic Leases. The request is $11 million for village built and tribally leased clinics, the same as FY 2018 enacted.

Accreditation Emergencies. The request is $58 million for hospital accreditation emergencies, the same as the FY 2018 enacted level.

New Tribes Funding. $1.9 million is requested for the following newly-recognized or reinstated tribes: the Pamunkey Tribe of Virginia, the United Keetoowah Band of Cherokee Indians (Oklahoma) and the Paskenta Band of Nomlaki Indians (California).

DENTAL SERVICES

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<td>FY 2018</td>
<td>$195,283,000</td>
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<tr>
<td>FY 2019 Admin. Request</td>
<td>$203,783,000</td>
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</table>

Current Services/Staffing. $3.2 million for pay raises; $2.8 million for medical inflation; and $13.9 million for staffing of new facilities.

Oral Health Care. $800,000 is proposed to be transferred from the Direct Operations account to backfill vacant dental health position in Headquarters as requested in the FY 2018 Joint Explanatory Statement.

MENTAL HEALTH

<table>
<thead>
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<tr>
<td>FY 2019 Admin. Request</td>
<td>$105,169,000</td>
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</table>

Current Services/Staffing. $1.5 million for pay costs; $1.4 million for medical inflation; and $7.7 million for staffing of new facilities.

ALCOHOL AND SUBSTANCE ABUSE

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<tr>
<td>$227,788,000</td>
<td>$235,286,000</td>
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</table>

Current Services/Staffing. $2.9 million for pay raises; $4.5 million for medical inflation; and $8.7 million for staffing of new facilities.

**PURCHASED/REFERRED CARE**

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</thead>
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<tr>
<td>$928,830,000</td>
<td>$962,695,000</td>
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FY 2019 Admin. Request $954,957,000

Current Services/Staffing. $22 million for medical inflation, $3.6 million for staffing of a new facility. The staffing money is for the Fort Yuma Health Center in Winterhaven, California, an outpatient facility which is replacing an inpatient facility.

**CHEF.** $51.5 million is proposed for the Catastrophic Health Emergency Fund which is $1.5 million below the FY 2018 enacted level.

**INDIAN HEALTH CARE IMPROVEMENT FUND**

No new funding is requested for the Indian Health Care Improvement Fund, which was funded at $72,280,000 in FY 2018, although those funds are built into the base. The FY 2018 House Report language notes the funds are provided "in order to reduce disparities across the IHS system." FY 2018 bill language provides that the Fund "may be used, as needed, to carry out activities typically funded under the Indian Health Facilities Account." IHS recently testified that the federal/tribal workgroup on the Fund has been meeting and hopes to have recommendations regarding a distribution formula by late May after which tribal consultation will occur.

**PUBLIC HEALTH NURSING**

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<tbody>
<tr>
<td>$78,701,000</td>
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</table>

FY 2019 Admin. Request $87,023,000

Current Services/Staffing. $1.4 million for pay raises; $1.3 million for medical inflation; and $6.8 million for staffing of new facilities.

**HEALTH EDUCATION**

The Budget Justification notes: "In order to prioritize health care services and staffing of newly constructed facilities, the Budget discontinues the Health Education program." (p. CJ-129)

**COMMUNITY HEALTH REPRESENTATIVES**

The Budget Justification notes: "In order to prioritize health care services and staffing of newly constructed facilities, the Budget discontinues the Community Health Representatives program." (p. CJ-129)

**HEPATITIS B and HAEMOPHILUS IMMUNIZATION (Hib) PROGRAMS IN ALASKA**

<table>
<thead>
<tr>
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<th>FY 2018 Enacted</th>
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<tbody>
<tr>
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FY 2019 Admin. Request $2,035,000

Current Services. $37,000 for pay raises; $48,000 for medical inflation.

**URBAN INDIAN HEALTH**

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<th>FY 2017 Enacted</th>
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<tbody>
<tr>
<td>$47,678,000</td>
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</table>

FY 2019 Admin. Request $46,422,000

Current Services. $726,000 for pay raises; $955,000 for medical inflation.

**INDIAN HEALTH PROFESSIONS**

<table>
<thead>
<tr>
<th>FY 2017 Enacted</th>
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</thead>
<tbody>
<tr>
<td>$49,345,000</td>
</tr>
</tbody>
</table>
FY 2019 Admin. Request $43,394,000
Current Services. $52,000,000 for pay raises.
Programs funded under Indian Health Professions are: Health Professions Preparatory and Pre-Graduate Scholarships; Health Professions Scholarships; Extern Program; Loan Repayment Program; Quentin N. Burdick American Indians Into Nursing Program; Indians Into Medicine Program; and American Indians into Psychology. Loan Repayment Program. The Administration proposes $36 million for the loan repayment program, the same as FY 2018 enacted.
See Legislative Proposals Sections elsewhere in this Memorandum regarding IHS loan repayment and scholarship programs.

TRIBAL MANAGEMENT
FY 2019 Admin. Request -0-
The Tribal Management grant program, authorized in 1975 under the authority of the Indian Self-Determination and Education Assistance Act, provides competitive grant funding for new and continuation grants for the purpose of evaluating the feasibility of contracting IHS programs, developing tribal management capabilities, and evaluating health services.
The Budget Justification notes: "The budget request does not fund this program to prioritize funding for direct care services." (p. CJ-159)

DIRECT OPERATIONS
FY 2019 Admin. Request $73,431,000
IHS estimates that 58.7 percent of the Direct Operations budget would go to Headquarters and 41.3 percent to the 12 Area Offices. Tribal Shares funding for Title I contracts and Title V compacts are also included.
Current Services. $1 million for pay increases. In addition, $800,000 is transferred to Dental Services to backfill dental vacancies in Headquarters per the direction of the FY 2018 House Appropriations report.

SELF-GOVERNANCE
FY 2019 Admin. Request $4,787,000
Current Services. $52,000,000 for pay raises.
The Self-Governance budget supports implementation of the IHS Tribal Self-Governance Program including funding required for Tribal Shares; oversight of the IHS Director's Agency Lead Negotiators; technical assistance on tribal consultation activities; analysis of Indian Health Care Improvement Act new authorities; and funding to support the activities of the IHS Director's Tribal Self-Governance Advisory Committee.
The IHS notes in its FY 2019 budget justification that in FY 2017, approximately $2 billion was transferred to tribes to support 94 ISDEAA Title V compacts and 120 funding agreements.

SPECIAL DIABETES PROGRAM FOR INDIANS
While the entitlement funding for the Special Diabetes Program for Indians (SDPI) has not been part of the IHS appropriations process, tribes and tribal organizations often include support for this program in their testimony on IHS funding. The Bipartisan Budget Act extended the SDPI program for fiscal years 2018 and 2019 at $150 million each year.
However, the Administration has proposed to change the SDPI from a program whose funds are mandatory to one whose funds are discretionary. Under that proposal, the SDPI funds would then come through the Interior, Environment and Related Agencies appropriations bill and would count against the allocations of those Subcommittees. The proposed bill language to put the funding on a discretionary basis is: "For making grants under 330C of the Public Health Service Act, $150,000,000 to remain available until expended." (p. CJ-19)

FUNDING FOR INDIAN HEALTH FACILITIES
<table>
<thead>
<tr>
<th>Fiscal Year</th>
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<th>Request Amount</th>
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</thead>
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<td><strong>FY 2017</strong></td>
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<tr>
<td><strong>FY 2018</strong></td>
<td><strong>$75,745,000</strong></td>
<td><strong>$867,504,000</strong></td>
</tr>
</tbody>
</table>

The amount is $361 million below FY 2018 enacted and $40 million below FY 2017 enacted.

**MAINTENANCE AND IMPROVEMENT**

<table>
<thead>
<tr>
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<th>Enacted Amount</th>
<th>Request Amount</th>
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<tr>
<td><strong>FY 2017</strong></td>
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<tr>
<td><strong>FY 2018</strong></td>
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<td><strong>$75,745,000</strong></td>
</tr>
<tr>
<td><strong>FY 2019</strong></td>
<td><strong>$167,527,000</strong></td>
<td><strong>$75,745,000</strong></td>
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</table>

The proposed reduction is $92 million below FY 2017 and FY 2018 enacted levels. As of October 1, 2016, the Backlog of Essential Maintenance, Alteration, and Repair is $515.4 million. Maintenance and Improvement (M&I) funds are provided to Area Offices for distribution to projects in their regions.

**FACILITIES AND ENVIRONMENTAL HEALTH SUPPORT**

<table>
<thead>
<tr>
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<th>Request Amount</th>
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<td><strong>FY 2018</strong></td>
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<td><strong>$228,852,000</strong></td>
</tr>
<tr>
<td><strong>FY 2019</strong></td>
<td><strong>$240,758,000</strong></td>
<td><strong>$228,852,000</strong></td>
</tr>
</tbody>
</table>

Current Services/Staffing. $3.9 million for pay costs increases; $317,000 for medical inflation; and $14.6 million for staffing of newly opened facilities.

**MEDICAL EQUIPMENT**

<table>
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<tr>
<th>Fiscal Year</th>
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<th>Request Amount</th>
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<td><strong>FY 2018</strong></td>
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<td><strong>FY 2019</strong></td>
<td><strong>$23,706,000</strong></td>
<td><strong>$19,952,000</strong></td>
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</table>

The Budget Justification notes the request consists of $441,000 for medical inflation, $14.4 million for new and routine replacement of medical equipment for 1,500 federally and tribally-operated health facilities; $5 million for new medical equipment in tribally-constructed health facilities and $500,000 for the TRANSAM program.

Not mentioned in the Budget Justification is the authority to use up to $2.7 million for purchase of ambulances which is close to the amount of the decrease proposed for the Medical Equipment account. Bill language would continue the option for the IHS to use this amount for purchase of ambulances.

**CONSTRUCTION**

Construction of Sanitation Facilities

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Enacted Amount</th>
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<tbody>
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<tr>
<td><strong>FY 2018</strong></td>
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<tr>
<td><strong>FY 2019</strong></td>
<td><strong>$192,033,000</strong></td>
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</tbody>
</table>

The proposed amount is $91 million below the FY 2018 enacted level.

The sanitation facilities construction program provides funding for sanitation projects to serve new or like-new housing, existing homes, emergency projects, and studies and training related to sanitation facilities construction projects. The funds cannot be used to provide sanitation facilities for Department of Housing and Urban Development-built homes.

Construction of Health Care Facilities

<table>
<thead>
<tr>
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<tr>
<td><strong>FY 2019</strong></td>
<td><strong>$243,480,000</strong></td>
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</table>

The reduction from FY 2018 would be $164 million. No funds would be provided for the Small Ambulatory Program which received $15 million in FY 2018 nor for New and Replacement Quarters which received $11.5 million in FY 2018.

**CONTINUING BILL LANGUAGE**

The FY 2019 budget would continue language from previously enacted bills, including the following: IDEA Data Collection Language. Continue the BIA authorization to collect data from the IHS and tribes regarding disabled children in order to assist with the implementation of the Individuals with Disabilities Education Act (IDEA). The provision is:

Provided further, That the Bureau of Indian Affairs may collect from the Indian Health Service and tribes and tribal organizations operating health facilities pursuant to Public Law 93-638 such individually identifiable health
information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act. (20 U.S.C. 1400, et. seq.)

Prohibition on Implementing Eligibility Regulations. Continue the prohibition on the implementation of the eligibility regulations, published September 16, 1987.

Services for Non-Indians. Continue the provision that allows the IHS and tribal facilities to extend health care services to non-Indians, subject to charges. The provision states: Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation.

Assessments by DHHS. Continue the provision which provides that no IHS funds may be used for any assessments or charges by the Department of Health and Human Services "unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process."

Limitation on No-Bid Contracts. Continue the provision regarding the use of no-bid contracts. The provision specifically exempts Indian Self-Determination agreements: Sec. 411. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of Chapter 33 of title 41 United States Code or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulations, unless:

1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes; or
2) such contract is authorized by the Indian Self-Determination and Education and Assistance Act (Public Law 93-638, 25 U.S.C. 450 et seq.) or by any other Federal laws that specifically authorize a contract within an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)); or
3) Such contract was awarded prior to the date of enactment of this Act.

Use of Defaulted Funds. Continue the provision that allows funds collected on defaults from the Loan Repayment and Health Professions Scholarship programs to be used to make new awards under the Loan Repayment and Scholarship programs."

On projected 2019, as of June 1, 2018, tribal funding for the Crime Victims Fund and the AMBER Alert Fund, see, "Tribal Governments Gain Access to Crime Victims Fund and AMBER Alert Funds; Tribal Consultation Teleconferences to be Held June 12 and 14," in Congressional Developments, above.


In the Courts

The U.S. Supreme Court

Rebecca Pilar Buckwalter Poza, "Is the Supreme Court coming around on Indian law? New ruling favors tribes," Daily Kos, May 21, 2018, https://www.dailykos.com/stories/2018/5/21/1766011/-Is-the-Supreme-Court-coming-around-on-Indian-law-New-ruling-favors-tribes, reported concerning a case in which the Upper Skagit Tribe of Washington State had land a survey undertaken which found that found that it owned an acre of land that was fenced off by a neighbor.

"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 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 hope is that this will bring back salmon along the Skagot river, once teaming with the fish, harvested by the Swinomish Indians. Salmon harvests have declined by 75% over the past 30 years.


Simply stated, $380 million dollars remaining in the settlement will not all be going to original claimants, but to organizations that serve Native farmers and ranchers."

**Lower Federal Courts**

Laura Paskus, "Federal court, Zinke call for consultation with tribes on Chaco. But what will that mean?" New Mexico Political Report, April 10, 2018, http://nmpoliticalreport.com/824086/federal-court-zinke-call-for-consultation-on-chaco-but-what-will-that-mean-en/?mc_cid=edd87e1d1d&mc_eid=cde7993ced, reported, "At the end of March, a federal court said the U.S. Bureau of Land Management (BLM) has not adequately considered protection of cultural sites near Chaco Culture National Historical Park when granting permits for oil and gas drilling. The full order is still forthcoming, but the six-page memo by Judge James Browning echoed comments by U.S. Department of the Interior Ryan Zinke earlier this spring.

When Zinke postponed the sale of oil and gas leases on 4,434 acres of BLM land in San Juan, Sandoval and Rio Arriba counties, he told the Albuquerque Journal, 'We're going to defer those leases until we do some cultural consultation.'

Under federal law, agencies must consult with tribes that have cultural ties to an area being developed, whether the plan is to drill oil and gas wells, inundate a reservoir, build a pipeline or create a national monument.
Yet, what often constitutes consultation is already considered inadequate by tribes and activists—and some wonder how the Interior Department will address the problem in northwestern New Mexico while simultaneously prioritizing energy development."

U.S. District Court Judge Daniel Hoveland ruled, in April 2018, that the State of North Dakota must expand the proof of eligibility that American Indians in North Dakota can use for participating in elections. He overturned a state rule that Native residents must list a street address, which they often did not have, allowing them to use a post office box as an address for voting. He also expanded the valid forms of identification Indians could use to include more tribal documents. When the Republican Secretary of State raised what the judge called a "litany of embellished concerns" over the details, the judge suggested the Secretary negotiate the matter with the tribes, to avoid further litigation. A May 2018 meeting failed to reach agreement (James MacPherson, "North Dakota tribes fail to reach settlement over voter ID," NFIC, June 2018).

A U.S. District Court ordered the Department of Health and Human Services to restore to Navajo Nation the $7.3 million cut from the Nation's head start budget, on the grounds that HHS failed to undertake required consultation before so acting (Arlyssa Becenti, "Court restores full funding for Navajo Head Start," Navajo Times, March 29, 2018).

U.S. District Court Judge Boasberg denied the request of Standing Rock and Cheyenne River Sioux Tribes to have more say in the court ordered Army Corps of Engineers Review of the Dakota Access Pipelines impact on tribal interests. The nations alleged that the Engineers had not listened to them, or included them in discussions, sufficiently, while the Engineers alleged that the two nations were difficult to deal with (Blake Nicholson, "Tribes' request for more say in Dakota Access environmental study denied," NFIC, May 2018).

The U.S. Justice Department announced, at the end of February 2018, that it is supporting law suits in federal court by various tribes, municipalities and states against a number of drug companies. Indian Nations involved in the suit include the Lac Flambeau Chippewa, the Muscogee Nation, the Oglala Sioux Tribe, the Rosebud Sioux Tribe, the Flandreau Santee Sioux Tribe, the Sisseton Wahpeton Oyate, the Navajo Nation, and the Northern Arapaho Tribe. The suit against several drug manufacturers is pending (Various reports in NFIC, April, 2018; and Cindi Yurth, "Tribes sues opioid manufacturers, distributors," Navajo Times, April 22, 2018).

The U.S. District Court in Tulsa, OK ruled that the Cherokee Nation Tribal Court had no jurisdiction over drug companies that distribute opioids, leading the Nation to move its suit against the companies to state court ("Cherokee plan to move their opioid lawsuit to state court," NFIC, January 2018).

A Federal District Court in Tulsa, OK ruled that the Cherokee Nation Tribal Court had no jurisdiction over drug companies that distribute opioids, leading the Nation to move its suit against the companies to state court ("Cherokee plan to move their opioid lawsuit to state court," NFIC, January 2018).

The Native American Rights Fund, Porter Hedges LLP (PH) and Dorsey and Whitney LLP (DW) announced a settlement, in February 2018, of Native American Church of North America and Sandor Iron Rope v Transportation Security Administration (TSA) in the U.S. District Court of the Western Division of Texas, under which the TSA agreed to publish a "know before you go: fact sheet to educate concerning American Indian religious items and create a less intrusive method of inspecting those items. The parties agreed to cooperate in producing an educational webinar on Native religious items for TSA employees ("TSA to improve handling of Native American sacred objects," NFIC, February 2018).

The Havasupai Tribe has sued the Bureau of Indian Education (BIE), in Stephen C. v. Bureau of Indian Education, charging that the bureau has failed to provide adequate education and special education at the Havasupai Elementary School, in Arizona. The school is considered one of the worst BIE schools. The case could become a major precedent regarding the BIE's responsibility to provide reasonable quality education (Christopher S. Pineo, "Havasupai lawsuit cold impact BIE's nationwide system," Navajo Times, March 22, 2018).
New York City and eight coastal California cities and counties, including San Francisco and Oakland, have filed lawsuits in federal court against ExxonMobil and other oil and gas companies, charging that by contributing to global warming induced climate change, they injured their communities under common law (Elliott Negin, "ExxonMobil Is Being Sued for Climate Damages by American Inland Communities for the First Time: Communities in Colorado—one of the fastest-warming states—have joined coastal cities in trying to make Big Oil pay," Portside, April 17, 2018, https://portside.org/2018-04-17/exxonmobil-being-sued-climate-damages-american-inland-communities-first-time).

The St. Croix Chippewa Indians of Wisconsin brought suit in the U.S. District Court of Wisconsin, seeking to enjoin the Wisconsin Department of Justice from attempting to sanction the nation from producing industrial hemp on tribal lands. The nation contends that since the state legalized industrial hemp and medical use of non-psychoactive hemp oil in 2014, the nation has the sovereign right to produce these products, even though the state has yet to establish regulations concerning their production and distribution (J.S. Decker, "The St. Croix Chippewa suit Wisconsin over CBC and hemp oil production sanctions," NFIC, February 2018).

The Navajo Nation, March 27, 2018, filed a civil rights lawsuit against the Winslow, AZ police department, in the March 27 police shooting death of tribal member Loreal Tsingine (Donovan Quintero, "Tribe files lawsuit as Tsingine's family marks death anniversary," Navajo Times, April 5, 2018).

State and Local Courts

A three judge panel of Division 1 of the Arizona Court of Appeals overturned a lower court decision, holding that the Hopi Tribe dis have standing to sue in a public nuisance case against the City of Flagstaff, in which the tribe claimed that the Arizona Snow Bowel’s use of reclaimed waste water was improper, and that the case could proceed (Krista Allen, "Appeals Court hands Hopis a win in Snowbowl case," Navajo Times, March 1, 2018)

The City of Boulder, Boulder County and San Miguel County, CO filed suit, April 17, 2018, in Colorado District Court against ExxonMobil and Suncor Energy, Canada's largest oil company, seeking compensation for damage and adaptation costs resulting from extreme weather events resulting from their contributions to global warming induced climate change. This is the first such case brought in state or municipal court (Elliott Negin, "ExxonMobil Is Being Sued for Climate Damages by American Inland Communities for the First Time: Communities in Colorado—one of the fastest-warming states—have joined coastal cities in trying to make Big Oil pay," Portside, April 17, 2018, https://portside.org/2018-04-17/exxonmobil-being-sued-climate-damages-american-inland-communities-first-time).

The New Mexico Center for Law and Poverty and the Mexican American Legal Defense and Education Fund filed a lawsuit against the New Mexico Department of Education, that, in April 2018, was proceeding in the New Mexico First Judicial Court in Santa Fe, charging that the department has been failing to provide adequate education to American Indian and other students of color from low income families (Colleen Keane, "Yazzie lawsuit challenges NM to close 'opportunity gaps,'" Navajo Times, April 5, 2018).

Tribal Government and State and Local Government Developments

This begins the implementation phase of a modern treaty that has been in negotiation for three decades. The compact required approval of the tribe, Montana, and the United States. The Montana Legislature approved the compact in 2009. Congress passed a bill that was then signed into law by President Obama on December 16, 2016, which provided federal approval of the compact as well as $422 million (in addition to the state contribution of $49 million) in funding for water-related projects on the Reservation. Then on April 20, 2017, Blackfeet citizens voted to approve the Blackfeet Water Compact and Settlement Act."

"In March Zinke transferred $800,000 to the tribe for projects including a water implementation oversight committee and staff.

The total cost of the compact will be $422 million, plus the state’s contribution of $49 million. So far Tester has been able to secure $10 million in federal funds. The deal is authorized for funding through 2025."

The governor of Wisconsin signed into law Senate Bill 488 authorizing the use of tribal identification for the purposes obtaining prescription medications; purchasing alcohol and tobacco products; selling scrap, antiques, and second hand articles to pawnbrokers ("ID bill signed into law allows tribal identification for everyday Wisconsin needs, " NFIC, April 2018).

The Governor of Michigan signed into law legislation insuring the right of Indian nations in the state to have access to child protection records ("MI Governor signs legislation ensuring tribes get child records," NFIC, March 2018).


Similar to nurse practitioners and physician assistants, dental therapists are highly trained primary oral health care providers who expand the capacity of dentists by delivering a number of routine and preventive dental services, including fillings and simple extractions.

'The introduction of this evidence-based provider in our clinics is an important tool to increase access and improve oral health outcomes. Recruited from their community, dental therapists are able to provide the culturally relevant and consistent care needed in a population that faces barriers including chronic provider shortages, geographic isolation and historical trauma,' said Vicki Lowe, Executive Director of the American Indian Health Commission for Washington State.

'Tribal communities are struggling under the weight of devastating and persistent oral health disparities, and this evidence-based solution needs to be an option for any tribe wanting to use it to turn the tide on those disparities,' said Joe Finkbonner, Executive Director of the Northwest Portland Area Indian Health Board.

According to the 2014 Oral Health IHS Survey in the Pacific Northwest, 53.2% of AI/AN children under age 5 experienced tooth decay, and 31% of AI/AN children under age 5 had untreated tooth decay. These rates of decay and untreated decay are three and four times, respectively, those of the general population under age 5. A 2016 IHS Oral Health Survey revealed that in the Pacific Northwest, 64% of AI/AN adults aged 35-49 had untreated tooth decay, 54% of adults aged 50-64 had untreated tooth decay and 83% had missing teeth.

Dental therapists are able to practice in Indian health programs on tribal lands in Washington State, after the Swinomish Indian Tribal Community (SITC) exercised its sovereignty and created a dental provider licensing authority in 2016 and a subsequent state law recognized the licensing authority of all Washington Tribes.

The new Washington law also directed the state to work with the Centers for Medicare and Medicaid Services (CMS), to ensure that this new provider is eligible for Medicaid reimbursement. The HCA carried out Washington law by submitting a State Plan Amendment (SPA) proposal to CMS that included dental therapists
as eligible Medicaid providers. But this past May, CMS denied Washington’s proposal to amend the State Plan, leading to today’s filing of a notice of appeal by HCA.


Nationwide, Native women suffer from violence at a rate two and a half times greater than any other group. In some regions of Minnesota, Native women are murdered at rates that are more than 10 times the national average."


The bill would update Alaska’s law governing the development of salmon habitats and would also encourage responsible salmon habitat development. Earlier that week, a separate group of community leaders provided testimony against Pebble Mine in a legislative hearing, citing the harmful impacts the mine would have on wild salmon.

After the state of Maine had cut tribal health programs by almost one-half, in September, Governor Paul LePage restored state health, including mental health, program funding that benefitted Main's four recognized tribes ("Maine: Governor Restores Tribes' Public Health Funding," Cultural Survival Quarterly, December 2017).

The Governor of South Dakota signed legislation empowering students, who wish to do so, to wear eagle feathers or plumes at graduation ("Eagle feathers, plumes at graduations now protected by law," NFIC, April 2018).

Peter Hancock, "Bill protecting Native American rights to wear tribal regalia advances in Kansas Senate committee," Lawrence Journal World, March 5, 2018, http://www2.ljworld.com/news/2018/mar/05/bill-protecting-native-american-rights-wear-tribal/, reported, "A bill that would guarantee Native Americans in Kansas the right to wear their tribal regalia and other objects of cultural significance at government-sponsored public events is on its way to the full Senate.

The Senate Federal and State Affairs Committee heard testimony Monday from several Native Americans, including some from Lawrence, who said they often face resistance when they try to wear their native outfits at events such as graduations or other kinds of public ceremonies."

"House Bill 2498 cleared the House on Feb. 21 by a vote of 122-0. It is sponsored by Rep. Ponka-We Victors, D-Wichita, who is a member of both the Ponca Tribe of Oklahoma and the Tohono O'odham Nation in Arizona."

The Arizona state legislature passed and the governor signed, March 27, 2018, SB1235, an act establishing June 2 as Native American Day, a state (unpaid) holiday. The Senate passed resolutions naming 3 state highways after American Indian veterans (Cindy Yurth, "Ariz. enacts Native American Day, renames highways," Navajo Times, April 12, 2018).

Tribal leaders in Utah have been working to have the elevate the Utah Division of Indian Affairs into a separate department with an appointed head in the governor's cabinmate ("Tribal leaders lobbying to change Indian Affairs Division," NFIC, March 2018).

American Indian artists in Santa Fe, NM objected, as burdensome, in April 2018, to a measure proposed by the New Mexico Department of Cultural Affairs that would add 4 pages to the existing 7 pages of regulations for sale of jewelry in the Santa Fe Plaza ("Native artists slam newly proposed jewelry sale rules," NFIC, April 2018).

The Bemidji, MN Police Department has added to the slogan on its police vehicles, "To Protect and Serve," a translation of the statement in Ojibwe: "Ganawenjigeng miinawaa Naadamaageng." The idea to do so came from the Ojibwe Language Project's founders. The project has collaborated with some 200 area businesses in posting English/Ojibwe signage in their place of business ("Bemidji Police add Ojibwe language to all city police cars," NFIC, March 2018).

The Boulder Colorado City Council, March 5, 2018, approved an agreement permitting the local American Indian community to build and light ceremonial fires, and be exempted from city fire rule enforcement ("Denver, Indigenous community agree on ceremonial fires," NFIC, March 2018).

Tribal Developments


In regards to Indigenous and Native communities, the thinly veiled structural discrimination Battle refers to is not limited to the environment, but is evident in myriad human rights violations detailed in the report. USHRN sought to provide an accessible snapshot of the status of human rights in the US in 2017, with an emphasis on economic, social, and cultural rights. Eight of the fourteen issue areas presented in the report are significant to Indigenous and Native communities.

Considering environmental and climate justice, 2017 violations of the human right to a healthy environment included the United States Global Change Research Program defining Indigenous communities as a 'vulnerable population' in the midst of climate change. Under the subsection Native Lands and Pipelines, the report specifically named the Dakota Access and Keystone XL Pipelines as human rights violations of Universal Declaration of Human Rights (UDHR) Article 25.

The pipelines were mentioned further as violations of the human right to food, water, and sanitation, as they threaten the availability of clean drinking water for multiple Native communities. Following her official visit to the US, the UN Special Rapporteur on the Rights of Indigenous Peoples Vicky Tauli Corpuz recommends that 'for any extractive industry project affecting Indigenous peoples, regardless of the status
of the land, the United States should require a full environmental impact assessment of the project in consideration of the impact on Indigenous Peoples’ rights.’

The report delved into immigrant’s rights and the border wall. President Donald Trump’s executive order for the construction of the 1,250 mile wall between the United States and Mexico in early 2017 is resisted by the Tohono O’odham Nation. Sixty-two miles of their land is on US-Mexico border. ‘The construction of this border wall on Tohono O’odham land violates rights recognized under the United Nations Declaration on the Rights of Indigenous Peoples.’

Under the category violations of the right to health, the report states that in 2015, “17% of Indigenous children live in extreme poverty as opposed to 6% of white children, according to the Kids Count Data Center.” The report dedicated an entire subsection to Native Americans as the state of health in Indigenous communities is grim due largely to poverty: “Native Americans are twice as likely as White Americans to report asthma, diabetes, and overall poor health status. A recent study indicated that 19 percent of Native Americans delayed or did not receive healthcare over the course of 12 months due to the cost.” Environmental pollution, specifically due to energy development initiatives such as the Bakken formation in North Dakota that is flaring natural gas, has resulted in adverse health effects in proximal Native American communities. These are violations of Convention on the Elimination of All Forms of Racial Discrimination (CERD) Article 5, and the UDHR Articles 3 and 25.

A section on human rights issues related to reproductive health describes barriers to access of contraception, Plan B, and lawful abortion services in Indigenous communities. ‘To date, a mere 10% of surveyed Indian Health Service (IHS) pharmacies have Plan B® available over-the-counter (OTC). Even with a prescription, Plan B was available at 50% of the pharmacies in the same study from January 2008. Further, a 2002 study from the Native American Women’s Health Education Resource Center (NAWHERC) found that the IHS was not providing lawful abortion services to Native American women. 85% of the IHS units surveyed were “noncompliant with official IHS abortion policy” and 62% stated that they do not provide abortions even in the case of life endangerment.” This violates UDHR Article 3, Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) Article 12.

Concerning the right to housing, Native Americans are overrepresented in the unhoused population in some regions of the country. When it comes to the right to education, the report states that ‘Native American girls are three times more likely to be suspended than white girls,’ and 'national rates of school-based arrests are disproportionately high for Black, Native American and Native Hawaiian/Pacific Islander girls.' The title of this section, School-to-Prison Pipeline, is telling.

Indigenous communities saw continuous violations of their human right to marry and start a family in 2017. Despite the 1978 Indian Child Welfare Act (ICWA), Native American children 'are still being removed from their homes and communities at disproportionate rates, preventing Indigenous children from fully exercising their rights to culture and community . . . Of the 1,600 Cherokee youth in state custody, nearly 900 are outside the tribe’s jurisdiction.'

The 5th edition of the USHRN Status Report is based upon research conducted by partners, allies, journalists, and USHRN’s research team. The US Human Rights Network is ‘a national network of organizations and individuals working to build and strengthen a people-centered human rights movement in the United States, where leadership is centered on those most directly affected by human rights violations, and the full range of diversity within communities is respected and embraced.’


The report was released in conjunction with the March 19th Senate Judiciary Committee Hearing on “The Need to Reauthorize the Violence Against Women Act.”

VAWA 2013 created a framework for tribal courts to prosecute non-Indians for certain violent crimes against Indian citizens—something that has not happened in 35 years, since the U.S. Supreme Court
decision in *Oliphant v. Suquamish Tribe* reversed this sovereign jurisdiction. VAWA 2013 recognized and affirmed the inherent sovereign authority of tribal nations to exercise criminal jurisdiction over certain non-Indians who commit domestic or dating violence against Indian victims on tribal lands.

NCAI works closely with the 18 tribal nations who have arrested non-Indians under this landmark provision. These tribes report 143 arrests of 128 different non-Indian abusers. These arrests have led to 74 convictions and 5 acquittals to date, with some cases still pending. VAWA 2013 has allowed tribes to finally prosecute these long-time abusers who previously had evaded justice, and provide increased safety and justice for victims who previously had little recourse against their abusers. The report highlights specific examples illustrating successes as well as gaps in the law that Congress should address.

The report documents how committed each tribe has been to successfully implementing VAWA and ensuring the effective administration of justice in their communities. Not only do non-Indian offenders receive a fair day in court, but many tribes include broader resources aligned with cultural values for community wellness to ensure that these defendants receive help and support. Fifty one percent of the defendants were sentenced to batterer intervention or other rehabilitation programs as a part of their tribal court sentences.

'The success of VAWA 2013 demonstrates that tribes can and will provide effective justice to their communities, and fair process to all those who appear in tribal courts,' said NCAI President Jefferson Keel.

VAWA 2013 only allows tribal courts to prosecute non-Indians for a narrow set of crimes. The report also documents the limitations of the law, including the lack of tribal court jurisdiction over crimes against children, law enforcement personnel, and sexual assault crimes committed by strangers. Tribes express continued frustration at their inability to prosecute these crimes—many of which occur in conjunction with a domestic violence offense—often with dangerous and devastating consequences for victims. Many tribes also report that a lack of funding is the only thing preventing them from implementing VAWA. 'NCAI and its member tribal nations stand ready to advocate for further expansions of this law to ensure public safety and justice in Indian Country,' said Juana Majel-Dixon, Co-Chair of the NCAI Task Force on Violence Against Women.

This project was supported by the Office on Violence Against Women at the Department of Justice however this report does not necessarily reflect the view of the Department of Justice.

View the report at: http://www.ncai.org/resources/ncai-publications/SDVCJ_5_Year_Report.pdf, as well as additional resources on NCAI’s Tribal VAWA website. Please direct any questions to NCAI Legal Counsel John Dossett at john_dossett@ncai.org and NCAI Project Attorney Elizabeth Reese at ereese@ncai.org.

The "Executive Summary"

Five years ago, Congress passed the Violence Against Women Reauthorization Act of 2013 (VAWA 2013).2 In response to the high rates of domestic violence being perpetrated against American Indian and Alaska Native women by non-Indian men,i and harrowing stories from victims whose abusers seemed out of justice’s reach, the law contained a new provision. VAWA 2013 recognized and affirmed the inherent sovereign authority of Indian tribal governments to exercise criminal jurisdiction over certain non-Indians who violate qualifying protection orders or commit domestic or dating violence against Indian victims on tribal lands.3 This provision in VAWA 2013 created a framework for tribal courts to prosecute non-Indians again—something that had not happened in 35 years, since the U.S. Supreme Court decision in Oliphant v. Suquamish Tribe, which removed tribal authority to prosecute non-Indians.4

VAWA 2013’s limited reaffirmation of inherent tribal criminal jurisdiction over non-Indians, known as Special Domestic Violence Criminal Jurisdiction (SDVCJ), has fundamentally changed the landscape of tribal criminal jurisdiction in the modern era. By exercising SDVCJ, many communities have increased safety and justice for victims who had previously seen little of either. SDVCJ has allowed tribes to respond to long-time abusers who previously had evaded justice.5 and has given a ray of hope to victims and communities that safety can be restored.

To date, 18 tribes are known to be exercising SDVCJ (throughout this report these tribes are referred to collectively as “implementing tribes”).6 Tribes are implementing SDVCJ with careful attention to the requirements of federal law and in a manner that upholds the rights of defendants. In order to exercise SDVCJ, tribes must comply with a series of federal statutory requirements that include, among other things, providing
certain due process protections to non-Indian defendants. Most of these implementing tribes have worked closely with a group of over 50 other tribes as part of an Inter-tribal Technical-Assistance Working Group (ITWG) on SDVCJ that has been an important forum for tribal governments to work collaboratively to develop best practices.

To date, the implementing tribes report 143 arrests of 128 non-Indian abusers. These arrests ultimately led to 74 convictions, 5 acquittals, and 24 cases currently pending. There has not been a single petition for habeas corpus review brought in federal court in an SDVCJ case. Although preliminary, the absence of habeas petitions suggests the fairness of tribal courts and the care with which tribes are implementing SDVCJ.

Implementation of SDVCJ has had other positive outcomes as well. For many tribes, it has led to much-needed community conversations about domestic violence. For others it has provided an impetus to more comprehensively update tribal criminal codes. Implementation of SDVCJ has also resulted in increased collaboration among tribes and between the local, state, federal, and tribal governments. It has revealed places where federal administrative policies and practices needed to be strengthened to enhance justice, and it has shown where the jurisdictional framework continues to leave victims—including children and law enforcement—vulnerable. Implementation thus far has also revealed that additional resources are necessary in order for the benefits of the law to expand to more reservations.

i See infra Section I.

ii Since the end of the pilot period, tribes are not required to notify the U.S. Department of Justice if they begin exercising SDVCJ. This report covers the 18 implementing tribes that have reported implementation to the National Congress of American Indians and its partner technical assistance providers, although it remains a possibility that there are other tribes implementing SDVCJ.

This report summarizes how VAWA 2013’s landmark provision has been implemented and analyzes its impacts in the 5 years since it was enacted. This examination of the tribes’ early exercise of SDVCJ suggests that VAWA 2013 has been a success. As Congress intended, the law has equipped tribes with the much-needed authority to combat the high rates of domestic violence against Native women, while at the same time protecting non-Indians’ rights in impartial, tribal forums.

The report begins in Section I with a brief overview of the need for the tribal provisions in VAWA 2013 and the context for their passage. It then provides in Section II, an overview of nationwide SDVCJ prosecution statistics and analyzes tribal experiences exercising SDVCJ over the past four years. It identifies four key findings, which are as follows:

1. Tribes use SDVCJ to combat domestic violence by prosecuting offenders harming their communities
1-1. Non-Indian perpetrated domestic violence is a real problem
1-2. Many defendants have numerous prior contacts with tribal police, demonstrating SDVCJ can end impunity
1-3. Many SDVCJ defendants have criminal records or outstanding warrants
1-4. A diverse array of tribes have successfully implemented SDVCJ

2. Tribal courts uphold the rights of defendants and are committed to their rehabilitation 2-1. SDVCJ case outcomes demonstrate fairness
2-2. Tribes are invested in helping defendants get the help they need
3. Implementation revealed serious limitations in the law
3-1. The statute prevents tribes from prosecuting crimes against children
3-2. The statute prevents tribes from prosecuting alcohol and drug crimes
3-3. The statute prevents tribes from prosecuting crimes that occur within the criminal justice system, thereby endangering law enforcement and undermining the integrity of the system 3-4. There was initial confusion concerning the scope of the federal statutory definition of 'domestic violence'
3-5. SDVCJ is prohibitively expensive for some tribes
3-6. Detention issues and costs create implementation challenges
3-7. SDVCJ is jurisdictionally complex
4. SDVCJ implementation promotes positive changes
4-1. SDVCJ promotes positive tribal reforms
4-2. Inter-tribal collaboration creates successes beyond SDVCJ 4-3. SDVCJ promotes better relationships with other jurisdictions
Following the findings in Section II, Section III provides an overview of the requirements of those provisions and how they are structured. After supplying this context on the law, Section IV includes brief profiles of the 18 implementing tribes, including individual prosecution statistics. Finally, Section V examines the diversity in how tribes have chosen to meet the statutory requirements of VAWA 2013 and illustrates how the statute has allowed tribes to implement SDVCJ differently depending on the needs and values of their communities. The appendices to this report include resources on implementation of SDVCJ and other materials that may be of interest.

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Excerpts from "Lessons Learned from the Pilot Project & Recommendations:"
"The Pilot Project proved incredibly successful in allowing the participating tribes to prosecute many long-time repeat offenders who had threatened the tribal community"
"Where Special Domestic Violence Criminal Jurisdiction was implemented during the Pilot Period, impunity ended for non-Indian domestic abusers."
"The implementing tribes are unable to prosecute non-Indians for many of the crimes against children that co-occur with domestic violence."
"While much of the work as tribes prepare to implement SDVCJ focuses on revising tribal codes, policies, and procedures, the Pilot Project tribes all devoted considerable resources to training for tribal law enforcement officers, prosecutors, judges, and other key stakeholders. Oftentimes the need for training became evident as the tribes encountered an unexpected obstacle of one kind or another. "...tribal and Bureau of Indian Affairs (BIA) officers needed to be fully trained about the scope of the tribe’s authority....
demonstrated the importance of training law enforcement about how to properly investigate whether there is a qualifying relationship sufficient to trigger SDVCJ in a particular case."

"The Pilot Project tribes have all worked closely with their local U.S. Attorney’s Offices to make decisions about which jurisdiction is most appropriate to prosecute a particular case."

"The ITWG has proven to be an incredibly productive and useful mechanism for tribes to share information and best practices among themselves, to discuss challenges, and to jointly strategize about how to overcome obstacles. With the logistical support and substantive expertise of a group of DOJ funded technical assistance providers, the tribes participating in ITWG have tackled many difficult questions and have developed a collection of resources that will make it easier for tribes who wish to implement SDVCJ in the future. The ITWG continues to serve as an important resource for the implementing tribes as they encounter new questions and challenges."

"One area of major concern among the Pilot Project tribes is the narrow class of crimes covered under SDVCJ. The limitations with regard to children who are victimized by domestic abusers was discussed above. Additionally, since tribal jurisdiction is limited to domestic violence, dating violence, and protection order violations, any other attendant crimes that occur also fall outside the scope of the tribe’s jurisdiction."

"Tribal prosecutors from the Pilot Project tribes also report uncertainty regarding the definition of 'domestic violence'."

"The primary reason tribes report for why SDVCJ has not been more broadly implemented is lack of resources."

"Summary of 9 Lessons Learned
1. Non-Indian domestic violence is a significant problem in tribal communities
2. Most Special Domestic Violence Criminal Jurisdiction defendants have significant ties to the tribal communities
3. Children are impacted by non-Indian domestic violence at high rates
4. Training is critical for success
5. Federal partners have an important role
6. Peer-to-peer learning is important
7. Special Domestic Violence Criminal Jurisdiction is too narrow
8. There is confusion about the statutory definition of 'domestic violence'
9. Tribes need resources for Special Domestic Violence Criminal Jurisdiction implementation."

Rebecca Clarren and Jason Begay, "Reckoning with the Native Harvey Weinstein's," The Nation, April 23, 2018, discusses that, "When Indigenous women are harassed at work, gaps in tribal law can leave them in a precarious gray area."

Emily Benson, "Tribal nations hold some of the best water rights in the West: But to use them, tribes often must negotiate settlements that need federal approval," High Country News, May 23, 2018, https://www.hcn.org/articles/water-tribal-nations-hold-some-of-the-best-water-rights-in-the-west, reported, "Tens of thousands of people on the Navajo Nation lack running water in their homes. But that could change in the coming years, as the Navajo-Gallup Water Supply Project goes into effect. It’s expected to deliver water to the reservation and nearby areas by 2024, as part of a Navajo Nation water rights settlement with New Mexico, confirmed by Congress in 2009.

Many tribal nations are currently asserting those rights as a way to ensure economic vitality, affirm sovereignty and provide basic services that some communities lack. In many places, however, Native water rights have yet to be quantified, making them difficult to enforce. Settlement is usually the preferred remedy; it’s cheaper, faster and less adversarial than a lawsuit, and can include funding for things like pipelines or treatment plants. With settlements, ‘the tribes are able to craft solutions that work for them and that can be more flexible than anything that could be achieved through litigation,’ says Kate Hoover, a principal attorney for the Navajo Nation Department of Justice water rights unit."
Three tribal water settlements are awaiting congressional approval. S.1770, the Hualapai Tribe Water Rights Settlement Act of 2017 (details at: https://www.congress.gov/bill/115th-congress/senate-bill/1770) would allocate 4,000 acre-feet of Colorado River water per year from the Central Arizona Project to the 2,300-member Hualapai Nation, along with authorization for a federally financed water pipeline to the reservation’s main residential community the reservation’s main residential community of Peach Springs, and to Grand Canyon West, where the nation has a tourist drawing skywalk extending out over the canyon.

The Navajo Utah Water Rights Settlement Act of 2017, S.664 (details at: https://www.congress.gov/bill/115th-congress/senate-bill/664) would allow the Navajo Nation right 81,500 acre-feet of water a year from the Utah portion of the San Juan River, a tributary of the Colorado River tributary, and would authorize funds for treating and transporting drinking water. The allocated water is sufficient for about 160,000 households. This settlement is unusual in that it would transfer money directly to the tribe for constructing and maintaining water infrastructure.

The Kickapoo Tribe in Kansas Water Rights Settlement Agreement Act, S.2154 (details at: https://www.congress.gov/bill/115th-congress/senate-bill/2154), would authorize the nation taking 4705 acre feet of water per year from the Delaware River Basin in northeastern Kansas. This would resolve the long-standing dispute over how to ensure the tribe has reliable water, including during droughts, which have been increasing with global warming. To meet drought, the Kickapoo would construct a reservoir holding over 18,000 acre-feet of water, that has been proposed for more than 40 years. A 2016 settlement relating to the tribe acquiring private land for the reservoir was settled in 2016.


"Results—The provisional number of births for the United States in 2017 was 3,853,472, down 2% from 2016 and the lowest number in 30 years. The general fertility rate was 60.2 births per 1,000 women aged 15–44, down 3% from 2016 and another record low for the United States. Birth rates declined for nearly all age groups of women under 40, but rose for women in their early 40s. The birth rate for teenagers aged 15–19 was down 7% in 2017 to 18.8 births per 1,000 women; rates declined for both younger (aged 15–17) and older (aged 18–19) teenagers. The cesarean delivery rate increased to 32.0% in 2017; the low-risk cesarean delivery rate increased to 26.0%. The preterm birth rate rose for the third year in a row to 9.93% in 2017; the 2017 rate of origin of the mother and by state of residence) for selected topics than is shown in the quarterly estimates."

Among the three largest race and Hispanic-origin groups, the provisional number of births declined 2% for Hispanic and 3% for non-Hispanic white women from 2016 to 2017; the number of births for non-Hispanic black women was essentially unchanged (Table 2) (3). The number of births declined 2% for non-Hispanic Asian and 5% for non-Hispanic AIAN women but was essentially unchanged for non-Hispanic NHOPI women.

- The provisional general fertility rate (GFR) for the United States in 2017 was 60.2 births per 1,000 women aged 15–44, down 3% from the rate in 2016 (62.0), reaching another record low for the nation (Table 1 and Figure 1) (3,5,6).

The provisional number of births declined 2% for Hispanic and 3% for non-Hispanic white women from 2016 to 2017; the number of births for non-Hispanic black women was essentially unchanged (Table 2) (3). The number of births declined for both younger (aged 15–17) and older (aged 18–19) teenagers. The cesarean delivery rate increased to 32.0% in 2017; the low-risk cesarean delivery rate increased to 26.0%. The preterm birth rate rose for the third year in a row to 9.93% in 2017; the 2017 rate of origin of the mother and by state of residence) for selected topics than is shown in the quarterly estimates."

- The percentage of women receiving first trimester prenatal care in 2017 was 77.3%, up from 77.1% in 2016 (Table 3). The percentage of women receiving late (beginning in the third trimester) or no prenatal care remained unchanged at 6.2%. For prenatal care initiation by state, see Table 4.

- The percentage of first trimester prenatal care ranged from 52.1% for non-Hispanic NHOPI women to 82.5% for non-Hispanic white women (Table 3). First trimester care increased for non-Hispanic white (82.3% to
82.5%), non-Hispanic Asian (80.6% to 81.1%), and Hispanic (72.0% to 72.3%) women from 2016 to 2017; there was essentially no change for non-Hispanic black, non-Hispanic AIAN, and non-Hispanic NHOPI women.

- Late or no care ranged from 4.4% (non-Hispanic white women) to 20.3% (non-Hispanic NHOPI women) (Table 3). Late or no care increased from 2016 to 2017 for non-Hispanic white (4.3% to 4.4%) and non-Hispanic black (10.0% to 10.2%) women, decreased for non-Hispanic Asian women (5.4% to 5.1%), and remained essentially unchanged for non-Hispanic AIAN and non-Hispanic NHOPI women.

**Cesarean delivery**

- In 2017, the overall cesarean delivery rate increased to 32.0% (from 31.9% in 2016) (Tables 3 and 5). The rate had declined for years in a row (2013–2016) after peaking in 2009 at 32.9% (3). See Table 5 for state-specific rates.

The cesarean delivery rate ranged from 28.5% of births for non-Hispanic AIAN women to 36.0% for non-Hispanic black women (Table 3). Cesarean delivery among Hispanic women increased from 2016 (31.7%) to 2017 (31.8%); rates for non-Hispanic white, non-Hispanic black, non-Hispanic AIAN, non-Hispanic Asian, and non-Hispanic NHOPI women were essentially unchanged.

The low-risk cesarean delivery rate also increased in 2017 to 26.0% of births from 25.7% in 2016 (Figure 3). Low-risk cesarean is cesarean delivery among nulliparous (first birth), term (37 or more completed weeks based on the obstetric estimate), singleton (one fetus), vertex (head first) births.

Low-risk cesarean rates ranged from 22.8% for non-Hispanic AIAN women to 30.4% for non-Hispanic black women (Table 3). Low-risk cesarean rates increased from 2016 to 2017 for non-Hispanic white (24.7% to 24.9%), non-Hispanic AIAN (21.2% to 22.8%), and Hispanic (25.1% to 25.6%) women; rates for other groups remained essentially unchanged.

**Preterm birth**

The preterm birth rate rose for the third year in a row to 9.93% in 2017, from 9.85% in 2016 (3) (Table 3). The percentage of infants born preterm (births at less than 37 completed weeks of gestation) fell 8% from 2007 (the first year for which national data are available based on the obstetric estimate of gestation) to 2014 but rose 4% from 2014 to 2017 (3). See Table 6 for state-specific rates.

All of the rise in the overall preterm rate from 2016 to 2017 is due to an increase in late preterm births (34–36 completed weeks of gestation) (Table 3), which rose from 7.09% of births to 7.17%. The percentage of infants born early preterm (less than 34 weeks) was unchanged from 2016 at 2.76%.

"References


The Arizona Child Fatality Review Program 24th Annual Report, November 15, 2017, www.azdhs.gov/prevention/womens-childrens-health/injury-prevention/, reported in part, that for all Arizona populations, "In 2016, 783 children under 18 years of age died in Arizona. CFR teams reviewed 100% of these deaths and determined that 330 of these deaths (42%) were preventable including 100% of the maltreatment, suicide, and accidental deaths.

Key findings in this year's report were a 12% increase in accidental deaths from 2015 to 2016, including increases in motor vehicle crash deaths and infant deaths due to unsafe sleep environments. Motor vehicle crash deaths increased 42% from 50 deaths in 2015 to 71 deaths in 2016. Unsafe sleep deaths increased 7% from 74 deaths in 2015 to 79 in 2016. Forty-one of these infants died of sleep suffocation due to bed-sharing with adults or other children.

Maltreatment (child abuse and/or neglect) directly caused or contributed to 10% of all deaths in 2016. The total number of maltreatment deaths decreased 6% from 2015 (87deaths) to 2016 (82 deaths). Substance abuse of drugs or alcohol was a contributing factor in 58 of the 82 deaths.

In 2016, substance use was a contributing factor in 107 child deaths including 20 deaths due to motor vehicle crashes and 21 firearm deaths. In 56 of these substance use related deaths the child's parent use or misuse
of alcohol, marijuana, methamphetamine, opiates, cocaine or other drugs alone or in combination either directly caused or contributed to a child’s death."

Concerning **prematurity**, "For the purposes of this report, a death due to prematurity is when the infant was born before 37 weeks gestation and the infant did not have a lethal congenital malformation or other perinatal condition that was the primary cause of death. In 2016, twenty-one percent (n=162) of all Arizona child deaths were due to prematurity."

While the highest rates of prematurity deaths were for African Americans and Hispanics, "American Indian and Asian child deaths also had higher risk than White, non-Hispanic children."

Concerning causes and prevention, "In 2016, the most common risk factors for prematurity deaths included medical complications during pregnancy (85%, n=138), preterm labor (70%, n=113), and no prenatal care (23%, n=37). There were 13 prematurity deaths with drug/alcohol abuse and 13 with smoking as a risk factor. The viability or survival rate of premature infants also depends on the gestational age at birth. When infants are less than 28 weeks of gestation at birth they are classified as extreme prematurity. Extreme prematurity accounted for 91% of prematurity deaths (n=147)."

For all populations, "The mortality rate for **unintentional injury deaths** increased 12% from 2015 (n=160) to 2016 (n=179) (Figure 13). Over the last six years, the unintentional mortality rate varied from 9.8 to 11.7 deaths per 100,000 children. Thirty-five percent of unintentional injury deaths occurred in children less than one year of age (n=62)."

In 2016, motor vehicle crashes (MVC) and suffocation were the leading causes of unintentional injury deaths and accounted for 70% of these deaths. Other injuries include drownings, poisoning, falls, or fire/burn, or firearm injuries."

**Motor vehicle crashes causing deaths** were at the highest rate for Native Americans of any measured group. With 5% of the population, Native Americans suffered 15% of the child motor vehicle accident deaths. Paul Denetclaw, "Report: One-third of child deaths could be prevented," *Navajo Times*, December 21, 2018, discussing the report and comments by the chair of the Arizona Child Fatality Review Program, reports that leading causes of child auto accident deaths on the Navajo reservation are: that while in a moving vehicle, only 27%-30% of children are in car seats or booster seats, and a high proportion of older children do not use seat belts. [In addition, the bad condition of many reservation roads is a major reason for the high motor vehicle accident rate on reservations].

**Suicides were a major cause of American Indian child deaths** in Arizona in 2016, as with 5% of the population, American Indians suffered 21% of the suicides. As to causes, for all populations, the report found, "As with other categories of death, understanding the circumstances, risk factors, and events leading up to the suicide aids in developing appropriate interventions for future prevention efforts. Several risk factors were identified by local CFR teams that may have contributed to the child’s despondency prior to the suicide. The most common factors noted were that children had a history of family discord (47%), were known to have a history of substance use (39%), and had an argument with parent (39%)." Denetclaw noted that an important factor in whether or not someone commits suicide, often is the availability of mental health services, which generally are less available on reservation then in general, and less available to people with lower incomes, which includes many Native people.

In contrast to suicides, in 2016 the rate of Native children killed by homicide was low, and may have been the lowest of any group measured in Arizona. Concerning **preventable child crib deaths**, Denetclaw, quoted Rimza, the chair of the review program, "There has been a good job in the Native American community in addressing it but more could be done. Fatalities from unsafe sleep environments have been going up [over all] and that's why it's especially a focus for us."

The report discusses other causes of child deaths, in many cases comparing the rates for specific populations. Noting that every case is unique, the report considers general causes and preventive steps, but these are not discussed relative to specific populations.

Research by *The Navajo Times* finds that many American Indians have significant debts for medical service despite being fully covered by the Indian Health Service (IHS). In some instances Indians with health problems have gone to non-IHS facilities for care, either because there was not a nearby IHS facility, or they
unsatisfied with their treatment at an IHS facility. When an Indian patient needs treatment not provided by IHS, the patient is often referred to a non-IHS provider. Almost all the legitimate uses of non-IHS providers by IHS covered persons are supposed to be reimbursed by IHS. However, funding constraints often prevent this from occurring. For example, in 2013, IHS denied more than $760 million in referral requests for 146,938 services, almost half of the $1.56 billion in referral requests made to IHS that year by American Indians and Alaska Natives (Christopher S. Pineo, "Natives carry medical debt despite IHS coverage," Navajo Times, February 15, 2018).

First Nations Economic Development Institute, "Indian Country Food Price Index: Exploring Variation in Food Pricing Across Native Communities: A Working Paper II, 2018, available at: https://firstnations.org/system/files/Food%20Price%20Index%202018FINALsmall.pdf, includes detailed tables of findings. Some finding summaries are as follows"

"The national average cost of a gallon of milk for urban consumers from December 2016 through November 2017 was $3.25, and the average cost of milk by counties priced was $4.82. While the overall price of milk continued to be higher on reservations than the national average, there were still variations depending on the state and county. In Arizona, the price of milk was actually 36 cents less compared to the national average. When broken down by county, there were only seven counties that showed lower prices. e price by county ranges from $2.11 in Brown County, Wisconsin, to $24.43 in Kodiak Island, Alaska. Overall, the data for the year by state suggests that consumers in Indian Country pay 56 cents more for a gallon of milk in the lower 48 states and $5.45 more for milk in Alaska."

"The average national cost for a loaf of bread in urban communities from December 2016 through November 2017 was $1.34. On average, the cost of bread in our sample was $1.09 higher than the national average, at $2.43 a loaf. When we look at the averages broken down by state, Oklahoma is the only one that showed a lower price for bread than the national average, at $1.25 a loaf. By county, there were only three communities where the price of bread was actually lower than the national average. e average cost of bread ranged from a low of 82 cents in McKinley County, New Mexico, to a high of $6.01 in Bethel, Alaska. Overall, the data for the year by state suggests that Indian Country consumers pay an average of 84 cents more for a loaf of bread in the lower 48 states and $3.09 more in Alaska."

"The average national cost for a pound of ground beef in urban communities from December 2016 through November 2017 was $3.69. On average, the cost of beef in our sample was 66 cents higher than the national average, at $4.35 a pound. There are five states that showed an overall lower price per pound of ground beef than the national average. By county, there were 12 communities where the price of beef was lower than the national average. e average cost per pound ranged from a low of $2.60 in Benson County, North Dakota, to a high of $9.98 in Kodiak Island, Alaska. Overall, data for the year by state suggest that Indian Country consumers pay an average of 14 cents more for a pound of ground beef in the lower 48 states and $2.58 more in Alaska."

"The average national cost for a whole chicken in urban communities from December 2016 through November 2017 was $1.47 per pound. On average, the cost of chicken in our sample was $1.02 higher than the national average, at $2.49 per pound. When we look at the averages broken down by state, three showed a lower price for chicken than the national average. By county, there were four communities where the price of chicken was lower than the national average. e average cost for a pound of chicken ranged from a low of $1.00 in Swain County, North Carolina, to a high of $7.05 in Aleutians West, Alaska. Overall, the data for the year by state suggests that Indian Country consumers pay an average of 61 cents more for a pound of chicken in the lower 48 states and $3.08 more in Alaska."

"The average national cost of a dozen eggs in urban communities from December 2016 through November 2017 was $1.42. On average, the cost of eggs in our sample was 59 cents higher than the national average, at $2.01 per dozen. When we look at the averages broken down by state, three states showed a lower price for eggs than the national average. By county, there were nine communities where the price of eggs was lower than the national average. e average cost for a dozen eggs ranged from a low of $1.06 in Fremont County, Wyoming, to a high of $4.41 in Aleutians West, Alaska. Overall, the data for the year by state suggests that Indian Country consumers pay an average of 47 cents more for a dozen large eggs in the lower 48 states and $2.35 more in Alaska."
"The average national cost of a pound of Red Delicious apples in urban communities from December 2016 through November 2017 was $1.30. On average, the cost of apples in our sample was 41 cents higher than the national average, at $1.71 per dozen. When we look at the averages broken down by state, we showed a lower price for apples than the national average. By county, there were 13 communities where the price of apples was lower than the national average. The average cost for a pound of apples ranged from a low of 97 cents in McKinley County, New Mexico, to a high of $4.91 in Kodiak Island, Alaska. Overall, the data for the year by state suggests that Indian Country consumers pay an average of 10 cents more for a pound of apples in the lower 48 states and $1.24 more in Alaska."

"The average national cost of a pound of tomatoes in urban communities from December 2016 through November 2017 was $1.92. On average, the cost of tomatoes in our sample was 10 cents higher than the national average, at $2.02 per pound. When we look at the averages broken down by state, nine showed a lower price for tomatoes than the national average. By county, there were 20 communities where the price of tomatoes was lower than the national average. The average cost for a pound of tomatoes ranged from a low of 99 cents in McKinley County, New Mexico, and Jefferson, Oregon, to a high of $4.29 in Aleutians West, Alaska. Overall, the data for the year by state suggests that Indian Country consumers pay an average of 27 cents less for a pound of tomatoes in the lower 48 states and $1.65 more in Alaska."

"The average national cost of a pound of regular coffee in urban communities from December 2016 through November 2017 was $4.47. On average, the cost of coffee in our sample was $3.32 higher than the national average, at $7.79 per pound. When we look at the averages broken down by state, two showed a lower price for coffee than the national average. By county, there were three communities where the price of coffee was lower than the national average. The average cost for a pound of coffee ranged from a low of $1.99 in Mahnomen County, Minnesota, to a high of $26.77 in Grays Harbor, Washington. Overall, the data for the year by state suggests that Indian Country consumers pay an average of $2.40 more for a pound of coffee in the lower 48 states and $8.06 more in Alaska."

"All data were compiled into quarterly averages in an attempt to find seasonal changes. We have noticed that overall, there were only two items, ground beef and tomatoes, that were priced lower on reservations than in urban communities. Both were more expensive in urban communities during the second quarter by 45 and 36 cents, respectively."

Effects On Health

Understanding that grocery prices are significantly higher in Native American communities is important, but this only tells us a small part of an economic story. There are potential health impacts to be concerned about that may be exacerbated by high grocery prices in already economically vulnerable communities. In the following section we examine the effect grocery prices have on important health outcomes. In sum, these studies have suggested that higher priced foods may influence consumer behavior. When healthier and more nutritious foods are more expensive, lower-income individuals, who are consumers driven by cost, are forced to purchase less-expensive (and often less nutritious) foods (‘How Food Prices Impact Body Fat’). Moreover, scholars have found that this connection between health outcomes and food prices are more prevalent in economically vulnerable and minority communities.

Given these past studies, we wanted to see if there was an empirical relationship between food prices in the counties where we collected food data and health outcomes. In other words, we wanted to know if higher food prices was correlated with counts of new diabetes cases, diabetes prevalence, and obesity rates. Data on both diabetes and obesity were collected from what was reported by the Centers for Disease Control and Prevention.

Our statistical models tell us that generally there is a correlation between some food prices and higher instances of negative health outcomes. An example of our findings related to food prices and new diabetes cases is presented... as the prices of bread, ground beef, apples and decaffeinated coffee increase, so do new reported cases of diabetes."

"Conclusion

At a basic level, price is the relationship of supply and demand. In our study, food prices in Indian Country were higher than the national average. However, determining whether that is a supply issue or a demand issue is..."
During our constructive conversations, [Cleveland Indians owner] Paul Dolan made clear that there are fans who

for the Cleveland Indians' uniforms starting next year prompted calls for other sports teams to follow suit, and

Redskins', reported, "With Cleveland Indians to Drop Racist Logo, Eyes on Washington 'Redskins'

quarter for Majority of Americans' "

We do see some relationship between food prices and health indicators, but again, a much larger

study is needed to tease out the nature of the relationship in Indian Country. Although, we do have some

exploration of food prices and health indicators from other similar studies.

Generally, individuals in Native communities have lower incomes but pay higher costs for basic food

products. In consideration of higher retail food prices, community-based food projects are important

strategies to address access and higher food prices. Community gardens, traditional food education

programs, and food-system control, taken together, can have a potentially significant impact on individual

health. Not coincidentally, the focus on community gardens and community based food system projects are

community responses to individual household economic strain that may be felt from higher food prices. In

short, Native communities are applying their own solutions to seemingly insurmountable issues like high

food prices and creating communities of practice purposefully."

Jorge Rivas, "Native American Tribe on U.S.-Mexico Border Blocks Trump's National Guard Troops From


The Tohono O’odham Nation says its people have inhabited what is now southern and central Arizona and

northern Mexico since “time immemorial—in other words, way before any borders were put in place.

But a U.S.-Mexico land deal in the 1800s “dissected” the nation’s indigenous lands in half. The tribe has

been fighting border walls ever since so that their people can travel freely.

Now the Tohono O’odham people are worried about Trump’s plan to send “anywhere from 2,000 to

4,000" members of the National Guard to the border."

Brown University, in Rhode Island, signed an agreement, in September 2018, with the Pokanoket

Nation, following weeks of protests, putting a 375 acre tract of land, known as the Mt. Hope/Potumtuk, into a

preservation trust, emphasizing cooperation amongst local nations, who have a historical connection to the

land (Rhode Island: Pokanokets Reach agreement with Brown University Over Land Dispute," Cultural Survival

Quarterly, December 2017).

Andrea Germanos, "With Cleveland Indians to Drop Racist Logo, Eyes on Washington 'Redskins': 'The

Cleveland baseball team has rightly recognized that Native Americans do not deserve to be denigrated as cartoon


'Over the past year,' Major League Baseball (MLB) Commissioner Robert D. Manfred, Jr. said in a press

statement, ‘we encouraged dialogue with the Indians organization about the Club's use of the Chief Wahoo logo. During our constructive conversations, [Cleveland Indians owner] Paul Dolan made clear that there are fans who
have a longstanding attachment to the logo and its place in the history of the team. Nonetheless, the club ultimately agreed with my position that the logo is no longer appropriate for on-field use in Major League Baseball, and I appreciate Mr. Dolan's acknowledgement that removing it from the on-field uniform by the start of the 2019 season is the right course.'

The statement implies that previous decades of use of the caricature were 'appropriate for on-field use.'

The Associated Press notes, 'Every year, groups of Native Americans and their supporters have protested outside the stadium before the home opener in hopes of not only getting the team to abolish Chief Wahoo but to change the Indians' nickname, which they feel is an offensive depiction of their race.'

The statement also makes clear the logo won't be eradicated completely. As Cleveland.com notes, 'You'll still be able to buy T-shirts and hats featuring the controversial Native American caricature, though according to The New York Times, Wahoo won't be sold on Major League Baseball's website.'

As such, the move to ditch the 'utterly inappropriate and racist' mascot was met with tepid praise. One observer, for example, tweeted, 'Way past due, Cleveland Indians finally removing racist Chief Wahoo logo from uniforms. Why does it take until 2019?'

Way past due, Cleveland Indians finally removing racist Chief Wahoo logo from uniforms. Why does it take until 2019?

Another journalist tweeted, "This is a big moment for Philip Yenyo, @zhaabowekwe and other Native American activists who've argued for decades that #ChiefWahoo is a blatantly racist caricature."

This is a big moment for Philip Yenyo, @zhaabowekwe and other Native American activists who've argued for decades that #ChiefWahoo is a blatantly racist caricature. Wrote about their efforts in 2016:

"While a welcome development, other justice advocates said that it should not be the end of the road for the team.

'If they were committed to real justice, they would deny admission to anyone wearing a headdress and a painted face. If it's 'inappropriate' for the players to display the logo, then fans shouldn't be allow to either,' commented one Twitter user. 'Exactly,' another native observer responded. 'The team must to do more---much more, like change the name, ban the use of the racist mascot from its stadium altogether (also agree to cease selling merch w/ the racist logo), and apologize for creating a hostile climate for Natives in Cleveland and in state of Ohio.'

Exactly. The team must to do more -- much more, like change the name, ban the use of the racist mascot from its stadium altogether (also agree to cease selling merch w/ the racist logo), and apologize for creating a hostile climate for Natives in Cleveland and in state of Ohio.

The Change the Mascot grassroots movement said that while Cleveland's move was good, it should force other teams, including the NFL's Washington Redskins, to take a look in the mirror.

'The Cleveland baseball team has rightly recognized that Native Americans do not deserve to be denigrated as cartoon mascots, and the team's move is a reflection of a grassroots movement that has pressed sports franchises to respect Native people,' said Oneida Nation Representative Ray Halbritter, leader of the campaign.

'Cleveland's decision should finally compel the Washington football team to make the same honorable decision. For too long,' he continued, 'people of color have been stereotyped with these kinds of hurtful symbols---and no symbol is more hurtful than the football team in the nation's capital using a dictionary-defined racial slur as its team name. Washington Owner Dan Snyder needs to look at Cleveland's move and then look in the mirror and ask whether he wants to be forever known as the most famous purveyor of bigotry in modern sports, or if he wants to finally stand on the right side of history and change his team's name. We hope he chooses the latter.'

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Last month, three Native American lacrosse teams, 7 Flames, Subseca and Lightning Stick Society from the Lakota and Dakota territories were expelled from the Dakota Premier Lacrosse League after they complained about racial insults from coaches, players and fans of the opposing teams.

The Dakota Premier Lacrosse League is the only lacrosse league in the territory, and includes players from age 11 through high school ages.

The 7 Flames lacrosse team draws most of its players from the Lakota reservations in the Rapid City area, Susbeca (dragonfly in the Dakota language) in the Sisseton area and Lightning Stick Society, part of the Oceti Sakowin Sports Council in Eagle Butte, draw Native players from Dakota reservations. The league includes a roster of 28 teams from Sioux Falls, Aberdeen, the Black Hills, Brookings, Oglala, Watertown, Bismarck, Grand Cities, and Red River.

In an article by Deadspin, Native players, coaches and assistant coaches cited a wide range of racial abuse that have been occurring for years. Many coaches even cite the abuse as something they have prepared their Native players to deal with as it happens so often.

On March 8, Cody Hall, director of 7 Flames Lacrosse, called DPLL league administrator Corey Mitchell to discuss the allegations of racism. Hall told Deadspin that Mitchell responded by acknowledging that racism against Native American players was an issue in the league, but said he couldn’t do anything about it."

Vincent Schilling, "Native man removed by police from Hibbett Sports after “weird dreads” 911 call, ICTMN, May 24, 2018, https://newsmaven.io/indiancountrytoday/news/native-man-removed-by-police-from-hibbett-sports-after-weird-dreads-911-call-1rlhjL3rZUu4zmPSR1y0A/, reported, Back in February, Robert Robedeaux, Pawnee, Ponca, Otoe nations, was shopping at a Hibbett Sports store in Owasso, Oklahoma. While in the store, he was trying on clothes and sending photos to his wife. During his time in the store, an employee called 911 and stated Robedeaux was making them uncomfortable. On the call, the employee says Robedeaux asked if the female employee was working alone, and stated his hair had ‘weird dreads or something.’

When Robedeaux walked out of the dressing room, he was met by three police officers and asked to leave. He filmed himself being escorted off the property by the officers.

While recording the incident, Robedeaux stood outside the door and described what was transpiring. Robedeaux was told he was being issued a trespass order not to return to the store. He was also later arrested on an unpaid parking violation warrant.

In an interview with Indian Country Today, Robedeaux said he was wrongfully removed from the Hibbett Sports store and the staff’s actions were racially motivated."

"ICT video including the 911 call and Owasso Police bodycam footage is at: https://youtu.be/4vKARYQ2WpM."


'The objects were taken from graves without permission of the native people, and thus unlawfully,' said Hermann Parzinger, the president of the Prussian Cultural Heritage Foundation, which oversees Berlin's publicly funded museums."

stating: 'Thank you for bringing this to our attention. The headdress has been removed from our shop while we work with our vendors to conduct a review.'"

The Red Lake Ojibwe broke ground on four new facilities, April 30, 2018: the Red Lake Dialysis Center, a Chemical Dependency Treatment Center, and the Red Lake Fire Hall. On that day the tribal leadership also broke ground on the Ponemah Fire Hall (Michael Meuers, "Red Lake Ojibwe brake ground on four new facilities," NFIC, May 2018).

The Southern Ute Indian Tribe of Colorado revised its traffic code, in April 2018, to allow its police officers to give traffic tickets within its jurisdiction to non-Indians as well as Indians (McKayla Lee, "Southern Utes fill casino for general meeting," Southern Ute Drum, April 27, 2018). Following what has become its usual procedure, the Council finalized the amended traffic code only after a period of public commentary. And when at first the council received few replies to its query to the membership about the revisions, the council extended the comment period ("Public comment period ends for revised Traffic Code," Southern Ute Drum, February 16, 2018).

Navajo Nation obtained software that is making possible its operation of AMBER Alert across the reservation which spans three states (Arlyssa Becenti, "New software paves the way for AMBER Alert," Navajo Times, December 21, 2017).

The Navajo Water Project, run by DigDeep, a human rights organization working to bring clean running water to places in need of it, in December 2017, had brought water to about 90 of the 238 homes on its list in the Thoreau, Smith Lake, Mariano Lake, Casamero Lake, Baca, Prewitt, Haystack, Star Pond, Borrego Pass and surrounding areas of the Navajo Reservation (Stacy Thacker, "Coffee in half the time," Navajo Times, December 21, 2017).

The Navajo Nation and the University of New Mexico have arranged for affordable student housing at the University for close to 100 Dine students, in the UNM Rainforest Building, on campus in Albuquerque, NM (Jessica Dyer, "'An incredible Environment:' UNM, Navajo Nation strike deal for student housing," Albuquerque Journal, January 13, 2018).

The Navajo Nation Council, in January 2018, began a debate about increasing the council from 24 to 44 delegates, on receiving the results of a survey that it had requested to be made on the matter by Navajo Government Development. The survey showed that the current council, which had been reduced from its original 88 members, was viewed by many as too thin or sparse in carrying out their representative duties. 60% said that delegates did not attend chapter meetings, and 68% said that they thought the council would do a better job if its numbers were increased. Not all delegates were happy with the survey, either because of who was questioned, or what questions were included. Some thought a comparison with the former 88 member council should be included, including those who believed the smaller council was more efficient (Arlyssa Becenti, "Delegates debate increasing Council to 44," Navajo Times, January 18, 2018).

The Navajo Nation Council amended Title 17 of its code to make cyber bullying a punishable offense, hopefully deterring it ("Council OKs cyber-bullying changes," Navajo Times, February 1, 2018).

The Navajo Nation Board of election supervisors approved the removal from voter registration rolls of more than 5200 people who did not vote in the 2014 Navajo presidential or 2016 chapter elections (Bill Donovan, "Election board OKs purge of 52,00+ voters," Navajo Times, February 1, 2018).

"The U.S. Secretary of the Interior Ryan Zinke announced Wednesday that the Laguna Elementary School in New Laguna, New Mexico, will receive $26.2 million for the construction of a new school."

“The Pueblo of Laguna is realizing a dream come true with the award to replace the previously condemned Laguna Elementary School.” It was one of many that for many years have been in very poor, and sometimes dangerous, conditions.

The Estelline, SD School District is ending the use of a Native American mascot, and of the name "Redmen" for its athletic teams. As of May 2018, the district was in the process of choosing from one of six alternative names ("South Dakota school district dropping 'Redmen' nickname," NFIC, May 2018).


For details on the candidates from Mark Trahant, his Congress list, Congress & statewide list, State legislature candidates, and #SheRepresents — Native American women who are running for office in 2018, go to: https://trahantreports.com/nativevote16-data-sets/, and for State Legislative Candidates: https://docs.google.com/spreadsheets/d/1sbC9E1WW-5BuFlqsOcs7LOU2ZZq3N_trB37H6H32mdbB0/edit#gid=0.

Paulette Jourdan won the Idaho Democratic nomination for governor with more than 60% of the vote in the primary election (Mark Trahant, "#NATIVEVOTE18 — Paulette Jordan’s Convincing Win In Idaho Primary," Trahant Reports, May 16, 2018, https://trahantreports.com).


Economic Developments

In Arizona, statewide recovery from the Great recession has been quite slow, but has hardly occurred at all for Indigenous Americans in the state, so that the income gap between Indians and other Arizonans has been widening. The rates of poverty and unemployment for Native Arizonans have been twice that of non-Native Arizonans, with Indian per capita incomes averaging half of that for non-Indians in the state (Trevor Fay, "Native Americans' recovery from recession brings little advancement," Navajo Times, January 4, 2018).

in construction. When he returned home in 2002, he needed a job, and also wanted to make a difference. He attended a solar energy workshop and saw the future.

Today, Red Cloud runs Lakota Solar and the Red Cloud Renewable Energy Center, which have become catalysts for an innovative new economic network – one that employs locals and connects tribes, while building greater energy independence among First Nations.

The company is building and installing alternative energy systems, and training others to do the same, throughout remote areas of U.S. reservations, thus allowing the Sioux and others to leap past outdated fossil fuel technology altogether.

Henry Red Cloud’s company has another more radical purpose: it helps provide energy to remote Water Protector camps, like the one at Standing Rock protesting the Dakota Access Pipeline (DAPL). Solar power and other alternative energy sources are vital at such remote sites, as they power up cellphones, connecting resisters to the media and outside world."

Navajo Nation, having completed its Kayenta I solar electric generating array in June 2018, which produces 78,000 megawatts of electricity, began moving in February to double its solar generating capacity with the 78,000 megawatt Kayenta II solar project. The first project construction created considerable jobs and income, and is expected to be about equaled in Kayenta II, which anticipates paying construction workers between $6.2 and $7.5 million in wages. In two years, the project is expected to provide between $18.6 and $22.5 million in economic activity to the Kayenta region of Navajo Nation. To February 2018, Kayenta I had produced $3,017,055 in tax revenue to the Nation, and is expected to produce $211,853 a year for the next 20-25 years. Kayenta II is likely to have a similar economic and revenue impact (Krista Allen, "Nation to double solar power generation," Navajo Times, February 15, 2018).

The Ojo Encino Chapter of Navajo Nation's chapter house became solar powered, giving excess generated electricity to the grid, March 11, 2018, with assistance from students, professors and the nonprofit, Grid Alternatives (Cindy Yurth, "Giving back to the grid," Navajo Times, March 15, 2018).

Navajo Nation has launched economic development at Crownpoint, investing $3.75 million in a hotel and conference center and $3.1 million for a convenience store and gas station, with construction to begin late in 2018 (Bill Donovan, "Crownpoint gas station, hotel construction set to start," Navajo Times, April 5, 2018).

As of late May 2018, the short term projections for Navajo Nation revenue were quite positive, with the nation expecting to bring in $173.3 million in 2019, $8 million more than anticipated in 2018. However, the outlook for 2020 is much worse, with the closing of the Navajo Generating Station at the end of the year expected to drop the nation's income by about one-third. That will mostly be noticed in 2021, with some mitigation expected from a new 6% sales tax, and from some increase in revenue from solar electricity and other projects (Arlysa Becenti, "Tribe's short-term revenue projections look good," Navajo Times, May 27, 2018).

Meanwhile, Navajo Nation revenue from gaming has been increasing, with the Nation receiving $10 million as of May 2018, compared to $8.5 million in the previous five years (Bill Donovan, "Gaming gives $10 million to tribe," Navajo Times, May 27, 2018).

Declining has been coal revenue for Navajo Nation, as demand for the fuel has been declining. Preliminary estimates are that coal will provide $199 million in revenue in 2018, down from $200 million in 2017 (Arlysa Becenti, "Coal crash burns up revenue projections," Navajo Times, March 30, 2018).

The decline in coal will hit the Hopi nation especially hard, particularly if the Navajo generating station closes as anticipated at the end of 2019. That will also bring the closing of its main fuel supplier, the Kayenta mine, cutting off almost 85% of the Hopi Tribe's income. That will be especially hard with Hopi unemployment already around 60% (Krista Allen, "Hopi leaders discuss end of budgetary lifeline," Navajo Times, March 22, 2018).

With the U.S. Supreme Court having declared that sports betting is a state, not a federal matter, numerous Indian Nations are seeking a share in the new gaming activity. In Connecticut and California, gaming tribes claim that their compacts with their states give them exclusive rights to undertake sports
betting. It will be interesting to see how this issue is settled in different places. Tens of millions of dollars could be involved. The New York Oneidas announced, in May, 2018, that they plan to offer sports betting at venues on their reservation (Kevin Draper, Tim Arango and Alan Blinder, "Indian Tribes Dig In to Gain Their Share of Sports Betting," The New York Times, May 21, 2018, https://www.nytimes.com/2018/05/21/sports/sports-betting-indian-casinos.html?ref=collection%2Ffissuemigration%2Ftodays-new-york-times&action=click&contentCollection=todayspaper&region=rank&module=package&version=highlights&contentPlacement=5&pgtype=collection; and "New York Oneidas to offer sports betting after US Supreme Court decision," NFIC, June 2018).

Vincent Schilling, "South Dakota Lakota Funds, Supports Increase in Native-Owned Agri-Businesses, ICTMN, April 12, 2018, https://news.maven.io/indiancountrytoday/news/south-dakota-lakota-funds-supports-increase-in-native-owned-agri-businesses-WvEJojsXOaJwOL7e3jEMg/, reported, about South Dakota Nonprofit, "Lakota Funds is working to increase agricultural operations on Indian reservations by giving loans to Native American farmers and ranchers. The latest USDA Census of Agriculture shows 3,218 agricultural operations on Indian reservations in South Dakota, but only 924 – less than a third – are actually Native American-owned. Lakota Funds, a nonprofit organization, is working to increase that number by supporting Native American farmers and ranchers through their agricultural business program.

A major barrier to starting or expanding any type of business is lack of access to capital. This is especially true for agri-businesses, because of their large working capital needs. If you factor into the mix a business location that is on a reservation, finding a lender that will meet your financing needs can be nearly impossible." One example of Lakota funds effort is its two loans to the Lafferty Family LLC to expand cattle operations on the Rosebud Reservation to 200 head.

If President Trump's tariffs continue, with counter measures from other countries including China, the impact in Indian country likely will be two sided. Indigenous American consumers probably will benefit as the prices of pork, beef and chicken drop from increased supply on the market, while Indian farmers will have reduced income.


C. Jarrett Dieterle and Kevin R. Kosar, "Why Can’t Native Americans Make Whiskey?" The New York Times, June 4, 2018, https://www.nytimes.com/2018/06/04/opinion/native-american-whiskey.html?ref=collection%2Ffissuemigration%2Ftodays-new-york-times&action=click&contentCollection=todayspaper&region=rank&module=package&version=highlights&contentPlacement=5&pgtype=collection. reported, "In 2016, the Confederated Tribes of the Chehalis Reservation, in southwestern Washington State, began selling craft spirits and beer at a restaurant in their Lucky Eagle casino. But when the Chehalis wanted to start making their own hooch, the federal government said no. The Bureau of Indian Affairs informed the tribe that federal law prohibits the building of a distillery on tribal grounds. The Chehalis would have to continue to purchase spirits from producers off the reservation."

"This distilling prohibition originates from an 1834 law regulating trade on Indian lands. The law threatened fines and asset forfeiture for anyone who sold, possessed or made strong drink of any kind on tribal grounds. In drafting the law, Congress appears to have been partly motivated by concerns over non-Indian settlers dodging federal alcohol taxes by setting up distilleries on tribal grounds. But Congress could have dealt with this matter straightforwardly by taxing alcohol production on the reservations."
On efforts in Congress to repeal the prohibition on distilling echolalic beverages on Indian land, see Congressional Developments, above.

Education and Culture

U.S. census data from 2011 to 2015 shows that, despite efforts to preserve Native languages in Arizona, during the 5 year period the percentage of American Indians in the state speaking only English at home rose from 49% to 53% (Nathan J. Fish, "Majority of Native Americans now speak only English at home," Navajo Times, August 17, 2017).

The decline in fluent speakers of Dine has been occurring among the Navajo, despite many efforts, including Dine language immersion at reservation schools. As of fall 2017, it was projected that by 2020, less than half of all Navajo will be fluent in their traditional language (Pauly Denetclaw, "Data show huge reduction in Dine speakers," Navajo Times, November 16, 2017).

The Indigenous Language Institute (ILI) in Santa Fe, NM, https://ilinative.org/news/, "provides vital language related service to Native communities so that their individual identities, traditional wisdom, and values are passed on to future generations in their original languages."

"ILI provides hands-on training workshops that instruct teachers, parents, administrators, leaders, and community members the best practices to develop speaking skills using our Native languages."

"Every year ILI conducts regional workshops in New Mexico and Minnesota, which gather participants from multiple nations." It also undertakes consultations and provides technology services.

"Hozo" A Dine Coloring Book, both in print and on line, has been developed to help teach the Navajop language (Christopher S. Pineo, "Multimedia coloring book teaches Dine blzaad," Navajo Times, September 14, 2017).

Carol Green, a New Mexico public school teacher living near the Navajo Nation, has developed a braille code for the Navajo language which has been adopted by the Navajo Nation Board of Education to teach blind and visually impaired Dine ("Teacher develops braille cod for Navajo," NFIC, January 2018).

The Cherokee Nation of Oklahoma initiated a pilot program, a the beginning of 2018, to ensure that its students who graduate from its immersion charter school continue to speak their Cherokee language in high school and in community settings. For more information contact Cherokee Nation and Community Outreach Office, (918)207-4950 (New language progrm launched for Cherokee Immersion Charter School graduates," NFIC, January, 2018).

American Indian College Fund and the United Health Foundation, "Scholarship Program for Native Americans to Create Pipeline of Mental Health and Substance Abuse Professionals in North Dakota," E-mail, May 3, 2018, reported, "The American Indian College Fund, in partnership with United Health Foundation, has launched The United Health Foundation Tribal Wellness Scholarship Program to create a pipeline of mental health and substance abuse professionals in North Dakota to serve remote and rural communities.

This pilot scholarship program, funded through a $360,000 grant from the United Health Foundation, will help individuals, families and communities affected by substance abuse to rebuild their lives and ensure their tribal heritage and traditions are passed along to the next generation.

The United Health Foundation Tribal Wellness Scholarship Program will include scholarships, mentoring, academic support, job training and research opportunities. A cohort of 12 Native American students from North Dakota pursuing degrees in recovery-related fields will receive educational support, with six awards designated for associate degree candidates and six for students seeking a bachelor’s or master’s degree.

This program was discussed at a recent event at the Cankdeska Cikana Community College in Fort Totten. The event, attended by North Dakota Sen. Heidi Heitkamp, highlighted the need for holistic solutions to address substance abuse within Native American communities.
'As tribal communities face the ongoing opioid and meth crisis, it’s critical that we improve access to high-quality health care on North Dakota reservations, including behavioral health services and addiction treatment,' said Sen. Heitkamp. “Through this new program, the American Indian College Fund and the United Health Foundation are demonstrating the importance of training the next generation of health care professionals in the fight against addiction in rural communities and Indian Country. I look forward to following the program’s progress as we work together to put more tribal members on a path to long-term recovery.”

'Substance abuse has devastated communities in North Dakota. All of us know people who have been affected by it,' said Cheryl Crazy Bull, president and CEO of the American Indian College Fund. 'Expanding access to culturally relevant treatment is an important step forward. Together, we can improve our society and build a better world.'”

For more information contact: Dina Horwedel, American Indian College Fund, dhorwedel@collegefund.org, 303-430-5350, or Jenifer McCormick, United Health Foundation, jenifer_mccormick@uhg.com, 952-936-1917.

Bemidji State University (BSU), in Minnesota, signed agreements with leaders from Leach Lake, Red Lake, White Earth, and Fond du Lac tribal colleges establishing dual enrollment, so that students who complete two years at the tribal institutions are automatically accepted at BSU ("An easier path to Bemidji State," Leach Lake Tribal College Windmaage Newsletter, Summer 2017).

New Mexico Outreach and Patient Empowerment graduated its first class of 24 certified Navajo Nation Community Health Works (CHWs), under a program created in 2014 (Pauly Denetclaw, "First class of community health workers graduates," Navajo Times, March 15, 2018).

Two American Indian young men on an organized tour of Colorado State University were pulled off the tour and questioned by campus police, in late April 2018, after a nervous parent called the police. The students were soon released, but by then the tour had left and they returned home to New Mexico.

A university official sent an apology by e-mail saying, “This incident is sad and frustrating from nearly every angle, particularly the experience of two students who were here to see if this was a good fit for them,” University officials stated publicly, “As a University community, we deeply regret the experience of these students, while they were guests on our campus. The fact that these two students felt unwelcome on our campus while here as visitors runs counter to our Principles of Community and the goals and aspirations of the CSU Police Department, even as they are obligated to respond to an individual’s concern about public safety, as well as the principles of our Office of Admissions,” they continued.

The officials said they contacted the men’s families and would meet with them to discuss how a similar incident can be prevented and better responded to in the future" (Walter Einenkel, "Native American students have campus police called on them during tour for making parent ‘nervous’," Daily Kos, May 03, 2018, https://www.dailykos.com/stories/2018/5/3/1761726/-Native-American-students-have-campus-police-called-on-them-during-tour-for-making-parent-nervous?detail=emaildkre).

The American Indian College Fund released the following Statement on the incident.

Two Native Americans Detained on Colorado Campus Tour, American Indian College Fund Urges Colleges to Make Institutions Welcoming," Dina Horwedel, dhorwedel@collegefund.org, 303-430-5350, May 7, 2018, Denver, Colo.— "The story of two young Native American men detained by CSU Campus Police after a nervous parent called to report them has been in the news. The American Indian College Fund is urging education institutions to take steps to make their campuses welcoming environments for Native people and other people of color.

Cheryl Crazy Bull, President and CEO of the American Indian College Fund, released a statement, which was featured on Denver7 and TheDenverChannel.com.

'We at the Denver-based national non-profit, the American Indian College Fund, were angry to learn about the incident at Colorado State University. People of color deserve to be included in higher education like anyone else.
College visits are an important part of the pre-college experience, and we encourage potential students to visit colleges to feel safe and accepted at the college of their choice. It is upsetting when Native students are hesitant to consider a college based on experiences, such as what occurred at Colorado State University (CSU).

American Indians and Alaska Natives have a 14% degree-attainment rate, according to the National Center for Education statistics—which is less than half of the national average.

Colleges and universities must promote access to an equitable higher education for Native American students by investing in education, resources, and processes to eliminate institutionalized racism and to provide an equitable education. Native American students comprised only 1% of CSU’s undergraduate and graduate student body in 2015, according to the CSU web site.

We urge higher education institutions to join us in our efforts to increase the numbers of Native people with college degrees by making their institutions more welcoming. They can acknowledge the indigenous people on whose lands work is being done and where institutions exist; implement training to help students, faculty, and staff to name racism when it happens; train college personnel about indigenous culture, history, and inclusion; and examine existing curriculum to ensure fair representation of Native people’s history, accomplishments, and contributions. Finally, we urge higher education institutions to report on the status of Native American students at their institutions by including their student data in all institutional data points.

Denise Juneau, Mandan Hidatsa Arikara Tribes, has become the first American Indian chosen to be superintendent of Seattle City Schools. The district serves 53,000 children, including about 2,000 Native Americans (Mark Trahant, Denise Juneau is Picked to Lead Seattle’s Public Schools, ICTMN, April 5, 2018, https://newsmaven.io/indiancountrytoday/news/denise-juneau-is-picked-to-lead-seattle-s-public-schools-r_5mt2Xof0eeTt0syF8cbw/).

A Wyoming law, The American Indian Education for All Act, passed in March 2017, requires the teaching of American Indian history, but did not set specific standards. A Social Studies Review Committee developed a set of American Indian history standards for Wyoming schools in the fall of 2017, which were approved by the state Board of Education, April 30, 2018.

One of the learning vehicles that has been developed for teaching Indian history in Wyoming is a board game, The Bozeman Trail, played by fourth and fifth graders at the Journeys School, that shows the socioeconomic forces that led to change for Indians on the Northern Plains in the Nineteenth Century (Kylie Mohr, "Students learning Native American past through board game," NFIC, June 2018).

The National Museum of the American Indian has been carrying out Native Knowledge 360°, on line at http://www.nmai.si.edu/nk360/, to integrate American Indian and Alaska Native experience and perspective into social studies, language arts and other K-12 classes. Native Knowledge 360° provides curriculum that counters popular misconceptions and lack of knowledge about Native peoples and people with facts and Native understandings on culture, U.S. and world history, along with information on contributions to the arts sciences and literature ("Native Knowledge 360° brings Native American online curriculum to classrooms across the country," NFIC February 2018).

The San Juan School District, in Blanding, UT, has been running a Native Youth Community Project, under a U.S. Office of Indian Education Native Youth Community Project Demonstration grant. The projects many aspects include leadership and service opportunities with the UNITY Club, part of national UNITY; carrying out Navajo Nation Peacemaking services in the district schools, Some Native Curriculum and assistance to students to prepare for and retake the test, ACT, providing six Native social workers ("imbedded student advocates") in the schools, and afterschool programing. Students in the program who were in the ACT program went for scores of 13.85 their junior year to 16.38 their senior year ("San Juan School District begin Native Youth Community Project," Navajo Times, November 16, 2017).

Cochiti Pueblo Learning Center (KCLC), http://kclcemontessori.org/about-us.html, is a not-for-profit educational organization that supports Cochiti Pueblo children and families in maintaining, strengthening,
and revitalizing their heritage language of Keres. We are a Montessori school that uses the Cochiti Keres language for daily instruction across all areas of learning, beginning with children ages 3-6 years old in the Primary Keres Immersion classroom. Our Dual Language Education Elementary I classroom was added in school year 2015-2016, where the children receive 50% of their instruction in Keres and 50% of their instruction in English (50/50 model). KCLC is located on the Pueblo de Cochiti reservation in New Mexico.

"Our Mission

Keres Children's Learning Center (KCLC) strives to reclaim our children's education and honor our heritage by using a comprehensive cultural and academic curriculum to assist families in nurturing Keres-speaking, holistically healthy, community minded, and academically strong students.

Our Families

KCLC recognizes that language maintenance and strengthening cannot happen without also focusing on the parent generation. Healthy languages are ones that practice inter-generational transmission of the language everyday. Therefore, KCLC is proud and inspired by the parents that send their children to KCLC as they are right in there with their children ACTIVELY learning, reinforcing, and maintaining our Keres language in the home along with their parents and other fluent Keres speakers.

Philosophy Statement

The Cochiti people have always recognized that each individual who enters this world has a gift to share, 'which is manifested through one’s contribution to the community' (Romero, 2004). To assist each child in beginning the development of his/her potential “gift” and “contribution,” the Keres Children’s Learning Center will provide the child learning opportunities in the following areas:

Physical Development - development of gross/fine motor skills, culturally appropriate nutritional practices, and physical activities that are necessary for sound, healthy living;

Spiritual Development — based on Keres ways of socializing and guiding children in their formative years of development, an essential aspect of this spiritual development is respect for the child;

Social Development — based on Keres beliefs and practices that promote cooperative skills in social interactions, including respect for others. For instance, through the acquisition and development of appropriate pueblo manners and behaviors, children begin to learn their roles and responsibilities as family and community members.

Intellectual Development — based on the intellectual traditions of Cochiti people, children will be provided challenging and developmentally appropriate opportunities to engage them in examining, exploring, and discovering their natural world within the context of Cochiti daily life.

Emotional Development — based on two fundamental Keres principles of harmony (spirituality) and kinship (relationship with others), children will learn their dual roles as individual and community members through vital practices that emphasize cooperation and sharing. This emphasis reaffirms the individual child as an integral and important part of a community rather than focusing on an individualistic or competitive emphasis.

Linguistic Development — The Cochiti language is fundamental in the transmission of cultural knowledge and traditional values and the development of strong individual and community identities. Therefore, it will serve as the primary medium of instruction by which individual tribal members develop and maintain their relationships to family and community.

Grace and Courtesy- Respect is one of the most important values in Pueblo culture. Our Keres language has many sayings and behaviors that teach children the ways in which we show one another respect so as to live more harmoniously in our communities. KCLC honors these practices of grace and courtesy according to the traditional values and beliefs of Cochiti Pueblo

The maintenance of traditional Cochiti Pueblo life in today's world requires a deep commitment and constant vigilance from Native families, leaders, educators, and non-Native allies. Critical in the process of language and cultural maintenance is the inherent right for Native peoples to educate their children in their own languages and through their own world view. Consequently, Keres Children's Learning Center aims to support Cochiti families and the community as they continue to guide their children through the formative years of their early development, which will serve as the most critical foundation for their future education in and beyond their homes and communities."

"Our Methods
Addressing the Whole Child

In the 'Giftedness among Keresan Pueblos' study, feedback from elders on the various Keresan pueblos identified four domains of being a “successful pueblo person,” (Romero, 1994): 1) giving from the heart; 2) possessing linguistic abilities; 3) abundant cultural knowledge; 4) the notable ability to create with the hands. 'Success' in the Pueblo world is the ability to learn, share, and utilize information for the benefit of the entire community. This philosophy is fundamental to our approach. KCLC also recognizes the importance of a strong academic program. Thus the Montessori Method has been chosen as the framework for educating the 'whole child.' Educating the 'whole child' means that we support all areas important to the successful growth of Pueblo children, including linguistic, spiritual, intellectual, social, emotional, and physical development.

Pueblo people have always recognized that each individual who enters this world has a gift to share, which is manifested through one’s contribution to the community. To assist each child in developing his or her potential gift and contribution, the classroom will consist of a prepared environment that will provide learning opportunities in the following areas: language, math, history, geography, zoology, sensorial, practical life, music, art, agriculture, grace and courtesy, peace education, and movement.

Natural Language Use Leading to Bilingualism and Biculturalism

KCLC will use the Keres language naturally, supporting children who are already bilingual in Keres and/or supporting families in helping their children learn Keres. KCLC adheres to the belief preached by elders and tribal leadership that the primary responsibility of language learning belongs first to the family and the community. KCLC’s purpose is to provide a setting that will support already fluent children in continuing to speak Keres and to make Keres accessible to children and families who want to learn. KCLC will use immersion techniques, under the guise of natural usage.

Children will participate in culturally relevant, age-appropriate activities everyday that will build their Keres vocabulary, Cochiti identity, self-discipline, and sense of community, assisting them in developing a Pueblo worldview.

Montessori Method and the Whole Pueblo Child

Keres Children’s Learning Center’s central goals are 1) to ensure that children learn the indigenous language early in childhood, a time of life when it is relatively easy to acquire language; 2) to build a strong foundation for life-long learning by developing essential cognitive, social, and learning skills that will enable our children to function successfully both in community and mainstream learning environments; and 3) to encourage families to play a continuing role in the education of their children."

"History

Keres Children’s Learning Center was founded with the purpose of reclaiming the education of our Pueblo children and educating them in a manner that maximizes their development and potential as Pueblo people. In Keres-speaking villages from the north central Rio Grande to the western Keres-speaking communities, tribal leaders and elders remind parents and families of the crucial importance of passing on their language, and in essence, passing on history, values, beliefs, and a worldview like none other.

In 2006, KCLC’s co-founders, Trisha Moquino and Olivia Coriz, felt that they had done what their grandparents, families, and elders had preached to them all their lives to do. They had continuously worked for and supported their respective language maintenance and revitalization programs and promoted them through constant dialogues with family, teachers, tribal leaders, and elders. They each have a daughter whom they were rearing to be fluent Keres speakers. Yet they found themselves working together in a school system that caused them to ask themselves, as educators, if they would continue to perpetuate a cycle of assimilation and education that does not address the needs of the whole Pueblo child, or would they work to create a different kind of educational setting that is consistent with their own Pueblo expectations and values, a setting in which they felt comfortable placing their own daughters. KCLC is the answer to Moquino’s and Coriz’s soul searching.

Moquino and Coriz set out to ask a group of very thoughtful, wise, and committed people to be on their board. The tireless efforts of the co-founders, board members, tribal leaders, and many, many supporters have resulted in Keres Children's Learning Center, for children ages 3-6, whose goal is to educate the whole Pueblo child using the Keres language as the medium of instruction."
In addition to adapting Montessori methods to its particular situation and purposes, in developing its process, KCLC has partnered with Dual Language Education of New Mexico: www.dlenm.org. For more information contact: Keres Children’s Learning Center, P.O. Box 113, Cochiti Pueblo, NM 87072, info@kclcmontessori.org, (505) 465-2185, http://kclcmontessori.org/about-us.html.

The last Miwuk village in Yosemite National Park is being rebuilt by the Park Service so that young tribal members can learn about their history and culture. The village will be visitable by tourists, except during some tribal ceremonies ("Last Native village in Yosemite being rebuilt," NFIC January 2018).


Organized by the Massachusetts Native Peoples Working Group, the goal of this event is to educate communities about the use and impact of native mascots, foster relationships among those interested in addressing native mascots and build consensus on next steps. In addition to the film, a panel of speakers will frame the issue and lead a discussion among attendees. Native and non-native individuals are welcomed and encouraged to attend."

"About FNX," https://fnx.org/about/, stated, "FNX: First Nations Experience is the first and only broadcast television network exclusively devoted to Native American and World Indigenous content. Through Native-produced and/or themed documentaries, dramatic series, nature, cooking, gardening, children’s and arts programming, FNX strives to accurately illustrate the lives and cultures of Native people around the world.

Created as a shared vision between Founding Partners, the San Manuel Band of Mission Indians and the San Bernardino Community College District, FNX is owned by and originates from the studios of KVCR-PBS San Bernardino. FNX began terrestrial broadcast in the Los Angeles area on September 25, 2011, and went national on November 1, 2014 via the Public Television Interconnect System (PBS satellite AMC–21 Channel SD08), making the network available to PBS affiliates, community and tribal stations, and cable television service providers across the country.

FNX is working diligently to get the channel carried in as many communities as possible across the country. Currently, FNX is carried by 22 affiliate stations broadcasting into 14 states from Alaska to New York and is seen by more than 46 million households across the United States! New stations are always coming on board, so stay tuned – FNX may be available in your city very soon!

FNX is currently available in the greater Los Angeles media market on Frontier FiOS Channel 471, DirecTV Channel 24-2, Time Warner Channel 1272, and over-the-air on KVCR-Ch. 24.2."

Information about current programing is at: https://fnx.org/watch/.

Osiyo, Voices of the Cherokee People was in its fourth season on television stations OETA and RSU-TV and its affiliates in Oklahoma and parts of Missouri and Arkansas ("Osiyo, Voices of the Cherokee People" debuted season 4 at special screenings in Oklahoma," NFIC, March 2018).

The Sun Dance Film Festival in January 2018 featured 8 Indigenous films, along with a 20th anniversary showing of Smoke Signals ("8 Indigenous-made films premiering at Sundance Film Festival," NFIC, January 2018).
International Developments

International Organization Developments

17th Session of the United Nations Permanent Forum on Indigenous Issues (UNPFII)  
16-27 April 2018, United Nations Headquarters, New York  
“Indigenous peoples’ collective rights to lands, territories and resources”  
https://www.un.org/development/desa/indigenouspeoples

The following documents from the session were available on June 15, 2018 at: https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2/2017-2.html. Others were likely to be available later.

DRAFT REPORT:
L.2 Chapters I, II, III and IV
L.3 Draft decisions recommended by the Permanent Forum on Indigenous Issues for adoption by the Economic and Social Council
L.4 Implementation of the six mandated areas of the Permanent Forum with reference to the United Nations Declaration on the Rights of Indigenous Peoples (item 4)
L.5 Dialogue with the Special Rapporteur on the rights of indigenous peoples and the Chair of the Expert Mechanism on the Rights of Indigenous Peoples (item 10)
L.6 Discussion on the theme “Indigenous Peoples’ Collective Rights to Lands, Territories and Resources” (Agenda Item 8)
L.7 Follow-up Outcome Document on the World Conference on Indigenous Peoples (Agenda Item 11)

Agenda Items 3, 5, 6, 7, 9 and 12

The draft report of the 17th session of the Permanent Forum will be adopted on Friday, 27 April from 3 pm. to 6 pm.

The Forum members decided on changes to the two week annual session. The first week was all open plenary meetings. There were no closed meetings during the first week.

A condensed schedule during the first week enabled the Permanent Forum to discuss all substantive agenda items.

During the second week of the 2018 session of the Permanent Forum, members of the Forum held informal meetings with representatives of indigenous peoples, Member States and UN entities. The purpose of these meetings were to draw on information presented during the first week, and channel this into policy recommendations that are strategic, focused and actionable. Regional dialogues were also held during the second week. See the Concept Note for more details.

Indigenous representatives, Member States and UN entities that were accredited to attend the 2018 session of the Permanent Forum were invited to attend these meetings. Download the Calendar of meetings for the two weeks of the Permanent Forum.

President of the General Assembly Informal Interactive Hearing with Indigenous Peoples

On Tuesday 17 April, from 3:00 to 6:00 p.m. at the UN Trusteeship Council Chamber, the President of the General Assembly conducted the first of three (2018, 2019, 2020) informal interactive hearings on the enhanced participation of indigenous peoples at the United Nations. This hearing was requested by the General Assembly in its resolution A/RES/71/321 and was open to indigenous participants accredited to attend the 2018 session of the Permanent Forum.


with Disabilities. The study outlines some of the major challenges facing Indigenous children with disabilities around the world and suggests what can be done to address the obstacles. Indigenous children with disabilities face challenges unique to most demographics and suffer from a lack of data and attention to their struggles. The number of Indigenous children with disabilities is estimated to be about 54 million around the world. This number is uneven though as some countries, such as Brazil and Colombia, have a lower percentage than others, such as Canada and New Zealand. Estimations for their population are also difficult to determine, as there is no systemic data and many countries dispute who may be considered Indigenous. For example, China and Thailand do not recognize any Indigenous persons within their borders.

Some of the key issues facing Indigenous children with disabilities are the protections of their fundamental human rights in regards to their health and safety. The rights violations include infanticide, violence, forced sterilization for girls and female adolescents, sexual abuse and sexual violence, denial of their right to education, discrimination, and forced segregation from their communities. All of these problems are ones which Indigenous children with disabilities face at much higher rates than average. In Latin America, malnutrition disproportionately affects Indigenous children with disabilities, even when compared to their siblings.

Another fundamental right that is often violated is freedom of movement. In many Indigenous communities in Africa, Indigenous children with disabilities never leave home in order to avoid being seen. Depending on the degree of their disability, some children may never leave their bedroom or even their bed. Some cases have reported children with disabilities being chained to their beds in Nepal.

Indigenous children with disabilities also need to be guaranteed the right to full and effective inclusion in their societies through participation in social activities appropriate for their ages, especially the right to education. UNESCO has found that approximately 90% of children with disabilities in developing countries do not attend school. Not having access to formal education may jeopardise children’s opportunity to have access to a decent job in the future and their ability to speak or communicate in the national language(s). When Indigenous or bilingual schools are close to Indigenous communities, sometimes teachers lack specific formation on how to teach to children with disabilities.

Many underlying factors aggravate the cases of Indigenous children with disabilities around the world. In particular, poverty and can lead to a lack of care for disabilities, and disabilities can aggravate poverty even further. Indigenous children with disabilities may be the first to be taken out of school or to have reductions in food when resources become scarce for families. Families may also not be able to afford necessities for their children, such as wheelchairs or hearing aids. An example of this in the study’s survey, where 100% of respondents indicated that in their communities there are Indigenous children with hearing difficulties, but only 4 out of 14 of the respondents reported that these children having hearing assistance. Similarly, although 13 out of 14 of respondents indicated that in their communities there are children who have difficulties with walking, only 4 out of 13 reported that these children use special equipment for walking such as wheelchairs or crutches.

Cultural barriers and remoteness also prevent Indigenous children with disabilities from receiving care that they may need and remote groups often have higher instances of disabled children. Environmental problems and natural disasters can be particularly dangerous for Indigenous children with disabilities as they are often left behind when families need to flee. Language barriers may also prevent groups from receiving the relief they need from natural disasters, and a lack of resources can hurt Indigenous children with disabilities more than others.

The European Union (EU) has pledged to support marginalized groups, including Indigenous Peoples and people with disabilities. They have also crafted suggestions for countries on how to better aid Indigenous children with disabilities within their borders. These suggestions include new initiatives to collect data on Indigenous children with disabilities and Indigenous persons in general as well as studies on these populations to determine their needs. The EU itself has been urged to ensure inclusion of Indigenous children with disabilities around the world and to be open to dialogue with other countries in doing so. They have also been called on to allocate funds to programs benefiting Indigenous children with disabilities, such as initiatives to train teachers, educate about Indigenous children with disabilities struggles, and improve health care access."

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Regional and Country Developments


The residential school system, as it is commonly known in Canada, was described as a form of 'cultural genocide' by a national Truth and Reconciliation Commission in 2015 that also concluded that many students were physically and emotionally abused.

Among its 94 recommendations was a call for an apology from the pope. The Catholic Church, along with several Protestant denominations, operated most of the schools for the government.

"The pope and others before him have issued apologies in other situations."

"Perry Bellegarde, the national chief of the Assembly of First Nations, Canada’s largest Indigenous group, said he was disappointed by the church’s decision and would continue to press the Vatican for an apology."

The government of Prime Minister Justin Trudeau has stated that it is undertaking a process of reconciliation with First Nations in Canada. Here is on government minister speaking on the matter.

"The Recognition and Implementation of Rights Framework Talk," From: Department of Justice Canada Speech
Notes for an address by The Honourable Jody Wilson-Raybould, PC, QC, MP. Minister of Justice and Attorney General of Canada
Check against delivery
"Gilakas'la.
Thank you for that very kind introduction.
I would like to acknowledge that we are on the territories of the Musqueam, Squamish, and Tsleil-Waututh peoples.
I want to thank the BC Business Council for hosting and organizing this event, and in particular, Greg D’Avignon, the President. It is my pleasure to be here today to participate in this important dialogue. I also want to acknowledge the National Chief, all the business leaders here, and a number of other Chiefs and Indigenous leaders that I see in attendance. Welcome.

As you all know, a critical national conversation is taking place about reconciliation, the recognition and implementation of Indigenous rights, and the place of Indigenous peoples in decision-making and governance in Canada. On February 14 of this year, in a historic address, the Prime Minister made a bold statement in the House of Commons confirming that all relations with Indigenous peoples are to be based on the recognition of Indigenous rights, and that a new Recognition and Implementation of Indigenous Rights Framework will be developed. And this work has now begun with a national engagement process, being led by my colleague Minister Bennett.

Today, we are here together as part of that conversation – and, in particular, to speak about the importance of this work in building a better future for Indigenous peoples in a more inclusive Canada, and for all Canadians, the Canadian economy and resource development.

I expect that there are specific issues and topics on your minds. You want to understand how the work of reconciliation will lead to greater certainty and clarity for decision-making and economic development. You want to understand how the recognition of rights relates to how projects will be approved and what processes will look like. You have questions about Indigenous consent, and whether it will make things more or less challenging.
I imagine some of you are also thinking about specific applications of these questions – including in light of the highly publicized and challenging issues of energy development, pipeline construction, and protection of our environment – or any other number of projects. Will the recognition and implementation of rights result in a future where the current realities of conflict, tension, cost, uncertainty, and litigation that we see embroiling some projects – and which no one desires – be changed or transformed for the better?

You want to know how what we are doing today is different from what has been tried before.

It is true in the past there have been attempts to reset the relationship with Indigenous peoples – attempts at Constitutional reform, legislative initiatives, and development of new policies - again so… “what is different today?”

In brief, my message to you today is that what we are proposing is different – that by coming from a rights recognition perspective, the government of Canada is finally being proactive – and in doing so is not only transforming the status quo of how Canada operates and interacts with Indigenous peoples but is also challenging, and supporting, Indigenous communities themselves – in a positive way – to lead change, rebuild and find solutions, and take their rightful place within confederation, in ways that reflect Indigenous self-determination.

And, if I can be so bold, had the approach we are taking today been the policy some 36 years ago, we might not be where we are today – that is playing catch-up – and trying to navigate the reactive politics that uncertainty breeds. It is precisely because rights have been denied, in the misplaced belief that it was prudent to do so, that we are here - seeking to undo decades of mistrust and begin, as we should have, on a solid foundation based on the recognition of rights.

So let us dive in by addressing the issue of 'certainty'. I think it is important to provide a definition of 'certainty' at the outset, because it is so often used in different ways, and means different things to different people in different contexts.

Certainty, for me, means clarity and predictability about the basic elements of decision-making regarding lands and resources: who is making the decision, how the decisions are being made and through what process and timelines, what information and factors are relevant to the decision, and the respective roles and responsibilities of everyone involved.

To say it another way, it is about clarity with respect to jurisdiction, law-making, and authority.

Certainty, based on this definition, is something I think everyone desires – industry, Indigenous peoples and governments. However, currently, it does not exist enough.

Where it does exist in some form, it is typically through agreements between the Crown and Indigenous peoples, such as modern treaties and land claims agreements. And, there have been modern treaties – in fact over 40% of Canada’s land mass, mostly in the North, is covered by modern treaties. But such agreements in BC have been few and far between, for reasons I will touch on later. And, of course, there is a long history of agreements, such as historic treaties—which could provide some certainty—not being implemented or honoured.

Another circumstance where certainty, to a degree, sometimes exists has been when leadership has been shown by industry and Indigenous peoples working together – forging relations and agreements about decision-making and partnership regarding proposed projects. Certainty is also is contributed to through initiatives like the Champions Table, a joint project of BCBC and BCAFN, where executives and Chiefs come together to develop common policy advice. But this can only go so far. Government too must act.

But beyond specific examples like these, for the most part we often live in a context of significant uncertainty. This is not good. And this is why we all have a stake in the ambitious agenda our government has set for reconciliation based on recognition. An agenda that must be non-partisan and must survive beyond the life of any one government.

So why is certainty – which we all desire – so rare and elusive?

The answer lies in long-standing patterns and assumptions regarding Indigenous rights...which – until we understand and transform them – will continue to be detrimental to Indigenous peoples, Canadian society and the economy as a whole.

Let me explain...In Canada today, and ever since the adoption of section 35 of the Constitution in 1982, there has been a strong tendency to perceive and treat Indigenous rights differently than other rights, such as Charter rights. When we think of or speak about freedom of expression, freedom of religion, or equality... I
think it is fair to say we have a deep sense that these rights are part of what makes us uniquely Canadian. We do not question the existence of these rights – rather we celebrate them.

Without question, we view these rights as expressing an important aspect of who we are, our shared values, and what binds and defines us as a diverse and democratic society. While there always will be some disagreement on the margins about the precise scope or extent of these rights, they exists in the context of a broad consensus about what these rights definitely do mean and require.

To say it another way, since 1982, when a Canadian says to its government, “I have a right to free speech”…under the Charter the response of the Canadian government has not been to say, “prove it”. Rather, governments organize themselves – their laws, policies, and operational practices – to ensure they are upholding these rights.

Indigenous rights, on the other hand, even though they were entrenched in section 35 of the Constitution at the same time as the Charter – I would argue – have never been treated or thought of in the same way as Charter rights. Since 1982, when an Indigenous Nation raises a collective right under section 35, the response of governments has been to say…“prove it”. Despite section 35 saying that Indigenous rights are “recognized and affirmed”, successive governments have explicitly chosen to not recognize or affirm them – and, in so doing, have forced conflict and confusion about Indigenous rights.

I would suggest that it is this choice – denial – that is at the heart of why we do not have certainty.

Of course, this choice did not take place in a vacuum. It has been a long-standing pattern in Canadian history of denying Indigenous peoples and their rights. This despite the fact the British Crown initially recognized Indigenous peoples and their rights in the Royal Proclamation of 1763.

By the time of Confederation in 1867, the fact that Indigenous peoples had lived on and governed the lands and resources of their territories – something affirmed in the Royal Proclamation – was not considered. This denial has manifested itself throughout Canada’s history, including through the passage and imposition of the Indian Act, the establishment of residential schools, efforts to eradicate Indigenous cultures and languages, the alienation of Indigenous peoples from their homelands and territories, and the lack of implementation of treaties, or… the failure to complete them altogether. And, of course, in the positions the Crown has historically taken in Court.

Critically important in this approach was the clear strategy by the Crown to divide up, and disempower, Indigenous nations and governments. The goal was to remove and limit the capacity of Indigenous nations to make decisions about their territories as they had always done…in order to assimilate them. This was largely accomplished through creating and imposing an administrative reality that we are still confronting today – where, in the First Nations context, there are hundreds of Indian Act bands, rather than dozens of linguistic and culturally structured Nations, meaning there are hundreds of groups – rather than dozens – representing peoples with historical and constitutionally protected rights and interests that often intersect, overlap, or interconnect with each other.

The uncertainty that we all experience today – Indigenous peoples, Industry, governments and the Crown – whether what we witness in relation to pipelines or any of a number of projects, has its roots directly in this history of denial and division.

Moving forward, this has critical implications for reconciliation. It means Indigenous nations – the proper title and rights holders – because of colonial imposition, may not be operating with political, economic, and social structures, or the resources necessary to fully discharge their responsibilities as caretakers of their lands, or a context for clear Indigenous governance, law-making, and decision-making.

The entrenchment of Indigenous and treaty rights in section 35 of the Constitution was supposed to break this pattern. However, the maintenance of a “prove it” approach by governments after 1982 made success in transforming relations extremely difficult.

We experience the effects of this denial every day.

It is at the root of the conflict and ever-increasing complexity about decision-making.

It plagues agreement-making and treaty implementation because often untenable positions are advanced.

It explains why we have so much litigation, where instead of developing a shared understanding of rights – including…crucially…the inherent right of self-government, and the jurisdiction of Indigenous laws – and implementing those through legislation, policies, and practices, as well as agreements with Indigenous Nations, we turned to the Courts as the central institution of Crown – Indigenous relations.
It has delayed the critical work of Nation building and rebuilding which is necessary so Indigenous peoples can take back control of their own affairs, make their own decisions and be, once again, responsible for their own future. Rather than investing as much as we could have in the institutions, processes, and capacity development needed for re-building Indigenous nations and governments and ultimately improving the lives of Indigenous peoples, we have all spent far too much of our limited resources and energy on conflict.

The costs of denial have been immense.

As an Indigenous woman, I know the effect of these choices directly and intimately. They have perpetuated the impoverishment and marginalization of Indigenous peoples from Canadian society – with massive impacts on both individual lives, and collective Indigenous well-being. But...they have...also been negative for Canada as a whole – socially, economically, and culturally – including in how they have influenced our investment climate, efforts at environmental protection, and regulation of lands and resources.

So what does it take to actually build certainty?

It requires that we finally address the impediment to increased certainty by overturning its root cause—the denial of rights. This is one thing that the recognition of rights approach that our government has committed to will help accomplish.

Through the recognition and implementation of rights framework, the work of government will shift from processes primarily focused on assessing whether rights exist – which inevitably is adversarial and contentious – to seeking shared understandings about how the priorities and rights of Indigenous peoples may be implemented and expressed within a particular process, and its outcome. This shift – supported by legislative measures that help build trust that government will act according to certain transparent standards in doing this – will help create opportunities for collaboration and reduce the intensity of conflict.

This shift will also include a movement away from reliance upon and use of the courts. Not only will there be less incentives to fight, there will also be new opportunities to avoid fighting when conflict may arise.

For example, I will shortly be releasing a new litigation directive to my department regarding section 35 rights. While there will be many details of the directive worth exploring in the future – its overall orientation is most critical. It will aim to re-position Canada’s legal approach to being problem solvers on the path of reconciliation, with the courts as a last resort to be turned to only in increasingly rare circumstances. This means a re-focusing of lawyers and their ways of thinking, and stronger investments in preventing and proactively resolving matters before they reach the stage of litigation. To this end, a significant emphasis will also be placed on new dispute resolution and accountability mechanisms that will help resolve matters outside of the courts.

A recognition of rights approach also includes abandoning old positions that were the main barriers to reaching broad understandings and arrangements with Indigenous peoples about how rights will be respected and implemented collaboratively. For example, Canada is abandoning its positions that treaties, agreements, and other constructive arrangements must include the extinguishment, modification, or surrender of rights – a position that has resulted in negotiations being interminably slow, or never beginning in the first place. The result of this shift is already being felt as Canada is now rapidly accelerating tables with dozens of communities and Nations based on the recognition of rights.

Perhaps most importantly, however, a shift to recognition of rights, including Indigenous self-determination and the inherent right of self-government, means that Canada will be an active supporter in the building and re-building of Indigenous nations and governments.

We will finally be active partners in supporting Indigenous Nations and governments as they do the work of defining and clarifying their constitutions, laws, and decision-making processes, the structures they will work through, and how they will govern as part of historic rights-bearing groups, including those with historic treaties.

We will also finally be partners in building with those Indigenous governments the proper inter-governmental arrangements that allows everyone to have clarity and certainty about the who, how, and what of land and resource decision-making. In short, we will support Nation building and re-building so we know who speaks for the Nation and that when the Nation does speak their voice can be relied upon.

We have already begun to reflect this approach in Bill C-69 that deals with major project reviews and impact assessment—where the legislation contemplates an increased role for Indigenous peoples in decision-making with a placeholder for what is contemplated to be forthcoming in light of the more fulsome rights recognition framework with self-governing reconstituted nations. As this legislation goes through the
Parliamentary process, and is implemented it will be informed by the Recognition and Implementation of Rights Framework as we continue to work with Indigenous peoples, industry, and all Canadians, to ensure we implement new processes that build regulatory certainty and predictability, recognize and respects the rights of Indigenous peoples, as well as protecting the environment for generations to come.

To be clear then, this work of recognition is very much two-pronged. There was and is significant work to do for Canada to get its house in order. There is also significant work for Indigenous peoples to do. We are in a period of transition, and, as I said at the outset, we are challenging the status quo.

This work involves Nations, based on their right to self-determination, re-building and re-constituting themselves, including for First Nations re-building their own political, social, and economic structures and moving beyond the Indian Act as they determine. This is work only Indigenous peoples, Nations, and governments can lead and do. They must make the hard choices of how they want to structure and govern themselves as Nations and governments today as well as determine the laws and processes they will apply for decisions to be made.

Government must support Indigenous nations in this work—to thrive and be effective in making decisions, and caring for the well-being of their citizens. This will mean new mechanisms and tools that support their effectiveness, including a new fiscal relationship with the government.

I hope this has given you a clear vision of how I view “certainty” and how the Recognition and Implementation of Indigenous Rights Framework will advance certainty. By moving from denial to recognition—by embracing this transition—we also move from uncertainty to clarity and predictability.

This brings me to the second and related topic that I want to address briefly, that of consent. I think too often “consent” is used as a rhetorical device in the context of potential conflict, or for political purposes…while too rarely do we actually have a discussion about how to pragmatically operationalize and implement it. I think consent requires a bit of de-mystification, as well as some straight talk. I have three observations to share…

First, we need to be clear that the issue of consent is not a 'new' one, which has somehow arisen because of the United Nations Declaration. Consent has been noted as a matter to be addressed in Crown-Indigenous relations by the Courts for many years in the interpretation of section 35, including in cases such as Delgamuukw, Haida, and Tsimshian. Indeed, in Tsimshian the court in paragraph 97 recommended and encouraged shifting to “obtaining consent” as the standard for governments and industry in relations with Indigenous peoples…regardless of whether court declarations or findings had been issued. The rationale for doing this is that it would remove the likelihood of conflict, legal struggles, and uncertainty about a project or decision.

More so, even though we have tended to use different language, de facto consent is something that both governments and industry have, over the years, sometimes realized is necessarily part of the path forward. This is one of the underlying reasons for many of the “impact and benefit agreements” that industry has properly pursued.

Second, we have tended to think about consent through the lens of the processes we currently used for consultation and accommodation, and that somehow consent involves doing what we have already been doing, with additional enhancements involving whether or not consent is achieved.

I would suggest that this is not a very helpful way of thinking about consent. Consent is not simply an extension of existing processes of consultation and accommodation, nor is the law of consultation – being heavily procedural in its orientation – a particularly practical or helpful way for thinking about how to operationalize consent. We need to see consent as part and parcel of the new relationship we seek to build with Indigenous Nations, as proper title and rights holders, who are reconstituting and rebuilding their political, economic, and social structures.

In this context there is a better way to think about consent…grounded in the purposes and goals of section 35 and the UN Declaration. Consent is analogous to the types of relations we typically see, and are familiar with, between governments. In such relations, where governments must work together, there are a range of mechanisms that are used to ensure the authority and autonomy of both governments is respected, and decisions are made in a way that is consistent and coherent, and does not often lead to regular or substantial disagreement.

These mechanisms are diverse, and can range from shared bodies and structures, to utilizing the same information and standards, to agreeing on long term plans or arrangements that will give clarity to how all
decisions will be made on a certain matter or in a certain area over time. Enacting these mechanisms is achieved through a multiplicity of tools – including legislation, policy, and agreements.

The structures and mechanisms for achieving this consent, once established, are also consistent over time and across types of decisions – they are known and transparent—roles and responsibilities are defined, and they are ready to be implemented when needed. One result of this is significant certainty.

So coming back to where I began my comments – consider for a moment if we spent even a little time over the last 35 years since section 35 came into being building those structures – including, and in my mind more significantly, undertaking and supporting Indigenous Nation re-building – rather than endlessly litigating. I think we would be in a totally different place than what we are witnessing now regarding the challenges we see in project development, economic growth, and environmental protection.

I see our work of moving towards consent-based decision-making as building these structures and mechanisms of consistent, collaborative decision-making with Indigenous nations.

The recognition of rights framework we are working towards in partnership with Indigenous peoples is intended to create the legislative and policy space to do this work, and also accelerate it so that we are not waiting another generation for this work to be substantially advanced. We cannot wait. Through the engagement process we are hearing, amongst other things, about the need for recognition legislation, the need for new institutions and supports for Indigenous nation-building, new accountability and oversight mechanisms, and new forms of dispute resolution.

The proposed rights recognition framework should not prescribe or define a new way of consulting and accommodating, or of obtaining consent, but rather should focus on establishing legislative space and standards, as well as investments in the work of building effective relations between the federal government and Indigenous governments including around how decisions are made.

Third – and building on what I have already said about nation rebuilding – this understanding of consent also clarifies that for consent to be fully operationalized as part of a relationship between governments, significant work has to be done by Indigenous nations, in addition to the federal or provincial governments.

In particular, Indigenous nations need to do work to reconstitute their nations and governments consistent with the principles in domestic law around the proper rights holder, and understandings of Indigenous peoples at international law. This is part of Indigenous peoples ensuring that Indigenous jurisdiction and authority, including the giving of consent, is being properly granted and exercised consistent with the right of self-determination. One implication of this is that consent will not be operationalized in a linear or uniform manner. It will occur in a diversity of ways, with various steps and stages being taken in different context and relationships at different times.

So… I have said a lot – I would just leave you with this before taking some questions and listening to your comments. There will inevitably be critics of this work. Some of it will come from Indigenous leadership. There were those that did not support section 35 and there were those that do not like the United Nations Declaration. But, and this is where I speak to you not as the Minister of Justice and Attorney General of Canada, but as a former Regional Chief, a former Councillor in my community, and a proud Indigenous person, I know that for the vast majority of Indigenous leaders—past and present—this has been what people have been saying needs to be done for years. These are not new ideas. They are not necessarily my ideas. So as my colleague Minister Bennett goes out and “consults” – please keep this in mind.

This is because the changes we are pursuing through the Framework have the potential to uproot longstanding obstacles and attitudes – from all quarters – that have held back Indigenous peoples, and all of Canadian society, including industry.

Uncertainty, conflict, and endless litigation are not the result of trying to do the right thing – they are the result of trying to avoid doing the right thing for whatever political motivation.

The promise of section 35 of our Constitution is rights recognition. It is through rights recognition that we will build patterns of effective and strong Indigenous governments who are implementing increasingly stable and proper decision-making arrangements with the Crown as well as industry.

The changes to legislation and policy our government will bring forward will lay the foundation for this shift. And while the changes will not be felt overnight, in the upcoming years a new, inclusive, level of clarity and predictability will be brought to land and resource decision-making.
I look forward to carrying on this dialogue with business community in the coming months, and, in particular, witnessing the innovative ways that industry and Indigenous peoples will deepen their work together in the years to come. As the Prime Minister likes to say, better is always possible, and as we collectively take on the challenge of truly decolonizing Canada, I am confident we will continue to build a Canada that we all aspire to live in—a Canada that is prosperous, just and fair for all.

Gilakas’la.

Search for related information by keyword: LW Law | Department of Justice Canada | Canada | Justice | general public | speeches | Hon. Jody Wilson-Raybould"

The Frist Nations Strategic Bulletin, Vol. 16, Nos. 1-3, Russell Diabo, Notes on the Canadian Federal Budget for First Nations. "The Trudeau government distinguishes between 'non-selfgoverning' Indian Act Bands and Aboriginal groups who have signed Modern Treaties & Self-Government Agreements. This is reflected in Budget 2018 in the two different fiscal relations processes.

For the bands under the Indian Act, the Canada-AFN Fiscal Relations process seems to be about improving the federal Contribution Funding Agreements and preparing Indian Act bands to be federally recognized as 'Indigenous Governments' through 'self-government ' and/or 'comprehensive claims' agreements.

This is why Budget 2018 includes:

$127.4 million over two years to directly support First Nations communities in building internal fiscal and administrative capacity. This includes $87.7 million over two years to ensure that communities under default management are able to move forward on projects that form part of their management action plans, and to support pilot projects in order to strengthen governance and community planning capacity in First Nations.

[emphasis added]

In addition to supporting band capacity building, especially in financial and administrative management, as well as, community planning (known as comprehensive community planning), Budget 2018 includes the following measures to support the transition from being Indian Act bands into becoming federally recognized 'Indigenous Government ':

$50 million over five years, and $11 million per year ongoing, to strengthen the First Nations Financial Management Board, the First Nations Finance Authority and the First Nations Tax Commission.

$2.5 million over three years to support the First Nations Information Governance Centre’s design of a national data governance strategy and coordination of efforts to establish regional data governance centres.

$8.7 million over two years to continue and broaden work with First Nations leadership, technical experts, researchers and community representatives on the new fiscal relationship.

The Government, with First Nations partners, will also undertake a comprehensive and collaborative review of current federal government programs and funding that support First Nations governance. The purpose of the review will be to ensure that these programs provide communities with sufficient resources to hire and retain the appropriate financial and administrative staff to support good governance, plan for the future and advance their vision of self-determination. [emphasis added]

The federally created institutions referred to above are to help facilitate the transition from Indian Act bands into self-governance agreements, including collecting baseline data for determining methods and levels of funding for the transition. Comprehensive community plans are now making their way into historic Treaty Nations and territories – these are meant to prepare bands to move into self-government. Those “Indigenous Governments” either negotiating or implementing self-government and/or modern treaty agreements are involved in a separate fiscal relations process with Canada focused on funding formulas for transfer payments and involve using their federally granted taxation powers for “own source revenue”.

Budget 2018 clarifies that with the dissolving of the federal Department of Indian Affairs and Northern Development the 'Framework' is divided into two parts: 1) The Department of Indigenous Services under Minister Jane Philpott for “Achieving Better Results ” for funding programs and services for bands still under the Indian Act, until the Indian Act bands transition to a new fiscal relationship and the Department of Indigenous Services will cease to exist once all bands are converted into federally recognized 'Indigenous Governments'; and 2) The Department of Crown-Indigenous and Northern Affairs under Minister Carolyn Bennett for federal 'Rights
Recognition' and transfer payments through self-government agreements, what the Trudeau government is calling 'selfdetermination' and 'Modern Treaties'.

Besides the self-government and modern treaties negotiation tables there is now a third category of Recognition of Rights and Self-Determination Negotiation Tables.

Through the coming federal 'framework' a key objective is keeping costs down by encouraging bands to merge to 'reconstitute their nations' and support cheaper economies of scale, so there is a section in Budget 2018 called 'Helping Indigenous Nations Reconstitute', which states as follows:

'The Government has committed to a forward-looking and transformative agenda to renew relationships with Indigenous Peoples. Indigenous groups are seeking to rebuild their nations in a manner that responds to their priorities and the unique needs of their communities—a message they have shared with the Working Group of Ministers on the Review of Laws and Policies related to Indigenous Peoples. This was also a key recommendation of the Royal Commission on Aboriginal Peoples, and is an objective outlined in the United Nations Declaration on the Rights of Indigenous Peoples. As stated by the Prime Minister at the United Nations General Assembly, the Government supports this vital work.'

Through Budget 2018, the Government proposes to provide $101.5 million over five years, starting in 2018–19, to support capacity development for Indigenous Peoples. Funding would be made available to Indigenous groups to support activities that would facilitate their own path to reconstituting their nations. [emphasis added]

This raises serious questions for Member Bands about the future of their existing Tribal Councils, Service Delivery Organizations, historic Treaty areas, Provincial-Territorial Organizations and ultimately, the Assembly of First Nations structure.

The Prime Minister said the following in his February 14th speech:

'In fact, by fully embracing and giving life to the existing Section 35 of the Constitution, we will replace policies like the Comprehensive Land Claims Policy and the Inherent Right to Self-Government Policy with new and better approaches that respect the distinctions between First Nations, Inuit, and Métis peoples. This will give greater confidence and certainty to everyone involved. [emphasis added]

Despite the Prime Minister’s statement, from all evidence I’ve seen so far it doesn’t appear that the federal government is hanging much in the selfgovernment and comprehensive claims policies.

The specific claims process (not policy, so far) is being reviewed through a AFNINAC Joint Technical Review process.

As of this writing, the federal government has not agreed to publicly review the self-government and comprehensive claims policies, so it seems when the Prime Minister says he intends to “replace” these two policies with a 'new and better approach' he seems to mean elevating these two federal policies into his coming 'legislative framework' and greasing the wheels of negotiations.

In an effort to speed up existing comprehensive claims and self-government negotiations the Trudeau government announced in Budget 2018:

'Budget 2018 outlines new steps the Government will take to increase the number of modern treaties and self-determination agreements in a manner that reflects a recognition of rights approach. These changes, along with the new approach brought forward through the Recognition of Indigenous Rights and Self-Determination negotiation process, will shorten the time it takes to reach new treaties and agreements, at a lower cost to all parties.

As part of this new approach, the Government of Canada will be moving away from the use of loans to fund Indigenous participation in the negotiation of modern treaties. Starting in 2018–19, Indigenous participation in modern treaty negotiations will be funded through non-repayable contributions.

The Government will engage with affected Indigenous groups on how best to address past and present negotiation loans, including forgiveness of loans.

Through Budget 2018, the Government also proposes to invest $51.4 million over the next two years to continue its support for federal and Indigenous participation in the Recognition of Indigenous Rights and Self-Determination discussion tables.' [emphasis added]

This new federal 'reconstituting of nations' approach should raise questions among the Indian Act bands about re-organizing or merging with other bands, especially when there are no details about the subjects being
discussed at the 'Recognition of Indigenous Rights and Self-Determination discussion tables', which according to federal statements are supposed to be used in designing this new federal 'Framework', scheduled to be introduced into Parliament later this year.

It is at these “discussion tables” that the federal government is 'co-developing' new negotiation mandates with the federal Cabinet in secret to shape federal policy for Aboriginal Title territories and historic Treaty territories, indeed all Indigenous Peoples.

Conclusion
So, as I’ve stated before, the Trudeau government is developing a 'Canadian Definition' of UNDRIP to re-colonize Indigenous Peoples with racist, colonial laws and termination policies.

The Trudeau government rarely, if ever, mentions 'lands, territories & resources' and federal land claims & self-government policies are written to help the provinces clear Aboriginal Title and Rights by getting bands to consent to agreements that place Federal & Provincial jurisdiction over Indigenous Peoples.

Under Canadian law Indigenous Peoples not only have the burden of proof on them, but section 35 Aboriginal & Treaty rights can be justifiably infringed for development deemed a priority by the Crown, such as Site C Dam in British Columbia and the Kinder-Morgan Pipeline.

The Trudeau government’s Bill C-69: An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts, reinforces the distinction between Indian Act bands and those groups negotiating and/or implementing self-government or comprehensive claims (Modern Treaty) agreements.

It should be noted that Bill C-69 was vetted and released by the federal Working Group on Law and Policy and the narrow definitions of Indigenous rights and jurisdiction in Bill C-69 reflect what is coming in the federal Recognition and Implementation of Rights Framework.

In addition, past experience shows us that Security & Intelligence Agencies are Monitoring & Developing Individual Profiles of Indigenous Peoples for Future Action.

In conclusion, Indigenous Grassroots Peoples and the remaining honest, sincere Indigenous Chiefs/Leaders had better critically analyze the federal government’s rhetoric, policy, legislation and actions before it’s too late! In my review of the current legislative and policy situation, we are at a critical time in our history where Indigenous peoples will need to make some important decisions in a very short period of time on our collective futures, if we want to retain lands/rights that are inherently ours and left for us to look after.

First and foremost, peoples and leaders of Aboriginal Title territories and historic Treaty Nations can call out the federal government on these unlawful interferences; as they interfere with their Creator-granted exercise of sovereignty and ownership of the lands. Just as important as the Aboriginal Title Nations the historic Treaty Nations, including Treaties 1-11 lands must remain intact and remain free from interferences such as land designations. Nations cannot claim to be such without the lands. These lands are to be protected for the unborn, our heirs and whose interests supersede the present.

The warnings I have been giving for several decades now is coming to a head. Look at the facts and the evidence.

I can only hope my analysis, which is based upon decades of experience, is shared and acted upon.

(Diabo's economic analysis is taken from a longer consideration a wide range of aspects the Trudeau government's policies in his article, "Our Right of Indigenous Self-Determination is Being Hijacked by Trudeau: Recognition & Implementation of Rights Framework").

James Wilt, "Implementing UNDRIP is a Big Deal for Canada. Here’s What You Need to Know," First Nations Strategic Bulletin, November-December 2017, December 12, 2017, commented, "First opposed, then endorsed. It’s now pledged, but called 'unworkable'.

In Canada the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is not ratified, nor from a legal perspective even really understood."

"Yet onlookers say the declaration’s implementation is now hung on an NDP private member’s bill in the House of Commons and while there is broad support for its implementation, the actual meaning of UNDRIP for Canada is unclear and, as a technically non-binding document, may mean less than many think it should."
Interpretation of UNDRIP Strongly Contested

This past week the private member’s bill C-262 — first tabled by NDP MP Romeo Saganash back in April 2016 — was debated following its second reading in the House of Commons.

The bill requires the federal government to “take all measures necessary to en- sure that the laws of Canada are consistent” with UNDRIP and develop a national action plan to do so in “consultation and cooperation” with Indigenous peoples.

The concise bill received full support from the federal Liberals only two weeks prior to the second reading. That catapulted it very much into the realm of possibility.

Yet the actual interpretation of UNDRIP is strongly contested.

The declaration itself is a document that lays out the basic rights Indigenous peoples that should be afforded around the world. It outlines specific obligations on the part of nations in how they relate to Indigenous peoples and their land, and contains some clauses that fly in the face of Canada’s historic treatment of First Nations, Métis, and Inuit.

The federal Liberals have seemingly contradicted themselves on multiple occasions about what UNDRIP means while some Indigenous scholars have an altogether different take on what the declaration truly means for Indigenous sovereignty and nationhood."

Chief David Jimmie, Squiala First Nation, President, Ts’elxwéyeqw Tribe, and President, Sto:lo Nation Chiefs Council is among the leader of First Nations opposing the federal government’s decision to buy the $4.5 billion Trans Mountain pipeline and participating in the court case challenging the Order in Council approval of the project on the grounds that First Nation communities were not adequately consulted and accommodated. Jimmie complained in a public letter, June 14, 2018, that "Neither the Ts’elxwéyeqw Tribe nor the Sto:lo Nation Chiefs’ Council were invited to attend the meeting with Prime Minister Justin Trudeau on June 5, 2018." The meeting apparently involved the prime minister discussing the Pipeline project with First Nation leaders who were more favorable to it. Jimmie commented, "The federal government’s decision to buy the $4.5 billion Trans Mountain pipeline goes against the promises made with respect to reconciliation in Canada with Aboriginal peoples. The federal government has a duty to adequately consult with First Nations when rights and title will be impacted. The decision to spend $4.5 billion on a pipeline project in Canada impacts our rights and title because it changes the controlling body of the project and makes it more likely that the project will be built. The purchase decision triggered the duty to consult and accommodate, but there was absolutely no engagement with any of our communities with respect to that decision." The letter was published in The Chilliwack Progress, "Surprise pipeline meeting disappoints Indigenous leader: Local leaders were neither told nor invited to the meeting with the prime minister, writer says." June 14, 2018, https://www.theprogress.com/letters/surprise-pipeline-meeting-disappoints-indigenous-leader/).

Andrew Crosby and Jeffrey Monaghan, "RCMP files say “violent aboriginal extremists” are undermining pipeline plans: RCMP files say 'violent aboriginal extremists' are undermining pipeline plans," Vice News, May 4, 2018, "While dominant media and political pundits continue to describe the conflict over Kinder Morgan’s Trans Mountain Pipeline as a 'constitutional crisis,' some commentators have acknowledged that the real constitutional crisis involves the lack of Indigenous consent, with Indigenous activists declaring that they will prevent the pipeline from being built. Yet, the Trudeau government’s response to that constitutional crisis has been to criminalize opponents of the pipeline. Similar to how the energy policies of the Liberal government remain almost identical to the days when Stephen Harper’s Conservatives boasted of creating an 'energy superpower,' current policing practices also involve widespread surveillance and criminalization of Indigenous activists."

Voting is underway to determine the fate of a groundbreaking treaty in north-central British Columbia, 11 years after it was first rejected by members of the Lheidli T’enneh First Nation.

At stake is more than 43 square kilometres of land in and around Prince George, millions of dollars and the nature of the Lheidli T’enneh’s relationship with the federal and provincial governments.

It's largely the same document that was defeated by a vote of 123 to 111 by the Lheidli T’enneh First Nation in 2007, fizzling hopes it would be the first of many agreements adopted under the B.C. Treaty Commission.

To date, only four treaties have reached the implementation stage."

Some of those favoring the proposed treaty emphasize that it provides the Lheidli T’enneh a constitution that allows the Nation to tax, and takes it out from under the jurisdiction of the Canadian Indian Act. Some opponents argue that in current conditions the Nation is entitled to as much as 15,000 square kilometers, much more than the treaty would provide.

"Gitanyow hereditary chiefs appeal moose decision," Smithers Interior News, May 9, 2018, https://www.interior-news.com/news/gitanyow-hereditary-chiefs-appeal-moose-decision/amp/?__twitter_impression=true, reported, "The Gitanyow Hereditary Chiefs have filed an appeal of Gamlaxyeltxw v. Her Majesty the Queen (Ministry of Forests, Lands and Natural Resource Operations) a BC Supreme Court decision that significantly impacts aboriginal hunting rights of not only the Gitanyow, but any First Nation in BC whose neighbouring First Nations have or will be signing a modern treaty with overlapping territory."

The decision states that the rights of First Nations with treaties are superior to the rights of nations without treaties. The case involves the 65% decline in the Moose population in overlapping territory of the Nisga’ First Nation and the Gitanyow foirst nation since the Nisga treaty went into effect in 1999. The Nigsa have stated that their allowable moose harvest was set too high after the treaty was signed, leading to the reduction in Moose population.

Keith Mcneill, "Simpcw troubled by Lheidli T’enneh Treaty process: Traditional territories of bands from North Thompson: and Prince George have considerable overlap, Clearwater Times, May. 8, 2018, https://www.clearwatertimes.com/news/simpcw-troubled-by-lheidli-tenneh-treaty-process/, reported, "Simpcw First Nation states in a media release that it is troubled that the governments of Canada, the Province and Lheidli T’enneh (formerly Fort George Indian Band) held a ceremony to initial a treaty on May 5.

A vote to ratify the treaty is to take place in June.

The proposed Lheidli T’enneh Treaty would include a considerable amount of territory in the Valemount area that the Simpcw consider theirs.

'Canada, the province and Lheidli T’enneh must address our concerns before proceeding with this treaty. Simpcw must be able to rely upon our lands and resources, and must be able to exercise our right to make decisions that protect our lands and resources for this and future generations,' said Simpcw Chief Nathan Matthew. According to a media release that came out May 8, the treaty encroaches on Simpcwul’ecw, the Simpcw’s ancestral lands."

In Canada, the Haida are assisting reviving their language with the first Haida language film, Edge of a Knife (Catherine Porter," A Language Nearly Lost Is Revised in a Script," The New York Times, June 12, 2017).

"Environmental Defender Guadalupe Campanur Tapia Murdered In Mexico," Cultural Survival, February 16, 2018, https://www.culturalsurvival.org/news/environmental-defender-guadalupe-campanur-tapia-murdered-mexico, reported, "Cultural Survival condemns the murder of the Purépecha environmental activist Guadalupe Campanur Tapia, whose body was found on January 16, 2018 in the municipality of Checrán, Michocán, Mexico. She was strangled to death by two unidentified killers. Investigators have not indicated that Campanur’s death was due to her activism, but they have not ruled it out either."
Threats of violence and violent acts against Indigenous human rights and environmental defenders, particularly women, is an increasingly widespread problem. Frontline Defenders reported that in 2017 they received reports on the murder of 312 defenders in 27 countries.

67% of the total number of activists killed, were defending land, environmental and Indigenous peoples’ rights, nearly always in the context of mega projects, extractive industry and big business.

84% of murdered defenders received at least one targeted death threat prior to their killing.

Femicides, sadly common in the Mexico, have ended the life of a talented and passionate woman: a defender for women’s rights, Indigenous Peoples, and the environment. Campanur’s work earned her the admiration and respect from many in her Purépecha community, but she posed a threat to others.

Campanur died at a young age of 32 years old, leaving a legacy of courageous work that will continue to inspire her generation and future generations. In April 2011, she was among Indigenous leaders of Cherán, who rung the bell calling on people to defend their forests against illegal and merciless logging. Organized crime groups had been operating in the area destroying the municipality’s natural resources with the aid of the corrupt local officials. Campanur was the only female member of the founding team of the Forest Rangers of Cherán, a community initiative that held community patrols in defense of the life in the forest. Her fellow rangers praised her bravery and dedication.

In the midst of the struggle to defend their lands and resources, the community of Cherán decided to claim their rights as Indigenous Peoples in self-government by electing representatives directly and independently from the costly and corrupt conventional elections, expelling politicians, policies and other state and organized crime authorities involved in corruption from their territory. Campanur contributed to creating one of the best functioning examples of self-government in Mexico. These changes also successfully reduced violence in the area, with the last murder occurring in 2012.

Friends of Campanur reported that she had stopped patrolling the forests, but remained involved in the reconstruction of Cherán’s communal territory and culture as well as social work. Campanur became a member of the community’s Concejo Mayor or “Great Council” which aims regulate and aid public life. Her work for seniors, children, and workers made her an icon in her community.

The Attorney General of the State of Michoacán has announced that an investigation is in process in coordination with the Federal Mechanism for the Protection of Journalists and Human Rights Defenders through the Secretariat of State Government.

Diego Lopez "Armed Group Attacks Caravan Of Indigenous Presidential Candidate In Michoacán, Mexico," Cultural Survival, January 26, 2018, https://www.culturalsurvival.org/news/armed-group-attacks-caravan-indigenous-presidential-candidate-michoacan-mexico, reported, "On January 21, 2018, The National Indigenous Congress released a report via Twitter that a group of heavily armed men in two vans intercepted the caravan of aspiring Mexican Indigenous presidential candidate, María de Jesús Patricio Martínez (Nahua), also known as Marichuy, in the state of Michoacán. The report stated that the group intercepted the caravan between Tepalcatepec and Buenavista and threatened the journalists traveling with the candidate before stealing their cellular phones and camera equipment. Patricio was on a tour of Michoacán and was en route to visit the community of Santa María Ostula, located in the municipality of Aquila, which is frequently targeted by organized crime groups. According to the report, all members of her team arrived safely. Before the attack, Patricio had stated that while she and her team had not been personally threatened, intimidation to give up their rights is something Indigenous leaders, environmental, and human rights defenders often face.

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Patricio has become well known in Mexico for her role as the first Indigenous woman to run for president. Her campaign is seeking to represent Mexico’s most marginalized communities, where corporations,
such as mines, often exploit the land they inhabit and repress their communities. In Patricio’s words, “All these problems motivate me to take on this great responsibility to participate; it’s the reason that Indigenous communities look to me...At first I was afraid because it’s something very big and I thought maybe I will not be able to do it, but then I saw that it was a task that had been entrusted to me by the community.”

Patricio has had a lifelong career in activism for her community with accomplishments that include being elected as a representative of Tuxpan, as well as being a traditional healer, for which she has been awarded for her efforts to preserve her people’s traditional knowledge and culture. She aims to keep inspiring others by spreading her message that “It is the time of the people. It is time that women participate in their communities, they are the ones that give life by having children and taking care of them...It is very important that we walk together, because that’s the way the Indigenous communities are; they are not just men, it’s all of us.”

Patricio plans to finish her tour of the state in the coming days.

A series of law suits in Mexico recently ruled in favor of Huichol people in more than a century old a conflict with ranchers over farm land in central Sierra Madre. However, in September, court officials failed to attend a scheduled meeting to complete returning the land, so Huichol families set up camps awaiting the completion of the legal process ("Mexico: Courts Fail to Sign Over Land to Huichol People," Cultural Survival Quarterly, December 2017).

"Seven Human Rights Defenders In Guatemala Killed In The Last Month," Cultural Survival, June 13, 2018. In the past weeks, three human rights defenders from the Campesino Development Committee have been killed, totaling seven fatal attacks on human rights defenders in Guatemala over the past four weeks.

CODECA (by its Spanish acronym) is an Indigenous-led grassroots human rights organization that fights for Indigenous and campesino rights in Guatemala. Its main goals include improving working and living conditions of the rural poor, fighting against exploitative energy companies and engaging in political advocacy.

On June 8, 2018, Francisco Munguia was found hacked to death by machete in the Jalapa region in eastern Guatemala. Munguia, a member of the marginalized Indigenous Xinca nation in Guatemala, was the community vice president of CODECA in the village of Divisadero Xalapan Jalapa.

This comes four days after Florencio Pérez Nájer and Alejandro Hernández García, were found dead by machete attack on June 4, 2018. As human rights defenders for CODECA, they mainly advocated for farmers’ labor rights, land reform and the nationalization of electric energy.

Last month, the regional director of CODECA, Luis Arturo Marroquín, also Xinca, was fatally shot on May 9, 2018 in San Luis Jilotenpeque central square when he was on his way to a training of Indigenous women. This came only a week after president Jimmy Morales made a speech that publicly defamed CODECA, which CODECA leaders believe “strengthen[ed] hatred and resentment" towards their organization.

In response to the murder of their colleagues, CODECA issued a press release, saying 'While the murder of our friends hurts us dearly, it will never intimidate us. We will fight harder and more united to reach our goals and those of our deceased defenders and friends.'

In a speech from the community cemetery in Xinca territory of Xalapán, Thelma Cabrera Perez, National Director of CODECA, declared, “What we demand is the defense of our rights and to live a dignified life [and] when we organize ourselves to defend our rights, that is when we are persecuted.”

In addition to the murders of these CODECA members, three other Indigenous Q’eqchi human rights defenders have been murdered this month: Ramon Choc Sacrab, José Can Xol and Mateo Chamám Paau from the Campesino Committee of the Highlands (Comité Campesino del Altiplano, CCDA). Attacks on human rights defenders has been on the rise in Guatemala, as UDEFEGUA reported 493 attacks against human rights defenders in Guatemala in 2017. This is happening in the context of government attempts to criminalize and defame human rights organizations such as CODECA.

Victoria Tauli-Corpuz, the United Nations Special Rapporteur on the rights of Indigenous Peoples condemned these murders in an op-ed in the Washington Post last week, calling them evidence of institutionalized racism against Guatemala’s Indigenous Peoples. The UN has also called out Guatemala in the past for its
criminalization and imprisonment of human rights defenders. Guatemala has received 17 recommendations from UN member states through the Universal Periodic Review system to combat this wave of violence; for example,

In 2012, Australia recommended Guatemala to: “Ensure effective and independent investigations into all reports of extrajudicial executions and ensure that reports of killings, threats, attacks and acts of intimidation against human rights defenders and journalists are thoroughly and promptly investigated and those responsible brought to justice.”

Often times, murders of Indigenous activists are not featured in mainstream news or media outlets, despite Indigenous activists constituting 40 percent of environmental activists murdered worldwide last year.

On June 12, 2018, CODECA supporters marched in protest to Guatemala City to ‘demand justice for the murder of their colleagues” and call for the resignation of president Jimmy Morales. They demand a fair investigation into the murders of those killed.

CODECA tweeted, ‘From the fields to the city, our southern contingency at the Trébol begins to organize. We demand justice for the assassination of our defenders; we demand the resignation of Jimmy Morales, his inept cabinet, and corrupt congressmen.’

CODECA is one of Cultural Survival’s grant partners for the community media grants project, through which it receives support for its radio programs on Indigenous Peoples’ rights, decolonization, and the establishment of a plurinational democratic nation.

Cultural Survival stands in solidarity with CODECA and firmly condemns these murders of Indigenous human rights defenders. We call for an immediate investigation into the pattern of violence against human rights defenders in Guatemala, in line with international human rights recommendations."


According to Cuc Choc’s sister, Angélica Cuc Choc, the leader was detained by agents of the National Civil Police as she left a court hearing in Puerto Barrios, Izabal, where she was serving as a translator for the Rubel Pek community of El Estor, Izabal. 'She had no knowledge of an arrest warrant against her,' Angélica Cuc Choc says.

The National Network of Human Rights Defenders of Guatemala says in a statement that Cuc Choc is accused of the crimes of aggravated assault, threats, and illegal detention. Angélica Cuc Choc reports that a hearing is scheduled for tomorrow, January 19, at 10:30am in court in Puerto Barrios. Lawyers from the Toriello Foundation are providing Cuc Choc’s legal defense.

According to Prensa Comunitaria, an independent community media organization, various community members in Livingston, Izabal, have had complaints brought against them by LISBAL company, the supposed owner of the Isabel Farm. The legal representative of the company is Ángel Alvarado Cruz. Moreover, the public prosecutor Gilberto Bernal Oliva and the judge Edgar Aníbal Arteaga López were in charge of requesting the arrest warrants for María Cuc Choc, Luis Xol Caal, and Antonio Asp Pop.

María Cuc Choc is the youngest of six siblings and from an early age has supported the Q’eqchi People’s plight to recover their ancestral lands in Polochic, El Estor, and Livingston. She and other community leaders have filed complaints and lawsuits against the Guatemalan Nickel Company in Izabal for mining activities and for this they have faced persecution by the company and the government.

For Cuc Choc’s family, it was very upsetting to receive the news of the arrest. “However, it does not mean that we lower our guard. We will continue working to defend our territory, Mother Earth, and our rights,” says Angélica Cuc Choc. ‘We hope they release her tomorrow so she can return home to be with her four children, because she has not committed any crime. Her only crime is defending Indigenous lands and Mother Earth.’

Daniel Pascual, leader of the organization Campesino Unity Committee, adds that these illegal arrests are the follow-up to displacements of Maya communities in the northern part of the country in 2017. The arrests are carried out in order to intimidate leaders for their work to reclaim Maya Q’eqchi’ lands and territories.
Local communities and organizations are condemning this arrest, which serves as yet another example of the Guatemalan government criminalizing those who work to defend human rights and Indigenous Peoples’ collective rights. These groups demand justice and Cuc Choc’s quick release.

Dalee Sambo Dorough (Inuit), a legal expert who has served as an expert member of the UN Permanent Forum on Indigenous Issues for 2016 and 2017 and as a member of the International Law Association Committee on Implementation of the UN Declaration on the Rights of Indigenous Peoples, comments, “It is extremely unfortunate that Indigenous Peoples are criminalized for the defense of their land rights and the rights to their territories in a way that no other peoples are criminalized for such actions. When individuals demand respect for and recognition of their “property rights,” they are not persecuted or criminalized in the same way [as] Indigenous Peoples [who] stand up for their right to their lands and their territories and their resources.”

"In 2012, Maria Cuc Choc visited Canada to speak about injustices Indigenous communities have experienced related to Canadian mining operations." Watch the video at: .

collection%2Ftodays-new-york-
times&action=click&contentCollection=todayspaper&region=rank&module=package&version=highlights&contentPlacement=11&pgtype=collection, reported, "The Honduran police have arrested a high-ranking executive with a hydroelectric company in connection with the 2016 killing of an activist who led a decade-long fight against a dam project, saying that he had helped to plan the crime.

The executive, Roberto David Castillo Mejia, was executive president of the Honduran company that is building the dam, Desarrollos Energéticos S.A., or Desa, at the time the activist, Berta Cáceres, was shot and killed.

Mr. Castillo was arrested on Friday at an airport in San Pedro Sula, in northern Honduras, as he was about to fly to Houston, news reports said, citing the prosecutor’s office. The Public Ministry said Mr. Castillo was “the person in charge of providing logistics and other resources to one of the material authors already being prosecuted for the crime,” according to Reuters.

Laura Hobson Herlihy, "Yatama Vindicated by Nicaraguan Protests," Cultural Survival, April 27, 2018, https://www.culturalsurvival.org/news/yatama-vindicated-nicaraguan-protests, reported, "The Miskitu Yatama (Yapti Tasba Masraka Nanih Aslatakanka/Children of the Mother Earth) organization remained silent during last week’s violent protests in Nicaragua, ignored by the government’s April 16, 2018 approval of social security reforms. Many Miskitu people on the Nicaraguan Caribbean coast claimed the Instituto Nicaragüense de Seguridad Social (INSS) reform was not their fight, as Miskitu fisherman and lobster divers were excluded from the national system of social security and would not retire with pensions. Yet, they were supportive of the larger issue of the protests -- the end of the Ortega dictatorship.

The Yatama Youth Organization released a statement on April 25, 2018, a week after the protests began, affirming their solidarity with the Nicaraguan university students now calling for President Ortega to step down. That evening by phone, the long-term Yatama Director and Nicaraguan congressman Brooklyn Rivera framed Yatama’s fight solely within the framework of Indigenous rights. Rivera stated, 'We are still fighting for the same rights we have always fought for.’ The Miskitu leader mentioned their right to saneamiento (the removal of mestizo colonists from Indian lands), as stipulated by Nicaraguan law 445; elections by ley consuetudinaria (customary law) in the autonomous regions, as ruled by the Inter-American Court of Human Rights; and fortification of the autonomy process (law 28).

Like an elderly statesman, Brooklyn Rivera sounded hopeful that he could use his position as an opposition congressman in the National Assembly to advance Indigenous rights during the up-coming dialogue for peace with Ortega’s Sandinista National Liberation Front (FSLN) government, to be mediated this Sunday by the Catholic Church and headed by Cardinal Leopoldo Brenes. The interviewer suggested that Yatama is well-positioned as an opposition party to the FSLN in the up-coming regional elections in November 2018. Rivera insisted, ‘Yatama will not enter any elections if there is not electoral reform first.’

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Yatama broke their alliance (2006-2014) with the Sandinistas, partially due to alleged electoral fraud during the 2014 regional elections. Indeed, Yatama claimed the FSLN stole the last three elections—the 2014, the 2016 general, and the 2017 municipal elections. After each election, Yatama held peaceful marches but were met with force and attacked by the police, antimotines (riot police) sent from Managua, and the Juventud Sandinista (armed Sandinista youth gangs).

In the 2017 municipal elections, Yatama lost control of its remaining municipalities in the North (RACN) and South (RACS) Caribbean Autonomous Regions. Violence erupted in three towns along the coast. In Bilwi, the capital of the RACN, the police and riot police (antimotines) stood by watching as paramilitary Sandinista turbas (youth gangs) burned Yatama headquarters and radio Yapti Tasba to the ground, toppled the Indian statue in the town center, subverted the green Yatama flag with a black and red FSLN flag, and attempted to shoot Yatama leader Brooklyn Rivera, who escaped.

Police arrested one-hundred Yatama members and detained them in jail for more than a month. Like the university students recently persecuted by the FSLN in Managua, Yatama peaceful protestors were called ‘delincuentes’ and accused of looting stores and setting fires to public property. The state criminalized both groups of protestors—Yatama sympathizers and university students— to justify using force against them. Similarly, the state attacked, detained, disappeared, and murdered university students last week in Nicaragua. Captured and shared through social media, the vivid videos of government repression served to vindicate, support, and liberate the formerly criminalized Yatama protestors.

**Yatama Reaction to Protests**

Yatama members remained glued to their smart phones and social media all week, watching university students fight and broader society organize massive protest marches in Managua. They replayed the video up-loads of the fall of Chayopalos, the metal trees of life placed across the capital that have come to symbolize the First Lady/Vice President Rosario Murillo’s overreaching power and the government’s wasteful spending of scarce resources. Like a dream come true, they envisioned the Ortega-Murillos stepping down from power.

Rivera was busy fighting for Indigenous and Afro-descendant rights at the 2018 United Nations Permanent Forum of Indigenous Issues in New York, when the protests began in Nicaragua. He commented in retrospect, “I was not surprised by the protests. The Nicaraguan people are tired of the Ortega regime.”


The Consejo Regional Indígena del Cauca or Regional Indigenous Council of Cauca, released a statement saying 'at approximately midnight on March 5th, four men heavily armed with long-range weapons and grenades made a raid on the house in the Indigenous community of Pioyá in Caldono, Cauca. They entered the first floor of the two-story house, intimidated and subdued the few guards (2 or 3)... and took a prisoner ...on the second floor of the house.' An Indigenous guard attempted to rescue him and fired upon the attackers, but Hurtado was killed in the ensuing fight. ONIC later reported that one of the murderers had a criminal record and had previously been threatening the Indigenous people in Pioyá.

These events happened shortly followed the death of Efigenia Vásquez Astudillo, another Indigenous journalist who was recently murdered in Cauca. Astudillo was killed during an eviction in the territory of the Kokonuko People on October 8, 2017.

Indigenous activists are calling on international organizations, the government, and Colombian President Juan Manuel Santos to address these acts of violence that are putting a risk to Indigenous journalism and freedom of expression. The community of Pioyá has since gathered in demonstration against this violence.

The perpetrators, who have connections to the FARC, were later captured and charged with Hurtado’s murder. They are awaiting a hearing on the by the Indigenous government, which have the right to prosecute these men on their land.

Since the murder, the group Fundación para la Libertad de Prensa (FLIP) translated as Foundation for
Freedom of the Press, which monitors the right to free press in the country, has announced that they will investigate the incident.


The Supreme Court of Colombia ruled, in April 2018, that the Amazon region is a legal entity with its own rights to "legal protection, preservation, faineance and restoration," requiring the government to make significant improvements in how it protects the rainforest, specifically concerning deforestation and climate change ("Colombia: Supreme Court Rules for Protection of Amazon Region," Cultural Survival Quarterly, June 2018).

Kirk Semple, "AIDS Runs Rampant in Venezuela, Putting an Ancient Culture at Risk: The disease threatens an entire indigenous population, the Warao people of the Orinoco Delta, as government programs collapse," The New York Times, May 7, 2018, https://www.nytimes.com/2018/05/07/world/americas/aids-venezuela-indigenous-people-threatened.html?ref=collection%2Fissuecollection%2Ftodays-new-york-times&action=click&contentCollection=todayspaper&region=rank&module=package&version=highlights&contentPlacement=3&pgtype=collection, "In recent years, amid profound shortages of medicine coupled with widespread ignorance, H.I.V. has spread rapidly throughout the Orinoco Delta and is believed to have killed hundreds of the Warao indigenous people who live in settlements like Jobure de Guayo along the serpentine channels winding through this swampy, forested landscape.

Even under the best of circumstances, it might be difficult to control the disease’s spread in such an isolated and deprived area. But the government has ignored the issue, medical specialists and Warao community leaders say, leaving the population to face a profound existential threat alone. Already, deaths and the flight of survivors have gutted at least one village.

Dr. Jacobus de Waard, an expert on infectious diseases at the Central University of Venezuela, who has worked and traveled among the Warao for years, said that nothing less than the future of the ancient culture was at stake."

"Uncontacted'Colu tribes’ rights recognized in Peru's historic land pledge," Survival International, April 5, 2018, https://www.survivalinternational.org/news/11949, reported, "Peru is to create two Amazonian reserves for the protection of uncontacted tribes, covering more than 2.5 million hectares. At least seven distinct groups of uncontacted tribes, including Matsés Indians, are known to be living in the areas comprising the new Yavari Tapiche and Yavari Mirin reserves in Peru's NE Amazon state of Loreto.

The remote region has been under intense pressure from oil exploration, logging and a proposed road that could wreak devastation on the tribes. Those wishing to exploit the area’s natural resources have long denied the existence of tribes living in these forests, whose presence would obstruct their plans.

However, the Peruvian government has not ruled out further oil exploration and has taken over two oil concessions inside the new Yavari Tapiche and Yavari Mirin Reserves. Survival International, the global movement for tribal peoples, and the only organization fighting worldwide to stop the extermination of uncontacted tribes, has written to the government, along with thousands of supporters, calling for a total ban on all resource extraction in the reserves and for the two existing oil blocks to be canceled. The reserves are crucial to the future survival of the uncontacted tribes, who face catastrophe unless their land is protected. Whole populations are being wiped out by violence from outsiders who steal their land and resources, and by diseases like the flu and measles to which they have no resistance. Entire groups can be rapidly decimated.

A Matsés man told Survival International: 'Life before contact was incredible. Our uncontacted brothers still live in the forest. They live like we did before. Because the uncontacted people are out there, we want the government to protect the land.'

Survival International’s Director Stephen Corry said: ‘Though we welcome the creation of the Yavari Tapiche and Yavari Mirin Reserves, the Peruvian government’s refusal to ban all resource extraction is a
serious concern. Uncontacted tribes are the most vulnerable peoples on the planet. They’re our contemporaries and a vitally important part of humankind’s diversity.'

The creation of the two new protected areas in Peru follows years of intense campaigning by indigenous peoples and their supporters. However, three more proposed reserves are still awaiting formation. The longer the government delays the creation of protected areas, the greater the threat to the tribes who live there.

Background

- Uncontacted tribes are tribal peoples who have no peaceful contact with anyone in the mainstream or dominant society. These could be entire peoples or smaller groups of already contacted tribes.
- Some may have been in touch with the colonist society in the past, and then retreated from the violence which that brought. Some may once have been part of larger tribal groups, and split off and moved away, fleeing contact.
- Uncontacted tribes are not backward and primitive relics of a remote past. They are contemporary societies and where their rights are respected, they continue to thrive."

"Peru passes law approving Amazonian 'death roads',” Survival International, January 25, 2018, https://www.survivalinternational.org/news/11915, reported, "Peru has approved a law that could devastate several uncontacted Amazon tribes."

The law declares 'in the national interest' the construction of roads in the remote Ucayali region that borders Peru and Brazil.

The area lies inside the Uncontacted Frontier, home of the highest concentration of uncontacted tribes on Earth.

Several illegal roads that cut through uncontacted Indians’ lands have already been opened up. Thousands of illegal gold miners operate in the region, and have polluted dozens of rivers with mercury.

Uncontacted tribes face catastrophe unless their land is protected. They have the right to their land under Peruvian and international law.

Road building in the Amazon almost always leads to a devastating influx of settlers, loggers and ranchers.

Pope Francis, speaking from the region just days before the road law was passed, said: 'Never before has there been a greater threat to indigenous peoples’ lands.

We must break with the historical paradigm that sees the Amazon as an inexhaustible resource for other countries, without taking into account its inhabitants.'

Survival is calling on the Peruvian government to scrap road building plans inside the Uncontacted Frontier."

"Indigenous Leader Patricia Gualinga Of Sarayaku Receives Death Threats," Cultural Survival, January 24, 2018, https://www.culturalsurvival.org/news/indigenous-leader-patricia-gualinga-sarayaku-receives-death-threats, reported, Patricia Gualinga Montalvo, Indigenous Kichwa leader and lifelong defender of the Amazon rainforest in her community of Sarayaku, Ecuador, received death threats and her home was attacked in Puyo, Ecuador, on directed at Patricia. Local and national justice systems have yet to investigate the event, leaving the attackers unknown and unaccountable for their actions. Cultural Survival, along with a coalition of organizations led by the Women’s Earth and Climate Action Network (WECAN) and Amazon Watch will plan to send a letter to Ecuadorian authorities to demand action. A coalition of Indigenous women leaders in the Amazon region have published a press release on the attacks against Gualinga. Representing various organizations form the Indigenous Nations of the Kichwa, Waorani, Achuar, Shuar, Shiwiar, and Sapara expressed their concern for the situation facing many Indigenous communities trying to protect their land. They cited that the Ecuadorian government had promised to halt oil and mining deals in Indigenous lands, but they had only given this protection to certain zones, while others remained at risk of environmental destruction – including many communities who had outwardly expressed their disapproval of these measures. ‘For this reason, we Amazonian women once more express our rejection. We demand that the state and its respective petitions guarantee the well-being of, and take measures to protect, the women who are defenders of nature and life.”
Threats of violence and violent acts against Indigenous human rights and environmental defenders, particularly women, is an increasingly widespread problem. In many cases, community activists have been killed without any investigation into their deaths, as was the case for Bosco Wisum, José Tendentza, and Freddy Taish in Ecuador.

Frontline Defenders reported that in 2017 they received reports on the murder of 312 defenders in 27 countries.

67% of the total number of activists killed, were defending land, environmental and Indigenous peoples’ rights, nearly always in the context of mega projects, extractive industry and big business.

84% of murdered defenders received at least one targeted death threat prior to their killing.

The Cultural Survival team met Patricia Gualinga at New York’s People’s Climate March in 2014, where our Indigenous Rights Radio producer Rosy Gonzalez interviewed her on her work as a human rights and environmental defender. Patricia shared, “I believe it is very important that Indigenous Peoples are united [at this march for the climate] as well as united with people who are conscious about climate change. We are here because we are the ones who are living in these areas with pristine, conserved forests, and they need to continue to be conserved for the wellbeing of humanity. That is the message that we have to send... What we are suffering from are the concessions being made by governments for extractive industries like petroleum. But we are fighting them. We are stopping companies from entering our territories and removing their operations that currently exist when possible... We want to keep fighting and crying out to the world that these environments need to be conserved. They need to be protected, and it is a responsibility not just of Indigenous Peoples but of the entire world. I fight for this from my place in the world, and you need to help us fight from your place in the world.”

"For more background on the attack against Patricia and demands by international environmental and human rights organizations see the following statements and urgent actions by: Amazon Watch, Frontline Defenders at: https://www.frontlinedefenders.org/en/case/patricia-gualinga-attacked-received-death-threats and Amnesty International at: https://www.amnestyusa.org/urgent-actions/urgent-action-victory-indigenous-defender-no-longer-under-threat-ecuador-ua-8-18/.

The President of Ecuador, Lenin Moreno, agreed, on December 11, 2017, to the ending of the granting of new mining concessions in Indigenous lands, and to reinstate the Indigenous bilingual education program, at the end of an Indigenous march of 200 miles, in two weeks, to the capital of Quito ("Ecuador: President Commits to No New Mining Concessions on Indigenous Lands," Survival International Quarterly, January 2018).

"Breaking: Indigenous Shipibo Traditional Healer Assassinated In Peruvian Amazon," Cultural Survival, April 20, 2018, https://www.culturalsurvival.org/news/breaking-indigenous-shipibo-traditional-healer-assassinated-peruvian-amazon, reported, "A traditional healer and elder Olivia Arévalo Lomas of the Shipibo Konibo Indigenous people of Peru was assassinated yesterday with five shots to the heart. The unknown assailants killed her in her home in the community of Victoria Gracia located 20 minutes from the town of Yarinacocha, in front of her family and in the presence of children.

Cultural Survival joins FECONAU and COSHICOX, the highest authority of the Shipibo people, in strongly condemning these this bloodshed that is mourned by her family and the Shipibo people as a whole.

FECONAU and COSHICOX call for national and international solidarity in calling on the Peruvian state to bring those responsible to justice, and to provide guarantees for the safety of two other Indigenous leaders of the Shipibo Konibo people who today face death threats and harassment.


In addition to the attack on Lomas, the following written death threat against another Shipibo female healer reads: "Señora y Sr Magdalena Florez Agustín, Bernardo Murayari Ochavano You have 48 hours to flee.
One bullet for each of you and if you don't do as told there will be the consequence that more bullets will rain down on you"

The government of Peruvian President Pedro Pablo Kuczynski, in August 2017, was supporting the use of Indigenous languages in radio and television broadcasting, and in providing services in areas where Indigenous languages are predominantly spoken (Peru: Government Support for Indigenous Languages," Cultural Survival Quarterly, December 2017).

"The government of Brazil announced, in January 2018, that it would no longer build the hydroelectric dams in the Amazon that have been damaging the environment, while displacing and destroying the way of life of Indigenous peoples. However, the expansion of extraction and agro-business into Indigenous territory and conservation areas was continuing ("Brazil: Government Announces End to Mega-Dam Building Policy," Survival International Quarterly, January 2018).

A Brazilian federal court ruled unanimously, in December 2017, to revoke the mining permit of the Canadian owned Belo Sun to mine gold on the banks of the Xingu River, because the firm had failed to show in its environmental impact statement how the operation would impact the Juruna ("Brazil: Court Revokes License for the Belo Sun Mine," Survival International Quarterly, January 2018).

"Guardians of the Amazon' seize illegal loggers to protect uncontacted tribe," Survival International, May 22, 2018, https://www.survivalinternational.org/news/11961, reported, "Members of an Amazon tribe patrolling their rainforest reserve to protect uncontacted relatives from illegal loggers have seized a notorious logging gang, burned their truck, and expelled them from the jungle.

The Guardians of the Amazon are from the Guajajara tribe: 'We patrol, we find the loggers, we destroy their equipment and we send them away. We’ve stopped many loggers. It’s working.'

The area they are defending, Arariboia, is in the most threatened region in the entire Amazon. It is home to an uncontacted group of Awá Indians, a tribe well known for their affinity with animals and understanding of the forest, who face total annihilation if they come into contact with the loggers.

The Guardians have recently found abandoned Awá shelters close to where the loggers operate.

Although the area should be protected under Brazilian law, the lack of enforcement by the Brazilian government and the extreme danger posed to the uncontacted Awá has forced the Guardians to take matters into their own hands.

They now fear violent retaliation. Three of the Guardians were murdered by loggers in 2016, and they have experienced arson attacks and regular death threats.

The Guardians sent footage of the burning truck loaded with illegally cut timber to Survival International, along with the message: 'Please show the world the reality we face. We know it’s risky and we have enemies but now’s no time for hiding. We want you to release this to the world so we can continue to protect our forest.'

Survival International has written urgently to the Brazilian government calling for the immediate and long term protection of both the Guardians themselves and of the area they fight to protect. Survival are also asking members of the public to send emails in support of the Guardians to government ministers via this page on their website.

Survival’s Director Stephen Corry said: 'Tribal territories are the best barrier to deforestation, and these Guardians are defending the last patch of green amid a sea of destruction. It’s further proof that tribal peoples are the best conservationists and the natural world. The Guardians are virtually the only people standing between the loggers and the uncontacted Awá who still hold out in this forest. The Brazilian government’s inaction in the face of rampant illegal deforestation is shameful'

Brazilian vice-Presidential candidate, Sônia Guajajara belongs to the same tribe as the Guardians and is the first indigenous woman ever to stand for the office of vice-President. She is campaigning on a platform of indigenous rights and environmental protection amid a political climate in Brazil which is more hostile to indigenous peoples than at any time since the end of the military dictatorship in 1985.
She said today: 'The Guardians’ work is both extremely valuable and incredibly risky. We indigenous peoples will never accept the ransacking of our Mother Earth – we listen to her and understand the way she talks to us because our life depends on her.'

**Background Briefing**

**The Guardians of the Amazon**
- The “Guardians of the Amazon” are men from the Guajajara tribe in Brazil’s Maranhão state who have taken it upon themselves to protect what remains of this eastern edge of the Amazon rainforest.
- They want to save the land for the hundreds of Guajajara families who call it home, and their far less numerous neighbors: the uncontacted Awá Indians.
- The Guardians say of their work: “We patrol, we find the loggers, we destroy their equipment and we send them away. We’ve stopped many loggers. It’s working.”
- The Guardians recently released video and images of a rare encounter with the uncontacted Awá living in Arariboia. Watch the footage here
- You can see videos of several of the Guardians talking about their work on Survival’s Tribal Voice site.

**Uncontacted tribes**
- There are more than 100 uncontacted tribes worldwide. They have decided not to engage in regular contact with anyone from the outside world.
- They are not “lost” or trapped in a land that time forgot. They are aware of the outside world, and may engage sporadically with contacted tribes nearby.
- There’s irrefutable evidence that their tribal territories are the best barrier to deforestation, particularly in the Amazon rainforest.
- Uncontacted tribes are the most vulnerable peoples on the planet. Whole populations are wiped out by violence from outsiders who steal their land and resources, and by diseases like the flu and measles to which they have no resistance.

- It is not uncommon for 90% of the population to be wiped out following initial contact.

**Awá**
- The Awá are a hunter-gatherer people living in the forests of the eastern Brazilian Amazon.
- While some Awá are in contact with the outside world, others are uncontacted.
- The Awá were known as “the most threatened tribe in the world” during a successful campaign by Survival International for the Brazilian government to expel the illegal loggers from one of their territories.
- The tribe are known for their affinity with the animals of their forest, and some families have more pets than people, from raccoon-like coatis to wild pigs and king vultures.
- Monkeys are the Awá’s favorites and individuals are often seen with their pet monkey riding on their head. Awá will rescue orphaned baby monkeys and adopt them as a member of the family, even breastfeeding them.

**Arariboia**
- The Arariboia indigenous territory comprises a unique biome in the transition area between the savannah and the Amazon rainforest.
- There are species here not found elsewhere in the Amazon.
- The land inside the indigenous territory is under threat from illegal loggers.
- Brutal cuts in government funding to its indigenous affairs department FUNAI and tribal land protection mean the dangers are now even greater, as the area is not properly monitored or defended by the authorities.
- A powerful and violent logging mafia operates in the region, supported by some local politicians."


The core objective of the agreement, which was drawn up by the public prosecutors office, was to speed up the recognition of the Guarani’s land rights in the southern state of Mato Grosso do Sul.

However, one decade on, most surveys have not even been carried out and the authorities’ failure to recognize the Guarani’s land rights continues to have a terrible impact on the tribe’s health and well-being.
With no immediate hope of recovering their land and rebuilding their livelihoods, thousands of Guarani are trapped in overcrowded reservations where the prosecutors say there is so little land that 'social economic and cultural life is impossible.'

Other Guarani communities live along busy highways or on fragments of their ancestral land, hemmed in by vast sugar cane and soya plantations. They cannot plant, fish or hunt and have no access to clean water.

Health workers report that these communities are suffering from severe side effects of pesticides used by agribusiness. Some communities say their water resources and houses are deliberately sprayed by the ranchers.

A recent study estimated that 3% of the indigenous population in the state could be poisoned by pesticides, some of which are banned in the EU.

Malnutrition especially among babies and young children is common. According to Gilmar Guarani: 'Children cry and cannot put up with this situation any more. They are really suffering and are very weak. They are practically eating earth. It’s desperate.'

Mato Grosso do Sul is home to the second largest indigenous population in Brazil, with 70,000 Indians belonging to seven tribes.

Much of their ancestral land has been stolen from them by cattle ranchers and agribusiness, and now they occupy a mere 0.2 % of the state.

John Nara Gomes says: 'Today the life of a cow is worth more than that of an indigenous child... The cows are well fed and the children are starving. Before we were free to hunt, fish and gather fruits. Today we are shot by gunmen.'

The despair among the Guarani at the loss of their lands and self sufficient life is reflected in extremely high rates of suicide. In the period 2000-2015 there were 752 suicides. Statistics collected since 1996 reveal a rate that is 21 times greater than the national one. This is probably under-estimated as many suicides are not reported.

The Guarani also face high levels of violence and are constantly targeted by ranchers’ gunmen whenever they attempt to take back parts of their ancestral land. Recent data shows that 60% of all the assassinations of indigenous people in Brazil occurred in Mato Grosso do Sul state.

With a government and congress dominated by the powerful agribusiness sector, the landowners in Mato Grosso do Sul will not cede an inch. Many have resorted to the courts as a delaying tactic, to challenge the identification of Guarani territories. One core Guarani territory has had 57 legal challenges.

Despite this bleak scenario many Guarani vow to fight on: 'Brazil was always our land. The hope that feeds me is that our land will be recognized, for without it we cannot care for nature and feed ourselves. We shall fight and die for it' says Geniana Barbosa, a young Guarani woman.'

In Paraguay, efforts are under way to fulfill the 1992 constitutional requirement to place Guarani on an equal footing with Spanish, as official languages (Myles McCormick, "In Paraguay, New Pride in a Language Long Scorned," The New York Times, January 7, 2018).

The President of Chile, on November 23, 2018, signed a proclamation giving control to the Rapa Nui people of their island territory, which is now an autonomous area in Chile ("Chile: Ancestral Lands Returned to Rapa Nui after 129 Years," Survival International Quarterly, January 2018).

Andrew Keh, "Tomahawk Chops and Indian Mascots: In Europe, Teams Don’t See a Problem," The New York Times, May 7, 2018, https://www.nytimes.com/2018/05/07/sports/native-american-mascots-europe.html?ref=collection%2Fissuecollection%2Ftodays-new-york-times&action=click&contentCollection=todayspaper&region=rank&module=package&version=highlights&contentPlacement=12&pgtype=collection, reported, "Scenes like this play out every weekend across Europe, where teams big and small and across a variety of sports employ Native American names, symbols and concepts of wildly variable authenticity in their branding. There’s the hockey team in the Czech Republic that performs a yearly sage-burning ritual on the ice, the rugby team in England whose fans wear headdresses and face paint, the German football team called the Redskins and many more."
There has been intense interest in Europe about American Indians since first contact, when thousands of reports flooded Europe, with great influence upon European thinking. Buffalo Bill's touring wild west shows and the positive images of Indians in the early Twentieth Century novels of Karl May further stirred interest in Europe, though often without actual understanding of Native Americans. One of those misunderstandings is in the use of Indian mascots.

The ancient site of Stonehenge, in England, is soon to have an automobile tunnel built near it to reduce the traffic near the site, and make it more peaceful (Ceylan Yeginsu, "New Plans for Road Near Stonehenge," The New York Times, February 2, 2018).


"Attacks in northern and central Nigeria have left more than 1,500 people dead this year, according to human rights groups, undermining President Muhammadu Buhari, who was elected in 2015 on a vow to improve stability and security. Instead, conditions have deteriorated, but despite serious health problems, growing criticism and calls for him to step down, Mr. Buhari, 75, announced last month that he planned to run for a second term."

The country has been plagued by gangs of armed bandits preying on villagers, clashes between herdsmen and farmers and the continuing Islamist insurgency of Boko Haram."

Daniel Kuyu Lokolong, Search for Common Ground, "South Sudan is hanging on to hope," Washington Examiner, April 14, 2018, https://www.washingtonexaminer.com/opinion/op-eds/south-sudan-is-hanging-on-to-hope, reported," News about my country, South Sudan, probably doesn’t make it very often to your social media feed. When it does, it’s for stories about deadly attacks, or refugees fleeing their homes, or the humanitarian emergency that keeps many of my compatriots in its grip."

"Since then, [seven years ago,] tens of thousands of South Sudanese have been killed. Half of the population is now food-insecure. One quarter has been displaced. We had momentary reprieves from violence, including the 2015 Agreement on the Resolution of Conflict, but South Sudan remains at war with itself. Today, violence is part of our everyday life."

If you think that there’s no hope for peace in South Sudan … well, it’s not your fault. After all, everything you hear is bad news. But my perspective is a bit different. I’m a 32-year-old South Sudanese development worker with Search for Common Ground, and I see daily evidence that hope is very much alive in my country when I go to work.

My organization runs programs that build relationships of trust between groups across ethnic and political divides. We call ourselves peacebuilders. We look at the drivers of conflict at the local level and bring everybody to the table to find resolutions. We find ways for communities to work together toward addressing shared needs, like safety, education, representation — the titular “Common Ground” in my organization’s name. In this way, we create bonds of mutual trust, even in the most polarized environments.

We then use media to reinforce these bonds by giving a voice to those at the margins of decision-making. Radio, the most popular medium in South Sudan, is an especially powerful tool to achieve that. Currently, we produce two radio programs in partnership with the Catholic Radio Network. The first is a talk show called Hiwar al-Shabaab, meaning youth dialogue; it provides a platform for young people to call in and discuss their issues. The second is a drama, Sergeant Esther, following the trials and triumphs of a female police officer who uses nonviolent methods to uphold the law.
"The results we achieved are groundbreaking. In areas targeted by these projects, independent evaluators measured a staggering 200 percent growth in interactions between tribes, of which 90 percent were positive. They measured the increase in intertribal trust at 63 percent.

I see these accomplishments and I wonder — what would happen if we scaled these initiatives to target hundreds of communities across South Sudan? How would my country change?

Internationally, many efforts to end the war are taking place. In February, the High-Level Revitalization Forum held in Addis Ababa brought together the South Sudanese government, opposition parties, and other actors to revive the components of the 2015 Agreement. The Forum ended without major gains, but many saw it as a promising sign that future talks could bring about a new peace agreement.

I believe that these institutional efforts are critical to solving the crisis. But without grassroots peacebuilding efforts now, it will be difficult to rebuild the relationships needed for citizens to embrace the peace agreement when it comes. As the world’s largest dedicated peace-building organization, we know it from experience: in absence of local buy-in, ceasefires negotiated at the national level don’t last.

That’s why it’s so important to support and scale local, pragmatic, effective peacebuilding programs in South Sudan. Not only are they transforming violence into cooperation in local communities, they also are a promising avenue to build a national constituency for peace, which can serve as the backbone for future peace talks. The way to ending the horrific and hugely destabilizing crisis in my country goes through grassroots peacebuilding as much as it does through high-level efforts."


This brutal attack follows several recent violent operations to evict Sengwer tribespeople from their land.

Dozens of armed security officers burned people’s homes, food stores, and possessions, and killed livestock, to force them out of the Embobut Forest where they have lived for generations.

The attacks started at the end of December.

Milka Chepkorir, a Sengwer woman, says that the destruction of their homes in the attacks results in: “a loss of family ties as family members are scattered and scared, and sexual abuse and harassment and psychological torture is associated with the horrible acts of evictions.”

Despite the threats and violence, many Sengwer have vowed to resist. One woman declared: 'We are going nowhere, even if the government decides to kill us here.'

The EU is funding a conservation project in the region, which aims to protect water sources in the hills. It condemned the killing and announced it is suspending its support for the project.

The Sengwer are calling on the government to uphold their right to live on their ancestral land, and to consult with them urgently on how best to work with them to conserve their forests.

Eviction of the Sengwer started under British colonial rule.

In 2014 the KFS and police evicted thousands of Sengwer from their forest homes, forcing many to live in caves or temporary structures.

Following more harassment in 2016, David Yator Kiptum, Executive Director of the Sengwer Indigenous Peoples Programme said: 'Evicting members of the Sengwer community from our ancestral home is not a solution to conservation. Neither is it a solution to climate change.'

The Sengwer number about 33,000 people, of which about 13,500 live in the Embobut Forest. Here they hunt, gather honey, plant crops and rear small numbers of livestock.

Like many tribal peoples they have a deep knowledge of the ecology of their forests, which they have maintained for generations.

The evictions are in violation of international law, and are destroying the people who know best how to conserve the forest.

Three independent UN experts have raised their concerns about the attacks and evictions"
"Koef Grantee Spotlight: Cherangany Multipurpose Development Programme," Cultural Survival, January 23, 2018, https://www.culturalsurvival.org/news/koef-grantee-spotlight-cherangany-multipurpose-development-programme, reported," The Cherangany Multipurpose Development Programme (CHEMUDEP) in Nairobi, Kenya works for the land, culture, language, and natural resource rights of Indigenous Peoples through community empowerment, human rights advocacy, and general development. The organization was founded in 2003 by the Cherangany people and has been working to develop and implement its community protocol for obtaining the Cherangany community's Free, Prior, and Informed Consent (FPIC). The group is utilizing its established FPIC protocol to address shortfalls in the 2005 Forest Act, 2010 Kenya Constitution, and to work with the Kenya Water Towers Agency (KWTA) on its current conservation project plans. Until recently, the KWTA has deliberately ignored the Cherangany people while developing its own plans for the resources contained in the Cherangany Ancestral Domain. This community, along with many others, have endured ongoing violence and forced evictions from their own territories by various entities.

A small grant from Keepers of the Earth Fund is enabling CHEMUDEP to continue its FPIC implementation activities through the Cherangany Indigenous Peoples Community Engagement & Negotiation Project. The project aims to stop the ongoing exclusion of Cherangany people by the KWTA activities and other conservation efforts like it. The Cherangany are asserting their rights, at the very least, to be involved in the management, development, use and utilization of their land and resources within their Ancestral Domain, but more preferably to be in control.

The KWTA developed its own plan without seeking the Cherangany people's participation. By enforcing its own plan, the KWTA is deliberately ignoring the Cherangany and circumventing the Cherangany’s right to deny the agency entrance or extraction of resources. By acceding to the Cherangany Indigenous Peoples’ FPIC Protocol, the KWTA could give voice and fulfill international Indigenous rights obligations. The Cherangany are demanding that KWTA initiate the mandatory FPIC process in the implementation and operation of its plans, programs, projects and activities in Cherangany Ancestral Domain and give due regard not only to the physical environment but the total environment, including the Cherangany identity, cultural dignity, and spiritual and cultural bonds.

For the Cherangany people, FPIC actualizes and strengthens the exercise of their rights to Ancestral Domains, social justice, human rights, self-determination, self-governance, and cultural integrity."


About 20,000 United Nations peacekeepers operate in Congo, Africa’s second-largest country by land mass, trying to keep its residents safe from the hundreds of armed groups that hide in and strike from its hills, especially in its east.

Violence is nothing new here, but a recent wave of brutal fighting has broken out in the province of Ituri, on the border with Uganda, raising concerns about a humanitarian catastrophe. More than 260 people have died and more than 200,000 have fled their homes since December in a conflict started by a scuffle between youths from two local ethnic communities, the Lendu and Hema."

"The Lendu and Hema in Ituri live as neighbors, marry one another and speak the same language — but they also share a history of bloody conflict.

A dispute over land, nearly 20 years ago, escalated, and Ituri became the epicenter of a major regional war, involving foreign neighbors like Rwanda and Uganda, which backed different militias in their own battles for influence in Congo. Some of those foreign-backed militia leaders later became the first men convicted of war crimes at the International Criminal Court."
Ituri has been largely peaceful for more than a decade, but local grievances — especially over land — have never been resolved."

"Congo Republic: Baka “Pygmies” beaten up and arrested," Survival International, March 8, 2018, https://www.survivalinternational.org/news/11935, reported, "Four Baka – two women and two men – were beaten up by eco-guards in the Republic of Congo last week. The Baka had just returned to their village, after spending the day in the forest, when a squad of eco-guards arrived and accused them of hunting elephants.

Survival has received reports that the two Baka men were arrested and are now in prison, even though the eco-guards found no evidence that they had been hunting.

A similar case of abuse was reported in a neighbouring community a week earlier, around 23 February: a group of Baka were coming out from the forest when eco-guards beat them up and arrested them.

Eco-guards are patrolling huge swathes of northwest Congo Republic, including regions which are not officially recognized as 'protected' areas. They are funded and equipped by WWF and according to several sources, are spreading terror among Baka in the name of conservation.

A Baka man told Survival: 'They always do that kind of abuse, especially to Baka. They need to beat people to show they are doing a good job'.

Eco-guards are also involved in other cases of abuse, harassment, torture and arrest of innocent Baka people. One case, in early 2017, was described as a “catastrophe”. The guards made Baka men, women and children strip to their waists, get to the ground and “crawl like snakes” while the guards kicked and whipped them with their belts.

Physical violence is just one part of the abuse that tribal people have to face in the name of conservation. Eco-guards regularly steal Baka food, burn their homes and destroy their tools.

'The eco-guards came here to abuse us for nothing. Every time it is beatings and whippings – and they break our radios, and pierce our cooking pots' says one Baka man.

'Today the Baka say they do not feel free to move around and live in their ancestral land. The climate of fear is so strong that they feel unable to hunt, fish and gather plants to feed their families, with serious consequences for the Baka’s health and well being.

These abuses are not just illegal: they are harming conservation. Targeting tribal hunters diverts action away from tackling the true poachers – criminals conspiring with corrupt officials – and harms conservation.

Moreover, the big conservation organizations are partnering with industry and tourism and destroying the environment’s best allies. Like many tribal peoples, the Baka know better than anyone else how to take care of elephants and other wildlife in their forests."


The deaths have been attributed by a medical expert to malaria, pneumonia and dysentery, aggravated by severe malnutrition.

Conservation-related malnutrition among Bayaka children in this region has been reported since 2005 at least, as the Bayaka are prevented from hunting and gathering on their lands by wildlife guards through violence and intimidation.

These guards are funded and equipped by the Wildlife Conservation Society (WCS), one of the world’s largest conservation organizations, and the logging company it has partnered with, CIB. Both organizations have failed to take effective action to prevent abuse.

'The wildlife guards abuse us. They don’t want us to go into the forest. How can we feed our children?' a Bayaka man from Mbandza, the site of the epidemic, told Survival in 2016.
These guards have been accused of abusing Bayaka and stealing their food for over 13 years. One such attack that took place in Mbandza in early 2016 left one man hospitalized.

In this way, the Bayaka are being illegally evicted from their ancestral homelands by threat of violence. As one Bayaka woman explained: 'If we go into the forest we eat well there compared to the village. We eat wild yams and honey. We want to go into the forest but they forbid us to. It frightens us. It frightens us.'

Critics have noted that the guards have also failed to protect the wildlife the Bayaka depend on for food, since they have difficulty tackling corruption and the creation of logging roads, the two main drivers of poaching.

Plummeting health has been reported among Bayaka living in the Dzanga-Sangha Protected Areas in the Central African Republic – one of the World Wildlife Fund’s (WWF) flagship projects – since 2006. Conditions encountered among older women 'would be considered a public health crisis by international health agencies,' according to research published in 2016.

Increased malnutrition and mortality have been reported among Baka “Pygmies” in Cameroon, where WWF also operates, and among Batwa “Pygmies” in another of WCS’s project sites in east Democratic Republic of Congo.

'Now we are afraid of the anti-poaching squads. Before when a woman gave birth we took her to the forest to help her regain her strength and weight, now we can’t do this. We would take our children to the forest to avoid epidemics. Now we know illnesses we never knew before,' one Baka woman in Cameroon told Survival.

Watch Baka describe the abuse they face as a result of WWF’s conservation projects in Baka health plummets due to conservation, at: https://www.survivalinternational.org/films/baka-health.

In the Congo Basin, the Baka, Bayaka and dozens of other rainforest peoples are being illegally evicted from their ancestral homelands in the name of conservation. Their health is plummeting as a result.

The big conservation organizations that support these conservation projects, like the World Wildlife Fund (WWF), refuse to abide by basic international standards and secure their consent.

Neither WCS nor WWF has attempted to secure the indigenous peoples’ consent, as basic due diligence and their own human rights policies require.

Survival’s Director Stephen Corry said: 'Land theft is a serious and deadly crime, as these reports show. Many associate conservation with reason and compassion but, for Baka and Bayaka, it often means mindless violence and plummeting health. When will WWF and WCS finally start complying with their own human rights policies?'

Timeline

1996: The organization Berggorilla & Regenwald Direkhilfe finds that malnutrition and mortality has increased among Batwa “Pygmies” since they were evicted from Kahuzi-Biega, a national park in east Democratic Republic of Congo (DRC) funded by WCS.

1997: WWF observes that the fact that the Bayaka are banned from hunting or gathering inside the Dzanga-Ndoki Park, the park in the Central African Republic (CAR) that WWF helped to create, “punishes [the Bayaka] severely” and is undermining their food security.

2000: A study finds that the Batwa in Kahuzi-Biega, DRC, are suffering from nutritional deficiencies, because they are no longer able to hunt in the forest, and soaring mortality rates. Malnutrition is particularly pronounced among women and children.

2004: A BBC investigation into CIB’s logging concessions in Congo hears from a Bayaka man: “We get so much suffering because of [wildlife] guards. We can’t go and find things in the forest as we used to. All we hear is hunger.”

2004: Bayaka from another community in Congo report to Greenpeace: “Then we met another white man (WCS) who came to tell us to stop hunting and that the wildlife guards would make sure we did. Now we are afraid to go far in the forest in case the wildlife guards catch us so we have to stay in the village. […] Now we are dying of hunger.”

2005: The Congolese Observatory on Human Rights, the organization that reported on the 2016 epidemic, documents three cases of violent abuse against Bayaka by wildlife guards, and warns that some Bayaka “are dying of hunger.”
2005: A news report recounts how Bayaka in one of CIB’s logging concessions describe being targeted by wildlife guards that mistreat and temporarily imprison them, and how this has led to more frequent malnutrition among children and vulnerable adults.

2006: WWF and its partners commission a report that finds that the Bayaka in Dzanga-Sangha, CAR, are struggling to feed themselves. The Bayaka interviewed for the report state that the conservation project has forced them out of some of their richest hunting and gathering grounds. They report that wildlife guards harass or attack them even when they try to use the reduced areas of land they have left, all the while accepting bribes from the real poachers who were emptying the forest of its wildlife. Some Bayaka women are finding it so hard to find food, the investigator hears, that they have been driven to sex work in the nearby town.

2006: An article in The Lancet cautions that “Pygmy peoples’ health risks are changing as the central African forests, which are the basis for their traditional social structure, culture, and hunter-gatherer economy, are being destroyed or expropriated by […] conservation projects:”

2008: UNICEF warns that the Bayaka’s right to gather resources is being “flouted on the most basic level because indigenous people no longer have access to areas rich in game” due to protected areas in Congo.

2012: An anthropologist with 18 years’ experience working with Bayaka in Congo reports increasingly poor nutrition and increased mortality. He attributes this to the removal of forest resources by loggers and to “conservationists’ exclusionary and draconian management practices.”

2013: A researcher at the University of Oxford reports that the combined impact of conservation and logging have led to poorer health and higher levels of drug and alcohol addiction among the Bayaka. He argues that conservation efforts would benefit from gaining people’s consent

2014: A medical study finds that “punitive anti-poaching measures” and dwindling wildlife have caused health to plummet among Bayaka in Dzanga-Sangha, CAR, particularly among women. “It is disheartening to see health decline so closely tied […] to the conservation management policies of the last twenty-five years,” the study’s authors note.

2015: A doctor with extensive experience working in CIB’s logging concessions reports that: “Aside from wounds inflicted by gorillas, buffalo or other wild animals, my colleague and I also see [gun] wounds in people claiming to have been attacked – sometimes without warning – by the protectors of wildlife: the wildlife guards.”

2015: The same doctor tells Survival: “I find this [wildlife guard violence] a very serious problem and in my opinion most wildlife guards have other motives than protecting the animals to work as a wildlife guard.”

2016: A second doctor with extensive experience working in CIB’s logging concessions describes to Survival the seasonal malnutrition she encounters among Bayaka, which she attributes to repressive conservation policies.

‘Pygmy is an umbrella term commonly used to refer to the hunter-gatherer peoples of the Congo Basin and elsewhere in Central Africa. The word is considered pejorative and avoided by some tribes people, but used by others as a convenient and easily recognized way of describing themselves.”

"Mbororo Human Rights Defender Musa Ndamba Faces Charges In Cameroon,“ Cultural Survival, June 12, 2018, https://www.culturalsurvival.org/news/mbororo-human-rights-defender-musa-ndamba-faces-charges-cameroon, reported, "Lawyers for Indigenous human rights defender Musa Usman Ndamba are appealing a May 11, 2018 decision by Cameroonian courts sentencing the Mbororo community leader to six months in a Cameroonian prison on charges of defamation of character. A fine of XOF 500,000, which is approximately $877, was also levied against him. Ndamba’s bail application hearing was delayed twice leaving Ndamba in prison over a month. This is the latest in a series of delays in Ndamba’s case going back five years. Cultural Survival is one of a group of organizations that are watching the case closely and have recently signed a letter of concern to Paul Biya, President of the Republic of Cameroon. On June 12th, Musa was released from prison on bail while the appeals process is being carried out.

Musa Ndamba serves as the Vice President of the Mbororo Social and Cultural Development Association (MBOSCUDA), an organization that works to safeguard Indigenous Mbororo pastoralists’ rights in northwestern Cameroon. One of the focuses of his work is on land rights; he and MBOSCUDA work to end the corrupt practices of wealthy landowners in the area via exposure. MBOSCUDA wrote a report that called out the most powerful local landowner, Baba Ahmadou Danpullo, for ejecting 70 Mbororo families from his land without compensation.
Ndamba’s bail application hearing was delayed after lawyers representing Danpullo, asked that he be included in discussions of Ndamba’s bail and appeal. Danpullo and his lawyers are claiming that Ndamba injured Danpullo by spreading misinformation about him. Cameroonian law requires that the injured party must be present in court in order to claim any compensation, but Danpullo has neglected to be present on various occasions.

Ndamba has been the focus of judicial harassment for five years, during which time he has been called to court on as many as 60 separate occasions on the same grounds. The harassment began in 2013 when Danpullo filed a complaint against Ndamba and later intensified when he and MBOSCUDA filed a report to the UN detailing the threats that they as human rights defenders encountered in their daily work. The same affidavit material used in charges against Ndamba in that 2013 case were used in the current case against him in 2016. That is to say, the same charges and the same material against Ndamba have been used against him repeatedly without further corroboration or new evidence. Ndamba’s case is one of a number of such cases of judicial harassment in Cameroon. Other organizations and persons working for land rights in the area face similar harassment, often in connection to Danpullo.

On 25 May, 2018 Cultural Survival and nine other organizations signed a letter detailing our grave concerns over the drawn-out judicial harassment in Ndamba’s case."


And there they have remained, even after China was united under Communist rule, grinding out an existence of profound rural poverty and isolation."

"The area is in one of the poorest provinces in China. The only link to the rest of the country, and the outside world, is over a mountain footpath — a brisk one-hour hike through a steep valley — that leads to a nearby road.

Over the past 20 years, though, the caves have become less secluded because of a steadily increasing trickle of tourists, who come to experience what local media have described as the last continuously inhabited cave in China.

The county government wants the residents of Zhong cave to move to a nearby block of housing: low-slung, white-walled farmhouses with wooden window frames that were completed nearly 10 years ago.

Officials say that residents have not taken care of the cave, leaving it unsuitable for inhabitation, and that the government should oversee the village as it is listed as a protected community by the Getu River Tourism Administration, a local agency. They have offered each resident 60,000 renminbi, or approximately $9,500, to leave.

Only five families have agreed to move.

The remaining 18 families have held on stubbornly to their homes inside the cave. They say that the new homes are too small, that they fear losing access to their land, and that they alone, because of their historical connection to the cave, should have the right to independently control its small tourism economy."

"350% rise in Karnataka forest fires was preventable" say local tribesppeople," Survial International, March 14, 2018, https://www.survivalinternational.org/news/11939, reported, "The dramatic rise in forest fires in Karnataka, India, could have been prevented by indigenous forestry methods developed in part to prevent large-scale blazes, say members of the local Soliga tribe. These techniques halt the spread of the lantana plant, a highly flammable invasive species that has been cited by officials as a key element in the destructiveness of the fires.

The Soliga are forbidden by law from using their centuries-old practice of controlled litter fires, called Taragu benki, to manage lantana’s spread and help nurture the forest in their homelands in the BRT Tiger Reserve. The weed grows very easily and is very woody, meaning it is harder to put out the
fire once the plant is ablaze. Since the Soliga have been banned from using Taragu benki, the noxious weed has spread rapidly.

Karnataka state officials have cited the lack of modern fire-fighting methods and are focusing on a tech-centred approach to fire safety. However, Madegowda C, a tribal rights activist from the Soliga people, says that the Soliga themselves are the best-placed to tackle the issue:

‘The forest department should remove lantana from the forest. Only then can the forest fires be controlled… Soligas have the knowledge on fire control techniques and they are experts in forest fire control, so the forest department need to involve Soligas in fire protection.”

The Soliga’s position is backed by Survival International, the global movement for tribal peoples’ rights. The organisation is championing a new approach to conservation that puts tribal peoples at its heart. It is campaigning for the rights of India’s tribal people to continue to live in, manage and protect their forest homes.

Many experts maintain that banning tribal practices such as Taragu benki harms conservation.

According to Survival’s Director Stephen Corry: 'Like all tribal peoples, the Soliga are experts at looking after their environment, having built up vast botanical and zoological knowledge over hundreds of years.

It’s no coincidence that after conservationists banned the Soliga from carrying out controlled burning, the invasive lantana weed spread throughout the tribe’s forests. The result? A devastating rise in forest fires.

It’s yet more evidence that proves tribal peoples are better at looking after their environment than anyone else.'


The National Commission for Scheduled Tribes (NCST) asked the Ministry of Environment and Forests to ensure that its tiger conservation policy does not threaten the rights of indigenous people.

It also said that those who are asked to move from core tiger habitats must be adequately compensated and given land.

The environment ministry’s National Tiger Conservation Authority (NTCA) issued a notice last year asking 17 Indian states to suspend the granting of rights to tribal and other forest dwellers in all critical tiger habitats."

"India: Tiger authority denounced by government experts for violating tribal rights," Survival International, January 4, 2018, https://www.survivalinternational.org/news/11899, reported, "India’s National Tiger Conservation Authority (NTCA) is coming under increasing pressure over its illegal order banning the recognition of tribal forest rights in tiger reserves. The order prompted Survival International to launch a global tourism boycott in November.

Information released to Survival has revealed that India’s tribal peoples’ Commission (officially called the National Commission for Scheduled Tribes (NCST)) has directly challenged the NTCA’s order in private meetings in Delhi. The Commission demanded that the NTCA suspend any planned evictions of tribal peoples, who have been dependent on and managed their forests for millennia.

After demanding to meet with the NTCA, the Commission argued that the order violates India’s Forest Rights Act – which guarantees tribal peoples’ rights to their forests. It was intended to address the “historical injustice” against tribes and other “traditional forest dwellers.”

In November, representatives of tribal communities met with many human rights and environment activists in Delhi, amidst mounting concern over the NTCA order.

J.K. Thimma, a Jenu Keruba man who lives in Nagarhole National Park, and was present at the meeting, said: 'The NTCA order is an attack against our culture and our tradition. This is anti-Constitutional and the NTCA have no right to stop the implementation of an Act passed by the Parliament... This is denial for our existence. The order needs to be withdrawn as soon as possible, it is creating fear among all of us.'
Another tribal man, Shankar Barde from Tadoba Tiger Reserve, said: “After years of restrictions and hardships, finally we were told early this year by the district administration that our rights have been recognized. We were excited… but then we were told by the district administration that NTCA order does not allow our rights to be recognized. This is a complete injustice. Dozens of outsiders are earning large sums of money in our backyard while we struggle to live with dignity.”

Indian law specifically states that the NTCA does not have the power to “interfere with or affect the rights of local people, particularly… tribes.” Tribal rights are under the jurisdiction of the Ministry of Tribal Affairs.

Despite this, conservation authorities have violated the rights of tribal peoples. Across India, tribal peoples endure harassment, coercion, and illegal eviction from their ancestral homelands in the name of conservation. After eviction, tribal people face lives of poverty and exclusion on the fringes of Indian society. Meanwhile, huge numbers of tourists are then invited into tiger reserves, disrupting tiger habitats and making tigers more vulnerable to poaching.

Survival International is leading the global fight against injustice and abuse in the name of protecting wildlife.

Survival’s Director Stephen Corry said: This order is an attack on India’s tribal peoples – it’s also illegal. Polluting and destructive industries such as uranium mining and tourism are apparently welcome in tiger reserves, but conservationists in India remain determined to kick tribal people off their land. It’s time they partnered with the best conservationists and guardians of the natural world, and stopped persecuting them. Tribal peoples know their land and its animals better than the conservationists.”

"Soldiers rape and assault Marma girls in Chittagong Hill Tracts," Survival International, February 8, 2018, https://www.survivalinternational.org/news/11929, reported, "Two sisters from the Marma indigenous tribe of the Chittagong Hill Tracts in Bangladesh are being held against their will after being raped and sexually assaulted at gun point, allegedly by members of the Bangladesh security forces.

The Jummas, a collective name for the tribes living in the CHT, continue to face endemic violence, land-grabbing and intimidation on their ancestral land. Jumma women and girls are frequently subjected to rape and sexual assault at the hands of Bengali settlers and the armed forces.

The Marma girls, aged 19 and 14, describe men in army uniforms entering their house during a raid in the early hours of January 22. They report that the older sister was raped and the younger was sexually assaulted during an attempted rape.

The army and other security forces have denied the attacks took place, and the authorities are now not allowing the girls to be released from hospital. Their room is being guarded by police who are refusing to allow human rights activists or journalists to talk to the victims.

The sisters fear for their own, and their family’s, safety. Those who have been able to speak to the girls report that they are traumatised, not only by the initial brutal attacks but also by the numerous interrogations by male police officers and the entry of male security personnel into their hospital room throughout the day and night.

The girls speak only their tribal Marma language and have been refused access to familiar indigenous food brought to the hospital by well wishers.

Raja Devasish Roy, the Chakma king, Survival and other human rights activists have called for the girls to be released from the hospital and for the perpetrators to be brought to justice."

threaten to flood camps and fuel the spread of disease, diplomats at the United Nations Security Council warned on Tuesday.

More than 100,000 refugees living in makeshift camps in Bangladesh are in areas prone to flooding and landslides, and tens of thousands will have to be relocated before the high waters hit in March, said Filippo Grandi, the United Nations high commissioner for refugees."


What’s new? Since August 2017, nearly 700,000 Rohingya have fled Myanmar’s brutal military operations in Rakhine State to Bangladesh, joining tens of thousands who left earlier in 2017. The two countries have set a framework for repatriation, but returns are unlikely any time soon. Indeed, small numbers of Rohingya continue to flee.

Why does it matter? Failing to develop long-term strategies for the refugees poses the risk that hundreds of thousands of Rohingya will live in limbo or that Bangladeshi sentiment will turn against them. Authorities might attempt to force return to Myanmar or resettlement elsewhere, which could prompt violence on either side of the border.

What should be done? The Myanmar government must allow the UN and its partners access to northern Rakhine and ease security and other restrictions on the population. In Bangladesh, donors should continue humanitarian aid, while investing in the development of Cox’s Bazar district, which hosts the refugees, to improve prospects for their future integration.

Executive Summary

In the last eight months, nearly 700,000 Rohingya have fled indiscriminate and brutal operations by Myanmar’s military in northern Rakhine State to Bangladesh, joining tens of thousands who left earlier in 2017, and many more from previous years. The two countries have agreed upon a procedural framework for voluntary repatriation, but no Rohingya have returned and small numbers continue to flee. The burden of the crisis may have shifted to Bangladesh, but the onus of responsibility remains squarely on Myanmar. The world must pursue accountability for crimes committed and press the government to create the conditions for voluntary repatriation. The tragic reality, however, is that the vast majority of refugees are unlikely to return in the foreseeable future, however much international opprobrium Myanmar faces. Planning for the refugees should proceed on that assumption, while efforts continue to protect those Rohingya who remain in Myanmar.

Failing to develop long-term plans for the refugees would not only risk that hundreds of thousands of people remain in limbo. It could also lead the status quo to morph in dangerous ways. For now, host communities and political elites in Bangladesh largely sympathise with the refugees, but if the sentiments of either were to shift – after the December elections, for example, or due to prolonged negative impacts on host communities – the Rohingya might face pressure to return against their will or move into more isolated camps in Bangladesh, such as those the Bangladeshi government is building on remote Bhasan island. Such developments could prompt instability or violence on either side of the border – due to organised resistance by refugees to relocation or premature repatriation, communal violence against returning refugees, or renewed ARSA mobilisation in Rakhine State.

The social, political and strategic implications of this crisis for Bangladesh are complex at all levels. The host communities – neglected by Dhaka at the best of times – are already feeling the strain. While there is no disagreement in political and policy circles about the intractability of the crisis, there is widespread reluctance to acknowledge it, as it would reflect badly on the Bangladeshi government’s ability to protect its sovereignty and could be interpreted as tacit acceptance of ethnic cleansing. Public sympathy for the Rohingya will not last forever, and the current situation is likely to evolve in unpredictable ways. After the December elections, the next government (likely to be the same as the present one) will have to make some difficult longer-term decisions. This subject will be covered in detail in a forthcoming report.
Myanmar has constructed some of the infrastructure that could support a limited return, in the form of heavily guarded processing and holding camps. But it has done little if anything to create conditions on the ground that would give refugees, who fled abuses that likely constitute crimes against humanity, and who continue to be fearful and traumatised, the confidence to go back. It has bulldozed many burned Rohingya villages, is building new roads, power lines and security infrastructure across northern Rakhine State, and has promoted or allowed the expansion of existing villages and construction of new settlements inhabited by other ethnicities. The refugees’ return to their homes and lands thus is not only increasingly unlikely, but also becoming impossible in practice. Ethnic Rakhine political leaders and local communities are staunchly opposed to repatriation, and the government has done little to mitigate their resistance (indeed, its own relations with ethnic Rakhine have soured). Moreover, hostility toward the Rohingya across Myanmar political elites and in society more broadly remains firmly entrenched.

Most refugees express no intention to go to third countries, and in any case their opportunities to do so are likely to remain scarce. They want to return home. Many refugees hope that the unprecedented international attention their plight has received over the past months could help them achieve that, but they are resigned to staying for an extended period in Bangladesh.

The Arakan Rohingya Salvation Army militant group has significant networks of members and supporters in the Bangladesh camps, and appears determined to remain relevant as an insurgent and political force. The extent to which it can do so is uncertain. It launched a small cross-border attack on a Myanmar army convoy on 5 January, but it has conducted no actions since then. Whether it can leverage widespread disaffection and the significant sympathy it still enjoys in the camps into political authority and sustain cross-border attacks remains to be seen. There is no evidence it has established links to transnational groups like ISIS or al-Qaeda. Indeed, viewing the situation in the camps through a counter-terrorism lens would be unhelpful, as the Bangladeshi authorities appear to recognise.

Improving the situation in northern Rakhine State, where the 100,000-150,000 Rohingya still in Myanmar live, is not primarily a development challenge. It depends on the Myanmar government and security forces changing course. For the Rohingya in northern Rakhine, particularly those in rural areas, life is becoming increasingly untenable. Curfews, checkpoints and movement restrictions mean that they cannot gain access to farms, fishing grounds, markets, day labour opportunities or social services. These people say they do not want to leave, but if the restrictions are not urgently eased, many may decide they have no other choice.

To prevent further deterioration, the international community should continue pushing the government to allow unfettered United Nations and aid agency access to northern Rakhine. They should press for accountability for crimes committed by the security forces and others. It is also vital to ensure that the government changes conditions in northern Rakhine, to improve the prospects of an eventual refugee return, and more urgently to stabilise the situation of the Rohingya who remain, so as to prevent a further exodus. The recent appointment of a UN special envoy for Myanmar, combined with continued scrutiny and engagement from the Security Council – which just completed a visit to Bangladesh and Myanmar – can hopefully result in some progress on these issues. The recent statement from State Counsellor Aung San Suu Kyi’s office promising improved relations with the UN, together with the appointment of a new president, may open space for changes in the government’s approach.

Realistically, however, the hundreds of thousands of Rohingya who have fled to Bangladesh appear unlikely to return any time soon. Donors should prepare for the long haul. They should not only fund the humanitarian operation but also invest in the development of Cox’s Bazar district, where the refugees currently reside, to reduce the burden on host communities, minimise risks that local sentiment turns against refugees and create an environment more amenable to their integration. The Bangladeshi government currently resists such an approach, given the domestic political costs of acknowledging that the Rohingya will remain indefinitely. Similarly, many Western governments are understandably loath to acknowledge explicitly that prospects of the refugees’ return are slim. But sustained political discussions on long-term solutions between the government, donors and multilateral institutions are vital. Failing to develop plans for the Rohingya’s prolonged stay in Bangladesh risks worsening their suffering and propelling the crisis in a still more dangerous direction."

"While an agreement with the United Nations is a precondition for any meaningful repatriation of Rohingya to Myanmar, even the office of the United Nations High Commissioner for Refugees cautioned in a statement on Thursday that 'conditions are not conducive for voluntary return yet.'"

Few details were available on what the initial memorandum of understanding entailed.


'The authorities have a responsibility to urgently account for the whereabouts and well-being of these two men,' said Matthew Smith, Chief Executive Officer of Fortify Rights. 'More than two weeks have passed since the military detained them, and the authorities have blocked attempts to locate them, raising grave concerns.'

Fortify Rights spoke to two separate eyewitnesses who said they saw Mr. Hpaugan Yaw, 65, and Mr. Nhkum Naw San, 35, near Hkat Pra village in Mansi Township in the custody of Myanmar Army soldiers around midday on January 31. Both eyewitnesses saw the men's hands bound behind their backs. One eyewitness, 'Maria,' said the soldiers had dressed Nhkum Naw San in the uniform of the Kachin Independence Army (KIA)—an ethnic armed group operating in northern Myanmar—and she watched soldiers attempt to dress Hpaugan Yaw in a soldier’s uniform. She heard soldiers threaten to kill Nhkum Naw San, and she described Nhkum Naw San’s face as swollen and bruised.

The two men were reportedly farming a field near Hkat Pra village when soldiers arrested them.

'Myu San' told Fortify Rights that he arrived at the field around 12 p.m. on January 31 and saw several soldiers take Hpaugan Yaw and Nhkum Naw San from a shelter in the field. The soldiers walked the two men to the edge of the field. 'Myu San' said:

[Hpaugan Yaw and Nhkum Naw San] were forced to sit . . . in the middle of around 30 soldiers. The soldiers were wearing green uniforms. Some of them had baskets and guns and wore quarter-length pants, not long pants. I couldn't hear what they were saying.

'Maria' and a friend had just come from gathering wild vegetables in a nearby forest and were walking down the main road from Hkat Pra village around 12:30 p.m. on January 31 when they encountered the group of soldiers holding Hpaugan Yaw and Nhkum Naw San at the edge of the field. She said:

When we looked at [the two men], we realized that they were from our village. We saw [Nhkum] Naw San. He was tied up and the soldiers had put [KIA] soldiers’ clothes on him. . . The clothes seemed quite new, not very old. [Nhkum] Naw San’s face was swollen—on both cheeks and his forehead and also near the corners of his eyes. His whole face was swollen. The color was already red and blue.

The soldiers stopped the two women and held them for about an hour with Hpaugan Yaw and Nhkum Naw San. “Maria” said:

The soldiers asked us if we knew the two men. We said, 'Yes, we know them.' The soldiers then asked us if they did like this—and he made his fingers into the shape of a gun—so I said, 'I don’t know.' They had already put the [KIA uniform] on Naw San’s body so I was afraid. They didn’t question me any more.

Maria said some of the soldiers took Nhkum Naw San to the nearby field shelter and returned with
two handmade guns often used for hunting. She told Fortify Rights: “When the soldiers brought [Nhkum] Naw San up the hill, some of the other soldiers were chatting, saying, ‘This guy is just a disturbance. We should kill him.’”

Around 1:30 p.m., Myanmar Army soldiers released Maria and her friend and told them to return home to Maing Hkawng using an alternate route. She said:

Before reaching the end of the field, I turned back to look at the group . . . When I looked back, the soldiers were putting [KIA] soldiers’ clothes on [Hpaugan Yaw] . . . but it looked like the clothes did not fit him, so [the soldier] tried to make them fit . . . We continued walking for five or six minutes, and we heard a man shouting a word that Kachin people use when we are in pain . . . Five or six minutes later, we heard two gun shots, like ‘bang, bang.’ . . . We didn’t hear anything else.

No one has seen or heard from Hpaugan Yaw and Nhkum Naw San since January 31.

Both eyewitnesses told Fortify Rights that the Myanmar Army soldiers who detained Hpaugan Yaw and Nhkum Naw San wore short pants, which is consistent with reports of a mysterious Myanmar Army brigade referred to in Karen State as Baw Bi Doh, or “short pants” brigade. In a November 2014 report, the International Human Rights Clinic at Harvard Law School suggested that these short-pants brigades “could be a highly trained special force, a mobile hit squad, and/or a special reconnaissance force.” The Harvard clinic said these brigades “were known for their ruthlessness.” The Karen Human Rights Group has also documented the presence of short-pants brigades in armed-conflict zones in Karen State, and Fortify Rights documented evidence of atrocity crimes by Myanmar Army short-pants brigades in Rakhine State since October 16.

Both Hpaugan Yaw and Nhkum Naw and their families have resided in Maing Hkawng displaced persons camp since being displaced from their homes due to armed conflict in Kachin State.

On February 1, Camp Committee leaders from the Maing Hkawng camp met with personnel from the Myanmar Army Light Infantry Battalion 602 stationed in Maing Hkawng to request permission to search for Hpaugan Yaw and Nhkum Naw San. Battalion personnel refused permission to search for the two men. The military also reportedly blocked the road from Maing Hkawng and Hkat Pra village and imposed an 8 p.m. curfew on Maing Hkawng village following the incident.

On February 4, Hpaugan Yaw and Nhkum Naw San’s families filed missing persons reports at the Mansi Township police station. Mansi police officer Myo Thant told the Irrawaddy that the police “informed authorities in other areas about the two missing people” and posted photographs of the two men.

Under international law, an enforced disappearance occurs when state officials or agents of the state arrest or detain someone and refuse to acknowledge the deprivation of liberty or conceal their fate or whereabouts, placing them outside the protection of the law. Enforced disappearances violate various rights protected under international law, including prohibitions against arbitrary arrest and detention; torture and other cruel, inhuman, or degrading treatment; and extrajudicial execution. The authorities have a legal obligation to investigate alleged enforced disappearances and prosecute those responsible.

In January, a military tribunal reportedly sentenced six Myanmar soldiers to ten years in prison for the murder of three people from the Maing Hkawng camp in May 2017. The tribunal convicted the soldiers from Myanmar Army Light Infantry Battalion 319 of killing Nhkum Gam Awng, 31, Maran Brang Seng, 22, and Labya Naw Hkum, 27, while the three were gathering firewood in a nearby forest.

‘There’s a history of abuse by the Myanmar military in this area. Authorities should be doing everything in their power to locate these men and not obstruct efforts to find them,” said Matthew Smith. “The military is terrorizing civilians in Kachin State. The government needs to ensure that those responsible for enforced disappearances will be held accountable.’

**Background**

Since armed conflict resumed in Kachin State between the Myanmar military and the KIA in June 2011 and later spread to northern Shan State, Fortify Rights and other human rights organizations have documented extrajudicial killings, torture, forced labor, rape and other acts of sexual violence, arbitrary detention, attacks on civilians, and other violations by the Myanmar Army. The KIA and Myanmar Army are also responsible for using anti-personnel landmines and child soldiers during the conflict.

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"Among the dead were 15 civilians, three soldiers and a police officer, he said. The Ta’ang National Liberation Army claimed responsibility for the attack. The group, one of several in Myanmar’s frontier areas that have long battled government forces, said in a statement that it was retaliating for a push by Myanmar’s military against another ethnic insurgent group, the Kachin Independence Army."

In Malaysia, in April 2018, the Orang Asli had been maintaining blockaded got more than two months to prevent mining and agriculture from impinging on their lands, destroying its biodiversity and the resources they need to live (Malaysia: Indigenous People Defend Lands from Corporate and Government Abuse," *Cultural Survival Quarterly*, June 2018).


Ironically, Ms. Dewi notes bitterly, those traditional beliefs make her a religious outcast in her own country today, where the Constitution guarantees freedom of religion but the government recognizes only six: Islam, Buddhism, Hinduism, Protestantism, Catholicism and Confucianism."

"It is a question she and others are still waiting to see answered, despite a landmark ruling in November by the Constitutional Court that affirmed the rights of followers of traditional beliefs outside of the six recognized religions.

The ruling came amid signs of growing intolerance of religious minorities in Indonesia, which is the world’s most populous Muslim-majority nation, and objections from some Islamic groups.

Five months later, the Indonesian government has yet to implement the Constitutional Court ruling, although officials say they are working on it."

The Ormu Wari and Nechiebe tribes of eastern Indonesia, in January 2018, ratified village regulations imposing local fines, in addition to national penalties, on those disturbing the traditional sustainable forestry on their lands. The tribes complain that the national government does not do enough to enforce national environmental protection and anti-logging regulation ("Indonesia: Tribes Push to Revive a Legacy of Sustainability," *Survival International Quarterly*, January 2018).

The President of Indonesia, in October 2017, announced the government returning control of nine tracts of forest, encompassing 13 square miles, to Indigenous communities on Sumatra, Borneo and Sulawesi. In 2013, the country's highest court had removed Indigenous Peoples' customary forests from state control ("Papua New Guinea: Indonesian President Recognizes Indigenous Land Rights," *Cultural Survival*)
The security forces of Indonesia have continued a many years train of abuses in Papua, New Guinea, cracking down on peaceful independence movements, and those suspected of being involved with them - in some cases for protesting against destructive extraction of the poor area's rich resources. There continue to be reports of arbitrary arrests, disappearances, torture, and some deaths, at the hands of security forces. In addition, there are reports of continuing conflict among clans, Indigenous Papauans and migrants, and pro-independence groups and the state (Loe Cochrane, "Indonesia Cracks Down on Peaceful Independence Movement in Papua," The New York Times, June 4, 2018).

The Indigenous government of Bougainville, Papua New Guinea, in March 2018, vetoed a plan by a local mining company to undertake extraction of copper in their autonomous region ("Papua New Guinea: Traditional Landowners Reject Mining Bid," Cultural Survival Quarterly, June 2018).


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**DIALOGUING**

**THE 8 MILLION SPECIES WE DON'T KNOW**

Edward O. Wilson*

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The history of conservation is a story of many victories in a losing war. Having served on the boards of global conservation organizations for more than 30 years, I know very well the sweat, tears and even blood shed by those who dedicate their lives to saving species. Their efforts have led to major achievements, but they have been only partly successful.

The extinction of species by human activity continues to accelerate, fast enough to eliminate more than half of all species by the end of this century. Unless humanity is suicidal (which, granted, is a possibility), we will solve the problem of climate change. Yes, the problem is enormous, but we have both the knowledge and the resources to do this and require only the will.

The worldwide extinction of species and natural ecosystems, however, is not reversible. Once species are gone, they’re gone forever. Even if the climate is stabilized, the extinction of species will remove Earth’s foundational, billion-year-old environmental support system. A growing number of researchers, myself included, believe that the only way to reverse the extinction crisis is through a conservation moonshot: We have to enlarge the area of Earth devoted to the natural world enough to save the variety of life within it.

The formula widely agreed upon by conservation scientists is to keep half the land and half the sea of the planet as wild and protected from human intervention or activity as possible. This conservation goal did not come out of the blue. Its conception, called the Half-Earth Project, is an initiative led by a group of biodiversity and conservation experts (I serve as one of the project’s lead scientists). It builds on the theory of island biogeography, which I developed with the mathematician Robert MacArthur in the 1960s.

Island biogeography takes into account the size of an island and its distance from the nearest island or mainland ecosystem to predict the number of species living there; the more isolated an ecosystem, the fewer
species it supports. After much experimentation and a growing understanding of how this theory works, it is being applied to the planning of conservation areas.

So how do we know which places require protection under the definition of Half-Earth? In general, three overlapping criteria have been suggested by scientists. They are, first, areas judged best in number and rareness of species by experienced field biologists; second, “hot spots,” localities known to support a large number of species of a specific favored group such as birds and trees; and third, broad-brush areas delineated by geography and vegetation, called ecoregions.

All three approaches are valuable, but applying them in too much haste can lead to fatal error. They need an important underlying component to work — a more thorough record of all of Earth’s existing species. Making decisions about land protection without this fundamental knowledge would lead to irreversible mistakes.

The most striking fact about the living environment may be how little we know about it. Even the number of living species can be only roughly calculated. A widely accepted estimate by scientists puts the number at about 10 million. In contrast, those formally described, classified and given two-part Latinized names (Homo sapiens for humans, for example) number slightly more than two million. With only about 20 percent of its species known and 80 percent undiscovered, it is fair to call Earth a little-known planet.

Paleontologists estimate that before the global spread of humankind the average rate of species extinction was one species per million in each one- to 10-million-year interval.

Human activity has driven up the average global rate of extinction to 100 to 1,000 times that baseline rate. What ensues is a tragedy upon a tragedy: Most species still alive will disappear without ever having been recorded. To minimize this catastrophe, we must focus on which areas on land and in the sea collectively harbor the most species.

Building on new technologies, and on the insight and expertise of organizations and individuals who have dedicated their lives the environment, the Half-Earth Project is mapping the fine distribution of species across the globe to identify the places where we can protect the highest number of species. By determining which blocks of land and sea we can string together for maximum effect, we have the opportunity to support the most biodiverse places in the world as well as the people who call these paradises home. With the biodiversity of our planet mapped carefully and soon, the bulk of Earth’s species, including humans, can be saved.

By necessity, global conservation areas will be chosen for what species they contain, but in a way that will be supported, and not just tolerated, by the people living within and around them. Property rights should not be abrogated. The cultures and economies of indigenous peoples, who are de facto the original conservationists, should be protected and supported. Community-based conservation areas and management systems such as the National Natural Landmarks Program, administered by the National Park Service, could serve as a model.

To effectively manage protected habitats, we must also learn more about all the species of our planet and their interactions within ecosystems. By accelerating the effort to discover, describe and conduct natural history studies for every one of the eight million species estimated to exist but still unknown to science, we can continue to add to and refine the Half-Earth Project map, providing effective guidance for conservation to achieve our goal.

The best-explored groups of organisms are the vertebrates (mammals, birds, reptiles, amphibians, fishes), along with plants, especially trees and shrubs. Being conspicuous, they are what we familiarly call “wildlife.” A great majority of other species, however, are by far also the most abundant. I like to call them “the little things that run the world.” They teem everywhere, in great number and variety in and on all plants, throughout the soil at our feet and in the air around us. They are the protists, fungi, insects, crustaceans, spiders, pauropods, centipedes, mites, nematodes and legions of others whose scientific names are seldom heard by the bulk of humanity. In the
sea and along its shores swarm organisms of the other living world — marine diatoms, crustaceans, ascidians, sea hares, priapulids, coral, loriciferans and on through the still mostly unfilled encyclopedia of life.

Do not call these organisms “bugs” or “critters.” They too are wildlife. Let us learn their correct names and care about their safety. Their existence makes possible our own. We are wholly dependent on them.

With new information technology and rapid genome mapping now available to us, the discovery of Earth’s species can now be sped up exponentially. We can use satellite imagery, species distribution analysis and other novel tools to create a new understanding of what we must do to care for our planet. But there is another crucial aspect to this effort: It must be supported by more “boots on the ground,” a renaissance of species discovery and taxonomy led by field biologists.

Within one to three decades, candidate conservation areas can be selected with confidence by construction of biodiversity inventories that list all of the species within a given area. The expansion of this scientific activity will enable global conservation while adding immense amounts of knowledge in biology not achievable by any other means. By understanding our planet, we have the opportunity to save it.

As we focus on climate change, we must also act decisively to protect the living world while we still have time. It would be humanity’s ultimate achievement.

*Edward O. Wilson is a university research professor emeritus and an honorary curator of entomology at Harvard, and a scientist on the Half-Earth Project.

WHAT EXPERIENCES SHOULD AN IHS DIRECTOR HAVE? IN MY BOOK: MEDICINE & MEDICAID

Mark Trahant*


Who should run the Indian Health Service? Not “who” exactly, but what kind of leader? What kind of skills and experience would be the most useful?

This question is more important than ever. The Trump administration has withdrawn the nomination of Robert Weaver to lead the agency. Weaver, a member of the Quapaw Tribe of Oklahoma, has a background in private insurance working with tribes to set up plans to cover tribal members. But his nomination was sidetracked after The Wall Street Journal reported serious misstatements on his resume both in terms of education and work experience. So last week a representative of the Department of Health and Human Services said: “Mr. Weaver is no longer the Administration’s nominee for Director of the Indian Health Service.”

For his part, in a letter to tribal leaders, Weaver said the president has been an “ardent supporter of fixing Indian Health throughout this process.” And he said “he will fight to give voice to the change needed at IHS until the mission is complete … the delivery of timely, high healthcare for Indian Country no matter where you live.”

But Weaver went further in an op-ed for Native News Online. He said he wanted to be IHS director for the “sole purpose” of being a part of the solution. “… many Tribes supported me from around Indian Country. Why? I think because they know that babies are being born on IHS hospital floors. They know that people are dying of heart attacks because the crash carts at their IHS hospitals don’t have the proper medications. They know that some of the places where they live don’t have running water. They knew that I was the right person to start addressing
these abuses because I’ve been an unwavering advocate for our peoples’ health and wellness for the past decade and I was willing to meet and listen.”

    The key word is “mission.” The mission of the Indian Health Service has become so distorted that even policy makers cannot or will not articulate the challenges ahead. The discourse about the Indian Health Service continues to be about a federal agency that delivers health care to American Indians and Alaska Natives. And, within that story, there are so many clinics and hospitals that only require more order and funding in order to carry out even basic health care. The system is failing. Babies being born on hospital floors. The usual.

    Only the IHS story is much more complex. We need to think differently about the IHS. (As I have written before: I would even change the name to the Indian Health System to reflect what the agency now does.)

    Most of the Indian Health system is managed by tribes or non-profits. There are 26 IHS hospitals, and 19 tribal or non-profit hospitals. But, and this is huge, there are 526 clinics, health centers and stations run by tribes and non-profits and only 91 by IHS.

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    The federal role is changing. The Indian Health Service still does operate health care delivery. And it sets standards. But it’s also a major funding source — and even that is misleading because it is Medicaid, not the Indian Health Service, that’s often the largest source of funding for tribal and non-profit facilities.

    This is a critical difference because Medicaid has been under attack by the Trump administration from day one. The administration claims it’s protecting the Indian Health Service budget … all the while proposing deeper and deeper cuts into Medicaid.

    There is a disconnect. And it’s visible in the budget. The line item for “collections,” that is money from Medicaid, Medicare and private insurance, is roughly $1.2 billion. That’s a number that has not changed much despite a huge expansion of Medicaid under the Affordable Care Act. This number should have been growing dramatically. But it’s not because it does not capture the amount of dollars collected tribes and non-profits, only the money that goes into IHS direct services.

    This is misleading because when you talk to tribal and non-profit administrators, as I have, there is a different story to tell. Medicaid is now more important to local budgets than the IHS itself.

    The expansion of Medicaid also explains a lot about the shortages within the Indian health system. The federal Indian Health Service will take Medicaid funds, but it’s not growing the pot. Tribes and nonprofits have done that. And so there is more money for Indian health in states that have expanded Medicaid.

    This is not the Indian Health Service we grew up with. And the next director of the Indian Health Service needs to acknowledge this complexity and own the new story. If I had my way: the next IHS director would have a solid background in medicine and Medicaid.

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Indian Country needs a canon of stories. A collection of Memory that every child knows growing up. A reference guide to our shared history — as well as a reminder about what the fight is all about. I can think of so many stories that belong in our historical catalog: The real-life adventures of Crazy Horse, Chief Joseph, Brant, Chief Seattle, Geronimo, Susan LaFlesche Picotte, Elizabeth Peratrovich, Forrest Gerard, and the decades-long fight for the return of Blue Lake.

There are so many other stories that must be told. Mary Katherine Nagle’s new play, “Sovereignty,” is one of those.

Nagle is Cherokee. She’s a nationally acclaimed playwright, an attorney and a partner with Pipestem Law. She’s also director of the Yale Indigenous Performing Arts Program.

“Sovereignty” is a huge deal. It’s now at the Arena Stage in Washington, D.C. Think of it this way: It’s a Native narrative on the nation’s stage. All too often we get excited when we see a movie or a TV show that has one Native American character worth remembering. That’s cool. But we should really get excited about a work of art, in this case a play, when the author, the cast, and often the audience is Native. (That is something that Nagle has done often. Her play, “Sliver of a Full Moon,” is a good example of that last idea, writing for a Native audience. The inside story.)

Back to the play. “Sovereignty” tells two Cherokee stories, one historical, one modern. The first story is about the Cherokee Nation in the tribe’s homelands and the actions of Major Ridge, John Ridge, Elias Boudinot (a nephew of Ridge) and Chief John Ross (as well their fictional descendants). This was a time of war: The state of Georgia was determined to remove the Cherokees one way or another. The state’s military, the Georgia Guard, was evil, violent and determined to remove the Cherokee people from their homeland. The Supreme Court had ruled in favor of the Cherokees but the government of Georgia ignored that. The state’s primary mission was annihilation.

Nagle is literally an heir to this story. This is her family. Or, as Nagle recently said, “One hundred and eighty five years ago, the federal government sitting in Washington, D.C., sought to eradicate the sovereignty of the Cherokee Nation … At a time when many in the United States have been hurt and threatened by polarization and prejudice, I believe we can find healing in understanding how my grandfathers, and all of our Cherokee relations, survived one of the most polarizing episodes in American history.”

It was polarizing episode because the story is about Indigenous survival. And different ideas about how to make that so.

Nagle does such a great job of working the law into her plays — and “Sovereignty” is no exception. The concept of tribal sovereignty is a recurring theme. When I saw the play, I overheard a couple remark about how sovereignty as a living, modern concept. Perfect.

But there is another angle for Indian Country and why I think this story must be in our canon; the power of dissent. So much of our history of leadership is about vision and consensus. Most of the great tribal leaders in the 19th and 20th century were successful because they conveyed their ideas to their tribal community and were able to get people to work together. As Vine Deloria Jr. wrote: “In every generation there will arise a Brant, a Pontiac, a Tecumseh, a Chief Joseph, a Joseph Garry, to carry the people yet one more decade further.”
But not always. Every once in a while it’s the voice of dissent; the leader challenging consensus that carries the people forward. There are two great stories about why dissent is so important to Indian Country: That of the Ridges and Lucy Covington’s fight against termination. (She followed around a pro-termination Colville tribal council at public events to counter their narrative and then stirred up support for new leaders.)

I have my own take on the Ridge story, mostly through the framework of Elias Boudinot (who is in the play) the editor of the Cherokee Phoenix. “As the liberty of the press is so essential to the improvement of the mind, we shall consider our paper, a free paper,” Boudinot wrote in the first issue. “The columns of this newspaper shall always be open to free and temperate discussions on matters of politics, religion, and so forth.”

It’s impossible to have a temperate discussion in a time of war. The head of the Georgia Guard, Col. C.H. Nelson, told Boudinot that he could not be prosecuted under Georgia law, but if the reportage about the Guard did not cease, Nelson would tie him to a tree and give him a sound whipping.

Boudinot responded with a series of editorials on the Guard and freedom. Boudinot wrote: “In this free country, where the liberty of the press is solemnly guaranteed, is this the way to obtain satisfaction for an alleged injury committed in a newspaper? I claim nothing but what I have a right to claim as a man— I complain of nothing of which a privileged white editor would not complain.”

The Cherokee leadership — led by Chief John Ross and the National Council — had its own issues with The Phoenix leading to Boudinot’s resignation. Ross was determined to remain in Georgia no matter the cost. One of those provisions would have been absolute Georgia authority over the Cherokee Nation. “Removal, then, is the only remedy—the only practicable remedy,” Boudinot wrote in a letter to Chief Ross. “What is the prospect in reference to your plan of relief, if you are understood at all to have any plan? It is dark and gloomy beyond description. Subject the Cherokees to the laws of the States in their present condition?”

This is the sovereignty part of the story. The Ridges and Boudinot argued for a future Cherokee Nation. That meant signing the Treaty of New Echota and setting the stage for what became the Trail of Tears and the Cherokee Nation in Oklahoma. Major Ridge knew the price of this dissent. He said at the time: “I have signed my death warrant.”

Nagle’s play captures those powerful themes but it also does something that only an artist can do. She brings the Ross and Ridge families back together. She shows through the power of story how we’re all in this together. Still.

Sovereignty is at the Arena Stage through Feb. 18.

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A DIFFERENT PM TRUDEAU, SAME BUCKSKIN JACKET
BUT WHERE IS THE ‘REAL CHANGE’ FOR INDIGENOUS PEOPLES?

Hayden King and Shiri Pasternak*


During the Harper decade, Indigenous peoples knew where they stood. His government, and really the past 150 years of Canadian governments, were clearly hostile. The past two years of a Liberal government, however, have been more confusing. On one hand, Justin Trudeau is praised internationally for making the relationship with
Indigenous peoples, as he says, his “most important.” On the other hand, he is heavily criticized for symbolism over substance.

While this debate goes on, we have been slow to realize that the Trudeau government is actually pressing ahead with a dizzying amount of legislation and policy affecting Indigenous peoples. In fact, when you consider three pieces of legislation already passed and 13 pieces of legislation introduced or proposed (including private members’ bills), over the span of a four-year period, this Parliament could be the most active since Confederation. If all the bills become law, they would represent 40 per cent of the total legislation on Indigenous issues.

The anchor for these changes is called the Rights, Recognition and Implementation Framework legislation (or the “Rights Framework”), which the government plans to introduce later this year, and implement before the next federal election. In February, the Prime Minister outlined a process to move away from the Indian Act, end chronic underfunding, and address land-claim issues. Going forward, the Prime Minister said, “this legislation will guide all government relations with Indigenous peoples.”

While the legislation is not yet introduced, the Yellowhead Institute, with a network of primarily First Nation policy analysts across the country, has been reviewing government literature, policy drafts and official statements to predict what’s coming. That analysis can be found in a report we released this week called Canada’s Emerging Indigenous Rights Framework: A Critical Analysis.

Critical, because we find that despite the flurry of activity, it is nearly all directed at repackaging old, discredited policies. This is an attempt to maintain a modified version of the status quo, and as such, given Mr. Trudeau’s rhetoric on “real change” and the “nation-to-nation” relationship, there is also an effort to mislead First Nations on the transformational nature of this proposal.

Before we get into our concerns on the Framework, positive developments in the federal government’s recent record should be acknowledged: water infrastructure on reserves, resources for education, an anticipated end to the oppressive third-party management system – and despite some disappointing results, the government did launch an inquiry on missing and murdered Indigenous women and girls. (These initiatives must be credited also to the demands for justice by First Nations who organized primarily in grassroots movements.)

While we applaud the efforts by this government, they are, frankly, the bare minimum and relatively straightforward to address. It is the more institutional and structural changes that have the potential to affect our collective relationship for generations to come that requires scrutiny. That’s what the Rights Framework proposes to do, starting with the Indian Act.

Addressing the Indian Act has been an continuing issue for Canada since the 1960s and Justin Trudeau is only one in a long line of candidates, the most famous of whom was his father. Pierre Trudeau, who introduced a “white paper on Indian policy,” recommended the rapid repeal of the Act, at the expense of treaty rights. The proposal was defeated by a powerful First Nation movement.

Justin Trudeau, though wearing the same buckskin fringe jacket, proposes a somewhat different tack. This government seeks a gradual elimination of the Indian Act through a piece-by-piece dismantling of the legislation and voluntary opt-out processes. However, First Nations will be opting in to a new self-government model that is focused largely on re-entrenching reserve-based, administrative governance. How is this different from the current circumstances? It’s not, really.

There will be changes to the way services are delivered. Federal officials are championing an aggregation-based model where communities cluster together to administer social policy (e.g., education, health care, housing). This is what the Liberals refer to as “reconstituting nations.” The long-term goal is that the newly created
Department of Indigenous Services will cease to exist as these aggregate “nations” are devolved responsibility. It isn’t clear yet whether that responsibility includes authority or simply administration.

There will also be changes to fiscal policy. New 10-year grants are being offered to replace the largely ad hoc and unpredictable year-to-year funding model. These grants will only be available to First Nations that pass transparency and accountability tests and earn certification, reminiscent of a Harper government approach. Moreover, without a commitment to increased financial support, chronic underfunding may actually continue, but now in 10-year intervals.

Troubling, and central to our critique, is that land and resources are delinked from these processes. We agree with the Royal Commission on Aboriginal Peoples, which stated in 1996, “a critical element of fiscal autonomy is a fair and just redistribution of lands and resources for Aboriginal peoples. Without such a redistribution, Aboriginal governments, and the communities they govern, will continue to lack a viable and sustaining economic base.” Emerging federal policy on lands and resources does not address redistribution of lands and resources.

For instance, in response to a recent landmark Supreme Court decision that recognized First Nations have significant authority over lands not covered by treaty, the Liberals will be revising the land-claim policy and moving away from large-scale modern treaties toward a piecemeal approach. A range of options is being tested at more than 60 negotiation tables, but since these negotiations are confidential the future direction of the policy is unclear. Considering that government interpretations of land rights have been traditionally narrower than the courts’, we are concerned this is a risk-management strategy to avoid dealing honourably with First Nations.

Finally, there is the issue of consent. At the heart of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is the notion that Indigenous peoples be empowered to give their consent (or not) on everything from resource extraction to real estate development on their territories (reserve or otherwise). While the Liberals have endorsed the principle and voted on Romeo Saganash’s UNDRIP bill, their draft legislation on the new environmental-assessment processes (the trigger for consulting Indigenous peoples) completely avoids consent. This, too, is troubling.

Taking these proposed changes together, we find that nearly all of Canada’s proposed changes to its relationship with First Nation peoples neglect issues of land restitution, genuine self-determination and treaty obligations. Instead, they focus on the creation of self-governing First Nations with administrative responsibility for service delivery on limited land bases. Decision-making powers are constrained to the local (including any notion of consent). Provincial, territorial and federal governments will continue to patronize and intervene in the lives and lands of First Nation peoples.

The danger of accepting government messaging, and the Rights Framework as currently articulated, is entrenching this situation for the long-term and settling for a very narrow vision of Indigenous jurisdiction. This is not the shape of a nation-to-nation relationship.

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What has become very clear over the past two years is that the AFN has lost control of the agenda, which is now being quietly manufactured and sold directly to the public from Liberal backrooms.

Since forming the federal government, in 2015 the Trudeau Liberals have operated by stealth and deception to rebrand the longstanding federal objective of Terminating our pre-existing collective, sovereign, Inherent, Aboriginal & historic Treaty Rights, as a new “Nation-to-Nation” Relationship” and “Reconciliation” process! And along the way, they have even co-opted our terminology!

**Trudeau Government Imposes 10 Racist, Colonial Principles on Indigenous Relationships**

One month after signing an MOU on Shared Priorities with AFN the federal Justice Minister issued 10 Principles, which amount to racist, colonial Pre-Conditions for all federal changes to policy, laws and structure.

The Assembly of First Nations has failed to produce a critical analysis of the federal 10 Principles on Indigenous Relationships.

**Critique of Federal 10 Principles on Relationship with Indigenous Peoples**

Federal 10 Principles neither substantively nor procedurally meet international minimum standards.

First of all, although purporting to relate to the relationship with Indigenous Peoples, the principles were unilaterally released by the Canadian federal government under Prime Minister Justin Trudeau and Justice Minister Jody Wilson Raybould.

They did not engage with, consult, let alone seek the consent of Indigenous Peoples and Nations as the proper Aboriginal and Treaty Rights Holders. Under international law, Indigenous Peoples are subjects of international law and the holders of internationally protected Indigenous rights.

The most important right recognized in UNDRIP is the right of Indigenous Peoples to self-determination. This is now enshrined in Article 3 of UNDRIP, which replicates Article 1(1) of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) and makes it clear that this right applies to Indigenous Peoples.

The right to self-determination is the overarching umbrella right; much of its essence is then spelled out further in UNDRIP, in regard to land rights, governance and Indigenous free prior informed consent (FPIC).

Indigenous FPIC and therefore Indigenous decision-making power regarding access to their lands and resources has to be recognized if UNDRIP implementation is real.

The Canadian federal government’s “10 Principles” do not do that, rather they attempt to lessen and undermine those fundamental principles of international law.

**The Federal “10 Principles” are based on the racist, colonial Christian Doctrine of Discovery.**

In the Federal “10 Principles” Canada does not refer to, but it continues to rely on its Constitution Act 1867, which was unilaterally passed by British parliament as the British North America Act 150 years ago and enshrines these colonial systems and structures and the division of powers between the federal and provincial
government, leaving no room for recognition of equal Indigenous jurisdiction and power, absent fundamental (constitutional) reforms, which are not contemplated in the “10 Principles”.

This is also reflected by the fact that the federal government stated that these “10 Principles” are to guide the federal Working Group of Ministers on the Review of Laws and Policies Related to Indigenous Peoples, but it is now clear these “10 Principles” are being used in negotiations, agreements & funding such as the Education Funding Agreements for Elementary & Secondary Education.

**Establishment of Recognition of Rights and Self-Determination Negotiation Tables across Canada**

What Prime Minister Justin Trudeau is now calling “rights recognition and self-determination” tables were previously called “exploratory tables” and it was previously reported that:

“The exploratory tables, an arena for these new interpretations of section 35 to take form, could impact treaty negotiations, self-government powers and resource management across Canada — among other things under [ADM] Wild’s responsibility. [Source: Joe Wild, senior Assistant Deputy Minister for Treaties and Aboriginal Government INAC June 4, 2016, ipoliticsArticle]

Incredibly, the discussions at these tables continue to remain secret even though they could be used to create new federal policy and law affecting Indigenous Peoples.

As National Chief, I would support Indigenous First Nation Peoples and Allies in organizing and taking direct action to stop the Trudeau government’s planned Recognition and Implementation of Rights Enabling [Termination] Legislation to define “Self-Determination.” It is time to regain control of our own agenda and to demand the true nation to nation negotiations of sovereign peoples that we have so long been promised and so long denied.

Link to Video: https://www.youtube.com/watch?v=MokStVTYaXY&feature=youtu.be&app=desktop

*Russell Diabo is a son of a Kahnawake Mohawk Iron Worker, and is a member of the Mohawk Nation at Kahnawake. He has worked for Indigenous rights for more than 40 years and his wife over 30 years. Russ has served at the AFN as an advisor to two national Chiefs. As a writer and editor of the First Nations Strategic Bulletin he has been covering the development of Indigenous policy in Canada for the past 20 years and is recognized as one of the foremost Indigenous policy analysts in the country. He is the major reporter for ISN on Canadian First Nations developments. As of June 2018, Diabo is a Candidate for AFN National Chief.

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**CANADA FACING UN-UNIVERSAL PERIODIC REVIEW MAY 11, 2018**

Dr. Peter Schwarzbauer,* Vienna, May 7, 2018

A history of Canada’s contempt of UN-recommendations regarding Indigenous rights

On Friday, May 11, Canada will have to appear before the United Nations in Geneva, Switzerland, and report on the measures taken to promote and protect human rights in its country. This mechanism of Canada’s third Universal Periodic Review (UPR) is a peer-review process before the UN Human Rights Council’s 47 members. Fact is, that Canada has continuously disregarded UN-recommendations to improve the Human Rights situation of Indigenous Peoples.

On a global level, Canada promotes itself as a major human rights leader. However, the outcome of numerous UN human rights procedures paints a completely different picture. And despite the fact that Canada
consulted with over 280 civil society organizations and Indigenous groups for the report’s draft outline, it is not known to a wider audience that Canada has been criticized by every single human rights treaty body or human rights procedure – in particular regarding the treatment of Indigenous Peoples and the violation of their aboriginal rights.

Since 1998 the European Alliance for the Self Determination of Indigenous Peoples (Alliance) has been documenting the objections expressed by the various human rights bodies and procedures within the UN. History clearly shows that Canada has in almost all cases not properly acted on the recommendations; many of the objections and recommendations have even been rejected outright.

The members of the Alliance are European human rights NGOs committed to the rights of Indigenous Peoples; they have all worked with Indigenous Peoples in Canada since decades and have monitored the Canadian governments’ policies concerning Indigenous Rights within Canada itself but also regarding the relevant United Nations treaty bodies and procedures.

The Alliance is highly concerned that Canada will not take Indigenous Peoples seriously and continue to violate their rights – despite Prime Minister Trudeau declared the reconciliation with indigenous Peoples as highest priority.

Please find a short version of the documentation of Canada’s contempt of UN-recommendations on the website of AKIN www.arbeitskreis-indianer.at/uno-objections-canada_2018_short-version.pdf. It focuses on statements and recommendations directly regarding the rights and situation of indigenous/aboriginal peoples. Thus, general comments on violations of other human rights which still significantly impact them (e.g. rights of children or women, racism and discrimination, or elimination of torture and ill-treatment) are not listed.

We thank you for considering this information. Please contact the Alliance for further information or questions: Dr. Peter Schwarzbauer – schwarzbauer@arbeitskreis-indianer.at; +43 680 1155444

Sincerely

Associate University Professor Dr. Peter Schwarzbauer, AKIN, on behalf of:

* Aktionsgruppe Indianer & Menschenrechte e.V., Munich, Germany; www.aktionsgruppe.de
* Arbeitskreis Indianer Nordamerikas (AKIN), Vienna, Austria; www.arbeitskreis-indianer.at
* Comité de Solidarité avec les Indiens des Amériques (CSIA-NITASSINAN), Paris, France; www.csia-nitassinan.org
* Internationales Komitee für die Indigenen Amerikas, Zurich, Switzerland; www.incomindios.ch
* MENSCHENRECHTE 3000 e.V. (HUMAN RIGHTS 3000), Freiburg, Germany; www.menschenrechte3000.de
* Verein zur Unterstützung nordamerikanischer Indianer (ASNAI), Berlin, Germany; www.asnai.de

ARTICLES

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RESEARCH NOTES

WHEN FOREVER COMES, WE WILL BE HERE
CULTURAL MANAGEMENT AND INDIGENOUS PEOPLES OF THE PIKES PEAK REGION

Nathan Goodman*

Nathan Goodman is a 2017-18 State of the Rockies Project Fellow. The following link will connect you to the "State of the Rockies Project" home page: http://bit.ly/2018RockiesReport. -There you can find a pdf of the report in full-layout (w/ pictures and citations), though from a previous round of editing.

Indigenous peoples’ claims to ancestral lands in the Pike’s Peak Region are moderated through a complex, multi-lateral policy network that often fails to account for traditional world views. This research explores tribal consultation – both theoretically and in praxis – in depth, along with a comprehensive analysis of problems intrinsic to intergovernmental cultural resource management. Research conducted in summer of 2017 examines best methods practices, interrogates notions of ‘meaningful consultation’ and ‘creative mitigation’, and explores means of engaging more effectively in a ‘bicognizant’ worldview. Methodologically, this research is based on thirty-five interviews with local, state, federal, and tribal, and private policy actors as well as extensive fieldwork on the Southern Ute Reservation in southwestern Colorado. Seldom does academic literature consider the implications of Indigenous displacement on cultural resource management in far-away places. This research seeks to break that trend, encourage a more open dialogue, and catalyze attitudinal reform in the Pikes Peak Region.

Introduction

Pike’s Peak, ‘America’s Mountain,’ has the second most traffic of any mountain in the world (World Wildlife Foundation 2018). It is an icon of the American West, with significance locally, regionally, and internationally for tourism, and outdoor recreation. Chief among concerns for the popularization of the mountain landscapes and neighboring forests are overuse – ‘loving it to the death’ – and the consequent environmental fallout that occurs with user traffic. This worry is magnified by new efforts (such as ‘Ring the Peak’ and a new Summit House) to increase what is already an extensive recreational complex and consumer base. One area of concern, however, that seldom receives requisite attention is the condition and management of Indigenous cultural sites. Save an occasional passing mention, it is often forgotten that this region once was – and in many respects still is – occupied by ancestral peoples. It is curious, then, why the oldest continuous residents of Colorado receive the least attention in public lands management decision calculi and this report, at least in small part, seeks to rectify that trend.

The intersection between Indigenous peoples and public lands begs many questions, most notably engaging with ideas of sovereignty, migration, cultural displacement, diverging epistemologies on nature and resources, and intergovernmental jurisdiction disputes. This report by no mean claims a totality of information – its purpose is largely to raise awareness of conversations that need to take place. The impacts of public lands management on Indigenous peoples in the Pikes Peak Region have for too long been overlooked. The regional community, currently, is at a unique position in which it is capable of instigating institutional changes to long-standing land management programs and procedures.

While there are a host of critical implications regarding public lands management (use of fire, patchwork ownership, for-profit uses of tribal lands, accessibility by private users, extractive resources, and so forth) the ‘lowest hanging fruit’ is the status of Indigenous cultural sites on city, state, and federal land. It is a more

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1 Nathan Goodman is a 2017-2018 State of the Rockies Fellow from Albuquerque, New Mexico. Majoring in Southwest Studies and minoring in Latin American Studies, Nate will graduate from Colorado College in 2019. Nate is most interest- ed in exploring how interlocking webs of landscapes, identity, and society change and reshape each other over time. In his spare time, Nate enjoys playing outside, practicing Zen meditation, and writing poetry.
accessible starting point given the dislocation of Indigenous communities from the Pikes Peak Region – cultural resource management is a field in which policy issues are still relevant even if ancestral communities live hundreds of miles away (Cassandra Atencio, personal communication 2017).

The process of identifying, managing, and mitigating damage to cultural sites involves an intense policy network (NHPA, NEPA, NAGPRA, and other policy frameworks), with diffuse and often competing stakeholders. This research is intended to unravel that network and uncover procedural areas of concern, most notably regarding the tribal consultation process. Alternatives will be proposed that can help lead to more comprehensive and robust interactions between Tribal and U.S. local, state, and federal governments, with special attention paid towards the unique policy theatre of the Pikes Peak Region.

Methodology

Literature review ranges from books, peer-reviewed journal articles, and formal United States Forest Service and National Park Service (NPS) reports (ethnographic studies and Environmental Impact Statements) to newspaper and magazine periodicals. Fieldwork includes attending talks, performing panel and one-on-one interviews (Weiss 1994, 9), and conducting direct observation of the Southern Ute Sun Dance (July 7\textsuperscript{th}-10\textsuperscript{th}, 2017) as well as a tribal consultation taking place at Lake Nighthorse (August 3\textsuperscript{rd}, 2017). Methods of conducting observation often include immersion into the local culture and tradition to minimize outside interference (DeWalt 2002, 4). Research is mostly qualitative and, given the sensitivity of certain topic areas, limited quantitative, graphical, or geographic data will be provided.

Notes were taken at meetings and interviews, except where requested otherwise, and direct observation field notes were recorded after the fact to avoid alienating subject communities (DeWalt 2002, 19). Analysis will reference these interviews, although direct quotes will not be given absent direct approval from interview subjects.

A common methodological blunder in conducting ethnographic research (especially of Indigenous peoples) is the lack of awareness of the inherent bias in the discipline. “Knowledge is not something that we can passively or actively acquire because we are always involved in its production and interpretation. Similarly, knowledge production is never a ‘value-free’ or unbiased process” (Cope 2002, referenced by Cordova 2016, 4). The notion of centering the research narrative is advanced further by Shaw (2006, p.273), who writes: “Engaging with indigenous geographies thus allows us to remove the epistemological blinders which perpetuate residual, static and uniform forms of ‘truth’ to reveal instead a cornucopia of worldviews that open up new vistas to understanding the world and humanity’s place within it” (Referenced by Cordova 2016, 6). These types of ethnographic considerations are embodied, not only by the practice of conducting research, but is similarly integral to the mission of the State of the Rockies Project.

A main drawback to research is the inability to engage more fully with a wider breadth of Indigenous people who have occupied the region (numbering close to 40 distinct tribes). Given time and research limitations, attention has mostly been directed towards the three Ute Tribes, with particular attention paid to the Southern Utes due to an invitation to their Sun Dance.

Policy Summary

The history of interactions between the U.S. government and Indigenous peoples begins, first and foremost,
with blatant disregard for the wellbeing of Indigenous people. In the early twentieth century, policy measures such as the introduction of Indian boarding schools and Indian urban-resettlement were clearly intended to whitewash Indigenous communities and break the bonds of cultural heritage (Angie Krall, personal communication 2017; Site visit to Southern Ute Museum, 2017). Critics of Indian policy at the time rightly lambasted the centuries of genocide and the absence of economic opportunity on reservations, yet neglected to fully recognize the dimensions of cultural loss and appropriation.

Human remains were excavated on ancestral lands and put up on display in museums and catalogued in university annexes (Johnson; Krall, personal communication 2017). The feeling is epitomized by the statement of one tribal member – “How would you feel if your grandma was dug up? You would scream” (Lake Nighthorse Consultation, personal communication 2017). It is an indiscretion that runs deeper than simple theft – it is the physical removal and erasure of a culture that scholars claim they are attempting to protect. Therein lies the central incongruence between old-school archeology as the study of a mostly dead past and the Indigenous peoples occupying the living present with a full suite of vibrant cultural traditions. Indeed, the discipline of archeology is changing (as highlighted by figures like Angie Krall, discussed later), though antiquated ideas and techniques still dominate from time to time; an error that need be seriously addressed.

National Historic Preservation Act

Consultation – described by Susan Johnson as the “gift and mandate that pulls everything together” – began to resemble what we see today with the passage of the National Historic Preservation Act (NHPA) in 1966 (NEPA & NHPA 2013, 8). A wide-sweeping piece of legislation, the document placed protections on culturally and historically significant sites with registries at both the state and federal level. Accordingly, several new offices were put into effect to enforce the legislation – two of particular interest being the State Historical Preservation Officer (SHPO) and the Tribal Historic Preservation Officer (THPO). The SHPO is required to perform checks on any site considered for state or national landmark registry and keeps a record of documents, testimonials, and field reports for current and forthcoming sites.

A single part of what is an already extensive set of duties, Section 106 of the NHPA put into effect measures regarding the management of recognized Indigenous archeological or cultural sites on public and private lands. Principal to the proceedings is establishing if, indeed, the proposed project has an “adverse effect” on cultural resources in “a manner that would diminish the property’s integrity” (NEPA and NHPA, 7). The process of determining what constitutes an “adverse effect” depends significantly on culturally-relevant factors and the perspectives of agencies performing the evaluation. As such, to help assert the primacy of Indigenous worldviews, each tribe is entitled to designate a THPO. That said, many tribes opt out.

In Colorado, Terry Knight, Sr. (Ute Mountain Ute member) is the only official THPO and Dr. Holly Norton is the Deputy SHPO and State Archeologist. While these offices are generally on good terms, there exists an inherent level of inequality between the SHPO and THPO, especially when it comes to the availability of resources. According to Dr. Norton, recent records show that SHPO offices nationwide (of which there are 55) receive $49 million in funding annually, whereas THPO’s (of which there are 171 nationally) receive a paltry $9 million by comparison – a 17:1 ratio. Figures such as these demonstrate just some of the institutional barriers posed towards Indigenous communities’ participation in inter-governmental decision-making. Still, the formal role of initiating consultation – given it is a government-to-government interaction – must begin high in the chain-of-command (Michael Troyer, personal communication 2017). This task is typically delegated to a Forest Supervisor (USFS), Field Office Manager (BLM), or Park Superintendent (NPS), who submits a certified-letter to a Tribal Chair, President, and/or Governor.

6 Appointed by the governor, the State Historic Preservation Officer (SHPO) coordinates the state’s historic preservation program and consults with agencies during Section 106 review… [created by the 1992 amendments to the NHPA]. Some tribes officially designate Tribal Historic Preservation Officers (THPOs), while others designate representatives to consult with agencies as needed” (Citizen’s Guide to Section 106, 5).
In 1970, the NHPA was augmented and embodied by the National Environmental Policy Act (NEPA). It mandates that, whenever any public or private entity plans a project that, in some way, threatens to harm the environment, they are required to produce an Environmental Assessment (EA). Similar to the NHPA usage of “adverse effect,” NEPA seeks to determine the presence of a “significant impact.” If the impacts – analyzed on the basis of “context and intensity” (NEPA and NHPA, 7) – are negligible or non-existent, the project goes through. In the event there is significant risk of environmental fallout, then a more extensive Environmental Impact Statement (EIS) is conducted and will be put to review by the Environmental Protection Agency (EPA).

The NEPA Lead Reviewer is tasked with proposing mitigation procedures based off recommendations from various specialists. (EPA Region 8 site visit and personal communications 2017). That is, at least, how the legislation was designed to work. Environmental Impact Assessments and Statements are required by Section 106 of the NHPA to take into account harm rendered to cultural property or heritage sites. NEPA mandates that these reports include some mitigation measure or design criteria, if necessary. The question of ‘mitigation’ is really where consultation enters its most critical stage, an ‘open-ended’ process that, if done correctly, seeks to escape the age-old auspice of “data recovery” (Troyer, personal communication 2017). NEPA is very specific in its stance that, before an EA or EIS is actually written, the management entities necessarily must reach out and consult with all legitimate stakeholders. In the case of Indigenous affairs - for which there is an additional level of government-to-government legal requirements - this would include any and all tribes who consider the region their ancestral home. For context, nearly forty tribes make that claim in the Pikes Peak Region alone (Anna Cordova, personal communication 2017). Consultation is meant to be ‘meaningful,’ though all too often a non-response to a nebulous email request from the government will be taken as a lack of interest, and the party is subsequently disregarded in the management dialogue (Amanda Sanchez, personal communication 2017).

For those parties that do respond in timely fashion, their input is considered when forming a mitigation proposal. At a later stage, the same parties are to be consulted again regarding the full text of the EIS and to ensure the mitigation is up to standard and suitably comprehensive. At both the pre- and post-planning stage, the SHPO and THPO are meant to advise as well and, at either juncture, their disapproval would mark a reformulation of the proposal (Dr. Holly Norton, personal communication 2017). This latter measure provides a state-level check to guarantee there has been no gross abuse in the proceedings.

**Unravelling Jargon**

Terms – especially when swimming through the jargon of policy – take on special significance. Phrases...

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8 “ENVIRONMENTAL ASSESSMENT (EA) When a CE is not appropriate and the agency has not determined or is uncertain whether the proposed action will cause significant environmental effects, then an EA is prepared. If, as a result of the EA, a finding of no significant impact (FONSI) is made, then the NEPA review process is completed with the FONSI; otherwise an EIS is prepared. ENVIRONMENTAL IMPACT STATEMENT (EIS) NEPA and CEQ’s regulations require the preparation of an EIS when a proposed Federal action may significantly affect the human environment” (NEPA and NHPA, 9).

9 “When the NEPA review and Section 106 are integrated, whether through coordination or substitution, an agency assesses ways to avoid, minimize, or mitigate adverse effects while identifying alternatives and preparing NEPA documentation. It is important for agencies to consider ways to avoid affecting historic properties before assessing potential mitigation measures to resolve adverse effects” (NEPA and NHPA, 7).

10 “WHAT IS MITIGATION? In the Section 106 process, the term “mitigate” is distinct from the terms “avoid” and “minimize,” and means to compensate for the adverse effects to historic properties. In the NEPA environmental review process, the term “mitigate” includes avoiding, minimizing, reducing, as well as compensating for the impact to the human environment” (NEPA and NHPA, 24).

11 Meaningful consultation is a two-way road: it is more than a letter notifying a Tribe about an undertaking, a “legal notice” in a local newspaper, or any other form of unilateral communication. Meaningful consultation requires in-depth and candid dialogue with and by all the consulting parties” (Hanschu, 8).

12 “A note on timeframe for communication: communication early and often with Tribes is critical to a successful consultation. The time frame for developing relationships, conducting consultations, and negotiating protocols with Tribes are frequently time consuming, partic- ularly when relations have not been established or maintained. Plan to spend substantial amounts of time and personal involvement to develop rela- tionships that will lead to productive consultations. Sometimes, before a Tribe can take an action, approval must be obtained from the Tribal Council/ Government. When planning meetings with a tribal government, or placing matters before them for their consideration, attention needs to be given to the Tribal Council’s schedule” (Hanschu, 23).
like “adverse effect,” “significant impact,” and “mitigation” are critical for the very reason they are incredibly vague. They are prone to various interpretations that even more deeply obscure the management process. Additionally, they became the vehicle through which conflicts are fought between opposing worldviews, consultation emerging as the mediating middle-ground.

Adding to the alphabet soup are Programmatic Agreements (PA’s), Categorical Exclusions (CE’s), and Memorandums of Understanding (MOU’s). PA’s inhabit the NHPA world as pre-established, binding agreements between agencies and tribal partners (built during consultation) that set precedents for actions agencies can take absent itemized consultation according to Section 106 criteria (NEPA and NHPA, 18). CE’s “describe a category of actions that are expected not to have individually or cumulatively significant environmental impacts” and create a short-cut for actions agencies can conduct without an EA or EIS (NEPA and NHPA, 9). Only once “the Section 106 process concludes there are no historic properties present... may [the agency] proceed with the CE” (NEPA and NHPA, 19).

MOU’s, by comparison, are non-binding compacts between inter-agency partners that set “norms of practice” – terms and conditions agreed-upon by consenting parties that are expected to be upheld within their jurisdiction (Norton, personal communication 2017). Studies analyzing the Northwest Forest Plan demonstrate how MOU’s “contribute to strengthening government-to-government relationships by defining federal trust responsibilities and establishing frameworks for how consultation... should occur... [and] can be key components in effectuating strategies for communication, coordination, information sharing, and collaboration intended to meet the goals of protecting... cultural resources” (Chief 2014, 168).

The Imperfect World of Policy:

More often than not, however, consultation is much more complex and problematic than policy may suggest. To list a few central complaints from a range of stakeholders: timelines for performing consultation provide an easy-out for negligent agency officials to abuse the system, the bureaucracy of consultation just becomes ‘checking another box’ (Norton, personal communication 2017), some land managers neglect to perform consultation before writing the EA/EIS (Atencio, personal communication 2017), SHPO recommendations are seldom fully considered (Norton, personal communication 2017), the EPA’s ability to substantively challenge an EIS mitigation proposal is minimal at best, and the very premise of ‘mitigation’ speaks to an essentially western, colonial worldview.

To complete the Section 106 requirement, there are a series of deadlines under which agency officials are required to contact tribes (after which, there is a 120-day consultation period), while others mandate the inclusion of “culturally significant” sites in the national registrar within an additional 60-days following consultation. Altogether, Section 106 proceedings should be completed in just under six-months (Johnson; USFS Region 2 site visit and personal communication 2017). That said, even with 180-days, agencies tend to run behind and, according to the colloquialism, “everything should have been done yesterday”.

Most disconcerting, however, is the “30-day nonresponse” loophole (Ernest House, Jr.; Norton, personal communication 2017). If a tribe fails to respond to a “request for consultation” e-mail within thirty days of it being sent, federal agencies have the authority to assume disinterest and discount said tribes from further rounds of consultation. For some agency partners trying to skirt around the nuisance of contacting tribes, they are given relative liberty to do so by adhering to worst-case practices for consultation – sending an ambiguous letter, without any follow-up, almost guarantees an over-worked tribal office will fail to respond in due time. The policy precedent is such that tribes have the chief legal burden of claiming their right to consultation, with little-to-no large scale recourse against institutional bias that prohibits participation.

13 That said, according to Angie Krall, “Many line officers are aware that consultation can happen anytime regardless of deadlines, as opposed to other publics due to our special government-to-government relationship.”
On top of that, the frequent turnover of agency positions poses a critical impediment to forming intergovernmental relationships and building trust. “The Forest Service keeps turning over in staff,” reflects a tribal member. “It seems like just as soon as somebody gets to know us, they’re gone, and that really harms the relationship. When we help teach people about us and they leave, the band loses” (Bussey 2016, 104). Part of the issue is the prospect of career advancement, where high-performing USFS officials are given incentive to move-up the agency ladder which, consequently, interrupts relationship continuity (Mason 2012, 190). That said, the problem can be seen as two-fold, especially given the frequency with which elected tribal officials and cultural representatives are liable to change (Hanschu 2014, 21). “Because of frequent elections at the tribal level, it is important to include specific tribal department heads and staff [in consultations]... as department personnel tend to be more consistent over time.”

While the administration of environmental policy inevitably becomes a bureaucratic task at some level, corresponding tribal members are not of the same ilk. Indeed, for many – even tribal administrators – email, on its own, is not a sufficient form of communication (House, Jr., personal communication 2017). Due to a variety of factors (varying from tribes' broadband access, changes in personal, and administrative capacity), tribes' preferences regarding methods of contact and communication vary widely. Additionally, correspondence via email sometimes falls outside the context of their cultural heritage; when conducting work ostensibly focused on restorative justice, marginalized peoples should not be forced to communicate according to the language and temporality of the majority group. Such an imposition becomes another form of material oppression.

For tribal members – with depleted administrative funds and an office of one or two to complete the work of a dozen – a combination of emails, physical letters, and phone calls are needed to communicate effectively (Krall, personal communication 2017). This is doubly the case when put into perspective of the sheer volume of correspondence these officials receive. Without some level of redundancy, it is impossible to prioritize one missed invitation over another. Consultation is not ‘checking a box,’ but sometimes that becomes the ceiling of U.S. officials’ administrative effort. Even worse are episodes in which agency officials fail to document consultation proceedings, a practice derided by more forthright public servants (Nat Miullo, personal communication 2017) and deemed “heartbreaking” by members of the Cultural Resource Management community (Jessica Yaquinto, personal communication 2017).

In a sihttp://bit.ly/2018RockiesReportmilar cost- and time-saving measure, sometimes consultation only takes place after the EA/EIS has been compiled. If the tribal representatives were to have serious complaints, the management body is much more reticent to change an already existing (and paid for) proposal (Krall, personal communication 2017). In cases like these, it is clear the extent to which certain agency representatives (from all levels of government) hold consultation only as a formality. Consultation is conducted, here, only after its utility is mostly lost. Not only is this practice inadvisable, but so too does it go against the legal mandate set by both the NHPA and NEPA (with deference to documents provided by the American Cultural Historic Preservation Society and the Council on Environmental Quality). The same can be said for withholding any form of meaningful engagement with the SHPO, an office for which there is no clear enforcement apparatus. Dr. Norton, herself, cites the degree to which her office’s role is diminished, holding more “verbal” than “legal” authority; citing Stephen Hart, “they [agencies] don’t take advice, but they still have to ask for it” (Norton, personal communication 2017).

The damage from practices such as these is more widespread than the fallout from a single event. The success of consultation is built upon years-long relationships and trust between tribes and U.S. governmental

14 “The council receives mountains of documents and information on a weekly basis, so consider including a one-page summary of the information at the front of the packet” (Hanschu, 36).
15 “A federal agency must conclude Section 106 review before making a decision to approve a project, or fund or issue a permit that may affect a historic property. Agencies should not make obligations or take other actions that would preclude consideration of the full range of alternatives to avoid or mini- mize harm to historic properties before Section 106 review is complete” (Citizen’s Guide to Section 106, 20).
16 “By statute, the Section 106 requirements must be met prior to an agency approving the expenditure of funds on an undertaking (other than funds for non-destructive planning) or prior to issuance of a license, permit, or approval needed by the undertaking. Further, an agency must complete the NEPA and Section 106 reviews before signing a decision document” (NEPA and NHPA, 35).
officials (Troyer, personal communication 2017). Overlooking consultation at critical junctures chips away at that relationship and builds a dynamic in which some tribes stop participating after seeing how their voice has been disvalued (Sun Dance Interviews, personal communication 2017). Reducing Section 106 to its most bare components – the “determination of effects and determinations of eligibility” – puts a stake in the heart of efficacious consultation (Norton, personal communication 2017). Later sections will explore the dimensions of successful Tribal-U.S. working relations.

When all fails in the world of environmental management, the EPA is imagined as the ultimate safeguard – an agency with federal jurisdiction, relatively deep pockets, and the final say on issues of critical import. If that ever was the case, it certainly is not so today. As the Department of the Interior is facing severe cutbacks and related agencies are facing increased challenges, the EPA has been at the forefront of the chopping block (Jon Dow, personal communication 2017). Meeting with members of the Region 8 office in Denver, their hand is often held back, as they lack the funding, support, and enforcement mechanism to seriously dispute any NEPA report which lands on their desk (EPA site visit and personal communication, 2017).

Even the language of their consultation guidelines leaves the door wide-open for varying levels of follow-through; “To the fullest extent possible, EPA plans to use existing EPA business operations to put this Policy into effect” (EPA Policy on Consultation 2011, 4). Absent an absolutely irreconcilable complaint, their feedback mostly registers in the range of ‘suggestions,’ utilizing language that indicates passivity – “We recommend you consider...” (EPA Site Visit and personal communication 2017). EPA officials have to walk lightly and with tact to make a meaningful mark on a proposal. The checks intended as part of NEPA and Section 106 of the NHPA are not functioning as intended and, as a result, the system suffers.

Still, even when the system is working, there are essential flaws with the rhetoric. The term ‘mitigation’ bears with it the implication that some, ideally minimal, harm will be rendered. From a western perspective based on a net-benefit calculus, the harms are outweighed by the process of development; i.e. trail development is ultimately good, even if it disrupts some forest corridors. That same trade-off does not work from an Indigenous perspective. Justifying a management procedure by claiming it is the “lesser evil” of all the different iterations of the proposal does not take away the fact it will inevitably damage, at least in some way, cultural resources. Advocating “mitigation” becomes an admission of intentions to prioritize development over respecting Indigenous sovereignty and accessibility to ancestral lands.

Often, when a THPO or tribal representative enters the bargaining table, it is with the understanding they have already lost. While covering a consultation in Durango, Betsy Chapoose – cultural liaison for the Ute & Ouray Indian Tribe of Northern Utah – discussed how “consultation is mostly there to make white people feel better” (Chapoose, personal communication 2017). A valuable exercise, the initial feeling of legitimacy inspired by seemingly ‘progressive’ government action belies the basic injustice that fills the background of many government-to-government interactions between the United States and tribes. The U.S. is willing to concede some level of mitigation; pushing the boundaries back, moving the proposed site, placing a few cautionary signs, etc. Very seldom is the outright cancellation of the project considered, regardless of how egregious its implications are to the Indigenous community (Ibid.). The system set by the NHPA and NEPA, even at its best, puts Indigenous people at a structural disadvantage, an issue for which practitioners need have a heightened awareness.

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17 “The Policy complies with the Presidential Memorandum (Memorandum) issued November 5, 2009, directing agencies to develop a plan to implement fully Executive Order 13175 (Executive Order). The Executive Order specifies that each Agency must have an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications” [EPA Policy on Consultation, 2].

18 Important to note, this is not always the case – Angie Krall reflects, “[There have been times... I have left the consultation table utterly torn down. I certainly did not “feel better”. We often re-live the historical trauma and the white guilt over and over again... When it works well, consultation is a conversation that includes people on both sides transcending the older patterns, talking openly as people with common goals... [T]here are few places to learn the craft, except by doing. No one teaches you how to take in that trauma and learn how to not let it eat you alive. Tribal people learn by trial and fire as well, having to enter that bureaucratic realm that can be very foreign to them... Some [people] who come to that table get beat up, never to return... Other times we, together with Tribes, have incredible breakthroughs together, and we do move to the next level of relationship and collaboration.”
As much as the relative looseness of Section 106 creates a window for negligence, its inherent flexibility is still an asset in many respects. Tribes are so far-encompassing and issues of cultural property loss so varied that it is necessary for policy to adapt to the situation at hand – a more strictly regulated NHPA is not the best answer in and of itself (Troyer, personal communication 2017). That said, there are also pieces of US-Tribal legislation that adhere to a far stricter timetable and set of requirements. Of these, the most prominent is the Native American Grave Protection and Repatriation Act (NAGPRA).19

Passed in 1990, the act sets high standards for the re-interment of disturbed Indigenous remains. This includes objects in museum, university, and federal collections, as well as more recently identified sites discovered through various development projects, erosion, or illegal excavation. The legislation mandates that these remains be repatriated promptly and with diligence to the tribes to whom they belong. In most cases, the specific tribe is unclear and, in accordance with NAGPRA, all tribes with some historic claim to the region must be consulted. Unlike Section 106 proceedings, non-response is taken seriously – contact with tribes is required by a certain date and U.S. compliance is tightly enforced.

The exhaustive nature of the legislation speaks to the essential nature of remains and burial sites in Indigenous societies, as well as the extent to which those sites have been systematically desecrated. Indigenous peoples adhere to a non-linear perspective on the passage of life and heritage. Ancestors who have passed away live on in the present through the interrelatedness of land, the cycling of nature, and the continuous habitation of ancestral territory (Sun Dance, personal communication 2017). “The spirits are still there...” recounts a tribal member, “It is very sensitive” (Lake Nighthorse, personal communication 2017). Uprooting burial sites severs those ties, not only between native peoples and those who came before, but to the land itself. Anna Cordova, in her Master’s Thesis, speaks to the connection between the rootedness of ancestors in traditional territories and contemporary Indigenous communities:

“Native scholar Vine Deloria (1973, p. 275) noted that there are ‘places... of unquestionable, inherent sacredness on this earth, sites that are holy in and of themselves’... Kelley and Francis (1994, p.1) note that they [these landscapes] are ‘a material anchor for those stories and thereby store them as a physical link between people of the present and their past’” (Cordova, 9).

The robbery of ancestral remains is a destruction of memory, as well as living heritage, and resembles a form of cultural genocide.

NAGPRA provides tribes the legal backing with which to maintain and fight to restore those ties to ancestral lands. Indeed, the legislation has heralded great success. When NAGPRA is triggered, both U.S. and tribal entities take those proceedings very seriously and with deference to tribal interests. To a degree, the heavy-handedness of NAGPRA has brought attention to other areas of Indigenous cultural property loss and given tribes the leverage to be more demanding and forthright with their concerns in all phases of consultation. The successful re-interment of remains has also created the opportunity to expand the relationship of trust between agency and tribal partners (House, Jr.; Krall; Jim Pitts, personal communication 2017).

According to Krall, NAGPRA proceedings done right build “cache” within the tribal and federal communities. Rio Grande National Forest and the San Luis Valley – which has seen eleven reburials since 2008 – is taken as a regional model for tribal collaboration. The relationship has developed sufficiently to where, now, people “can talk about anything in meetings,” e-mail has become an informal, yet productive means of communication, and issues totally unrelated to the topic remains often get brought up and, subsequently, resolved in NAGPRA round-table discussions (Krall, personal communication 2017).

19 “Native American Graves Protection and Repatriation Act of 1990 (NAGPRA). NAGPRA provides a process for museums and Federal agencies to return certain Native American cultural items -- human remains, funerary objects, sacred objects, or objects of cultural patrimony -- to lineal descendants, and culturally affiliated Indian tribes” (Hanschu, 10).
For instance, an Indigenous partner may mention “We need crane feathers.” Krall, through her role as the Heritage Program Manager for Rio Grande National Forest, can cross-reference the claim, open streamlined communication with other federal agencies, and permit the retrieval of crane feathers in timely fashion. House, Jr., in our meeting, illuminated that there are still upwards of 800 known remains that have yet to be reinterred in Colorado. While it is arduous and time-intensive work, NAGPRA represents a small step in the direction of improving Interagency-Tribal relationships and an expanded scope of Interagency-Tribal interactions (House, Jr., personal communication 2017).

It is important to note, again, and reemphasize the multi-lateral nature of cultural resource management. Federal legislation (NHPA, NEPA, NAGPRA, and – more tangentially – the American Indian Religious Freedom Act) instates state and regional level offices (THPO, SHPO, Region 2 of the USFS or Region 8 of the EPA) of various jurisdictions (USFS, NPS, BLM, USFWS, state and local governments) to correspond and consult with members of sovereign nations. Ernest House, Jr., the Director of the Colorado Commission of Indian Affairs (CCIA) and Susan Johnson, Regional Tribal Relations Program Manager for USFS Rocky Mountain Region, speak highly of the work completed at various levels of government.

Additionally, different levels of government adhere to distinctly different guidelines regarding consultation. Notably, state-level consultation with tribes is significantly less regulated, where “Unlike the federal government, individual States and their agencies are not required by federal law to consult with Tribes” (Hanschu, 8). That said, regarding areas of policy overlap, “State-Tribal Consultation is not only good practice, but also consultation leads to increased mutual respect, and more effective program planning and implementation”. The CCIA, by virtue of its jurisdiction, is only required to consult with the Southern Ute and Ute Mountain Ute Tribes. That said, the agency is staunch in its commitment to advocate for all forty-eight tribes that have historic claim to burial grounds in the state. Additionally, Colorado is unique in setting a precedent for state agencies to form government-government relations with tribes through “Tribal Consultation Agreements” (TCA’s). More specifically, the “Colorado Department of Health Care Policy and Financing (HCPF)” and “Colorado Department of Public Health and Environment (CDPHE)”, signed agreements in 2011 to collaborate on state-level “health care related issues” (Ibid.).

Whether it be Colorado helping to establish to a procedural precedent for repatriation through NAGPRA (House, Jr., personal communication 2017) or tribally led organizations successfully lobbying to place provisions for increased responsiveness to tribes in the 2008 Farm Bill (Johnson, personal communication 2017), proactive efforts from a wide range of actors yield hope that consultation practices have the potential to improve. Best methods, such as the work outlined in the San Luis Valley Intertribal and Interagency NAGPRA Working Group MOU will be discussed in a later section.

Focusing on Pikes Peak

Most of what has been discussed so far focuses on U.S. federal and state level attention to issues of cultural resource management – none of it has had anything particular to do with the Pikes Peak Region. This begs the question, what are the cultural and historical features that make Pikes Peak unique? For one, until recently it has been a region bustling with migratory activity. More than thirty tribes – including various Ute bands, Kiowa, Cheyenne, Apache, Arapahoe, Lakota, and so many more – conceive of this region as part of their ancestral home (Cordova, personal communication 2017).

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20 “In 1978, Congress enacted the AIRFA, recognizing American Indian religious freedom and requiring "federal agencies to learn about, and avoid unnecessary interference with, traditional Indian religious practices." However, Rep. Morris K. Udall (D-Ariz.), who cosponsored the bill, stated that AIRFA did not create any legal rights. AIRFA instead “depends on Federal administrative good will for its implementation.” (Hooker, 137).

21 “In 1976, the Colorado General Assembly created the Colorado Commission of Indian Affairs (CCIA) within the Office of the Lieutenant Governor. The Lieutenant Governor serves in the statutory role as chair of the CCIA. The CCIA was designed to be the official liaison between the two Ute Indian Tribes located in Colorado (the Ute Mountain Ute and Southern Ute Indian Tribes) and the State of Colorado” (Hanschu, 4).

Indeed, “Colorado’s first human residents arrived more than 12,000 years ago” (Veblen 2004, 35-6). Specifically speaking, “the Mouache band of the Ute Indians defended the South Park area as their territory for hunting... as early as 500 to 1000 years ago. At the time of Euro-American settlement in the area of the present-day Front Range, the Utes occupied most of western and northern Colorado” (Ibid.). Their Wickiup structures – “housing... consist[ing] of a cone of branches supporting each other or supported by a living tree” – have been dated as recently as the early 20th century in parts of Colorado, well after the Utes forced removal from the region (Curtis Martin, personal communication 2017).

From “plains to peak,” the features of Pikes Peak (ancestrally known as tava, translated as “Sun Mountain”) were a boon to seasonal migration, with people travelling up the slopes for the summer months and returning to the grasslands of eastern Colorado in winter. Sightings of Indigenous people in the region have occurred since original surveys performed by western pioneers in the 19th century. That said, General William Jackson Palmer – Colorado Springs’ oft celebrated founder – noted, with a patronizing air, that by the mid-1890’s Indigenous people began to disappear and he missed the sight of his “wild neighbors” (Palmer 1896, 13). Indeed, that absence has been felt ever since – the only official reservations in Colorado are for the Southern Ute and Ute Mountain Ute tribes, which are six- and seven- hours away from Colorado Springs by car, respectively.

From a policy perspective, the final straw for free-roaming Indigenous peoples of Colorado came with the ‘Ute Removal Act’ of 1880 (Cordova, personal communication 2017). It was primarily a response to the “Meeker Massacre,” an event in which, Nathaniel Meeker – a Bureau of Indian Affairs representative and founder of Greeley – was kidnapped and killed by a local Ute band. Very soon after, the U.S. government sought to push all Ute peoples out of the state as a form of retribution. Chief Ouray of the Uncomphagre Utes – who himself was not affiliated with any of the involved parties – negotiated to instead create a reservation in the southern part of the state (later split into two reservations following political conflict) and a second in northeastern Utah, where the bands residing around Grand Junction (including those most proximal to the massacre site) were relocated and formed into the entity now known as the Ouray & Ute Indian Tribe. The systematic removal of Indigenous people from the state, let alone the Pikes Peak Region, has enabled Colorado Springs residents to adopt an attitude of apathy towards local Indigenous affairs.

For these reasons, despite resounding historic ties to Pikes Peak, federally recognized tribal governments have an extraordinarily tenuous grasp over important cultural sites in the area. A critical impasse is created where a lack of time, resources, and energy often prohibits access to cultural resources or the ability to sufficiently participate in politics surrounding ancestral lands (Cordova, personal communication 2017). The situation is even more dire for tribes living across state lines, many of whom exist in increasingly difficult economic circumstances. It is critical to note, however, that while there are no reservations near Colorado Springs proper, there is a large urbanized Indigenous community in the greater Colorado Front Range, with representation from tribes all over the nation (Ibid.).

Periodic requests are made to forage for traditional plants in Pike National Forest and city parks (Ibid.). Otherwise, Indigenous advocacy groups are more inclined towards providing social services, such as campaigns within local schools or the activities of the Denver Indian Center (Rick Waters, personal communication 2017), which focuses on issues ranging from alcohol & drug abuse, to “Honoring Fatherhood” and youth support. A regional organization based in Colorado Springs “One Nation Walking Together” provides aid to support the economic and infrastructural development on reservations in the Western U.S. (Jessica Wohlrob, personal communication 2017).

Seeing how any study of Indigenous habitation in Colorado Springs takes on a regional dimension, questions of cultural resource management must be approached from a similarly broad perspective. Honing down our focus, particular attention will be paid to a case study concerning the expanding recreational complex of “Lake Nighthorse” near Durango, CO and a corresponding Bureau of Reclamation (BoR) consultation taking place.
August 3rd, 4th, 2017. Next, the cultural resources of Colorado Springs and Pikes Peak will be more closely examined, looking at comments from the city archeologist, forest service representatives, and Southern Ute and Ute Mountain Ute members. Third, and finally, local controversies around Ute Prayer Trees will be explored along with a discussion on the construction of knowledge and keeping Indigenous sovereignty in perspective.

Lake Nighthorse and Pikes Peak most resemble each other as rapidly expanding and highly trafficked recreation areas with a long-history of Indigenous habitation. A key difference, however, is that Lake Nighthorse is an invented feature. Originally authorized as part of the Animas-La Plata Project (1968) to provide Indigenous groups in the region their federally-reserved water rights (Rogers 2009), the controversial reservoir was completed in 2011 and was named after Ben Nighthorse Cambell, former U.S. Senator and member of the North Cheyenne Indian Tribe. Controversy arose mostly over the fact the project flooded a centuries- and millennia-old ancestral valley – home to any number of different tribes – and treasured artifacts and remains held sacred by descendants are lost now, and desecrated at the bottom of an artificial lake.

Also known as ‘Dead Water’ (Garrett Briggs, personal communication 2017), travelling in or consuming water that contains remains is impermissible as it disrespects the resting ground of ancestors. That said, even given this existing injury, the topic of consultation was the city of Durango’s plans to build overflow parking for the recently designated ‘Lake Nighthorse Recreation Area.’ Shifting hands from federal, to state, and finally local management, the area, in what was once the site of extensive Indigenous settlement, is now a man-made reservoir soon accessible to recreational boaters, paddlers, and jet-ski enthusiasts (Lake Nighthorse, personal communication 2017). While any consultation involving Lake Nighthorse cannot be divorced from its albatross-like origins, meetings observed in August 3rd, 2017 in Durango (administered by the Bureau of Reclamation) were triggered by the high volume of archeological sites in close proximity to the proposed over-flow parking area (Ibid.). Consultation, in this case, gives tribal governments the opportunity to voice dissent or propose mitigation strategies for the parking lot and, as will be seen, provides an outlet for long-held grievances.

Taken in a vacuum, the meetings were comprehensive and set a high bar for consultation decorum. An inclusive panel of representatives from around Colorado, New Mexico, and Utah convened for two days as guests of the BoR and the city of Durango. Discussion was moderated by a mediator who pushed for the satisfaction of both the U.S. government and the Indigenous members’ interests. All of the engineering plans were purely speculative (awaiting consultation feedback), all questions were answered before and during an extensive site visit, and the entire project was re-flagged to suit the specific needs of tribal representatives to visualize the various types of work areas and the impact they will have on the landscape.

From a more detached point-of-view, it would appear that this perceptively Indigenous-centered consultation would be a model for those discussed in this report. There is, indeed, a lot that has been done right. However, even consultation “done right” does not sufficiently meet the needs of Indigenous audiences, as it often ignores larger and more prevailing histories of injustice. Consultation cannot be seen from a strictly-linear, western perspective. The context of past lived-experience – cultural memory and trauma – is just as important as anything happening in the present. There is no perfect outcome and it is impossible to redact centuries of colonial violence, but recognition is at least better than erasure.

While the presentation is nice and the tone is generally kind, the consultation taking place at Lake Nighthorse is still, ultimately, a formality. It is a small piece of what is a significantly larger managerial proposition, and getting the tribes “on the side” of the project is one of the last few administrative kinks to work out. The harm has already been done. The over-flow parking will be built, it is just a question of how and when. The project coming to fruition is inevitable, and the hum of jet-skis can already be heard in the distance.

Lake Nighthorse mirrors this pattern of irreverence. No matter what the tribal representatives say or how hard they push back, there is no way to effectively stop the encroachment of U.S. government and recreation interests onto their ancestral territory. Ricardo Ortiz, representative for Pueblo of San Felipe, very poignantly said,
“we will talk about it tomorrow, and the answer will still be no” (Ibid.). Somewhat surprisingly, the atmosphere in the room remains amicable, as Ricardo transitions into a joke about scaring off looters – suggesting that the city build a statue of him with a bow and arrow in the center of the lot. This type of self-satire serves as both a relief, as well a window into underlying sources of tension.

There is an acceptance that consultation can do relatively little to match the full demands of tribes (most often, stopping the project completely), so they acquiesce and leverage their legal rights to achieve the maximal amount of mitigation (avoiding high-volume archeological sites, special signage, sensitivity instructions for workers, etc). Beyond this concession, the inevitability of acquiescence in tribal consultation is particularly heartbreaking. Still, many figures, especially senior tribal representatives, are especially vocal regarding the nature of consultation. Recall, here, Betsy Chapoose’s comments (made in the wake of these discussions) that “consultation is about making non-Indians feel better.” The U.S. government gives tribes a mostly ceremonial voice in management decisions, to assuage the guilt of the colonial class while still allowing them to pursue (relatively) unfettered capital projects—sometimes, consultation turns into just “checking a box.”

Take the Dakota Access Pipeline (DAPL) – among the most visceral examples of federal impositions on Indigenous land in recent memory – heavy machinery continued to roll over ancestral graves despite fervent opposition and protest. Under no uncertain terms would any mitigation of the pipeline be considered permissible; its very existence, for environmental, cultural, and spiritual reasons, was entirely incompatible with Indigenous peoples’ sense of self and community. Ultimately, the interests of capital and the inertia of development took precedence over averting the spiritual death and physical endangerment of sovereign nations. They were cast-off as negligible and unavoidable consequences, thrown away and forgotten. Rather than being a unique outcome, DAPL stood out for being a more overt iteration of the ongoing conquest of Indigenous peoples’ land and culture – the typical pageantry around consultation was disregarded, though the end result is mostly the same.

Even where tribes are denied a full seat at the table, they refuse to be silenced. Standing Rock provides a great example of protest, but so too do the Like Nighthorse proceedings display persistence and virility. The attitude of Indigenous representatives demonstrates their unwillingness to accept the expectation of being a vulnerable and bedraggled people that deserve an honorary place on a museum shelf. Tim Martinez of the Pueblo of San Ildefonso remarked, “I expect respect, trust, and discipline... we have claims because of migration and worship” (Ibid.). During consultation, tribal members are incredibly outspoken about areas where they have some say in decision-making.

In the case of Lake Nighthorse, some of the fought-after concessions included clearly marking the perimeter of the parking project and expressing concern about the project’s proximity to cultural objects, effect on access to wild foraging, and the sustainability of a walking path along easily eroded areas (Ibid.). Indigenous peoples, when given the opportunity, exercise an intrepid will towards civic participation. In the end, takeaways from the Lake Nighthorse are more hopeful than futile – the energies and engagement of tribal representatives set a positive model for the role they will hopefully hold in a more efficacious public lands co-management regime.

Colorado Springs: Local Levels of Cultural Resource Management

Understanding regional levels of policy-making enables a more integrated and comprehensive study of local resource management. First and foremost, recognizing the scope of actors is a critical yet exhaustive task. Starting with municipal government, Matt Mayberry is Colorado Springs’ “Cultural Services Manager” (and Director of the Pioneer’s Museum) and oversees the collection, administration, and public dissemination of cultural resources and heritage sites. Beneath him is Anna Cordova, the Colorado Springs City Archeologist – the presence of the position alone is particularly significant, given it is rare for a city to have their own archeological office. Overlap exists between archeological claims on city-administered lands and those of other agencies, most notably El Paso County’s Planning Division and the local branch of the USFS, members of which include: the Pikes Peak District Ranger (Oscar Martinez), Pikes Peak National Forest Planner (Jon Dow), Pikes Peak Forest
In addition to the typical duties of maintaining a multiple-use forest, the Pike Peak Ranger District (PPRD) functions as a corollary to the *Pikes Peak Highway* – a city owned and operated pay-per-use resource on USFS land that maintains a paved road and contracts private food and souvenir vendors to service Summit House visitors (Brent Botts, personal communication 2017). This reveals a yet another component to the regional cultural resource management matrix – it is a network of various government offices that does work and interfaces with the private sector and research institutions.

Anna Cordova frequently conducts field work with student teams from UCCS (her alma matter), amongst whose faculty there is a significant presence of scholars engaged in the study of Indigenous affairs (Linda Watts, personal communication 2017). Added to this are networks of local, amateur, “hobbyist” archeologists (organized primarily by the Pikes Peak Chapter of the Colorado Archeological Society - or the PPC of the CAS), who maintain keen interest in finds all over Colorado. Civic participation in studying local history is typically welcomed, though at times the energies of amateur archeologists become somewhat misdirected. Preservation of sites often entails keeping groups such as these at bay to dissuade unwanted attention and foot traffic. Additionally, a lack of awareness regarding the cultural history of ancestral objects and dwellings – which encompass the berth of traditional knowledge and memory – opens the door to accidental abuses of cultural property. Known local sites range from fire pits and ancestral campgrounds at Garden of the Gods to high-density sites around Jimmy Camp Creek and Corral Bluffs.

Private organizations in Colorado Springs engaged in Indigenous cultural affairs include the Colorado Springs Indian Council (CSIC) and “One Nation Walking Together.” The former is largely defunct, with reported issues ranging from a relative degree of disorganization to the co-opting of leadership by non-Indigenous members of the Colorado Springs community (Cordova, personal communication 2017). The latter is a non-profit group that, while based in Colorado Springs, operates regionally to provide support services and infrastructural aid to bring economic relief to struggling reservations (Wohlrob, personal communication 2017). They conduct an annual pow wow fundraiser which, in some respects, functions as an organizing event for the Indigenous community, but mostly is a vehicle to market *Indian wares* (selling digestible trinkets from the perceived pan-Indigenous culture) and move money from the hands of non-Indigenous tourists to the organization.

It is a type of cultural exchange that is becoming more and more common; akin to tourism, *selling culture* (mostly tours and crafts) becomes a profit-making venture. There is nothing inherently wrong with this type of arrangement – communities such as the Hopi Nation and Taos Pueblo have successfully implemented this strategy and used it to provide critical services to the community. That said, it only begs the question of when and where the sale of cultural property starts becoming inappropriate. The simple answer is that it should be decided by Indigenous communities who hold ancestral claims to that knowledge. When analyzed more concretely, however, the question becomes more problematic. Who among Indigenous communities has the right to determine the appropriateness of knowledge being disseminated to larger, non-Indigenous audiences? Who holds the power and supremacy over traditional knowledge to determine what is acceptable to share, along with when and where? Questions of this nature have recently been brought to the fore in Colorado Springs, with a particular management conundrum centered around “Ute Prayer Trees.”

Introduced to the greater Colorado Springs community in the 1980’s and 90’s by the Pikes Peak Historical Society (PPHS, based out of Florissant, Colorado and pioneered by Celinda Kaelin), *Ute Prayer Trees* have become a regular feature in the popular mythos of the region (PPHS communications). Commonly identified by strips of scarred bark, bends in the trunk, and limbs pointing in the direction of Pikes Peak, Prayer Tree “tours” are frequently conducted in public areas, especially in recent years. Of particular note are the tours held in Fox Run Park (Black Forest) by the charismatic and controversial John Anderson.

Former local sheriff turned cultural historian, Anderson has become the popular face of the Prayer Tree
movement. According to distributed materials from his office (Anderson & Associates), the Utes “believed Prayer Trees lifted their prayers up the tree towards their Creator, where their prayers were intermingled with the prayers of their tribal ancestors who had previously prayed around the tree...when the winds [would blow], they felt the pine needles released their prayers, which would be carried across the land for the next 800 years.”

Quite rapidly, Anderson’s tour operations have escalated into a fully-fledged business, with speaking engagements and seminars held across the state. In addition to performing private and public consultations at a rate of up to $250 per hour (Anderson & Associates, 2017), he is working on publishing his second coffee table book. In a particularly controversial event, he acquired an El Paso County contract to catalogue “prayer trees” using funds from an account related to the county’s Federal Emergency Management Agency (FEMA) budget—an illicit maneuver, given that Anderson is not a licensed archaeologist and thus an unqualified recipient of public funds (Celinda Kaelin, personal communication 2017).

The civic virtue of educating citizens about prayer trees is limited because, for the most part, Ute Prayer Trees have become a marketable commodity, a means of selling the knowledge of Indigenous peoples to a mainstream, colonial audience. This is problematic because the sale of traditional practices to non-Indigenous people has the potential to reveal “taboo” knowledge and cheapen ancestral teachings by presenting oversimplified histories. Additionally, it puts this knowledge in the hands of people who are unaware of its larger cultural context, and are therefore more liable to manipulate and distort what they learn. All these issues frame the foremost concern in this particular case: the historical claims made by proponents of Ute Prayer Trees are disputed by foresters, professional archaeologists, and—most importantly—official representatives of all three Ute tribes (Atencio, personal communication 2017).

Cassandra Atencio (née Naranjo), the acting NAGRPA coordinator for the Southern Ute Tribe, very quickly dismissed “prayer trees” when asked about them. “We are a mountain people,” she says, “we would never do this to trees” (Ibid.). While there are some examples of legitimate culturally modified trees (such as peeled-bark trees, where a layer of the tree is eaten), official representatives of the Ute Mountain Ute, Southern Ute, and Ute & Ouray Indian Tribes have insisted that bent-prayer trees should not be attributed to their people. The trees do not appear in recorded oral histories or their ethnographic record. Aside from the sheer impracticality of a migratory people meticulously pampering and styling trees they see only a few times a year, there’s no hard-evidence supporting an anthropogenic basis for the bends in the trees. Local foresters have taken coring samples of the trees (with the permission of Terry Knight, Sr., THPO and Ute Mountain Ute member) and discovered that they were only 60 to 70 years old—having grown well after Ute peoples had been pushed out of the region (Cordova, personal communication 2017).

There are plenty of legitimate scientific explanations for why the trees are bent in such a way (like snowpack changes or genetic tendencies). There is no reason to jump to such an unlikely and controversial explanation. Support for the CMT thesis is found amongst individual tribal members (often with dubious claims to leadership), who leverage their claims against the stated position of tribal governments. The almost-blind faith attached to these “rogue Indians” draws attention to a critical double-standard that Indigenous peoples often face—one tribal member is taken for representing not only their tribe, but are misidentified as representing the whole sum of the pan-Indian community. Taking the word of official tribal representatives is essential as those representatives are in those positions due to their knowledge of their tribe’s history and traditions. They are also less likely to abuse and fabricate knowledge in such a way that is harmful to the rest of the community (Ibid.). Unfortunately, this perspective is lost on many Colorado Springs residents.

Having assembled a few symbolic “Ute representatives,” Anderson uses his Indigenous cohorts as a shield to ward off criticism from official tribal leadership. Indeed, for an otherwise well-intentioned non-Indigenous person, it can be difficult to decide which Indigenous voice to listen to. The fear that Indigenous government officials do not accurately represent their people’s cultural history is entirely valid. That said, this concern fails to
account for the idiosyncrasies of the relationship between the mainstream American culture and sovereign tribal nations.

According to intergovernmental treaties between the United States and tribal entities, Americans are required to respect the sovereignty and self-determination of Indigenous peoples within their territory.” Felix S. Cohen, a legal scholar specializing in Indigenous law, once wrote; “Perhaps the most basic principle of all Indian law, supported by a host of decisions, is that those powers which are lawfully vested in an Indian tribe are not, in general, delegated powers granted by express acts of Congress, but rather inherent powers of a limited sovereignty which has never been extinguished” (Referenced by Hanschu 2014, 6).

That said, the respect of tribal sovereignty called for by legal principles is often disregarded by the American government and moneyed interests. The already abhorrent track-record of the U.S. breaking treaties gives all the more reason for individuals to recognize their role in the strata of U.S.-Indigenous relations and give total deference to tribal governments on social and cultural issues. In keeping with the theme, it is not the place of the Colorado Springs community to decide which Indian knows more about their culture. There is, however, a responsibility (let alone a legal mandate) to respect the role of a self-determining government and to help maintain Indigenous control over traditional knowledge—non-Indigenous voices claiming wisdom should be quiet by comparison.

This conclusion leads to another set of questions, most notably when and where are Indigenous perspectives truly integrated into the policy process? On a federal and state level, there are officials like Susan Johnson (Regional Tribal Relations Program Manager, USFS Rocky Mountain Region) and Ernest House, Jr. (Executive Director of the CCIA) who hold key leadership positions, though very seldom do tribal members occupy high-ranking U.S. government posts if that office has not been expressly created to handle tribal affairs. Looking at the local level, however, Anna Cordova is quite the rarity. Seldom seen are Indigenous archaeologists, as the methodology and ideological slant of the discipline is inherently at odds with Indigenous worldviews (analyzing heritage as relics as opposed to the cultural history of a living people).

Even genuinely well-intended government agencies and archaeologists employ an approach to intergovernmental-tribal relations that is dominated by western ideas. “The current American landscape represents the historical legacy of one worldview superimposed on another, the colonial overlaying the indigenous” (Kimmerer 2001, 36). This is epitomized by the wording of an EIS document cataloging cultural resources for the “Upper Monument Creek Landscape Restoration Area;” “The cultural resource surveys... have resulted in the identification and recordation of sixty- two archaeological sites. The sites are predominately historic resources (n = 52), with a small representation of prehistoric sites (n = 10). In addition, twenty-eight isolated finds were recorded. Again, the majority of which are historic (n = 22), compared with prehistoric resources (n = 6). Of the total sites recorded, eight are considered officially eligible for listing on the NRHP, while seven are recommended as ‘needs data officially’” (Dow, 165). The language is precise, yet formulaic—the numbers are devoid of cultural content, the ancestral resources described are unrecognizable from a traditional perspective.

There is simply a deficit of Indigenous voices, reflecting a long-held colonial assumption in which it is incumbent upon tribal members and leadership to adapt to the language and methodology of the western ruling-paradigm. This same mindset is what enables issues like Ute prayer trees—which, as objects, appear to hold little-to-no import to Ute communities—to take time and attention away from more salient issues of cultural resource management and the protection of legitimate ancestral sites. Whether or not we like to hear it, non-Indigenous voices claiming wisdom should be quiet by comparison.

21 The source of tribal sovereignty is American Indian peoples, who mutually consent to self-government by their Tribes since powers of government flow from the consent of the governed; thus, tribal sovereignty refers to the inherent right of tribal peoples to govern themselves. The Institute for the Development of Indian Law defines sovereignty as the supreme power from which all specific political powers are derived. Sovereignty for Native peoples has existed since time immemorial, predating the U.S. Constitution, but has been recognized by Article 1, Section 8 of the U.S. Constitution and confirmed through treaties, statutes, executive orders, and Supreme Court decisions, Tribes have been recognized in federal law as distinct, independent, political communities with the power to govern their own members and territories” (Hanschu 2014, 5).
people hold the decision calculus on which issues of Indigenous cultural resource management will be brought to the forefront, and those that will spend forever loitering in policy purgatory. Indigenous voices and perspectives are the only checks that can keep our agencies and officials accountable. The question then becomes; how do we draw those voices more closely into the policy process? Looking at centuries of U.S.-tribal misconduct, it may seem an impossible task, though in small-steps progress can (and already has) been made. The remaining parts of the report investigate the path that lies ahead for Colorado Springs and the Pikes Peak Region.

Exploring a “Bicognizant Worldview”

The term “Bicognizant Worldview” is used frequently by Angie Krall, Heritage Program Manager for Rio Grande National Forest (Krall is incidentally a graduate of Colorado College Class of ’92). Typically, interviews ended with the stock question, “Who else should I be talking to, and where can I find models for consultation done right?” Invariably, Krall was brought up as a person of interest. The San Luis Valley, on first glance, is an unassuming and somewhat surprising place to find national-trendsetting innovation to cultural resource management practices. Closer examination, however, reveals how the SLV is exactly the kind of space in which those types of advances are most likely to emerge.

First and foremost, there is a long-history of Indigenous settlement in the region, with a particular-history based in the hispano-mestizo communities of the 19th century (Davidson 2015). Pueblos in Northern New Mexico are a relatively short-drive away, and the region has not seen a significant enough explosion in urban density, immigration, or industry to substantially change more long-held community dynamics (though Utes, Apaches and Navajos – as a result of dislocation – have lost some cultural memory of the Valley since removal).

The local climate is such that personal histories with policymakers and USFS officials can, at times, range into the decades – the problem of attrition within the federal offices is less an issue here than it is elsewhere. As such, it is possible to form intergovernmental and inter-agency relationships based on genuine trust and camaraderie as opposed to mutual convenience. Additionally, the San Luis Valley does not experience significant stress from development and does not boast an overwhelming-load of lucrative natural resources. In short, the land is held at a relative low-value, water is scarce, and many families have maintained continuous settlement in the region for the last five-hundred years.

It all starts with listening, but not in the same way that U.S. societal precepts would make us think. It is entering a space where our traditional ways of assessing value no longer serve us. Meaningful consultation cannot be achieved by a government briefing, reading guides, or attending meetings – though all of the above certainly help. It is easy to forget, oftentimes, that non-Indigenous agency officials and researchers have their own culture, too, and that culture is inherently at odds with the object of consultation. Participants in a collaborative study between members of the Leach Lake Band of Ojibwe (LLBO) and Chippewa National Forest agency officials reflect on the experience:

“When the Forest Service would propose an activity...our role was to use our connections to help guide them. We would tell them which spaces are someone’s sugaring area, hunting area, or blueberry gathering area if it’s something we use, then it should be protected. It’s that simple... A lot of it comes from the heart, just living on the land and knowing what needs to be protected” (Bussey 2016, 101).

The same divide can be captured by the way one organism relates to another; “A tribal member will look at a turtle and see it for what it is. That’s my brother. A white man scientist will go pick it up, turn it over, pull its leg, poke its eye, touch its teeth... I wouldn’t want to be treated that way” (Ibid.). Perhaps performing consultation correctly requires as great an epistemic leap as being able to conceive a turtle’s pain as one’s own.

When members of the Southern Ute Tribe were sought for interviews, the manner of response varied significantly from what is, otherwise, the norm. There was no interest in scheduling a specific time and day – I was not about to find a sweet three-hour timeframe in which all of my questions could be answered. The request was
made, rather, just to “hang out” for a while. My surprise at the Sun Dance reflects fundamental differences between Indigenous and western worldviews.

The esoteric and academicized framing of research does very little for tribes. For one, knowledge conveyed through writing over an illusory web-interface loses its weight and abandons the rich texture and meaning of oral histories (Basso 1996). Additionally, there is an active incentive to limit the transmission of knowledge outside the community, both for fear the knowledge may be abused, but also out of indifference to the stated goal of the research being conducted. What does it matter to a tribal elder if they are quoted in a journal they have never read, the results of which will never impact their life or lifestyle? The exercise of aiding research is often perceived as pointless, self-defeating and a waste of time.

Language, too, takes on a distinctly different character in this context. “In the native tradition, the spoken word is recognized as powerful because it is conveyed with the breath of life... Indeed, words have the capacity to reveal the world view at their roots” (Kimmerer 2000, 8). The way we use words transforms our reality and while, in English, “the forest is a natural resource,” many Native American languages do not have a linguistic equivalent, and “the meaning of ‘forest’ is closer to the meaning of ‘home’” (Ibid.). Agency officials and foresters who fail to recognize the concept of “forest” as home, fail to appreciate the nuances of Indigenous cultural attachment.

What is called for is the broader acceptance of Traditional Ecological Knowledge (TEK), framed by Berkes as “...a cumulative body of knowledge, practice, and belief... handed down through generations by cultural transmission, about the relationship of living beings (including humans) with one another and with their environment” (Bussey, 98). The relationship between fire and forest management highlights this divide:

“The policy of fire suppression in Western society arises from the myth that nature can be controlled. Ironically, trying to control nature through fire suppression has led to greater unpredictability. The indigenous world-view emphasizes the dual nature, creative and destructive, of all forces... The role of humans is not to control nature, but to maintain a balance between these opposing forces” (Kimmerer 2001, 38).

Even an ethic as time-honored as Leave No Trace becomes problematic when examined from an Indigenous worldview. Only half-jokingly, a tribal member once told Angie Krall; “If my ancestors practiced LNT, you’d be out of a job”. The “traces” ancestors left behind are critical pieces of cultural memory. Moving forward, agency officials need to let go of some of the hubris that cloaks western ideals of nature and conservation.

Such understanding functions a priori to the mechanical rigors of consultation, providing the foundation upon which to build a relationship. In similar fashion, introductions in an Indigenous setting hold real weight (Sun Dance, personal communication 2017). For meaningful conversation to take place, you cannot just know someone’s name. You have to know their last name, where they are from, where their parents are from, what they do, and why they are here. Officials who hide behind emails and dismiss interpersonal rapport are effectively negating the aims of consultation. It follows the logic, “If you don’t know me, how can you listen to what I am saying?”

I was granted the invitation to camp with the Naranjo family of the Southern Ute tribe and attend their Sun Dance, less to advance my research, and more so we could get to know each other before the research even began. Anxiously sitting with pen-and-paper in hand – the same over eager attitude reflected in many formalized consultations – would make things uneasy. Instead, I made myself useful; helped with chores, cleaned, let myself be teased by elderly Ute women, and eventually, by and by, I came to be accepted enough that my presence wasn’t questioned. I was a guest and a friend of the family, a “new cousin.” Community forms the bonds of family, and the most meaningful cross-cultural work takes place when that relationship of “family” is extended across national borders. To be with a group in spirit, and not just towards the purpose of collecting data, is the essence of ethnography and part of what makes the discipline distinct from policy research.
While camping with a family for five days is beyond the reasonable scope of almost any intergovernmental proceedings, the imperative remains; make consultation more holistic and break-away from the tone set by bureaucratic malaise. Here is where Rio Grande National Forest provides a useful model. Established in 2008, Krall and other parties in the San Luis Valley spearheaded an intertribal and intergovernmental Memorandum of Understanding based, primarily, around synergizing efforts to collaborate on NAGPRA (Krall, personal communication 2017). Boasting multi-lateral participation from four federal natural resource agencies (NPS, USFS, BLM, & USFWS) and many of the tribes with claims to ancestral lands, the compact establishes general rules of practice that are uniquely suited to the needs and interests of the region. In addition, it establishes general guidelines for contacting tribes, conducting consultations, and performing annual meetings with all signees present.

The latter feature is particularly significant, as it enhances transparency and brings all the agencies into the same room at once. Seldom would the USFS and FWS meet with the same tribe at the same time despite the many overlapping interests and concerns. By merging meetings, it cuts back on redundancy and reduces the cost incurred by both the tribes and the U.S. government to attend said meetings. Additionally, if a particular agency is struggling with a limited budget in a given year, agreements exist in which other agencies can help shoulder the financial burden.

Contrast this arrangement to the Pikes Peak Region, where if the USFS sometimes cannot afford to administer stipends for tribes to attend an important consultation, the infrastructure does not exist to borrow funds from other departments and the consultation will likely fall short – a lack of resources sometimes makes the process of ‘checking a box’ unavoidable. The central take-away is that these strategies are adaptive and sensitive to diverging cultural considerations, setting the stage for “meaningful consultation” to take place.

Returning to strategies applicable to Pikes Peak, it would be a mistake and oversimplification to “copy and paste” the Rio Grande National Forest MOU onto the Colorado Springs geopolitical landscape. For one, the focus on inter-agency cooperation would yield less results, as most of the public lands in the region are under the purview of the USFS, Colorado Springs Parks and Recreation, and State Parks – regional considerations call for a different type of cross-jurisdictional working relationship. Added to that is the lack of proximity to any nearby reservations or established Indigenous communities.

The extent of cultural displacement is two-fold; beyond the relative ignorance of Colorado Springs residents to the region’s ancestral past, few Utes or members of other historic tribes really know much about the significance of these ancestral lands either (Sun Dance, personal communication 2017). Pikes Peak and Garden of the Gods were (and still are) significant landmarks – the middle path between the plains and the peaks – yet they have begun to fall out of the Ute cultural conscience in a manner similar to all of the many other places in the United States where Indigenous peoples have been systematically pushed out.

Talking about Pikes Peak amongst Southern Utes was often met with some measure of surprise, with responses ranging from “It’s a big mountain” (Ibid.) to “I never knew we lived there until I was nearly thirty, and I have never visited” (Edward Box, III, personal communication 2017). Some efforts are made to embark on a kind ‘pilgrimage’ to ancestral grounds along the peak, though these are few- and-far between. Jeff Hovermale, who manages the USFS side of Pikes Peak Highway and the adjoining recreation area, remarks that he at most receives one or two closure requests per year, if even that. Additionally, in the last fifteen years only a single tribe has submitted any requests at all (Jeff Hovermale, personal communication 2017). The Pikes Peak Resource Staff Manager stressed that, if tribes want to visit or need additional resources or road closures, they simply though have to ask. That said, his approach is based from a well-intentioned, yet unmistakably western- centered perspective.

Tribes should not be placed at fault for failing to “reach-out”, as most lack the material and economic resources to comfortably subsist on their own territory, let alone make the financial investment to travel several hours, take time off work, and participate in site-specific ceremonies for which they never had the opportunity to
receive adequate education or training. Added to that is the predicament in which many Indigenous peoples – acting according to the traditional practice – don’t like to “ask for access” (Atencio, personal communication 2017) and, instead, will just come unannounced. Hovermale, thus, does not have an accurate measure with which to gauge Indigenous interest or usage of the mountain. In these respects, the cultural resource management puzzle of the Pikes Peak Region is something of a catch-22, with neither side having a real way forward or a way out.

Looking to how the SLV NAGPRA Working Group reimagined the relationship of U.S. officials to tribes in the San Luis Valley, a similar conceptual approach could be adopted by Pike National Forest. Talking with Jon Dow (Pike National Forest Planner) and Anna Cordova (City of Colorado Springs Archeologist), there are a few particular areas in which to focus: creating a collaborative framework through which to coordinate USFS and city management operations, engaging more comprehensively with the urbanized Indigenous community of the Colorado Front Range, creating more easily-accessible educational opportunities for displaced ancestral peoples (with a particular focus on youth education), and taking an active role in negotiating the forthcoming adjustments to the Pike National Forest Plan.

To elaborate, it is best to start with the final item. Jon Dow, as the (then) acting Pike National Forest Planner, was responsible for putting into motion procedural rules for the conduct and management of the forest. These duties are included, but were not limited to: preparing EIS’s, designating the process through which improvements and maintenance projects are negotiated, and determining the decision calculus through which these projects are given priority (Dow, personal communication 2017). Every few decades, a new “Forest Plan” is put into effect which sets the standards and operational arrangements for the forest and its management. The current Forest Plan, written in 1984, is heavily-commodity based, focused primarily on building relationships with the ski and timber industries and employing fire mitigation strategies (Ibid.). Few guidelines are set for navigating issues of cultural resource management.

In stark contrast is the 2012 U.S. Department of Agriculture (USDA) Forest Service Planning Rule. Setting a new and decisive trajectory, the Planning Rule “directs officials... to request information about native knowledge, land ethics, culture, and sacred and culturally significant sites as part of the tribal participation and consultation process in land management planning” (Bussey 2016, 98). Pike National Forest is set to begin the process of scoping their new plan in the near future, the breadth of which will be quite far-reaching (Dow, personal communication 2017). We find ourselves at a critical political moment, where, through substantial public pressure, media attention, and outreach, we can hope to integrate a more comprehensive set of guidelines for consultation and intergovernmental relations with tribal bodies.

Giving cultural resource management a more prominent place in the new forest rule creates the political window in which to craft an MOU with the City of Colorado Springs, who themselves are in the beginning stages of crafting their first cultural resource management (CRM) plan (Matt Mayberry, personal communication 2017). The city has made efforts, as of late, to become more proactive – as opposed to reactive – in how they handle cultural resources. Similar to the state, there is less formality attached to the city’s role in performing consultation, yet the city has demonstrated the ability to correctly identify Indigenous remains from a washout and reinter those remains according to NAGPRA protocol in Spring 2016. Mayberry highlights how federal agencies often move too fast conducting cultural resource inventories – the city is making efforts to hold itself to a higher standard (Ibid.). Steadily, institutional change is taking place. Summer of 2017, for instance, saw the Colorado Springs City Council vote into effect a city code prohibiting the collection of archeological remains on city land. It doesn’t seem like much, but it lays the framework for more promising reforms in the future.

Mayberry is careful not to rush along the process, recognizing a long set of pre-cursors to building a successful cultural resource management plan. The timeline is dependent on fulfilling a compulsory public comments period and, subsequently, will await feedback from the COS Parks and Rec advisory board (Ibid.). Additionally, before launching into comprehensive inter-agency agreements, Mayberry is keen to avoid any expected pitfalls – the struggle of determining designated duties and “who does what, when, and where.” Looking
ahead optimistically, however, components of the proposed MOU could include: cracking down on lapses in pre- and post-planning consultations for Environmental Impact Statements; designating procedures for joint-meetings between city officials, the USFS, and tribal representatives; joint-allocation of funds for tribal-programming and outreach; the designation of public facilities and infrastructure as meeting places for Indigenous groups and complementary housing during cultural pilgrimages; and bureaucratic leeway that would give more space for “creative mitigation” in consultation proceedings.

Used commonly enough that it has almost become a catchphrase, “creative mitigation” is the idea of proposing non-traditional and innovative co-management solutions at the consultation table (Dow, personal communication 2017). A few steps beyond just limiting damage to ancestral sites or negotiating signage, creative mitigation strives to provide Indigenous communities with the tools and resources so they can better connect and build upon their relationship to the ancestral past. Integrating tribal education into mitigation proposals, one must walk a fine line. It is critical that City, State, and Federal officials do not get into the role of “teaching Native American’s about their own history” (Mayberry, personal communication 2017). Rather, it is imperative to engage in a more open-dialogue with tribes and to allow Indigenous representatives to form a consensus on how to best utilize U.S. government resources towards their pedagogical aims.

As a hypothetical, take the case of proposed trail maintenance that would require bringing in heavy machinery and disturbing ground in the proximity of ancestral fire-pits. After pushing to limit construction to crews using non-mechanized tools (which may or may not be successful), there is a recognition amongst Indigenous groups that, project in question aside, the area has already been dramatically impacted. The Indigenous worldview is not additive in the same way as western culture – their view of land is more holistic, and weighing the difference between a stretch of territory in which 30% of the land has been disturbed as opposed to 50% is more or less insignificant. Things have already changed past the point of return, and small victories are typically more symbolic than they are material.

Cassandra Atencio offered her perspective on “cultural resources.” Sometime in the previous year she was preparing a ceremonial board for a newborn according to traditional practices. She found a suitable piece of wood and began stripping bark and shaping the wood by hand. In a moment of epiphany, she realized that the small wood chips falling at her feet were a part of her cultural heritage – they are just as much “artifacts” as the completed board (Atencio, personal communication 2017).

The Utes have a respect for the natural passage of time, and ancestral objects are viewed in remarkably similar light, regardless of whether they can be recognizably identified or if they have long since broken-down, decomposed, and had their constituent parts recycled by the processes of nature (burial sites are the one notable exception). When trees are artificially cleared and the horizon broken, the link to those ancestral wood chips has already been (at least partially) obstructed and clearing more space just adds salt to a wound that already burns. The damage has been done. It is for this same reason that tribes do not rise up in joy at the prospect of, for instance, deconstructing a wickiup, cataloguing every constituent twig, and recreating the shelter in a fenced-off, temperature controlled museum exhibit. It maintains the appearance of culture, without any of the content – celebrating heritage, while dismissing the voice of still living peoples.

Moving past symbolic victories, there are steps that can be taken to give Indigenous partners concrete and measurable gains. Taking the same example, perhaps it would help to add a prominently-featured informational kiosk at the entrance to the park, written with the approval of tribal members, that explains the history of ancestral habitation in the region and provides instructions on how to best respect that cultural memory. Another institutional response could include waiving entrance fees for registered tribal members, creating part-time employment opportunities, and providing structured educational and recreation outlets for tribal youth. Programs such as these require more oversight and funding than simply placing a “warning sign” on the broad side of a tree.

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24 Working cooperatively on plans for the new Pikes Peak “Summit House” and visitor center could, hypothetically, be an ideal starting point.
trunk, yet deliver meaningful gains for tribes that expand – rather than memorialize – their place along ancestral lands.

Using technology has at times been suggested as a tool to bridge gaps in cross-cultural communication and collaboration. Most notably, *Human Ecology Mapping* and *Participatory Geographic Information Systems (PGIS)* are based on the idea of using visual reference points to code cultural-meaning onto landscapes, which can then be implemented and put into consideration during consultation and public lands management planning. According to McBride, “PGIS acts counter to the approach of command and control of environmental management issues by including traditional knowledge holders in the planning process, with the goals of including their perspectives on the problem and promoting shared knowledge, understanding, and trust between all parties to avoid conflict and/or facilitate conflict resolution” (McBride, 3).

Testing the viability of PGIS systems, Jon Dow collaborated with Joe Vieira (BLM Rocky Mountain District, Browns Canyon National Monument Project Manager & Planning and Environmental Coordinator) to use similar such techniques to map uses for Brown's Canyon National Monument – itself a complex, multi-lateral government management area with a history of Indigenous habitation (Dow, personal communication 2017). The groundwork is taxing: fielding extensive public surveys, open forums, and focus groups – all of which require more time, labor, and resources than established consultation protocol.

While it is a step in the right direction to use more accessible mediums to communicate with tribes, mapping locations of interest goes against many tenants of Indigenous communities’ worldviews. To identify and name features on a map is to diminish the intangibles of cultural history that cannot be written down or photographed (Basso 1996). On top of that, there is a fear that by revealing places of cultural interest to non-Indigenous communities (especially by putting a pin on a map) there will inevitably be increased traffic to those areas. Indigenous people’s primacy over traditional knowledge and cultural practice will, to a degree, be usurped (Troyer; Yaquinto, personal communication 2017). Techniques such as PGIS demand a total transference of knowledge to function correctly, which is a rather onerous burden to place on native communities. The technology has its applications, although it needs to be used within the context of other ethnographic considerations.

Often discussions of environmental policy focus chiefly on the role of government, especially within the sphere of tribal relations. That said, the private sector already plays a critical role in the cultural resource management theatre and opportunities for innovation within these sectors are extensive and, frankly, rather exciting to explore. Interviews conducted with Jessica Yaquinto of “Living Heritage Anthropology” (a CRM Ethnography Firm based out of Cortez, Colorado – a city in the center of the Four Corners region, adjacent to the Ute Mountain Ute reservation) reveal the extent to which her firm (and others like it) are contracted by both U.S. government archeologists and tribes to conduct field interviews and write ethnographic reports (Yaquinto, personal communication 2017). Stepping in after consultation has formally started, CRM firms conduct what Yaquinto calls “little c” consultation – the gritty work of performing comprehensive, ethnographic fieldwork. Indeed, much of the groundwork behind what is reported in an EIS stems from work rendered by these offices. For-profit ventures, they deliver professional and (ideally) unbiased reports on cultural landscapes, with a focus on creating a usable set of recommendations for agency partners.

Some cultural resource management firms can function as a highly valuable “middle-man” between U.S. government offices and Indigenous communities. In her own words, Yaquinto sees herself as a cultural broker more than anything else; “I learn and I translate and I mediate.” Whereas, for instance, a USFS archeologist may turn over three-times in ten years, the CRM firm is able to maintain a longitudinal relationship with Indigenous working partners. Outside the scope of the new Forest Planning Rule or intergovernmental MOU’s, CRM firms

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25 “PGIS provides a framework for assembling and integrating such knowledge by providing a common map-based mechanism for the involvement of traditional knowledge holders in the description of and decision-making about processes related to space. PGIS avoids expert decision-making that can later be challenged simply for not being able to incorporate good understanding of local knowledge about local history and relationships with places” (McBride, 3).
follow the ethics requirements and education opportunities set forth by national organizations like the America Cultural Resources Association (ACRA), amongst others to hold themselves and their colleagues to a higher investigative standard (Ibid.). Through measures such as these, CRM firms can, to a degree, hold USFS and BLM offices more accountable to uphold their duties under the NHPA and Section 106 (for instance, more strictly enforcing pre- and post- planning consultation meetings).

Perhaps most significantly, government offices are overworked, overwhelmed, and simply do not have the time and personnel to conduct comprehensive consultations in one-hundred percent of cases (Ibid.). In addition, federal agencies often do not know how much they are missing of the larger context – a job for which more experienced and regionally-established firms are aptly-prepared. By relying more heavily on highly-vetted CRM firms to shield the burden of fieldwork and “little c” consultation, fully incorporating tribes into policy procedure becomes a less impossible proposition. There are some services which are required to be performed by official U.S. government representatives, such as making first contact with Indigenous nations – a process that has to abide by standard codes for conducting government-government relations (Ibid.).

However, taking a step back from the nuts and bolts of consultation – and really anything having to do directly with government – Yaquinto also produces “Heritage Voices,” a podcast that explains the process of cultural resource management and highlights issues of Indigenous advocacy. Co-hosted by Lyle Balenquah (Hopi Archeologist), episodes consist of interviews with various U.S. government officials, archeologists, and Indigenous rights activists (some of whom have also been interviewed as part of this report, namely Anna Cordova and Dr. Holly Norton). After the first few episodes, the scope was narrowed even further, only taking on visitors from the Native American community. It is an interesting experiment in positionality where Yaquinto (a Jewish woman trained in anthropology) puts her agency in the background and, instead, uses her position of influence to leverage the voices of Indigenous community members. In other words, it is a re-centering of the narrative away from the historically oppressive structures of anthropology that performatively emboldens and lends credibility to Indigenous perspectives on U.S.-Tribal politics.

While most of the other best-methods practices described here exclusively engage the government and auxiliary offices, Heritage Voices is distinct because it seeks, as part of its audience, the otherwise-uneducated public. It posits a more holistic view of policy, one that includes the public as active members and participants. The argument is such that if the public becomes educated on these issues and learns to approach cultural resource management from an Indigenous-centered perspective, they can exert pressure on public officials to positively impact conditions specific to consultation policy. Professional audiences (archeologists and ethnographers) and tribal members (both anthropologists and not) also factor in considerably, where – by sharing what is working going well and resolutions to problems they’ve faced – they help each other do their job better.

Additionally, there are structures within policy that allow for recourse against negligent proceedings. According the Citizen’s Guide to Section 106, “A vigilant public helps ensure federal agencies comply fully with Section 106. In response to requests, the ACHP can investigate questionable practices and advise agencies to take corrective action. As a last resort, preservation groups or individuals can litigate in order to enforce Section 106” (Citizen’s Guide to Section 106, 20). Similarly, NEPA regulations require agencies to “make diligent efforts to involve the public in preparing and implementing their NEPA procedures” and “provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents” (NEPA and NHPA, 14). In a sense, projects like “Heritage Voices” provide the educational resources and the outreach to enable civic participants – many of whom are non-Indigenous – to become better advocates for judicious cultural resource management.

On a broader level, this work can be seen as a way to subvert and refocus notions of ‘white saviorism’ that, when left unchecked, help escalate controversies like the Ute prayer trees debacle in Colorado Springs. Genuine interest in other cultures is certainly critical in engendering collaboration and the effective administration of policy, though the obsession with “Ute Prayer Trees” indicates a particular level of presumption amongst
members of the non-Indigenous community. It is imperative that we reject the albeit well-intentioned voice (heard at a meeting of the Pikes Peak Chapter of the CAS) who says: “We know more about their (Ute) history than they do, so how will they ever know anything unless they listen to us?” (PPC of CAS site visit, personal communication 2017).

Heritage Voices is just a single component of what must become a multi-pronged effort to not only mobilize the public around Indigenous affairs, but to also ground those movements according to Indigenous worldviews. To Yaquinto, her work is part of a larger push to reimagine the practice of archeology more along the lines of “Community-based participatory research” (CBPR). A radical departure from the classical mindset, the approach is based in training community members to participate, collectively, in cataloguing their own cultural history (Yaquinto, personal communication 2017). It enables the communities in question to shape the research along the way and maintain intellectual property rights. “Returning research to the community” becomes an anthem asserting the legitimization of Indigenous-centered geography, both in academic circles and in the hearts and minds of people (where it matters most).

Generally, this report calls for a dramatic reimagining of tribal relations around a marbled federalist framework that incorporates multi-lateral, inter-governmental collaboration alongside liberal components of broad-spectrum industry support and grassroots mobilization. That said, the machinations of society often fail to create the “ideal set of circumstances” and the current list of recommendations may be unrealistic. What separates this research from the bulk of policy work, however, is its focus on the intangible elements of bringing together two entirely separate worldviews in a collaborative setting. As such, to enable any concrete change in policy, much work has to be done in the stages of reimagining attitudes and coming to terms with how other cultures formulate relationships and concepts of heritage. Attacking the obsolete institutions of consultation from every possible angle is imperative, as making small gains on one front – even if the only thing that changes is the way people see themselves – lays the groundwork to catalyze reforms on a larger scale.

A Realistic Future for Comanagement

Scanning through the literature of policy topics ranging from wildlife conservation to fire mitigation and toxic waste disposal, “co-management” is an oft-cited, hot button phrase that is just as powerful as it is elusive. Consultation is a start, but co-management as a principle encompasses the inclusion of Indigenous partners (along with various other stakeholder parties) in all stages of development and decision-making - creating a community of mutually-efficacious civic partners. New Zealand (Ainge Roy, 2017) and Hawai‘i (Cordova, personal communication 2017) – as places with an extensive sense of Indigenous cultural identity – have rather wide-sweeping regulations and provisions for consultation which create an environment more comparable to co-management in vivo. Perhaps it is unreasonable to bring up these case studies as suitable comparisons, given extreme differences in circumstance there is likely very little of substance that can be transplanted directly. A more useful model – and one much closer to home – examines the designation of the Sand Creek Massacre National Monument.

Reflecting a tortured era in Colorado’s history, the National Monument serves as both a commemoration to the suffering experienced by the Cheyenne and Arapaho tribes and as a reminder of the atrocities we, as a military state, are capable of committing both within and outside our borders (Kelman 2013). Given the highly sensitive nature of the place as well as the monument’s mission, Indigenous incorporation was not only sought, but outright demanded. Beyond acting in just an advisement capacity – making suggestions on signage, monument placement, etc. – Indigenous authorities are actively engaged in the ongoing management of the site. Colloquially, it is said that an NPS employee will not even change a light-bulb without first submitting a request to an Indigenous partner (Norton, personal communication 2017). While maintaining a monopoly on lighting fixtures may be somewhat extreme, it reflects a system one would hope could be implemented in other areas of prominent cultural and historic significance – Pikes Peak and Garden of the Gods offer interesting co-management propositions.
It is impossible to mention “National Monuments” and “co-management” without, in that same breath, bringing to attention the ongoing Bears Ears controversy. Designed as a partial co-management arrangement, the monument placed representatives of five tribes on a permanent advisory council, or Commission (Yaquinto, personal communication 2017). Even without any inherent decision-making power, Bears Ears set a historic national precedent that gave hope to other Indigenous communities trying to play a bigger role in public lands management. Ryan Zinke and the Department of the Interior’s (DOI’s) efforts to open public lands to business interests and fossil fuel production threatens to reverse that precedent. The shrinking of Bears Ears National Monument is about more than just southern Utah – it sends a symbolic message that the federal government (or, at the very least, this administration) does not care about tribal members’ stake in ancestral lands and feels no obligation to respect tribal sovereignty.

Per an earlier article in the Fall 2017 State of the Rockies Bulletin (“National Monuments in the Era of Post-Truth Politics,” by former Student Fellow Jonah Seifer), there is enough legal recourse available to tribes and conservation groups that it appears unlikely the DOI’s plans to modify Bears Ears will actually yield permanent, substantive changes to its management design. Still, it is essential to consider the ripple effect of policy, both positively and negatively. Just as much as Bears Ears’ undoing could break the back of progressive cultural resource management, the successful defense of Bears Ears could spark an advocacy campaign that makes co-management agreements more commonplace across the nation. For this reason and so many more, public engagement in advocating for Bears Ears is critical – it would be a shame to remain idle and let this crucial moment slip away.

Engaging in ‘meaningful consultation’ is difficult as it demands extensive resources (time, labor, and money) and requires the synergistic cooperation of oftentimes competing government bodies. A traditional worldview has to be at the forefront of engaging traditional cultural sites – it is not history to put on a mantle, but a living culture integrated with its ancestral past. In other words, an arrowhead is meaningless absent the surrounding soil, vegetation, and view along the horizon. A site-specific valuation of knowledge and cultural objects need be recognized (Sun Dance, personal communication 2017). Many US government agencies are working effectively to expand the reach of cultural site management to Indigenous peoples. More effective consultation can be the gateway to an expanded set of government services reaching tribes.

Forthcoming revisions to the BLM Royal Gorge Field Office ‘Eastern Colorado Resource Management Plan’ and ‘Pike National Forest Plan’ offer a rare opportunity to systematically integrate a more comprehensive set of standards for tribal consultation. ‘Creative mitigation’ does not always mean leaving places of previous habitation untouched. Rather, it means arriving at opportunities to reconnect the ancestral past with the present – creating a bridge between Indigenous peoples on the reservation and in the urbanized community by utilizing forests and public lands for traditional and educational purposes. Young tribal members, a generation apart form the boarding school era, are “thirsty for culture” (Krall, personal communication 2017). Minimizing sites to “pieces of heritage” defies all Indigenous senses of meaning and place—the Ute people, though displaced, are not dead, and their ancestors exist in the present just as much as the past.

Colorado Springs residents’ idea that Indigenous cultural resources—real or not—can be circumscribed by their property or contained by public lands is, from an Indigenous perspective, highly disrespectful. That said, “Indian rage and white guilt” are not the starting points from which we can begin to move forward. Krall recalls Rumi when she says. “beyond right and wrong, there is a field”, and that’s where consultation happens. She finishes with a smile, and quotes First Nation member and singer Buffy Sainte-Marie; “White Guilt is like rubbing bison dung on your face, instead dry it out and make a fire with it.” Far from promoting the multiple-use of forests, the principal role of USFS officials in cultural resource management and consultation is, most simply, to become vehicles for reconnecting Indigenous peoples to the ancestral landscape (Krall, personal communication 2017).
There is no good solution. Indigenous peoples have been dislocated and their ancestral land marred by colonial settlement and extractive resources. There is no means of offering complete ‘restorative justice.’ By creating a more robust infrastructure for tribal consultations, we achieve a more tangible goal of producing a bridge for tribal communities pushed to the fringe to connect with ancestral lands and engage in meaningful co-management with U.S., State of Colorado, and local agencies. There is a Ute saying, “When forever comes, we will be here” (Site visit to the Southern Ute Museum in Ignacio, Colorado). Engaging in efficient Tribal consultation and co-management strategies will help turn that statement from prophecy into a reality.

**Doing Ethnography: A Brief Meta-Analysis**

With any project, the question inevitably arises; “Why are we here, and what’s the point?”

Unpacking that statement, we arrive at a series of other questions, most notably: “Who are we writing this for, and will it help or hurt?” I was reminded of this question during a meeting with Alden Naranjo, a Southern Ute elder and former NAGPRA representative, who has also worked in local law enforcement and is currently a leader in the Native American Church (Alden Naranjo, 2017). It was at his family’s invitation that I attended the Southern Ute Sun Dance (July 7th-10th, 2017). Those days consisted less of standard interview questions, and more time just “hanging out,” doing chores, getting teased, and – for many periods – sitting in silence. I came as a researcher, but was received as a guest and friend, and was treated as any other friend would be. Removed from the auspice of “conducting research” in a proper sense, I left the Sun Dance with a new sense of community, though having accomplished very little in terms of concrete analysis. The meeting with Alden was my opportunity to put on the research hat again, and that’s what I did. I asked questions and received answers; the typical spiel.

Reaching for my notepad during a short lull in conversation, Alden started to break away from the topic. To the best of my ability, this is what he said:

“Students, researchers – they come here and stay for three days, three weeks, maybe three months. They’re nice and helpful, but then they leave. They write their book. It has their name on it. They got what they are looking for and then they are done. What do we get? Nothing. Another researcher comes, and they always leave the same way.”

By no means an attack, I took Alden’s comments at first as a warning; “My research,” I told myself, “was going to be different.” In some ways it is different, but in many respects it’s not. My research, no matter how well-intentioned, cannot escape the reality that it is the summation of “extracted” knowledge that is, at its most basic level, self-serving. Performatively speaking, even the label “My research” conveys a sense of ownership – an appropriation of the knowledge I have taken from elsewhere and, specifically in reference to Indigenous communities, an implicit continuation of generations-long held colonial attitudes.

That is the task of ethnography, is it not? To write down and record that which is not yours. Yes, but I would also like to argue there is a way of doing ethnography “right”. This post-script is a start (and a possibly dangerous one, given how easily that can fall into indulgent, self- apologetic banter). In her graduate thesis, Cordova argues how “investigations should not be conducted until scholars ask who is ultimately benefitting from research into indigenous lives. This needs to be done in order to protect indigenous people from those who would exploit their knowledge” (Cordova 2016, 8; Referencing Coombes 2006 & Katz 1992). The logic is echoed by Michael Foucault, often noted for the saying “Knowledge precedes power.” The knowledge I have extracted from a variety of stakeholders, policymakers, and Indigenous communities has given me the power to shape the narrative that will, soon, be presented to a larger audience. Through their willingness to be interviewed, I have been granted a fleeting – and perhaps somewhat unfair – power over their voice.

The question I am left with, and the question I would like to leave you with as the reader, is how can we take that knowledge and use it (in possibly contradictory fashion) to give subjects of ethnographic study – the Ute
tribes, along with the whole host of Indigenous peoples who have called the Pikes Peak Region home – the power and agency to take back control of their narratives and stories. It is a call to action, of sorts, to remind yourself and everyone you know that Indigenous communities cannot be spoken for – not by stuffy archeologists, not by John Anderson, not by anyone. They speak for themselves.

Hopefully this report can serve as a vehicle to help force the issue of improving tribal consultation and cultural resource management on the policy agenda. Indigenous people have always had a voice and they have never stopped using it – we only need open our institutions, free our minds, and un-clog our ears of colonial wax so we can finally listen.

Bibliography


**Appendix I: Catalogue of Interviews**

6/10: Visit to “One Nation Walking Together” Pow wow

6/12: Nat Miullo [phone]
   – *NEPA Lead Reviewer*

6/13: Jessica Wohlrob
   – *AmeriCorps intern for “One Nation”*

6/14: Celinda Kaelin
   – *Florissant Resident, Former President of Pikes Peak Historical Society*

6/16: Scott Clow [phone]
   – *Environmental Program Director for Ute Mountain Ute Tribe*

6/19: EV Justice w/ Corbin Darling, Jean Belille, and Michael Wenstrom
   – *Region 8 EPA EV Justice Program Director w/ associates*

6/20: John Anderson
   - *Former Sherriff, Local Prayer Tree ‘Expert’*

6/20: Curtis Martin/PPAC Talk
   - *Archeologist, Lead Investigator of the Colorado Wickiup Project*

6/21: Anna Cordova
   - *Colorado Springs City Archeologist*

6/22: Brent Botts
   - *[Former] Pikes Peak Ranger District*

6/26: Jon Dow
   - *[Former] Pike Nat. Forest Planner*

6/27: Amanda Sanchez [phone]
6/27: Callie Videtich [phone]
   -Region 8 EPA TAP (Tribal Assistance Program) Director

6/29: Linda Watts
   -[Former] UCCS Professor of Anthropology

7/6: Jim Pitts
   -USFS Salida District Ranger

7/6: Joe Vieira
   -RM District National Mon. Program Manager & Environmental/Planning Coordinator

7/7: Michael Kunkel
   -Founder and Advocate, Friends of Browns Canyon Nat. Monument

7/7-10: Southern Ute Sun Dance
   Cassandra Atencio (S. Ute. NAGPRA), Stephen Sachs (“Indigenous Policy,” Editor)

7/11: Alden Naranjo
   -[Former] S. Ute NAGPRA Rep

7/11 Edward Box III
   -S. Ute Cultural Director

7/11 Garrett Briggs
   -S. Ute NAGPRA Apprentice

7/12: John Smiens [phone]
   -BLM Royal Gorge Plan Coordinator

7/13: Michael Troyer [phone]
   -BLM Royal Gorge Field Office Archeologist

7/21: Holly Norton/Todd McMann
   -History Colorado, State Archeologist/Deputy S.H.P.O

7/21: Susan Johnson
   -Regional Tribal Relations Program Manager, USFS Rocky Mountain Region

7/24: Angie Krall [phone]
   -Rio Grande Nat. Forest Heritage Program Manager

7/24: Jeff Hovermale [phone]
   -Pikes Peak Resource Staff

7/25: Ernest House Jr. (U.M. Ute member)
   -Director, Colorado Commission of Indian Affairs

7/27: Nat Miullo [phone]
   -NEPA Lead Reviewer
Appendix II: Brief History of Tribal Sovereignty

The following brief summary provides an overview of the history of various levels of federal support for tribal sovereignty and government-to-government relationships in the United States.

Colonial Era (1533–1775): During this period, European countries entered into treaties with Tribes, who were afforded a similar status as colonial governments. Treaties sought to end hostilities, establish the boundaries of Indian lands, and regulate trade.

U.S. Federal Era (1776–1823): The national government of the new United States continued treaty-making with Tribes in this period. Unilateral laws of the new nation also began to regulate and restrict interactions between Tribes and States, especially concerning trade and land transactions (e.g., Trade and Non-Intercourse Act of 1790). Article I, Section 8 of the U.S. Constitution gave power to the Congress to "regulate Commerce with . . . the Indian Tribes."

Removal Era (1823–1871): The beginning of this period is characterized by U.S. Supreme Chief Justice John Marshall's opinions, which set the precedent that Tribes are "domestic dependent nations." Federal law continued to maintain that only the federal government, not the states, had authority over Tribes. A major federal law was the Indian Removal Act of 1830, which provided for agreed-upon or even forced removal of many Tribes primarily to western lands on which Indian reservations were created. The end of this period is marked by the Appropriations Act of 1871, which ended U.S. treaty-making with Tribes.

Assimilation Era (1871–1934): This period is characterized by federal laws and policies aimed to break up tribes and integrate Indian peoples into mainstream American society. The General Allotment/Dawes Act of 1887, which divided reservation lands into individual parcels, encouraged independent land holding and agriculture. "Surplus" lands were sold to non-Indians. The Indian Citizenship Act of 1924 conferred citizenship on Indian people who had not already gained that status through service in the armed forces, assimilation, or other methods.

Reorganization Era (1934–1953): In 1934, the Wheeler-Howard/Indian Reorganization Act sought to restore some vestiges of tribal sovereignty lost during the Assimilation Era. Tribes were encouraged to establish formal governments and constitutions.
Termination Era (1953–1968): House Concurrent Resolution 108 reversed federal policy reorganizing and recognizing tribal governments and abolished federal relations with more than 50 Tribal governments. This period also is characterized by federally funded programs designed to move Indian individuals from reservations to major cities.


HOW MUCH DOES CLIMATE CHANGE COST? TRY $1.5 TRILLION AND COUNTING HAS ONLY STARTED

Mark Trahant*


The Trump administration, and its allies in Congress, are fighting a losing war. They continue to press forward for the development of oil, gas, coal, when the rest of the world understands the implication of that folly. Global warming is the most pressing issue for our time. Period.

The thing is governments really have two choices when it comes to managing the impact on its peoples from global warming: Spend money on trying to reduce the problem; or spend money on cleaning up the catastrophes.

The Trump administration is on the hook for the catastrophe. A report released Monday by The National Centers for Environmental Information pegged the total cost this year at $1.5 trillion, including estimates for Hurricanes Harvey, Irma and Maria. (And that doesn’t even begin to count the human toll, lost lives, lost jobs, lost opportunity.)

I witnessed first hand the impact of Hurricane Maria on the island of Dominica last month. We keep hearing stories about the power grid being down (similar to Puerto Rico) and you think, why? It’s been months. Why aren’t the lights on? Then you see nearly every electrical pole on the island sideways. The entire grid needs to be rebuilt (or better, rethought) and that’s decades of infrastructure. So the figure of $1.5 trillion is far short of what will be needed. Nearly every electrical line, every other house, the damage was so widespread it’s impossible to overstate. And that’s just one island. Multiple the effect across the region. The planet. Even the United States.
The Centers for Environmental Information says there were sixteen weather and climate disasters with losses exceeding $1 billion each across the country last year. These events included one drought, two flooding events, one severe freeze, eight severe storms, three cyclones, and one extraordinary wildfire. These “events” as the center defines them resulted in 362 deaths.

Turns out 2017 was a record-breaking year. “In total, the U.S. was impacted by 16 separate billion-dollar disaster events tying 2011 for the record number of billion-dollar disasters for an entire calendar year,” the report said. “In fact, 2017 arguably has more events than 2011 given that our analysis traditionally counts all U.S. billion-dollar wildﬁres, as regional-scale, seasonal events, not as multiple isolated events. More notable than the high frequency of these events is the cumulative cost, which exceeds $300 billion in 2017 — a new U.S. annual record.”

A similar report was published by the Government Accountability Office including a recommendation that Executive Office of the President “identify significant climate risks and craft appropriate federal responses.”

But instead of trying to reduce the impact — and the costs of weather-related catastrophe — the Trump administration continues on course for new development of oil and gas. The Interior Department announced new rules that, if enacted, will open up nearly all of the United States coastal waters to more oil and gas development beginning next year.

By proposing to open up nearly the entire OCS for potential oil and gas exploration, the United States can advance the goal of moving from aspiring for energy independence to attaining energy dominance,” said Vincent DeVito, Counselor for Energy Policy at Interior in the news release. “This decision could bring unprecedented access to America’s extensive offshore oil and gas resources and allows us to better compete with other oil-rich nations.”

Or as Interior Secretary Ryan Zinke put it: “The important thing is we strike the right balance to protect our coasts and people while still powering America and achieving American Energy Dominance.”
Dominance is such a funny word. How can any nation be dominant in the face of hurricanes that are ever more powerful and destructive? How does energy dominance work when tens of thousands of Americans will have to move because their homes are no longer there because of fire or storms? What happens if that number grows into the hundreds of thousands? Millions? How can we afford to spend trillions of dollars rebuilding what we have now?

A group of elders on the Bering Sea immediately condemned the Interior Department’s offshore drilling plan. “We told them that in person last October and again in writing, that there were 76 tribes in these regions opposed to this,” said the statement from the elders. “The draft plan implies that Bering Sea communities were ‘generally supportive of some’ oil and gas activity. This is not accurate and there is no evidence of this from Bering Sea communities. For decades, our people have opposed oil and gas activity and we continue to oppose it today. The northern Bering Sea is a very fragile ecosystem. The marine mammals that we rely on use it as their highway and they follow specific migration routes. That is how we know when and where to find them. The noise and vibration associated with drilling will interfere with their sonar and disrupt their migrations. Then we the coastal people will lose our primary food source.”

There is a connection between developing oil and gas and paying the high costs to clean up after a storm. One side of the ledger goes to a few; the oil and gas “industry.” The folks who bought and paid for this administration.

The other side of the ledger is the rest of us. The taxpayers who will foot the bill for this continued folly.

And on the Bering Sea? The folks who live there are one storm away from a tragedy. As the elders put it: “Our people and our way of life are being exposed to danger and we do not understand why.”

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WHITE BUFFALO WOMAN AND SHORT WOMAN: TWO EPIC FEMALE LEADERS IN THE ORAL TRADITION OF CHEYENNE NATION-BUILDING

Leo Killsback*

A nation is not conquered until the hearts of its women are on the ground. Then it’s finished; no matter how brave its warriors or how strong their weapons. -- Cheyenne Proverb (Crow Dog 3)

The story of “The Rolling Head is a traditional story unlike any other. A version of the story called “Chase of the Severed Head” is found in Erdoes and Ortiz’s American Indian Myths and Legends (230-7). What most do not know however, is that this story is an epic that was to be told over the course of several nights. Furthermore, the final chapter or conclusion of the story however, was told exclusively in the privacy of ceremony. The entire epic, as I learned later in life, is the creation story of the traditional governing system of the Cheyenne Nation: the Véhoo’o, the Council of Forty-four Chiefs. I first heard the epic from my mother, then from an auntie, and again from an older cousin whose father is one of the highest ceremonial and spiritual leaders of our small community. Each had different versions and for some reason the story seemed incomplete to me. I enjoyed the story of “The Rolling Head,” which could easily be classified as a horror story, but when I examined it closely if found that it falls in a category of its own: it is an epic of Indigenous nation-building and sovereignty. In fact all of the “chapters” or parts of the story, however fragmented and incomplete, comprise the complete rendition of the
creation of the Véhoo'o. In this article I examine traditional Cheyenne storytelling and its role in building the Cheyenne Nation by highlighting two epics, “The Rolling Head” and “White Buffalo Woman.”

TRADITIONAL STORYTELLING

To fully understand the phenomena of “epics of Indigenous nation-building” it is important to first deconstruct any mainstream notions of storytelling and literature; that is we must decolonize through “story telling” (Smith 145). The Cheyenne oral tradition for example, is a complex system that requires the storyteller, among other things, to tell stories unchanged while highlighting central concepts and ideologies. Stories like the two I highlight in this article, can be viewed as parts of an intricate body of knowledge that a Cheyenne child learns and carries into adulthood. Not only is this body of knowledge taught to children, but it is reinforced as the children age and mature into adults. Stories for children, for example, remain unchanged but new parts and plots are added as the child ages. As new parts and sequels emerge, new knowledge and teachings are reinforced, but they are only introduced in accordance with a child’s mental, physical, emotional, and spiritual development. By the time an epic is complete, the final chapter for the most sacred of epics introduces an appropriate ceremony or ritual. The Cheyenne oral tradition then, at least with the epics, are more than mere legends or myths, they are the “sacred histories” that provide the purpose for otherwise obscure and meaningless rituals of elaborate “ceremonial cycles” (Holm, Pearson, Chavis). Epics that explain the creation of governing systems, traditional laws, and leadership roles and responsibilities are the foundation of Indigenous nation-building and sovereignty (Lyons 1986; 1993; 2000-2001).

According to Cheyenne custom, stories that fall under that are linked to rituals and ceremonies must remain unchanged to preserve the sanctity and legitimacy of the spiritual significance of them. Accordingly, the “highest” or most sacred stories, parts, and/or sequels to epics are protected intellectual property and are only shared in ceremonial settings among ceremonial leaders. Because of such sacred laws and customs of the Cheyenne, numerous stories and epics remain incomplete in the written record. Stories in the works like Liberty and Stands In Timber’s A Cheyenne Voice (2013) and Powell and Mooney’s In Sun’s Likeness and Power (2013) for example, remain incomplete because the “highest” epics were either omitted out of respect for Cheyenne custom or they were never recorded from Cheyenne informants to begin with because they followed Cheyenne custom. On the other hand, some stories, parts, and sequels are simply too sacred to be shared to outsiders, or these epics are misinterpreted, misunderstood, or devalued or dismissed as archaic, primitive, or savage.

Another significant factor in traditional Indigenous storytelling is the legitimacy and credentials of the storyteller. According to Cheyenne custom, only certain people can tell certain stories and even then, they can only share what has been deemed appropriate to share. Non-Indian ethnographers and historians are not necessarily bound by such customs and they do not necessarily have to follow them once they become aware of them. Indigenous scholars must however, find a balance in sharing knowledge while preserving and protecting the sacred. As a ceremonial practitioner I have earned rights and responsibilities to tell some stories, and as a “sacred researcher” I respect the customs demanded from the spoken and unspoken rules of the Cheyenne Nation to not expose anything that may directly or indirectly harm or disrespect past, present, and future generations of Cheyennes. With that said, I will admit that I cannot definitively say that I grew up in a traditional household, even though I was raised in a small, isolated village on the Northern Cheyenne Indian reservation. Although I and members of my family are very knowledgeable of traditional customs, ceremonies, and oral traditions, we were and remain influenced by mainstream culture.

Language is another important tool in traditional storytelling. My mother and other relatives who were influential in my traditional learning are fluent in the Cheyenne language. Unlike me, my mother and those of her generation were the last to grow up in traditional households where only the Cheyenne language was spoken exclusively and where traditions, customs, and stories were still part of everyday life. My mother and her siblings grew up in a time where storytelling was the premiere form of entertainment, but also the means of passing down traditional kinship roles and responsibilities, proper behaviors, and social skills. Such teachings were reinforced in daily life where only the Cheyenne language was spoken. Unfortunately, those of this generation was also the last
that endured the full force of US assimilation policies through the boarding schools, where the Cheyenne language was devalued and oppressed. Nonetheless the generation who survived the assimilation experience were still able to bestow upon my generation Indigenous knowledge and the Cheyenne language amidst the trappings of mainstream culture.

People of my generation and those after, have up bringings unlike our parents, grandparents, and older relatives. We watched one of two mainstream television channels, listened to mainstream music, and played video games. The oral tradition was present, but not the exclusive means of entertainment, learning, or communication. Isolation on the reservation however, and the “survivance” of the Cheyenne culture and spirituality, at least allowed my generation to be exposed to traditional teachings, the Cheyenne language, and the oral tradition (146). This is a very fortunate position considering the force of mainstream culture. In my own experience, aunts, uncles, grandmothers, and grandfathers frequently visited our household and conversed in the Cheyenne language in a time Sega and Nintendo, but before Facebook and text messaging. I remember older relatives who were willing to share stories to my siblings and I, even if we were impatient and inattentive children at the time. I vividly recall one particular story that moved my spirit and imagination. The story of “The Rolling Head” still evokes emotion, but I did not piece it together until later that this story is an epic of Indigenous nation-building.

EPICS OF INDIGENOUS NATION-BUILDING

The Cheyenne Nation was not always the famed horse and warrior culture that confronted US expansion with warfare in the 1800s (Green 1996, 2000; Grinnell 1955, Hedren 1991; 1998. On the other hand, the Cheyenne Nation did not merely arrive into history when the whites decided to write them in. The Cheyenne Nation was built into the large 10-band federation over the course of hundreds of years, and the epic of Cheyenne nation-building is in fact, its own legacy; comprised of culture heroes who demonstrate courage and resilience and villains who represented the characteristics of corrupt and wicked leaders. Before encountering whites, the Cheyennes, known as the Tsétsêhéstaestse (People Like Us), had a modest presence on the Great Plains of Native America. Their population was small and they organized as four separate mobile bands. One day a band of Tsétsêhéstaestse met a group of people who just happened to speak the same language, these were the Só'taeo'o (People Left Behind). After establishing peace, the two sub-nations eventually united under principles of brotherhood and cooperation. The unification led to the creation of a new 5-band federation with an amalgamated system of governance and society that shared ceremonial practices, oral traditions, customs, and traditional laws. Essentially they “became relatives” (Williams 40-7). The small federation grew, expanded their territory, and divided into ten bands. The Cheyenne Nation as it came to be, thus operated under the governing known a the Council of Forty-four Chiefs.

In my research I found that long after the unification of the Só'taeo'o and Tsétsêhéstaestse there is evidence that the unique oral traditions of both sub-nations remained intact, even after unification and even after a new inclusive body of oral traditions emerged to secure the unification. Today both oral traditions of the Só'taeo'o and Tsétsêhéstaestse are accepted as “traditional Cheyenne history” despite their differences from the widely accepted, unified oral tradition that highlights the Cheyenne prophet Sweet Medicine (Powell 1969; 1981). The differences between the two differing bodies of oral traditions is most evident in the origin epic of the Véhoo'o. There are several different versions of this epic in the written record, which likely resulted when the oral histories converged and diverged and as each band split as a result of colonialism and the reservation system (Dorsey 1905; Grinnell 1907, 1910, 1962, 1972; Hoebel 1988; Hoig 1980; Kroeber 1900; Stands In Timber and Liberty 1967, 2013). As I reveal however, the fundamental elements of the creation of the Véhoo'o are consistent despite the differences. The most significance consistency is that the Véhoo'o were founded on the sacred laws and teachings of both the Só'taeo'o and Tsétsêhéstaestse cultures: justice, peace, and kinship.

The oldest story of the creation of the Véhoo'o is a matrilineal-Só'taeo'o tradition. Later the origin stories synced with existing oral traditions of the patrilineal-Tsétsêhéstaestse. In both bodies of oral traditions, the creation of the Véhoo'o reinforce values universal to Cheyenne (Só'taeo'o and Tsétsêhéstaestse) concepts of nationhood and sovereignty: balance, responsibility, and unity. Probably the most defining attribute of both origin epics of the
Véhoo'o is that both center on the trials and tribulations of a female leader, proving that the role of women in leadership is fundamental to Cheyenne nation-building, sovereignty, and peace-making. Without the roles of women, womanhood, and the contributions of female leaders, especially those preserved in story, the entire system would be compromised if not completely destroyed. While the Véhoo'o always comprised of men, this did not mean that women had no significance in Cheyenne society. The wives of chiefs, for example, had prominent roles in internal societal and ceremonial affairs (Grinnell 1902). Those who belonged to the Véhoo'o were inevitably the ones who held the ultimate authority when it came to national affairs like peacemaking and declaring war.

The Véhoo'o comprised of 40 “Big Chiefs” who governed ten bands of the Cheyenne Nation and who served 10-year terms, upon which they were either reelected or replaced. Each band comprised of approximately 200 people, and each band was led by four band chiefs. These 40 band or “Big Chiefs” elected four “Principal Chiefs” or “Old Man Chiefs” whom governed the Council of Forty-four Chiefs and whom were the highest ranked leaders of the entire Cheyenne Nation (Marquis, “Wooden Leg” 56). The integrity of the entire system depended on numerous factors, one being the integrity of the chiefs. A fundamental principle was balance: not only did leaders have to sustain balance by sharing power and responsibility in decision-making, but the governing and ceremonial institutions also had to sustain balance by cooperating and collaborating. The Véhoo'o shared power with the four warrior societies—the military and police force of the Cheyenne Nation—and the two major ceremonial institutions led by two priestly guilds: the Maahótse (Medicine Arrows) and the Ésevone (Buffalo Hat). Each of these governing and ceremonial institutions have origin stories and legacies that can be classified as epics of Indigenous nation-building and sovereignty.

Under the traditional system of governance, the Cheyenne Nation was able to create alliances with other nations like the Arapaho and Lakota, which were sanctified using the sun dance ceremony (Bass 3; Marquis 121-2). The Cheyenne Nation exercised the same peacemaking customs when making treaties with the US Government. I assert that the epics of Indigenous nation-building and sovereignty, like those I present here, are the unwritten archives of a nation: the constitution, the body laws, and the spiritual and intellectual foundation for the entire Cheyenne way of living. It is worthwhile for Indigenous scholars to explore these vaults of knowledge for the sake of decolonizing, indigenizing, and reconnecting modern Indigenous societies to these legacies.

THE ROLLING HEAD OF THE SÓ'TAOEO'O

Outside of the household, I remember hearing the story of the rolling head from my kindergarten teacher, Rachel Carol. She told and retold our class this story numerous times. I now know that the storytelling sessions were part of the Cheyenne cultural and language studies programs at the time. Mrs. Carol had a collection of a number of traditional stories that, as I found later, were also published in pamphlets published by a bilingual project (Tall Bull and Weist 1971a, 1971b, 1971c, 1972, 1973). Mrs. Carol however, likely knew the stories by heart since she herself was a highly respected ceremonial and spiritual leader of our small community. The sacred roles of Mrs. Carol, my mother, and other storytellers shaped the hearts and minds of numerous folks. To them, we owe our gratitude and sincere thanks. It was not until I became a parent myself did I realize the significance of such stories.

In 1987, Laura Rockroads (Northern Cheyenne) asserted that the epic of the rolling head teaches how woman, man, and children should be taken care of, and how they should care for one another (Leman, “Náévóo'ôhtséme” 251). Throughout the story there are characters and incidents that reinforce proper behavior and kinship responsibilities. I divided the story into chapters based on each night a section was recited by a storyteller. Sometimes the parts and chapters to epics were retold in different orders. I organize the story chronologically using western paradigms of storytelling and combine versions from different sources to piece the epic together. We begin with Northern Cheyenne Chief, Wolf Chief’s version.
[First night:] There was a lodge nearby a pond. In the lodge was a man with a wife and two children. Every morning the man dressed his wife in very good shape. After he did this he went out to hunt game. Another morning he dressed up his wife again and went out to hunt again. When he came back the same day, he looked at his wife; she was turned very white. He wondered what was the matter with his wife. Three times he dressed her, he wondered what was the matter. She always turned white. One early morning he went to the pond and lay down in the brush to find out what seemed to be the matter with his wife. While he was there he saw his wife come, run down to the pond. As soon as she got near the bank, the waves of the pond came rolling towards her, and there he saw a big serpent licking his wife. As soon as he saw the snake he ran down to his wife, cut her head off and cut the snake in two, and dressed his wife, took one part of a rib off, took it to his children to cook. After it was cooked, then put it in a wooden pan, and gave it to his children to eat. The little boy said, “My mother tastes just like it.” The man said, “No it is a young moose. I just killed it.” When they were through eating, the man took the head off and took it before the children and asked them [in a wicked manner], “What does your mother taste [like]?” He left his children. The children cried because their father had left them, expecting never to see them again.

These children were terrified they thought [they] would go some place [else]. When gone a far distance, they looked back. They saw a head rolling down towards them, asking them to wait. [It was their mother’s head]. They were so frightened that they did not wait. While running the boy said to his sister, “Sister I am tired out.” The sister had a staff with her. She said to him: “When I used to play, I could not go through the sticky pears.” She hit the earth and they were so thick [bushes of sticky pears]. So they ran on. The head came to the pears and could not get through for a long time. They both looked back. They ran, the head [was] coming again, way off.

At the same time the boy was tired out again and [his sister] said, when the head was [close] at hand, “When I used to play, I sometimes could not get over a high bluff.” She struck the earth and there became a high bluff behind them. So the head was on the other side. The head said, “My children, I love you both. Why don’t you lay down the stick so I can crawl over it?” So the sister put her staff over the bluff. When the head was right on the center, the girl turned the stick over and the head fell in a hallo, and the earth closed. When it was closed in, they never expected to see it anymore. (NAA MS 2822, f1-n, 1-4).

Here the story ends for the first night. There are different versions of the story of “The Rolling Head.” In another version, Somers (Southern Cheyenne) stated that the family was “from the tribe of certain clan of Indians, they were lost family” (sic), which explains why some believe that their isolated and solitary lifestyle led to dysfunction (NAA MS 2822, f1-f, 1-8). Here are some major points worthy of note: the man painted his wife with red paint, dressed her in fine clothing, and braided her hair before he left; when he returned, the paint was removed and she was not as fine as when he left her; the boy tasted his mother because he was still nursing; the mother accuses the children of violating a taboo (eating human flesh); the girl creates four obstacles for the rolling head: thorns from prickly pear bushes, thorns from plum bushes, thorns of rosebud bushes, and finally the high bluffs (Leman, “Náévéó’ôhtséme” 251-63; Cheyenne Texts, 53-5; NAA MS 2704; NAA MS 2822. Tall Bull and Weist, “Rolling Head”) Wolf Chief continued the story:

THE ROLLING HEAD, PART II

[Second night:] They came upon a hill. They saw a great big camp. As soon as they came up the people saw them. Their father was already there, and told the people to move away from his children, who were human-flesh-eaters. A society got hold of these two children, tied them hand and foot and pitched them to the ground so they could not come out. The camp moved but these two children were
left tied to the ground. But a very old dog was left hid in the brushes. When the people were gone, he came up where these children were tied and untied the oldest one with his mouth. After he untied her, the girl untied her brother. The old dog was with them. He said to them, “I got a piece of firewood, a piece of fire-stone, a piece of sinew, and one awl.” He gave them to them that they might use these things.

They moved away and went to timber. While siting there, the boy saw a bunch of deer coming nearby. He asked his sister to look at them. She said, “If I look at them it won’t do any good to me.” Bye and bye she looked at them. The bunch of deer were dead at once. They both went to where the deer were lying dead and dressed them all, and brought the meat down to where they were. She sliced it, dried it on the branches of trees, and kept good care of the old dog.

[Third night:] The old dog went around to a distance place where the Indians were camped and came back to tell them about the Indians. When they were at the place where they had sliced beef [meat], a crow flew about the place. The girl asked the crow to come. The crow came. The girl gave the crow a piece of fat. He took it in his mouth and took it into the circle of a big camp where the people were starving. So he flew there and dropped the fat where some men were playing the wheel-game. The people said, “The crow has fat in his bill and drops it for us. The children are somewhere you left, are having plenty to eat.”

In due time there were great herds of buffalo [that] came near the place the children were. “Sister,” said the boy, “look at the herds of buffalo that have come.”

“Oh no,” she said, “If I should look at them, it would not be of any benefit to us. They are so many.” Bye and bye she looked at them. They were all dead at once. They dressed them. While sitting together, his sister asked, “I wish we could have mountain bears and wild panthers with us so we could scare anything away from us.” So they came.

At this time the people were moving back to where they were. The people came to their house for a feast. While they were present in the home, the bears and wild panther looked out for the children’s father. After many were in the house he came about the last man. Their bears and wild panthers recognized him and dashed upon him. And there he was torn into pieces while the people kept eating. And that’s the end. (NAA MS 2822, f1-n, 4-8).

Here the story concludes for listeners who are of younger ages. Other recorded versions of the epic comprise varying details that are worthy of note: the old dog was toothless; a big lodge appeared when the girl looked, following her brother’s plea to do so; the animals that were killed “by looking” vary from deer, antelope, to buffalo; the number of times she killed the animals “by looking” is assumed to be four total; the presence of a crow and no other bird is consistent in every story; the presence of the hoop or wheel game is consistent in most stories; the presence of pet bears and lions are consistent in every story (Leman, Náévóo'ôhtséme, 251-63; Cheyenne Texts, 53-5; NAA MS 2704; NAA MS 2822). According to Somers, the wild animals ate the father to “repent to the law” he broke (killing his wife, lying to his children, and accusing them of being cannibals) (NAA MS 2822, f1-f, 8). This is the only Cheyenne story that has any instance of cannibalism, and it was done as a result of deceit and cruelty when the children were misled by their father.

The fourth night or chapter of the origin of the Véhoo'o emphasizes on the actual creation of the system, yet most recorded versions do not include it as part of “The Rolling Head.” Hoebel recorded the fourth night, told by Elk River to Black Wolf in 1936. The girl prophet is identified as Mukije (Short Woman) and her father is Bull Looks Back. Black Wolf narrates the story as if he were Elk River, who was born in 1810 and died in 1908:
THE ROLLING HEAD, PART III

[Fourth night:] Now she sent for the men, and the women too, because she had cooked up a lot of food. When they had eaten she spoke to the men.

“Tomorrow you move down on this flat and put yourselves in a nice circle. We are going to make chiefs. You people know I have been accused of killing my mother. That is not true. Now, however, I have killed my father through animals. We shall make chiefs, and here after we shall make a rule that if anyone kills a fellow tribesman he shall be ordered out of the camp for from one to five years. Whatever the people decide.”

When they had arranged the camp circle they took two big lodges and made one in the center. She asked them to move five other tipis into the space within the circle. These were put in the medicine wheel arrangement. When everything was finished she packed a large bundle and walked around the circle to enter it before the big lodge. First, she took some dirt from the north side of the lodge. Carefully patting it, she arranged it in a mound in the center of a cleared space. It represented the world. Next she set up five sticks representing the men she would choose as head chiefs. She filled her pipe. She held it to each stick, showing the people what would be expected of them.

“You will have to swear,” she said. “You will have to take an oath that you will be honest and care for all the tribe.”

Following the instructions she gave out, her brother purified himself in the smudge of the sweet medicine grass. Now she told him to go out to walk four times around the camp.

“When you go out you have a starting place. Go around until you come back to it. Do this four times,” she ordered.

He had already been told what men to select. After the four circumambulations he sought out the first man, leading him into the lodge. Then the other four were brought in like manner.

They were seated, the sister told them everything. She had all she needed in that bundle. She told them she was going to make them chiefs to rule the camp. And this is what she said.

“You have seen me put up five sticks here. You shall have to do this to the others who come after you. Now you five men are to be the chiefs of the entire tribe. You must rule the people. When the tribe comes to renew the chiefs you must put up these five sticks again. If anyone of you still lives, and the people want him again, then you must call him in to take his old place.”

Now she finished telling them. [Reverts to voice of himself, Black Wolf] She is going to swear them in. She is holding the pipe herself, in both hands with the stem out. They smoked. The pipe is smoked for peace. That was done so that if some persons ever used strong words to the chiefs, they would have strong hearts and not get angry. The sweet grass was used on all of them.

Then the big crowd came in. Enough more were in the lodge to make forty-four men. She did the same to each of the rest of them. When this was done she told them to pick two men and sit on each side of the entrance.

“Some day you will have a lodge of your own,” she informed them. “Then you can use these two. They can cook for you, or you can send them out on errands. They shall be your servants and messengers.”
These two could not be of the five.

“Every ten years you must renew the chiefs. But each time keep five of the old ones,” the maid continued.

She had a parfleche for the stuff they used in the ritual.

“When you move camp,” she exhorted them in closing, “keep out in front of the people. Stop and rest four times with it [the chiefs’ bundle] on the way.”

After she made the chiefs, she took out five bones, just as many as these five chiefs. “Now you can make soldiers troops. You may call them what you want. You could call them Elks.” Later on, Sweet Medicine made the dress of these soldiers.

“When you people move camp, leave me here. Every four years, you come back to this place where I shall be.” (Llewellyn and Hoebel, 69-73; Hoebel, 45-9).

Here the epic concludes for those who are not allowed to hear more. The teachings and epic continues to establish a space for a ritual and ceremony that cannot be recorded.

The epic of “The Rolling Head,” Mukije, and the creation of the Véhoo'o reveals how the first small bands of Só’taeo'o and Tsétsëhéstæastse had the structural capacity to expand into the 10-band federation. In the epic, Mukije placed the five tepees in a “medicine wheel” arrangement, with one in the center and one lodge at each of the Cheyenne cardinal directions (northeast, southeast, northwest, southwest). The center lodge represents the first Chief’s lodge council, while the four outer lodges represent the first four bands of the Só’taeo'o. One chief from each band became the first “Big Chiefs” and eventually became the first “Old Man Chiefs” as the nation grew. On the other hand, the four outer lodges could also represent the first four bands of the Tsétsëhéstæastse, since they also had four original bands, and the center lodge represents the Chief’s Lodge. In another interpretation, the four outer lodges could also represent the first bands of the Tsétsëhéstæastse and the large center lodge could represent a single Só’taeo'o band: the arrangement thus representing the unification of the two sub-nations. Whatever the case, the Só’taeo'o origin story (with Mukije) fits both the Tsétsëhéstæastse and Só’taeo'o traditional histories, which create a united Cheyenne National history. One certainty is that there were five original chiefs whom are remembered as the first five “Old Man Chiefs,” even though their specific bands remain unidentified.

The Só’taeo'o epic of the Véhoo'o highlight traditional Só’taeo'o teachings and values by centering on the power of a female leader. The Só’taeo'o are a matrilineal society. Mukije is remembered the young woman who cared for her younger brother. She possessed the power to summon and kill animals with her eyes by “looking” at them. She is the hero who fed the entire village, saving them from starvation, and she can summon the protection of fierce lions and bears. She represents the finest of traditional female characteristics and personality: she is powerful, caring, compassionate, motherly, determined, and nurturing. She represents all of the ideal characteristics of the kind of women that build and sustain strong families, thus building strong a strong nation. Similar examples, roles, and contributions of women leaders are highlighted in Mankiller’s Everyday is a Good Day, proving that the Cheyenne were not the only Indigenous peoples that traditionally held women leaders with high regard.

**WHITE BUFFALO WOMAN OF THE TSÉTSËHÉSTÆASTSE**

After the unification of the two sub-nations, the origin epic of the Véhoo'o began to elements that incorporated traditions and values of the Tsétsëhéstæastse. Most notable are elements that included the Tsétsëhéstæastse culture hero Motsé’eööee. Grinnell and Mooney recorded these Tsétsëhéstæastse-influenced
accounts of the origin of the Véhoo'o (Grinnell, “Cheyenne Indians” 347-8; Mooney, 371). Their informants emphasized that the Véhoo'o were created out of the wars between the traditional enemy of the Cheyennes, the Hóheehe (Assiniboine). In a time before they had guns and horses, the Cheyennes frequently fell victim to enemies and their children were often absorbed into the Hóheehe nation. The biggest threats to the Cheyenne Nation were other enemy tribes who often attacked Cheyenne villages, and some believed that the entire Cheyenne National identity would disappear. According to Tangle Hair, one of Grinnell’s informants, a version of origin of the Véhoo'o resulted from conflict with the Hóheehe. Below, I summarize the story based on unwritten accounts I heard and my understanding of our oral tradition.

VOESTAEHNEVA'E, PART I

One day, while the men were out hunting, a band of Hóheehe attacked a village. The daughter of the chief assumed the role of village leader since her father was away. The Cheyenne woman was young and beautiful and named Voestaehneva'e (White Buffalo Woman or Pearl). As the enemy attacked, she was able to send the women and children away to avoid capture, but she realized that she was about to be captured herself. Once she realized her fate, she walked towards the pursing warriors and bravely stood awaiting capture. Her actions shocked the Hóheehe, but she was effective in distracting the warriors long enough to allow for her people to escape unharmed. The leader of the Hóheehe claimed Voestaehneva'e while his warriors looted the empty village. She was the only captive.

After the next few days, the head warrior took the Só'taeo'o woman and led his warriors across the country to the Hóheehe village. What nobody knew at the time was that she was already pregnant from her Cheyenne husband Ma'êhoomahe (Red Painted Robe). Not long after she was taken, she gave birth to a boy. Her Hóheehe captor grew fond of her and the child and he wanted her to be his wife, even though he was already married. The man was a principal chief of his nation and was already married to the daughter of an older chief who was equally as beautiful as Voestaehneva'e. When the husband left to hunt and hold council, the two women did not get along, especially since the Cheyenne woman remained resentful because she and her son were captives. She believed that one day the Hóheehe would try to kill him.

Over the next months, Voestaehneva'e noticed that her captor frequently attended council meetings with other prominent men, chiefs, and headmen of the village. One time he hosted such a meeting and Voestaehneva'e helped prepare food. She noticed that the chief carried a beautifully decorated, red-stone pipe and stem, and the leaders smoked from it before they held councils. Voestaehneva'e came to trust the chief and no longer feared for her son. Unfortunately she became sad and depressed because she missed her Cheyenne home and family. This caught the attention of the Hóheehe wife, who began to feel sorry for the Cheyenne woman. She decided to help the Cheyenne woman return home. (Grinnell, Cheyenne Indians, 347-8).

The Hóheehe wife began to show compassion and communicated with Voestaehneva'e using sign language. Once she believed that the Voestaehneva'e trusted her, the Hóheehe wife began telling her about the surrounding landscape and where she could find the Cheyenne people. “It was wintertime now, the best time for you to escape with your son,” said the Hóheehe wife. Voestaehneva'e planned to escape with her son. The Hóheehe wife made extra pairs of moccasins and the best winter clothes including a buffalo robe so the Cheyenne wife and child would not freeze. She also packed dried meat and pemmican for her long journey. The two women embraced one last time for they became like sisters. “I won’t forget how you helped my son and I,” said Voestaehneva'e. Then the Cheyennes departed in the night when the whole village bedded down during an evening snowfall. The next morning her tracks were covered. Voestaehneva'e traveled for several days and was careful not to be seen by returning hunters. She crossed a large frozen river following a path or bridge made of wood, just as the Hóheehe woman described. After several days of travelling, Voestaehneva'e depleted her food and resorted to scavenging the carcasses of slain animals. Her journey was difficult and her child almost perished, but she was able to make it back to a
Cheyenne village that was not her own. Later that winter, she was reunited with her father, husband, and relatives in her home village.

**VOESTAEHNEVA'E, PART II**

Voestaehneva'e shared her story with her family and told of how the Hóheehe woman helped her. She proclaimed, “If enemies can become like sisters, then the women of the village could also become like sisters and work together.” She told her husband and father how they selected leaders and they smoked from a pipe during council meetings. She declared, “If the bravest and most headstrong men of the Hóheehe could sit together to talk, then so could those of the Cheyenne.” She believed that she witnessed these events for good reason, and it was her duty to share what she learned. When springtime arrived she asked her father to hold a special hunt, unlike any before. This was going to be a new way of living. She wanted him, as chief, to order that the hunters kill forty-four buffalo bulls. “Do not let them kill any more or any less, and they must be bulls,” she ordered. All of the families had to participate in preparing the meat for a grand feast, which was going to signify the start of the spring hunting season. “Cut and dry all of the best pieces of meat for our feast, and feed your family any leftovers,” she announced. The best women and their families were to tan and dress the hides. “You must do your best to represent your family by creating your best work,” she ordered. “Decorate them with quills, feathers, and other ornaments, and paint them with beautiful designs.” The best men were chosen to make forty-four plain pipes with no decorations. “These must be the finest pipes that you ever made, they must be perfect,” she proclaimed. Meanwhile the father, who was the only chief, was to find and cut forty-four arrow shafts, but not to make arrows. Instead Voestaehneva'e straightened them, painted them red, and cut them to be of equal length. These sticks represented the “straight” lifestyle and behavior of the best leaders.

After a few days, everything was prepared and everyone was ready for the grand meeting and feast. The families finished drying the buffalo meat, the best women finished decorating forty-four robes, the best men finished making their best pipes, and Voestaehneva'e finished making forty-four ceremonial sticks, each stick was painted red, a sacred color. Voestaehneva'e and the women set up a double lodge, with forty-four poles and two large lodge skins. She asked her father to invite the best men to bring their families to eat, but she intended on holding a ceremony so everyone was invited to feast and look on.

After the meal the center of the lodge was cleared and Voestaehneva'e and her father began selecting certain men from the crowd to sit in a circle. These men were selected based on their “bravery, wisdom, and fine physical appearance” (Mooney, 371). In a short time, forty-four of the finest men of all different ages were sitting in a perfect circle in the lodge and the rest of the people sat on the outside looking in. Voestaehneva'e left for a brief moment and returned with the forty-four buffalo robes. She placed each in front of the men. Then her father returned with the forty-four pipes and placed one on top of the buffalo robe so each man received one. Voestaehneva'e left and returned with a bundle of forty-four sticks. These chiefs were to remember that each stick represents the necessary number of poles to construct the “Chiefs’ Lodge,” and that alone, each stick can be broken, but together the bundle will never break. As long as the Chiefs’ Bundle is never lost or broken the Nation will remain strong. She stuck one stick in the ground in front of each of the men.

Voestaehneva'e bestowed teachings and responsibilities to the chiefs, asserting that they hold council whenever there was any major conflict that needed resolving or when there was a need to make a major decision. She stood and explained to the men, outlining their responsibilities to the Nation: “You were chosen to protect the Cheyenne people and to protect them from all danger. You are responsible for the land and the people, protect them. Especially protect the women and children for they are the future. Take care of them when they need help, especially if they are sick, starving, or abandoned.” The Council was to hold the Chiefs’ Lodge ceremony after ten years and select new sacred leaders. The ceremony
concluded after each of the forty-four men accepted the responsibilities and consented to serve for ten years. Here the story concludes.

The epic of Voestaehneve'a is consistent with the epic of “The Rolling Head” for obvious reasons, primarily the resilience of a woman leader who becomes the founder of an elaborate system of governance. The epic of Voestaehneve'a however, is much more complex because it also positions the Hóheehe at the center of the origin of the Cheyenne Council of Forty-four Chiefs. While the epic honors the enemy tribe as worthy adversaries to the Cheyenne Nation, it almost places them in a higher position since they are the source of the traditional Cheyenne governing system. This may be the case, but the Tsêsêsêsêstaesste epic of Voestaehneve'a serves as a formal claim of ownership over the creation of the Véhoo'o; it reestablishes themselves as the founders of a government system that may not be of Tsêsêsêsêstaesste origin. Without the epic of Voestaehneve'a, the governing structure would be prone to failure because the people would not trust in it, nor would they believe in an enemy’s way of governing. This is the current challenge and criticism of the modern tribal governments among the Northern Cheyenne of Montana and Cheyenne-Arapaho Tribes of Oklahoma, which are based on the non-Cheyenne principles founded in the Indian Reorganization Act of 1934.

In another origin story told by Southern Cheyenne Chief, Lone Wolf, one of Mooney’s informants, the Cheyennes are remembered as the aggressors against an enemy people called the Òwú'qeo, who likely were the Hóheehe. One winter the Cheyennes attacked the Òwú'qeo and drove them to the ice in a surprise attack, eventually massacring all except for one woman (Mooney, 371). The captured Òwú'qeo woman invented the Cheyenne Council of Forty-four Chiefs, which is quite different than previous accounts. Petter also described a similar story in which the Cheyennes were the aggressors:

Cheyenne say that this system of having a council of forty four chiefs was adopted from another tribe, which the Ch. had practically annihilated. A woman prisoner told her captor (a chief) of the ways of her own people in selecting chiefs. The method pleased the Ch., who under the woman’s instruction set up the “vehoneom” [chiefs’ lodge], fixed the forty four sticks and elected their chiefs on the new plan” (sic) (Petter, 230-31).

Most scholars agree that there is no evidence that the Hóheehe had a Council of Forty-four Chiefs before the Cheyennes, or that another Indian nation was involved in the creation of the Véhoo'o. I believe that the epic of Voestaehneve'a may in fact be one that belongs in the body of stories that highlight the unification of the two sub-nations: the Tsêsêsêsêstaesste and the Só'taeo'o. At one time the two sub-nations did not get along, and it is reasonable that after unification the Tsêsêsêsêstaesste did not want to remember their new relatives, the Só'taeo'o, as enemies. Whatever may be the case, these two epics represent the fundamentals of traditional values and principles of Cheyenne nation-building.

CONCLUSION

The epic origins of the Véhoo'o is one of the most significant oral traditions of the Cheyenne Nation. Retold through the sacred art of storytelling, the epic survived throughout time because parents and grandparents simply made the time to tell stories to children. The oral tradition allowed later generations to maintain the integrity of the traditional governing system while sustaining a unique way of life. There is no exact date of when the Véhoo'o system began, but Bull Thigh stated it was created after the unification of the two sub-nations (NAA MS 2684-a). Among the Cheyennes, the time of origin is unimportant as there is an understanding that the Véhoo'o always existed and would always exist. In 1910, White Eagle, a Southern Cheyenne Dog Soldier and member of the Heévâhetaneo'o (Rope People Band), expressed the longevity and significance of the Véhoo'o from Sweet Medicine’s teachings: “He told the people that the chief society should be forever; they shall be different ones every 10 years. This is the seventh generation [that has kept this tradition]. This story has been told by [my] ancestors. Try to keep in mind what I have said, and follow the rules. That’s the reason why the Cheyennes live on today.” This sentiment is shared in the modern era as expressed by Leroy Pine in 2009, a Northern Cheyenne Chief
and member of the Vóhpoométaneno (White River Band): “The modern [IRA] government is temporary, and the traditional leadership [the Véhoo'o] is permanent, you might say [it will last] forever” (Chiefs’ Prophecy).

END NOTES


2. The two boarding schools that were present on the Northern Cheyenne reservation were the Tongue River Indian School and St. Labre Catholic school. Tongue River Indian school transitioned into Northern Cheyenne Tribal school, while St. Labre remains as a parochial school.

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A special election in Pennsylvania is a good sign for Native American #NativeVote18 candidates running for office. Why? Because this cycle is already favoring out-of-power Democrats and, quite possibly, independents. It’s hard to peg any constituent group more out-of-power than those who would represent Indian Country in the Congress of the United States.

First, the news from Pennsylvania, then we will look at the map. Democrats are claiming victory in a special election for that state’s 18th Congressional District. Perhaps. Officially, the race is too close to call between Democrat Conor Lamb and Republican Rick Saccone. It’s a practical tie with Lamb holding a tiny lead. But Lamb has claimed victory and Democrats are celebrating no matter what happens next because this is a district that favors Republicans, it was won by President Donald J. Trump by 20 points. So even normally red districts are up for grabs come November.

Or as Democratic Congressional Campaign Committee Chairman Rep. Ben Ray Lujan (New Mexico) posted Tuesday night: “These results should terrify Republicans. Despite their home field advantage and the millions of dollars … We have incredible candidates with deep records of service running deep into the map this year, and it’s clear that these Republican attacks are not going to stick.”
Back to the map: Sharice Davids, who is running in Kansas fits that storyline precisely. She is running in a district that Republicans should win easy. Rep. Kevin Yoder won re-election in 2016 with an 11-point margin. But remember the Pennsylvania 18th favored Republicans by 20-points.

Davids is Ho-Chunk, an attorney, and she worked in the Obama administration. This is pretty much an anti-Trump-agenda resume’.

The most immediate boost from Tuesday’s vote should be more campaign donations.

Another #NativeVote18 candidate who could benefit from a re-imaging of the election landscape is Amanda Douglas in Oklahoma. After Lamb claimed victory in Pennsylvania she tweeted: “Yes! his is exactly what I’m talking about!!! I can’t wait to work with newly elected Congressman@ConorLambPA!”
Douglas, Cherokee, is running in the state’s 1st Congressional District. Two years ago Democrats did not field a candidate in that race. It’s rated as a “plus-17” Republican district — in other words, awful similar to the Pennsylvania 18th.

In another part of Oklahoma, two Cherokee Nation citizens could both potentially be on the fall ballot. Rep. Markwayne Mullin is running for his fourth term as a Republican. Democrat Jason Nichols, the mayor of Tahlequah, is running as a Democrat. Mullin won 70 percent of the vote in his last election bid.

Rep. Tom Cole is also running for re-election as a Republican in Oklahoma’s 4th congressional district. Cole, Chickasaw, also earned more than 70 percent of the vote in the last election.

One #NativeVote18 candidate who had a good week before the Pennsylvania election was running in New Mexico.

Haaland’s challenge is to win the Democratic primary in June because, unlike most Native candidates, she’s running in a district that favors Democrats.

Last weekend Haaland was the top-vote getter at the state’s party convention, winning nearly 35 percent of the vote in a crowded field. She told delegates: “Congress has never heard a voice like mine.”

Haaland, is Laguna Pueblo. Congress has never elected any Native American woman to its ranks since voting began in 1789. Haaland, Davids, or Douglas could be the first.

The Pennsylvania race also raises questions for the #NativeVote18 candidates who are Republicans. Former Washington State Sen. Dino Rossi would be at the top of that list. Rossi, Tlingit, is hoping to succeed a moderate Republican, Rep. Dave Reichert, in Washington’s 8th congressional district. That district has been trending Democratic.

The president’s popularity is reflected by Rossi’s own words. He told The Seattle Times that he is “not running to be ‘The Apprentice.’ I am running to be the congressman from the 8th Congressional District. The way I am going to treat Donald Trump is just the same way I would have treated George W. Bush or Barack Obama. If I agree with them I agree with them, and if I don’t, I don’t.”

One #NativeVote18 candidate who is not running away from President Trump is Gavin Clarkson in New Mexico’s 2nd Congressional District. His campaign website proclaimed “the best way to help President Trump stop the swamp and protect New Mexico is to run for the Republican nomination to make sure we retain this Congressional seat in November.”

Then this Southern New Mexico district is changing too. The seat is now held by Rep. Steve Pearce is running for governor — making this an open seat. Pearce won easily, capturing 60 percent of the vote. But the district is now 54 percent Hispanic and in a wave election, it could be the ideal seat for a Democratic pickup. Trump won the district by 10 points, half of the margin in Pennsylvania.

There are also three #NativeVote18 candidates running as independents or on third-party lines. Eve Reyes Aguirre is running for the U.S. Senate in Arizona on the Green Party ticket. Aguirre is an Izkaloteka Mexican Native.

She recently tweeted that she is an “unconventional politician” and is rounding up signatures to make the ballot. Henry John Bear is running as a Green Party candidate in Maine’s 8th Congressional District. Bear is a
citizen of the Houlton Band of Maliseet Indians. And, finally, in Minnesota, Ray “Skip” Sandman is running in the 8th Congressional District as an independent. Sandman is Ojibwe.

Can an independent or third party candidate win in this environment? It’s hard to say, there is no real evidence yet. But as the Pennsylvania results show, this is an election cycle where anything is possible.

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THE MONEY CHASE. #NATIVEVOTE18 FEDERAL CANDIDATES MAKE THEIR PITCH FOR BIG BUCKS

Mark Trahant*


It’s time to look at the money. How much money are #NativeVote18 candidates raising? Yes, I know, this is a silly metric. After all there is no relationship to governing and calling up people you don’t know and asking them for money. Yet this is the system in place. A candidate is more likely to be successful if she or he can raise a lot of money.

So it’s no surprise that the big money collectors — even in Indian Country — are the ones who already hold office or who have held office recently. And it’s probably no surprise that the big money is headed down Republican alley.

The top money raiser is Rep. Tom Cole, R-Oklahoma. The latest Federal Election Commission reports were posted at the end of January and reflect fundraising for 2017. His net: $1.7 million, cash on hand.

Several tribes donated the maximum amount to Cole’s campaign. Oklahoma tribes, such as his own, the Chickasaw, and the Cherokee Nation, backed Cole as well as tribes from across the country ranging from Penobscot to Stillaguamish.

Some of the contributors have different agendas. Tribes, for example, support Cole because of his strong stands on tribal sovereignty. Yet the American Dental Association, another contributor, has worked against that very issue by challenging the tribes right to regulate mid-level dental practices. (Previous: Tribal sovereignty and the call for better oral health.)

Washington congressional candidate Dino Rossi comes in second for fundraising last year, netting a little more than a million dollars. This is remarkable when you consider he was not even a candidate until September. Rossi is Tlingit and Italian.

As I wrote in September: “One of his first jobs was working for Bernie Whitebear at Seattle’s United Indians of All Tribes. It’s interesting how some candidates make their tribal affiliation prominent and weigh in on issues that impact Indian Country. That would not be Rossi. But he doesn’t shy away (as many politicians do) from the conversation. It’s just not his focus.”

His campaign finance report bears that out. You won’t find a lot of tribal money.
The top Democrat for fundraising this cycle is Debra Haaland running in Albuquerque. She ended the year just shy of $200,000 in cash. Haaland, of course, and I can’t write it often enough, would be the first Native American woman ever elected to Congress. She’s running in a district that favors Democrats but she must win the primary first against seven other candidates. So far Sedillo Lopez, a former associate dean at the University of New Mexico Law School, has raised some $456,000 and reports $348,000 in cash on hand. Haaland has raised a total of $386,000 in contributions.

There is a huge difference between Haaland’s fundraising and Cole’s money. Most of her contributions come in $10 and $25 chunks. Small money. But that’s important because it could reflect interest by real voters instead of tribes and Political Action Committees and business interests. She does get some money from tribes, including her own, Laguna Pueblo, but not nearly as much as is found in Cole’s treasury.

The race for Oklahoma’s second congressional district could become the first election between two tribal members, the incumbent, Rep. Markwayne Mullin, and his challenger Tahlequah Mayor Jason Nichols. Both men are Cherokee.

But so far on the money side it’s not much of a contest. Mullin raised about $725,000 last year, netting $434,333.37. Nichols raised $17,575.52 and ended with $8,287.30 cash on hand. The trick in any campaign is to raise as much money as needed to be competitive. That doesn’t always mean first. But it does mean having the resources to compete in media advertising, including social media, hiring staff, and organizing.

Several #NativeVote18 candidates showed no fundraising in the FEC reports. It could be because there fundraising is scant, or ramping up later, or because reports have not been filed yet.

#NativeVote18 spreadsheet of federal candidates with links to FEC reports is at https://fusiontables.google.com/data?docid=1Mu3V7BQ0RU018Msmc24-eOG4exlds_ka0K5_IBD#rows:id=1.

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CANDIDATE’S POLITICAL ADS ARE CHANGING THE VERY IMAGE OF NATIVE PEOPLE: #NATIVEVOTE18 STEREOTYPES ARE SHATTERED EVERY TIME A CAMPAIGN COMMERCIAL IS PRODUCED AND AIRED

Mark Trahant*

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Here’s one way that Native politicians have already won this election: Stereotypes are shattered every time a campaign commercial is produced and aired on television or distributed online.

Native American images are mostly absent from commercial television and then when they do show up it’s the standard character list of drunks, beautiful maidens, stoic (or wise) warriors, and magical medicine men. As Jonathan Joss told Mashablea couple of years ago: “In my career, I have played a drunk, I have played a holy man, I’ve played an Indian on horseback … It hasn’t been until the last 15 years of my career that I’ve been able to wear a nice suit.” Joss played casino executive Ken Hotate in Parks and Recreation.
That’s why political campaign commercials represent an entirely new discourse, one that gives viewers a richer, more complex account of contemporary Native people.

“My full name is Tatuye Topa Najin Win,” Tatewin Means writes in an open letter to South Dakota voters. “I am Sisitonwan Dakota, Oglala Lakota, and Ihanktonwan Nakota. My mother is Peggy Phelps, she is Sisitonwan Dakota. My father is the late Russell Means, he is Oglala Lakota, and Ihanktonwan Nakota.”

Means’ campaign commercial — and this must be a first — has two versions, one in Lakota and one in English. So far both are online. South Dakota does not have a primary for statewide races. Instead nominations will be decided at the Democratic Party convention starting June 15 in Sioux Falls.

But think about a general campaign and imagine the people of South Dakota consuming new kinds of Native American images. This is a story that will help them reimagine their own place in the world because they see a professional Native woman who is clearly qualified for the state’s top legal job. In fact, you could argue she’s more qualified because of life experiences and challenges that another South Dakotan could never have even imagined. Mind. Blown.

Means eloquently makes her own case: “I am running for Attorney General because I know I am the best suited to lead South Dakota in a new direction. I graduated from Stanford University, the University of Minnesota Law School and earned a Masters from Oglala Lakota College.”

Paulette Jordan is also changing the image of a Native American woman in Idaho. She is not using campaign videos in her bid for governor because she has something better, free media. There are dozens of stories by national media. The most recent was on ABC News that said the Coeur d’Alene tribal member “was birthed into politics” by a family legacy, “a quiet and peaceful ranch surrounded by wildlife, bluegrass, and elders who she describes as self-sufficient, full of wisdom and teachings that she has carried along with her in life.”

This is an image Idaho is not used to seeing. Or as Jordan said in her ABC interview: “We’re breaking one barrier after another. I want to inspire (young women) to do more, feel emboldened to take on leadership roles. I want more young women to feel strong.”

Indigeneity is a theme that transcends tribes, and regions, this political season.

Kaniela Ing is running for the U.S. House from Hawaii. His commercial recalls his struggle as a young man working in the pineapple fields where he got his “first calluses” and “first paycheck.”

In the commercial, Ing clearly articulates his Native identity and why it’s important to Hawaii. He also told Mic: “When you’re Hawaiian in politics, they tell you to avoid that part of your identity … Hawaiians aren’t reliable voters. Folks who are reliable voters do not really empathize with indigenous struggles here. So, they say, ‘Don’t use your Hawaiian name. Don’t talk about Hawaiian issues.’ But you know, I’m defying that. I’m gonna do me. Throughout my career, it’s been refreshing for a lot of folks that I’m not running from [my] identity.”

New Mexico Republican Gavin Clarkson, Choctaw, does not have a produced video, but the campaign touts a video with his passionate defense of gun rights. He says the 2nd Amendment does not grant gun rights because it’s a God-given right to defend people and property. “Schools are soft targets, just like airplanes were soft targets. But after 9/11 we didn’t go on a nationwide hunt to ban box-cutters. We put armed air marshals on airplanes and there hasn’t been a single armed hijacking since we put armed air marshals on airplanes.” School shootings, he said, happen in gun-free zones. In the video Clarkson argues that teachers — and he is one — should be able to carry weapons to defend themselves and the students in the classroom. There are four candidates, including Clarkson, running in the GOP primary on June 5.
Oklahoma Republican Markwayne Mullin, Cherokee, has produced videos that make his case for reelection.

A potential competitor in Mullin’s district, Democrat Jason Nichols has one that starts with a reference to his Oklahoma roots and Cherokee citizenship.

This race is extraordinary because there are three tribal citizens running, the third, Elijah McIntosh, Muskogee, is running as a Democrat. He posted a video on Facebook the day he filed his papers to run.

Indeed, the technology of making a video has changed dramatically, making it easier and less expensive for candidates to tell voters about themselves and priorities. In Washington state, Debra Lekanoff, running for the House, gives a pitch from the shores of the Puget Sound on her morning run. She said she wants to be a voice for everyone who would call that area home. “Life is about choices, my friend. You get up do a good morning run to a little bit of Led Zeppelin, you drink a mean cup of coffee, you wake up your loved ones and send them off in a good way, (and) I made the choice to represent each and everyone of you.”

Rep. Peggy Flanagan, who is running for Lt. Governor with running mate Tim Walz, posted a longer video that outlines policy and an unabashed support for the social programs that made a difference to her. “I am a member of the White Earth Nation of the Ojibwe. I grew up with a single mom,” she said. “You know it’s programs like Section 8, child care assistance act, food stamps, those programs really helped lift my family out of poverty. When I am at the Capitol and I hear people talk about “those people.” I am “those people” and I am an example of what happens when you invest in children, when you invest in families.”

This is an example of a powerful narrative, a challenge to the very idea that government is ineffective. Instead the story is a personal reflection of success.

Flanagan is also a master of social media. She immediately tweeted after President Donald J. Trump told Navy Academy graduates last week that “our ancestors tamed a continent” and that “we are not going to apologize for America. Her response: “Mr. President, I’m an untamed Native woman running for office along with 64 of my indigenous sisters.”

New Mexico’s 1st Congressional District is going to be close six-way race for the Democratic nomination in the June 5 primary. So campaign ads are already a big part of the picture (including an F-bomb by one candidate attacking the NRA). Deb Haaland, Laguna Pueblo, reminds voters that Congress has “never heard a voice like mine.” That ad also includes support for Standing Rock and the fight against big oil.

Like Jordan, Haaland is also getting national media. The latest is an NBC News piece about former Obama campaign alumni running for office. “I feel like if I hadn’t worked for the president, I would never have had the courage or the wherewithal to run,” she told NBC News, recounting an unsuccessful 2014 bid for lieutenant governor before she successfully ran for state party chair. “I think about him every single day.”

Her latest ad focuses on “women like us.” in a tweet she cites, “women of color, single moms, lesbians & transwomen, military families, & any woman who has ever been assaulted or harassed. Now is the time to be fierce and demand change.”

Sharice Davids, Ho Chunk, is running for Congress in Kansas. She has two powerful ads. In the first, she partners with Chris Haulmark, a candidate for the Kansas state House, they have a conversation about inclusivity and politics using sign language. “Chris and I don’t look alike. Or talk alike,” Davids says in the ad. “But we both know what it’s like to fight through challenges. … And we’re both dedicated to changing and reshaping the conversations that are happening now throughout all levels of our government.”
This ad makes you feel good about what’s possible. (It’s also a fundraising vehicle.)

Today Davids is releasing a very different kind of ad — one that will be talked about nationwide. In this video, Davids, a former MMA fighter, is in the ring and ready to spar. “This is a tough place to be a woman,” she says. “I have had to fight like hell just to survive. And it’s clear that Trump and the Republicans in Washington don’t give a damn about anyone like me or anyone who doesn’t think like them.”

This ad is about defiance. As Davids says: “One thing for sure, I won’t back down. Because progress is undefeated. We just need to fight for it.”

Politics aside what these women and men are doing on television and social media is remarkable. They are redefining the very image of a Native American in a complex, multicultural society. This is a story missi

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**LATEST ATTACK ON MEDICAID ALSO SABOTAGES TREATY RIGHTS, INDIAN HEALTH PROGRAMS:**

**AGENCY SAYS INDIAN HEALTH SHOULD NOT BE EXEMPT FROM MEDICAID WORK RULES BECAUSE THEY ARE ‘RACE-BASED’**

Mark Trahant*


The Trump administration is supporting a major policy shift on Indian health programs which could result in a loss of millions of dollars and sabotage treaty rights.

A story in Politico Sunday raised the issue. It said “the Trump administration contends the tribes are a race rather than separate governments, and exempting them from Medicaid work rules — which have been approved in three states and are being sought by at least 10 others — would be illegal preferential treatment. ‘HHS believes that such an exemption would raise constitutional and federal civil rights law concerns,’ according to a review by administration lawyers,” Politico said.

The new policy on Medicaid work requirements “does not honor the duty of the federal government to uphold the government-to-government relationship and recognize the political status enshrined in the Constitution, treaties, federal statutes, and other federal laws, said Jacqueline Pata, executive director of the National Congress of American Indians. “Our political relationship is not based upon race.”

“The United States has a legal responsibility to provide health care to Native Americans,” Mary Smith, who was acting head of the Indian Health Service during the Obama administration and is a member of the Cherokee Nation, told Politico. “It’s the largest prepaid health system in the world — they’ve paid through land and massacres — and now you’re going to take away health care and add a work requirement?”

Medicaid has become a key funding stream for the Indian health system — especially in programs managed by tribes and non-profits. Medicaid is a state-federal partnership and public insurance. The Affordable
Care Act expanded Medicaid eligibility, but the Supreme Court ruled that each state could decide whether or not to expand. Since the expansion of Medicaid some 237,000 American Indians and Alaska Natives in 19 states have become insured. Officially Medicaid represents 13 percent of the Indian Health Service’s $6.1 billion budget (just under $800 million).

But even that number is misleading because it does not include money collected from third-party billing from tribal and non-profit organizations. In Alaska, for example, the entire Alaska Native health system is operated by tribes or tribal organizations and the state says 40 percent of its $1.8 billion Medicaid budget is spent on Alaska Native patients. That one state approaches the entire “budgeted” amount for Medicaid.

Other states report similar increases. Kaiser Family Foundation found that in Arizona, one tribally-operated health system reported that about half of visits were by patients covered by Medicaid in 2016. And, an Urban Indian Health Program, reported that its uninsured rate at one clinic fell from 85 percent before the Affordable Care Act to under 10 percent.

Those Medicaid (and all insurance) dollars are even more significant because by law they remain with local service units where the patient is treated (and the insurance is billed). In Alaska more than two-thirds of those dollars are spent on private sector doctors and hospitals through purchased care for Alaska Native patients. And, unlike IHS funds, Medicaid is an entitlement. So if a person is eligible, the money follows.

A recent report by Kaiser Health News looked at Census data and found that 52 percent of residents in New Mexico’s McKinley County have coverage through the Medicaid. That’s the highest rate among U.S. counties with at least 65,000 people. “The heavy concentration of Medicaid in this high-altitude desert is a result of two factors: the high poverty rate and the Indian Health Service’s relentless work to enroll patients in the program,” Kaiser reported. Most of McKinley County is located on the Navajo and Zuni reservations.

Kaiser Health News said Medicaid has opened up new opportunities for Native patients to “get more timely care, especially surgery and mental health services. It has been vital in combating high rates of obesity, teen birth, suicide and diabetes, according to local health officials.”

However the growth of Medicaid is resulting in unequal care for patients in the Indian health system. The benefits in some states, including those that expanded Medicaid under the Affordable Care Act, are more generous. Other states not only refused to expand Medicaid and have been adding new restrictions such as requiring “able-bodied” adults to have their Medicaid eligibility contingent on work.

But the Indian health system — the federal Indian Health Service and tribally and nonprofit operated programs — are in a special case because there is a 100 percent federal match for most services. So states set the rules, but do not have to pay the bill. (Medicaid is often the second largest single item in a state budget behind public schools.)

Medicaid is the largest health insurance program in America, insuring one in five adults, and many with complex and long-term chronic care needs. The Trump administration and many state legislatures controlled by Republicans see Medicaid as a welfare program. While most Democrats view it simply as a public health insurance program.

Work rules are particularly challenging for Indian Country. Unlike other Medicaid programs, patients in the Indian health system will still be eligible to receive basic care. So stricter rules will mean fewer people will sign up for Medicaid and the Indian Health Service — already significantly underfunded — will have to pick up the extra costs from existing appropriations. That will result in less money, and fewer healthcare services, across the board.
A letter from the Tribal Technical Advisory Group for Medicare and Medicaid said American Indians and Alaska Natives “are among the nation’s most vulnerable populations, and rely heavily on the IHS for health care. However, the IHS is currently funded at around 60 percent of need, and average per capita spending for IHS patients is only $3,688.” The latest per person cost for health care nationally is $10,348 (totalling $3.3 trillion, nearly 20 percent of the entire economy).

The tribal advisory group said it is “critically important” that there be a blanket exemption for IHS beneficiaries from the mandatory work requirements.

A report in September by the Kaiser Family Foundation showed that the majority of American Indians and Alaska Natives on Medicaid already work, yet continue to face high rates of poverty. It said over three-quarters of American Indians and Alaska Natives are in working families, but that’s a gap of about 8 percent compared to other Americans (83 percent).

The Trump administration’s characterization of tribal health programs as “race-based” is particularly troubling to tribal leaders because it would reverse historical precedence.

A memo last month from the law firm of Hobbs, Straus, Dean & Walker said the Centers for Medicare and Medicaid Services “has ample legal authority to single out IHS beneficiaries for special treatment in administering the statutes under its jurisdiction if doing so is rationally related to its unique trust responsibility to Indians. Under familiar principles of Indian law, such actions are political in nature, and as a result do not constitute prohibited race based classifications. This principle has been recognized and repeatedly reaffirmed by the Supreme Court and every Circuit Court of Appeals that has considered it, and has been extended to the actions of Administrative Agencies like the Department of Health and Human Services even in the absence of a specific statute.”

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PAUL RYAN'S LEGACY INCLUDES ‘BIG IDEAS’ SUCH AS A VOUCHER FOR INDIAN HEALTH

Mark Trahant*


Paul Ryan came to Washington to blow up Washington. He was first elected to represent his Wisconsin district at 28 years old. He campaigned over his career for a federal government that should shrink dramatically, spend far less, that taxes should be low, and the Republicans should be the party of big ideas.

Ryan announced Wednesday he will not run for re-election. He says he will complete his term as Speaker, but that’s not certain. He likely will face pressure to step down early, so another Republican can lead the party’s team into the November election. (More than forty Republicans have already announced their retirement contributing to the story about a coming Democratic wave.)

The Speaker leaves behind a different kind of legacy. He did get his tax cuts and substantial changes in the regulatory framework. But he also delivered more federal spending than ever. The deficit will hit $804 billion this year (a jump of 21 percent in a single year) and exceed $1 trillion by 2020. And, a new report by the Congressional
Budget Office, says that a decade from now the total debt will be larger than the entire economy. “That amount is far greater than the debt in any year since just after World War II,” the CBO said Monday.

**Federal Debt Held by the Public**

![Graph showing the percentage of GDP held by the public over time]

The problem for Ryan, like Speaker John Boehner before him, is that the Republican majority is nearly ungovernable. The only way for Congress to function, to actually pass a budget, is to build a coalition that includes most Republicans, some Democrats, and work with a similar coalition in the Senate. That often means spending more money. That’s not the Congress — and the party of big ideas — that Ryan once had imagined.

And President Donald J. Trump has made that process worse. He caters to the bloc in Congress that cares little about actually governing. Chaos is fine. Big ideas, not so much.

Ryan proposed a major reform of government in 2010 long before he was elected Speaker of the House. It had his big ideas: Replace Medicare with direct payments to seniors who then could buy their own health insurance; turn Medicaid into a block grant to states; end employer-based health insurance; and dramatically cut government and taxes. There was no support for that plan.

Then two years ago, as a new speaker, Ryan unveiled another plan for reshaping government. “A Better Way” included a reform of the Indian Health Service by “giving choices to American Indians.” His big idea was to have the government issue vouchers for Indian health, outside the system. “Not only will this give American Indians more choice in where they receive care,” the Ryan plan promised. “It will challenge Indian health facilities to provide the best care possible to American Indians.”
And of course that voucher system would have cost less. The Ryan plan also included a provision for a Native American Health Savings Account so individual tribal members could buy their own health care services (Never mind a treaty sanctioned right.)

The basic premise of Ryan’s plan was that poverty is a problem because of government programs, thus, shrink the government, and poverty will go away. He told National Public Radio: “Let’s break up the welfare monopoly, instead of having just the welfare agency at the county level give people their benefits, which they basically rubber-stamp. … They don’t actually treat the person. Let other providers also provide these full-scale wraparound benefits. Let the Catholic Church do it. Let Lutheran social services. Let America Works, a for-profit agency that’s good at this.”

This is not a new idea; it was the same logic in the 1940s when Republican complained then that the Bureau of Indian Affairs was responsible for poverty, horrible living conditions, and general mismanagement. The solution over the next decade was the idea of “freeing the Indians” by terminating the federal responsibility, Termination. And a hundred and nine tribes were terminated, representing some 12,500 tribal members, and the end result was poverty conditions that were far worse.

That’s likely what would have happened again had Ryan’s “choice” approach to Indian health became law.

Ryan’s, “A Better Way,” once again called for turning Medicaid over to the states. “Instead of shackling states with more mandates, our plan empowers states to design Medicaid programs that best meet their needs, which will help reduce costs and improve care for our most vulnerable citizens.”

Medicaid has become a significant revenue source for the Indian health system. Under current law, Medicaid is a partnership between the federal and state governments. But states get a 100 percent federal match for patients within the Indian health system. Four-in-ten Native Americans are eligible for Medicaid insurance.

Rep. Tom Cole, a Republican from Oklahoma and a Chickasaw Nation citizen, said Ryan will be missed in Congress. “Paul Ryan is a visionary leader, a committed conservative and a master of the legislative process. His tenure as been marked by exceptional accomplishments – the largest tax cut and reform in a generation; the most regulatory reform for any Congress in the modern age; the most substantial defense buildup in 15 years; the end of the individual mandate in Obamacare – and a host of other important legislative accomplishments,” Cole said.

“He is not only the best Speaker I’ve had the opportunity to serve with, he’s also the finest person. Even Paul’s political opponents readily concede that he’s a person of absolute integrity, deep sincerity and of profound decency.”

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**FIRST, DO NO HARM. WHAT IT TAKES TO MANAGE THE INDIAN HEALTH SYSTEM**

Mark Trahant, "First, Do No Harm. What It Takes to Manage the Indian Health System"


What qualifications are needed to manage (and possibly reform?) the Indian health system? It’s Indian Country’s largest employer with more than 15,000 on the payroll and many, many more people who work in health
care for tribes, non-profits and other related agencies. The IHS budget is $6.1 billion. Yet it’s also the least funded national health care delivery system, operating in a political atmosphere where critics ask, why can’t it do more?

The Wall Street Journal published a story last week that raised questions about Robert Weaver, the Trump Administration’s nominee to head the Indian Health Service. The Journal challenged Weaver’s history at St. John’s Regional Medical Center in Joplin, Mo., from 1997 to 2006. However it quoted Jennifer Talhelm, an HHS representative, saying “any suggestion Mr. Weaver is unqualified to run IHS is a pure act of character assassination.”

Weaver is a member of the Quapaw Tribe of Oklahoma.

A few facts: Weaver will be the least educated director of the Indian Health Service ever. If confirmed, Weaver will the tenth permanent director. All but one prior to Weaver have been physicians, most with multiple degrees in public health, science, and health administration. One former director, Robert McSwain, was not a medical doctor, but he was a longtime health manager and holds a Master of Public Administration from the University of Southern California. On his CV, Weaver lists his education at Missouri Southern State University in International Business with an emphasis in Marketing and Accounting; Minor in Spanish; Minor in Vocal Music & Piano. However the Journal reported that he was seeking a degree and did not graduate.

Weaver’s background is insurance. In a September 2016 profile in Native Oklahoma magazine, Weaver said, “We have Native Americans who are brilliant — geniuses — at gaming, but where are the Native American geniuses at insurance? It’s the second-largest cost we pay other than payroll. Yet it just goes to the wayside.” He told the magazine that his business saved the Quapaw Tribe more than $5 million a year.

“I try to be a translator for tribal leaders to understand this convoluted, difficult-to-understand, most of the time full of lies and deception industry, into ‘this is what it is. This is what your choices are.’ I get it,” he told Native Oklahoma.

Perhaps the Indian Health Service should be led by someone with an insurance background. It would surely help if the agency could come up with a better funding model, including a mix of insurance funds (third-party billing in IHS-speak.)

But there are three problems that ought to be clearly addressed through the Senate confirmation process.

First there is the problem of scale. Weaver would jump from managing a $10 million a year small business — one where he can hire and fire at will — to running a $6 billion agency where personnel decisions are made by folks higher in the chain of command at the Department of Health and Human Services or even as a favor to a United States Senator. And firing? Just one such action could take up more time than the three years left in this administration. And that’s the easy stuff. The agency’s operations are complicated by Congress, law, regulation, tribal relations, the Veterans Administration, Medicare, Medicaid, and private insurance.

To his credit, Weaver has been outspoken about the underfunding of the Indian health system. (Question: Will he say so again in his confirmation testimony?) In a paper he wrote a year ago, Weaver said: “Healthcare is a treaty right for all Native Americans. The method of delivering healthcare for Native Americans is the Indian Health Service system established through the Federal Government. The Federal Government allocates funds to the IHS system each fiscal year. This allocation has been and continues to be inadequate to meet the healthcare needs of Native Americans. Currently it is underfunded by thirty billion dollars annually.”

That figure of $30 billion would eliminate the funding disparity for Indian health. (The National Congress of American Indians has published a plan to make that so over a decade.)

The second problem is how to articulate the Indian health story. This is a problem of “duality,” two competing ideas. On one hand you have some significant health and management problems such as those identified in
the Great Plains by The Wall Street Journal. On the other hand, you have a system that is innovative and includes models of excellence (such as clinics in the Pacific Northwest or the Alaska Native Medical Center.) One story is told. The other less so. I am convinced that a fully-funded system will only happen when we tell both stories. The narrative of failure is not an incentive to invest more money.

The third problem is the Affordable Care Act and Medicaid. Weaver wrote that the law works for Native Americans but overall it was a failure. “We now see that it did not provide health insurance for the forty million uninsured Americans identified as the target market in 2008, it is not affordable for those who were pulled into the ACA system, and the out of pocket maximums associated with the plan effectively make access to healthcare unattainable,” he wrote. The first part of that sentence is factually incorrect. The uninsured rate dropped from 20.5 percent in 2013 to 12.2 percent in 2016, a 40 percent decline. You can argue about the cost of that insurance, but it’s complicated because the ACA required minimum standards for insurance, covering such things as women’s health. All of the Republican plans are designed to save money by getting rid of those standards.

Of course in the Trump era there’s probably not a candidate for any public office who champions the ACA.

But I also don’t see any Medicaid experience in Weaver’s background and that is an expertise area that is critical. Some of the medical, treatment, and ethical issues are extraordinarily complex. They will require a solid team to help consider all of the alternatives that have life and death consequences. (So, if confirmed, he’ll need a lot of help.) Oklahoma is not a Medicaid expansion state, so there would not be a lot of experience in squeezing every dollar from Medicaid by making more people eligible or rethinking the coding of costs. The public insurance of Medicaid (and Medicare) now total $1.05 billion of the IHS budget, but it could be a lot more.

Weaver could use his expertise to help tribes improve insurance for tribal members and employees — and that could boost funding for IHS. Private insurance is now only about $110 million of the agency’s revenue.

So what are the qualifications necessary to run the Indian health system? I have a bias. I have met some of the great physicians who ran the agency. I remember Emery Johnson’s passion and thoughtfulness about what IHS could be. I’d even argue that IHS has had remarkable leadership since its founding. So the standard, for me, at least, is quite high. There are also two Native women who have run state health agencies — an ideal background for managing the IHS. There is a lot of talent out there.

But the Trump administration likes the idea of shaking up government. And, appointing someone to run the IHS with a very different background, does just that. Perhaps Weaver brings a new way of thinking and managing. Then again we would do well to remember the Latin phrase that medical doctors learn early in their training, Primum non nocere. It means: First, do no harm.

(Note: I use the phrase, Indian health system (lower case) unless I am specifically talking about the agency. My reason is that the narrative of a government-run health care agency, the Indian Health Service, doesn’t reflect what most of what the agency does now. The funding mechanism that supports tribes and non-profit health care agencies is the largest part of the system.)

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ENGLISH GENOCIDE IN NOVA SCOTIA

Janet Hudgins,* February 25, 2018

FOREWORD

Of all the horrors the English committed during its racist rise to power, one of the least recognized and most rankling to its victims is the genocide committed to the Acadians and Mi’kmaq in Nova Scotia in the 17\textsuperscript{th} and 18\textsuperscript{th} Centuries.

Safely shielded under centuries of skillfully crafted propaganda, the scars deeply embedded in peaceful peoples have escaped indictment at home and abroad. And, even while the suffering was broadcast by both the French and First Nations, the crown belligerently made a blanket statement refusing all liability. “…Our present Proclamation does not, under any circumstances, constitute a recognition of legal or financial responsibility by the Crown…”26 At the same time the Canadian government arrogantly suggested the Acadians just “turn the page.” This is the only acknowledgement by the crown of the Acadian Expulsion and it came about when the Sociètè Nationale de l’Acadie appealed to England in 2008 to recognize that it was at least ethnic cleansing, the softer term.27

In fact, it was genocide in all its declared constructs.28 The English paid an exorbitant £100 for the scalps of Acadians and Mi’kmaq, dead or alive, starved them out when they stole their crops and stock to feed the military, they forced them off their property then burned all their possessions, and worse than anything, took their children and sent them into servitude for English settlers while parents searched for them for the rest of their lives.

Scientists have determined that extreme suffering is transgenerational,29 that all descendants of all families have felt the torture of memory, of destitution and forced removal, and the unbearable despair as children were abducted and trafficked while neither a Canadian nor English member of parliament, never mind the crown, have shown either remorse or any intention of restitution.

One can hardly wonder that anger boils over when such a deeply-rooted institution dismisses its atrocities as if they were of little consequence to whole races of people and it is essential now for the English crown to acknowledge the depth of the damage it ordered to thousands of peaceful settlers. Centuries late though it is, the healing of the great pain of this level of trauma must begin.

Biography

Based in Vancouver, Canada, I’m a lifelong activist working for many NGOs, writing short stories, non-fiction, and a creative non-fiction on East Coast colonial history, \textit{Treason, The Violation of Trust}. I’ve taken two degrees in the last decade: Creative Writing and Political Science and now retired for many years I’m often a student of the MOOCs programs in politics, international relations, language and piano jazz.

\textit{Genocide} is a thoroughly researched essay that should open dialogue between Canadian and English governments resulting in a satisfactory resolution for both the Acadians and Mi’kmaq who suffered beyond words at the hands of the English.

\begin{itemize}
\item[27] John Mack Faragher, \textit{A Great and Noble Scheme}. (New York: W.W. Norton & Company Ltd., 2005), 474
\item[29] Ruth Buczynski, \textit{The Impact of Trauma on Future Generations} https://www.nicabm.com/trauma-the-impact-of-trauma-on-future-generations/
\end{itemize}
ENGLISH GENOCIDE IN NOVA SCOTIA

Not all early civilizations were civilized. English monarchs, the colonizers, definitively claimed to be the epitome of refinement—which, as some wag said at the time, would send the Italians into fits of laughter—but proved for infinity to be truly savage. All through the second millennium they were committing genocide, and in all its forms, as set out by the United Nations in Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide (1948):

...any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; [and] forcibly transferring children of the group to another group.30

The historic and unsettled genocide against the First Nations’ Mi’kmaq and the French Acadians in Nova Scotia during the 17th and 18th Centuries was ordered by the English crown but no ruler has ever accepted the responsibility or been taken to account for the massacres they were committing. The Canadian government did make a general apology to First Nations in 2008, but regarding Residential Schools only, the administration of which didn’t begin until 1874. The only acknowledgement by the crown of the Acadian Expulsion came about after considerable pressure from the Sociètè Nationale de l’Acadie when it appealed to England through the Canadian government to recognize that it was at least ethnic cleansing, the softer term that lawyer-professor Benjamin Ferencz refers to as a euphemism for genocide.31 It was a proclamation struck to establish July 28th a Day of Commemoration of the Great Upheaval, first by the then Governor General, Adrienne Clarkson in 2004, which actually stated that the crown made the decision to physically remove the Acadian people from their land but, “Whereas We hope that the Acadian people can turn the page on this dark chapter of their history,” or, just forget it.32 Elizabeth II delayed her proclamation until the following year and added a rider:

“Whereas this Our present Proclamation does not, under any circumstances, constitute a recognition of legal or financial responsibility by the Crown in right of Canada and of the provinces and is not, under any circumstances, a recognition of, and does not have any effect upon, any right or obligation of any person or group of persons.”33

The Mi’kmaq were not mentioned.

In the mix of English barbarous genocide was its long history of slavery. It was commonly known and narrated for centuries, but never properly condemned by the international community. What may not be well known is the payoff when slavery was finally outlawed. Of the total 3,100,000 they forced out of Africa between the 15th and 19th Centuries, largely to the Americas, 800,000 were still owned by the English, and were formally freed by Whitehall in 1833. But, 3,000 slavers holding 760,000 Africans refused to give them up. They demanded compensation for the loss of free labour, the source of their wealth, and the English government paid up: about

31 John Mack Faragher, A Great and Noble Scheme. (New York: W.W. Norton & Company Ltd., 2005), 474
33 Faragher, 478
£16.5 billion in today’s sterling.\textsuperscript{35} It wasn’t until a century later, in 1930, the International Labour Organization held a convention on the abolishment of forced labour.\textsuperscript{36} Even then, it was still on the crown’s agenda and it refused to ratify the convention until 1957.\textsuperscript{37}

Political scientist, Adam Jones, defines colonialism in Indigenous territories, to remove and supplant them with British nationals, as \textit{settler colonialism}.

Three ideological tenets stand out as justifying and facilitating all European conquest [of the colonization era], ‘pacification’ and ‘settlement.’ The first … was a \textit{legal-utilitarian} justification, according to which native peoples had no right to territories they inhabited owing to their ‘failure’ to exploit them adequately.

The second tenet, settlement, was termed in North America \textit{vacuum domicilium}, or empty dwelling. And the third, \textit{racial-eliminationist}, the “… supplanting of primitive peoples by advanced and ‘civilized’ ones … engineered through military conflict between indigenous peoples and the better-armed Europeans,” and atrophy. “Genocide began to be regarded as the inevitable byproduct of progress, … ‘even if its perpetrators and supporters grew misty-eyed in the process.”\textsuperscript{38}

Indeed, England set itself out as a remarkably small, yet heroic warrior bestowing its altruism on a vast spread of the world, to civilize by putting the fear of its God in everyone everywhere. In fact, all colonizers competing to form empires were small in relation to the countries they invaded, and they all brutally occupied, pillaged, subverted, removed and murdered hundreds of millions of locals; the master race dictated, it iterated, for the good of the landed population. England ruled seventy-four states and countries, all sources of rich, natural resources and free, forced labour.\textsuperscript{39} British sovereigns never invaded where there was no one to exploit, and neither did anyone else; there was a pattern.

It was one thing to liberate a population of its land and possessions, but quite another to steal its identity and social power, the essence of genocide.\textsuperscript{40} In 1996, Gregory Stanton, the president of Genocide Watch, suggested that genocide develops in eight stages that are “predictable but not inexorable.”

1. Classification: ‘Us’ and ‘Them.’
2. Symbolization: combined with hatred, symbols are forced on unwilling pariahs.
3. Dehumanization: equated with animals, vermin, insects, or diseases.
4. Organization: Genocide is always organized... Special army units or militias are often trained and armed.
5. Polarization: Hate groups broadcast polarizing propaganda. A precondition of propaganda is to devalue a race of people.
6. Preparation: Victims are identified and separated out because of their ethnic or religious identity.
7. Extermination: It is 'extermination' to the killers because they do not believe their victims to be fully human.

\textsuperscript{35} Sanchez Manning, 24 Feb 2013. \textit{Britain's colonial shame: Slave-owners given huge payouts after abolition}
\textsuperscript{37} Ratification of C-105 – Abolition of Forced Labour Convention.
\textsuperscript{39} How many countries were ruled by the British Empire? https://www.quora.com/How-many-countries-were-ruled-by-the-British-Empire
\textsuperscript{40} Jones 29
8. Denial. The perpetrators... deny that they committed any crimes.  

George Monbiot says the English repudiate the crime of their monumental exploits, or just ignore them. The perpetrators of genocide dig up mass graves, burn the bodies, try to cover up the evidence and intimidate the witnesses. They deny that they committed any crimes, and often blame what happened on the victims. ...”

THE MODEL OF FORCED REMOVAL IN CANADA ORIGINATED IN THE BRITISH ISLES

The English crown’s long history of taking a back door to grab real estate outside its borders is its blueprint of colonization. It thoughtfully marketed the theft as Expansionism, then forced the long established inhabitants off their land, seized all their property, and exploited all their resources. And if it took removing, or starvation or outright murder to get rid of the occupants, painting the rationalization in obfuscating hues to resolve the objectionable opinions of principled do-gooders who didn’t understand the need for English imperialism in the world, so be it. Where would we all be without it?

The dictum of all European conquerors was to change, integrate, and assimilate, or suffer immeasurably. Resisters were cut down. Charlemagne beheaded 4,500 Saxons in a single day; the Crusaders massacred 8,000 Jews; the Normans killed the Welsh and the Britons in the thousands. And, they all seized whatever property there was, enslaving whomever was left alive.

By the thirteenth century the English state as a construct was so set in its mould in terms of institutions, mechanisms, ideology, idiom, and assumptions, and so centralized in its format, that it was unable to cope with societies which could not be readily integrated into its political and governmental configuration. It either established an English-style government or Englishries for its colonists (as it did in Ireland and south and north-east Wales respectively), or created the veneer of English institutional rule while reserving all major offices to Englishmen … political Anglicization was the price of political inclusion. There was no meeting of minds.

From the first Norman occupation of Wales in the 12th Century, and during seven more centuries when the English annexed a third of the world, poverty of the masses therein was constant until the mid-20th Century when colonies commenced to demand their independence. They realized they would never be free of the white supremacy ideology that was imperative to maintain suppression, ignorance and poverty, until they were free of England. Since then, the rate of poverty in the old Empire (and the rest of the world) has halved—although the two billion people still living on less than $2.00 a day is nothing to boast about.

Poverty is the consequence of plunder. Behind every single form of modern poverty, you find the use of force.

41 Genocide Watch http://www.genicidewatch.org/aboutgenocide/8stagesofgenocide.html
42 Monbiot, George. Deny the British empire’s crimes? No, we ignore them https://www.theguardian.com/commentisfree/2012/apr/23/british-empire-crimes-ignore-atrocities
43 In Jones. Richard Hovannisian 517
Ireland is the epitome of this plunder, the decimating famines artificially created by the English. They industrialized Irish resources with native labour then exported them to England, including the very sustenance of the workers. One million people are estimated to have starved in Ireland while another million managed to escape to the Americas.

The Normans defeated the Saxons and moved on, the royal purse was filled with the toil of its island neighbours and a nice kickback from the newly incorporated slavers, which incidentally, was old hat to the British Isles. “Well into the twelfth century in Wales… in Ireland and the Isles, the plunder of goods and the capture of people—a virtual form of slavery—were the normal, almost annual, coin of political competition and wealth accumulation.”

Global, industrial, English slavery began when slave trader John Hawkins formed a syndicate in 1562 with like-minded merchants and, with their investment, put three ships to sea, one of which he captained and then boarded Portuguese slavers to relieve them of their cargo. He was the middleman. Hijacking payloads at sea was common among robber barons along with noblemen who looted highway travelers of their valuables. These shortcuts saved a great deal in time and travel, and in the case of shipping slaves across the Atlantic it increased already considerable profits.

It was Hawkins who saw the efficacy of stacking human cargo to maximize space. And, he formed the trade triangle between West Africa, the West Indies or America, and England all depending on where the surviving slaves were to be delivered. In training on Hawkins’ ships was a young sailor called Francis Drake. Piracy and slavery notwithstanding, both would be knighted in due course.

ENGLISH EXPANSION INTO NOVA SCOTIA, THE MI’KMAQ AND THE ACADIANS

After selectively subjugating and culling the population in Wales, Scotland and Ireland, England crossed the Atlantic in 1607 to perform the same surgery on the Acadians and Mi’kmaq in Nova Scotia, and its colonial genocide was underway. Ten thousand French settlers died during the Acadian Expulsion but records of the crown’s Aboriginal dispatches were never deemed necessary; they were savages and this was, after all, England’s Age of Enlightenment. In fact, the Mi’kmaq were one of five principal First Nations of the Wabanaki Confederacy, or People of the Dawn, and had been in the Maritimes for thousands of years. They were, indeed, Nova Scotia’s first settlers.

Mi’kmaq leaders made a profound statement for the colonial press on behalf of “les sauvages,” their distinctive race, and all First Nations. “I am sprung from the land as doth the grass. I that am savage, am born here, and my fathers before me. This land is mine inheritance, I swear it is, the land which God has given me to be my country forever.”

Long after the fact, in 1763, George III decreed by Proclamation that Native un- ceded land must be recognized as such. It has served as an arbitrary statement to mitigate the outright theft of millions of acres from both Natives tribes and the Acadians of which none were returned or purchased. But, it came much too late, and it was meant to. “The several Nations or Tribes … who live under our Protection, should not be molested … as, not

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47 Davies 123
49 David Childs, Pirate Nation: Elizabeth I and Her Royal Sea Rovers. (Annapolis, Maryland, Naval Institute Press, 2014). https://books.google.ca/books?id=rFlgDAAAQBAJ&pg=PA18&lpg=PA18&dq=william+hawkins+pirate+convicted?&source=bl&ots=kjGEMoOj&sig=kJPZ1Uz-lyyM-34QGQfICbf1g1E&hl=en&sa=X&ved=0ahUKEwi00427srPAhUhUhS2MKHQAaLC5wQ6AEIjABv=>onepage&q=william%20hawkins%20pirate%20convicted%3F&f=false 119
51 Faragher 129, 130
having been ceded to or purchased by Us, … And We do further … require all Persons … seated themselves upon any lands … forthwith to remove themselves from such settlements.”

The relationship between the Mi’kmaq and the Acadians was unique among first contacts as the French were the first among colonists who “accommodated most wholeheartedly” the Aboriginals. Intermarriage began sometime before 1635.

Queen Anne made three attempts to capture Port Royal and by 1713 the Acadians were sufficiently war-weary for the English to claim heroic conquest. But, by the Treaty of Utrecht, the French government was forced to cede “the colonies of St Kitts, Hudson Bay, Newfoundland, and all Nova Scotia or l’Acadie comprehended within its antient Boundaries.” Cape Breton, Quebec and islands in the Gulf of St. Lawrence were to be left to the French and un molested. Acadians, (they would concentrate on the Mi’kmaq later and differently), said the queen’s ministers, could leave voluntarily or stay enjoying their “lands and tenements” to man the garrison and under oath to the English king.

But, the Acadians were not about to sign this oath that could, and would, order them to murder the Mi’kmaq, French nationals in battle, and the Mi’kmaq to murder the Acadians, their friends, allies, and blood relations. “We will never take the oath of fidelity to the Queen of Great Britain, to the prejudice of what we owe to our king, to our country, and to our religion.”

Several men, skilled in the pacification of resistors, were enlisted to change the landscape in Nova Scotia.

Samuel Vetch, a turn-coat Scot of dubious trading principles—he was a smuggler—was rewarded by his queen to have the honour of the first expedition of thirty-six vessels and two thousand men from London to Nova Scotia to “reduce” the Acadians and, “The men who conquered and removed the Acadian inhabitants would have first crack at their farms.”

Francis Nicholson, first a military captain in Boston, then governor of Virginia and Maryland, was appointed by Vetch in 1710 to share command of the invasion of Acadia, Vetch to be governor of Nova Scotia, and Canada after the conquest.

William Shirley, the Massachusetts Governor, planned to displace the Mi’kmaq and replace them with a pacified and altered culture as the way to manage both the old country and the new. He offered scalping bounties. “On October 20, 1744 the government of Massachusetts officially declared war on the Mi’kmaq. Five days later the Massachusetts General Court offered a bounty of £100 (provincial currency) for the scalp of any adult male member of the Mi’kmaq nation. For the scalps of women and children, the legislature offered £50. Similar rewards were available for Mi’kmaq prisoners taken alive.”

 http://indigenousfoundations.arts.ubc.ca/royal_proclamation_1763/
53 Faragher 46 - 48
54 Faragher in Thoughts on the Expulsion of the Acadians.
 https://journals.lib.unb.ca/index.php/Acadiensis/article/view/5726/11196
55 Faragher 136
56 Ibid 137
57 Faragher 281
58 In Faragher. Queen Anne’s Instructions for Francis Nicholson [Vetch’s 2 IC], 18 March 1710. 120
59 Faragher 118, 9
61 In Plank. Journals of the House of Representatives of Massachusetts 21: 99, 106-7; (Boston Evening Post, November 5, 1744) 110
Shirley offered 100 French livres per scalp, a fortune when soldiers were making about 10 livres a year. Although all factions collected these trophies: English, French, First Nations, only the English—Cornwallis—made no preference between a scalp from a dead enemy or one that was alive.

“Scalping was also used as a means of torture. The victim was tied to a tree. Using the point of a knife, and starting from the forehead, the skin was scored all the way around the head, then the scalp was ripped from the skull. It could take as long as two days for the victim to die.”

The senior officers the crown sent to Nova Scotia were driven to have and hold a place in the English ruling class. They each had a reputation of uncompromising brutality and they are credited with “the invention of the political institutions by which they shared power among themselves while denying it to other ethnic groups.” Charles Lawrence had been in the army since he was a teenage commissioned ensign in 1727 and pushed his way up the military ladder through Lord Halifax, distantly related and president of the Board of Trade, to major by 1749. Edward Cornwallis was another English army officer instrumental in the pacification of the Scots who went on to participate mightily in shaping British policy in Nova Scotia and is still regarded as a dark figure in its history. After a career in the army and a groom of the royal bedchamber, Cornwallis was named governor of Nova Scotia in 1749 and credited with founding the city of Halifax. He had cleared the Scots from the Highlands and armed with this expertise was sent to Canada as a specialist in removing original and more recent settlers, all listed under the banner of the other. Cornwallis came from considerable wealth, had been a royal page, and his regiment stopped the Scottish Catholic pretender to the English throne, Charles Stuart. His next step to glory was to supervise the burning of Catholic chapels and the torture of Catholic priests in the Scottish Highlands. He was a shoo-in to pacify again in Nova Scotia.

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Boston-based Shirley, an expert in maritime and commercial law, whose political capital was increased by war and therefore in his interest to “avoid peace,” completed the tools of takeover.

The three men had a good deal in common and together were well suited for the final execution of the English plan to force the French Acadians out of Nova Scotia and subjugate and murder as many Mi’kmaq Aboriginals as possible.

And missing evidence shores up the propaganda. “The choice of documents published at Halifax was carefully made in order to justify the Nova Scotia government’s deportation of the Acadians.” A Halifax minister, Andrew Brown, conducted the first research on the Expulsion in the 1790s. His papers, and some transcriptions that had been removed from the Nova Scotia Archives, were saved from the landfill in 1852, sixty years later. One of those was the, “operational plan for removal written by the provincial surveyor.” Other documents were

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65 Marshall 81
66 Ibid 44
67 Jennings 333
68 Faragher 281
70 Plank 120
71 Faragher 281
72 Ibid 283
“truncated” to veil the most incriminating evidence. Québécois historian, Henri Casgrain, said that, “Nova Scotia authorities … had conspired to cover up the most damning evidence of the Acadian removal.”

Brown’s paper was published in 1791…. “[E]xcepting the Massacre of St. Bartholomew, I know of no act equally reprehensible as the Acadian removal, that can be laid to the charge of the French nation. In their colonies nothing was ever done that approaches it in cruelty and atrociousness.”

THE FINAL SOLUTION

It was not until the spring of 1755 that Lawrence and Shirley laid out a plan to remove the settlers for John Winslow, a commander from New England, to carry out. They started by disarming the Grand Pré Acadians and confiscating their boats and canoes to prevent escape. Then, in July Lieutenant Governor Lawrence’s council of military men met and strategized to physically force the, “‘French inhabitants,’ from the colony of Nova Scotia.”

The governors began the process of deprivation by forcing the Acadians to provide their own larder to themselves and English public servants. In June, 1755, they disarmed the French troops in Fort Beauséjour, then all Acadians who, now, could not provide themselves with game. Those who objected turned up in Halifax to get their weapons back and were again offered the unconditional oath. When they refused they were offered instead incarceration on George’s Island where they would remain through the winter with little, if anything, to keep them warm. An Abbé wrote that Lawrence confronted the deputies in George’s Island. One stepped forward and said, “Strike, Sir, if you dare. You can kill my body, but you shall not kill my soul.” Somewhat amazed, Lawrence asked if they would prefer death. “‘Yes, Sir! Yes, Sir!’”

Colonel Robert Monckton, a young officer who also rose through the ranks with family connections, wrote the specs for the master plan. He ordered all men over sixteen to Fort Cumberland on the 10th of August, “to make arrangements concerning the return of their lands,” a flagrant lie aimed at people who had been stripped of their homes and livelihood. However, only about one third of them arrived for Winslow to read the “government’s proclamation … succinctly: ‘They were declared rebels. Their Lands, Goods and Chattels forfitt to the Crown and their Bodys to be Imprisoned.’ And then ‘the gates of the Forte was shut and they all confined.'” Helpless, they were forced to accept that they could not “‘dwell in a country against the will of the sovereign.’”

They had responded to Monckton’s summons in good faith…. They had brought no food, no blankets, no change of clothing, and Monckton had made no provision for their care. They had been crowded into damp quarters, forced to sleep on boards, were being eaten alive by vermin, and threatened with disease…. Terrified, their women and children had fled to the woods, and would perish for the want of a little milk…. Monckton made a general announcement that the men would be locked up until the transports arrived, at which time their families were to report for deportation. If they failed to appear, they would be hunted down, and the men sent off without them.

Five days later Winslow left for Grand Pré with three armed vessels and met Lawrence in Pisiquid where he would remain overnight. They quickly decided the Fort Cumberland treachery was so quick and vilely efficient

73 Ibid 464
74 Nova Scotia Archives. Records of the Deportation and Le Grand Dérangement, 1714-1768
76 Ibid 60
77 Ibid 61
78 Ibid 319
79 Ibid 338
80 Ibid 338-9
81 Ibid 339
they would do it again at Grand Pré. Winslow sailed into the Gaspereau on the 19th of August and announced, “I was sent here by the King’s order to take command of this place,” the Acadians there having no idea of the event in Fort Cumberland nor, of course, any way of knowing of the governor’s and the commander’s perfidious intentions. And they would not know until their harvest was in.\(^82\)

Everything hinged on the harvest, which was first requisitioned to feed Winslow’s troops, the remains to provision the ships carrying the evicted Acadians away. The English were not only removing the French from their home and land, they were using their crops to provide sustenance for themselves, and whatever was left for the Acadians’ voyage to they knew not where, supposing they survived.\(^83\)

Three hundred garrison soldiers from New England came ashore and occupied the town.\(^84\) The church was turned into a barracks for the troops and the priest’s house would be taken over by the commander, Winslow. Acadians were disarmed, their leaders imprisoned, priests were arrested and removed, and an order was posted. “‘[T]he Deputies and Principal Inhabitants’ to meet the commander the following day.” The leaders were allowed to remove the sacred things and cover the altar still unaware of their imminent fate. Neither did anyone else know other then Winslow until he swore three of his captains to secrecy on Friday, August 29th, 1755 and told them he planned to spring the trap the following Friday.\(^85\)

Three sloops and a schooner sitting high in the water arrived at Minas, the masters instructed to explain if asked, were to attend Winslow. After scouting the hamlets and preparing his declaration, he ordered his troops to camp to clean their weapons. He also ordered a Flemish surgeon, Alexandre de Rodohan, to translate and read the summons, “publicly throughout the countryside.”\(^86\) “Its language was frustratingly vague. … It ordered all the men of the community, including boys ten years and older, ‘to attend at the church at Grand Pré on Friday the 5th instant at Three of the Clock in the afternoon, that we may impart to them what we are ordered to communicate.’”\(^87\)

On September 5th Winslow ordered the men from Pisciquid, now Windsor, to go to Fort Edward where they were advised that their possessions: land, houses, livestock were going to be seized and they and their families would be sent away.\(^88\)

Four hundred and eighteen men and boys, four generations from more than seventy extended families, filled the pews. Winslow and the surgeon entered the church, “the doors were barred and troops surrounded the building.”\(^89\) de Rodohan translated and read the English Deportation Order in French. “The King’s Commission which I have in my hand and by whose orders you are convened together to Manifest to you his Majesty’s final resolution to the French inhabitants of this his Province of Nova Scotia.”\(^90\)

The same ruse was freely exploited everywhere from Annapolis to Chignecto until November when, “… a flotilla of twenty-two repurposed merchant ships had arrived.”\(^91\) Winslow ordered “two persons per marine ton” or four by four by six feet long,\(^92\) and as winter settled over Nova Scotia, 7,000 Acadians were crammed inside.\(^93\) In

\(^{82}\) Ibid 340
\(^{83}\) Faragher 336
\(^{84}\) Ibid 340
\(^{85}\) Ibid 342
\(^{86}\) Ibid 343
\(^{87}\) Ross 61
\(^{88}\) Faragher 343
\(^{89}\) Ross 62
\(^{90}\) Ibid 45
\(^{91}\) Faragher 361
\(^{93}\) Faragher 372
\(^{93}\) Ross 63
one vessel the hold was so full that to prevent suffocation, six were allowed out to the deck at a time lest they burst out of the breathless space themselves.\textsuperscript{94} Between October and December, 2,200 more were taken from Horton’s Landing, Wolfville, Canard and Grand Pré and forced on to boats with nothing but the clothes on their back after which all their buildings were burned to the ground by the 2,000 New England soldiers stationed in the province.\textsuperscript{95}

Once the inhabitants had been driven from their homes, Minas belonged to the vultures. Their abandoned property became the object of pillage and destruction. Off-duty soldiers and sailors as well as English and German colonists from Halifax, Lunenburg, and other Protestant settlements on the Atlantic coast raided homes, looted storehouses, killed chickens, butchered hogs, and dug through gardens for buried valuables. For several days chaos reigned.\textsuperscript{96}

Two vessels from Chignecto with 582 Acadians in the hold were never seen again and presumed to have capsized.\textsuperscript{97}

A first-hand account of the post-removal destruction by an Acadian woman who escaped in the confusion and went back to her village:

Her memory of the horror she saw chronicled the destruction of a way of life. Homes plundered; household furniture and pottery smashed and strewn about the cart paths; cattle grazing in the wheat fields; pigs rooting in the gardens; oxen, still yoked to the carts that the Acadians drove to the landing, bellowing in hunger; droves of horses running madly through the wreckage. Standing before her abandoned house, she felt delirious from exhaustion and distress. The family cow came up to her, begging to be milked. She sat on her doorstep, milked it and drank, and felt refreshed. And as she sat there a Mikmaw man approached her. He pointed toward the basin. ‘See the smoke rise; they will burn all here tonight.’ He helped her gather a few things that emained. Come with me, he said. The Acadians are ‘gone, all gone.’\textsuperscript{98}

\texttt{>>>><<<<}

In round figures, 6,000 Acadians were removed in 1755,\textsuperscript{99} 10,000 by 1763,\textsuperscript{100} and an unknown number perished at sea. There had been about 1,800 on George’s Island that summer,\textsuperscript{101} and many were still imprisoned there in Halifax Harbour where Lawrence’s revenge for their refusal to sign the ubiquitous oath of allegiance to the English crown was reduced rations for his half-starved and cold charges living outside in an acre of meadow while French prisoners of war, (PoWs), taken from captured ships, were housed in comfort and provided with full rations on the other end of the island.\textsuperscript{102}

Fifty families were also being held in Fort Edward in 1762, seven years after a thousand people had been removed from Windsor.\textsuperscript{103} Although they were meant to go to the American colonies, most were rejected, and not allowed to disembark because Lawrence had not informed the governors of his plan and they were suspicious of...
strangers and disease. And neither did Lawrence inform the Board of Trade until some months after the first leg of the expulsion was complete.\textsuperscript{104}

Much attention has been focused on the responsibility of the authorities in London for \textit{le grand dérangement}. Lawrence did not receive a reply to his request for authorization for the expulsion until January 1755. The colonial office refused to either approve or disapprove, but instructed him to act on his own. I think the conclusion is obvious: by shifting responsibility to local authorities, officials in London were distancing themselves from what was about to take place, providing themselves with ‘plausible deniability.’ Better to let Lawrence take the risk – something it turned out he was more than willing to do. Only after the dirty job had been done – after thousands of Acadians had been removed from their communities and shipped off in transport vessels, after thousands more had fled into the woods where they suffered from exposure, starvation, and disease, and after Acadian property had been looted and Acadian communities torched – only then did British officials offer an endorsement. The operation, the colonial minister wrote to the king in the aftermath, had been ‘crowned with a success greatly beyond our expectations and almost equal to our wishes.’ The expulsion of the Acadians had made available, he wrote, ‘vast quantities of the most fertile land in an actual state of cultivation, and in those parts of the Province the most advantageously situated for commerce.’\textsuperscript{105}

His comments make it clear that ultimate responsibility lay with the British state.\textsuperscript{106}

Over a thousand Acadians were sent to Virginia where they were refused, rerouted to England and held as prisoners of war but not treated as such; the English never declared war in Nova Scotia against them and they felt no responsibility to apply the rules for PoWs.\textsuperscript{107} They were housed in an abandoned warehouse in Bristol, an abandoned workshop in Liverpool, and an old barracks in Southampton, each family afforded a few pence a week for food and shelter. And, “Almost as soon as they arrived, they were struck with epidemics of smallpox.”\textsuperscript{108}

Hundreds were herded onto ships and left to float out to sea into the winter without supplies, many more were waiting in harbours, and unrecorded hundreds died of starvation, disease and cold.\textsuperscript{109}

But, much worse, the English wrenched their children away from their parents and into the service of imported settlers. Acadians searched, in some cases, for the rest of their lives for their children, the idea of separation so foreign and devastating.\textsuperscript{110} And, under the banner of \textit{acculturation}, Indigenous children were removed from their homes by the local constabulary, taken to Residential Schools and white foster care so as to assimilate. English-style education would make Native peoples acceptable, but only just, in English white society.\textsuperscript{111}

In the summer of 1755, a Halifax based correspondent for the New York Gazette wrote what was thought to be the first public notice of the expulsion of the Acadians.

We are now upon a great and noble scheme of sending the neutral French out of this province, who have always been secretly our enemies... and have encouraged our Indians to cut our throat. If we effect their expulsion, it will be one of the greatest things that ever did the English in America, for by

\begin{flushright}
\textsuperscript{104} Faragher 365 \\
\textsuperscript{105} Ibid 410 \\
\textsuperscript{106} Faragher in \textit{Thoughts on the Expulsion of the Acadians} \\
\textsuperscript{107} Ross 64 \\
\textsuperscript{108} Faragher 383 \\
\textsuperscript{109} Marshall 151 \\
\textsuperscript{111} Mark Aquash, UBC, \textit{First Nations in Canada: Decolonization and Self-Determination.} \\
\end{flushright}
all accounts, that part of the country they possess is as good a land as any in the world... we could get some good English farmers in their room.\textsuperscript{112}

\textbf{ORDINARY PEOPLE COMMIT GENOCIDE}

Those who can make you believe absurdities can make you commit atrocities.\textsuperscript{113}

The German Nazis murdered at least six million people of one ethnicity by extraordinary means during World War II and it’s acknowledged as the most heinous genocide in recent history. This holocaust exposes some of the savagery of white supremacy and it is where much of the written work on human rights and genocide is now focused. But, these concepts and the terms had not been part of the English vernacular until the end of World War II and the beginning of a new era with the United Nations. The Universal Declaration of Human Rights was proposed in its first session in 1947, \textsuperscript{114} (and drafted notably by Canadian lawyer and diplomat John Humphrey, Eleanor Roosevelt and others from India, France, China and Lebanon). The following year, the UN defined the practice of genocide, gave it veracity, and criminalized it.

Both the deprivation of human rights and genocide were clearly a function of colonization but the UN did not get around to granting independence—and by inference, belatedly banning the industry—to colonized countries until 1960,\textsuperscript{115} because England, (and France, which was still colonizing a few countries), had the power of veto. With the offer of freedom from imperialism, colonized countries could now opt out, and most of the remainder did. Australia, New Zealand, India, Canada, Israel, Iraq and several others had long before formed their own constitutions.\textsuperscript{116} Those left are nearly all small islands which depend on the support of their ruler. Ironically, it was in many of these islands that the barbarous English history of slavery was narrated. It was astonishing that even though the English government and crown were given credit for all classes of genocide to millions of people of all other races and creeds, English criminals of human rights abuses and genocide walked away with impunity attesting, as social psychologist, James Waller, says, “to the unsettling reality that genocide overwhelms justice.”\textsuperscript{117}

The strategy of the industry of human exploitation is part of the rape culture. Parasitic predators, accruing capital and power from each conquest, is probably the height of raw ambition and hubris where nothing counts but the target, human lives and personal property but casualties, or any of the many other euphemisms professional propagandists create with every new skirmish. It is also hegemonial genocide.\textsuperscript{118}

\begin{itemize}
  \item \textsuperscript{112} Le Canada. \textit{A People’s History.} Une Histoire Populaire. Deportation. http://www.cbc.ca/history/EPCONTENTSE1EP3CH4PA3LE.html
  \item \textsuperscript{113} What did Voltaire mean when he said, "those who can make you believe absurdities, can make you commit atrocities"? https://www.quora.com/What-did-Voltaire-mean-when-he-said-that-those-who-can-make-you-believe-absurdities-can-make-you-commit-atrocities
  \item \textsuperscript{116} List of countries that have gained independence from the United Kingdom. https://en.wikipedia.org/wiki/List_of_countries_that_have_gained_independence_from_the_United_Kingdom
  \item \textsuperscript{117} James Waller, \textit{Becoming Evil: How ordinary people commit genocide and mass killing.} (New York, NY, Oxford University Press, 2002). 14
  \item \textsuperscript{118} Different Types of Genocide and Politicides. https://clg.portalxm.com/library/keytext.cfm?keytext_id=193
\end{itemize}
For genocide to happen, there must be certain preconditions. Foremost among them is a national culture that does not place a high value on human life. A totalitarian society, with its assumed superior ideology, is also a precondition for genocidal acts. In addition, members of the dominant society must perceive their potential victims as less than fully human: as ‘pagans,’ ‘savages,’ ‘uncouth barbarians,’ ‘unbelievers,’ ‘effete degenerates,’ ‘ritual outlaws,’ ‘racial inferiors,’ ‘class antagonists,’ ‘counterrevolutionaries,’ and so on. In themselves, these conditions are not enough for the perpetrators to commit genocide. To do that—that is, to commit genocide—the perpetrators need a strong, centralized authority and bureaucratic organization as well as pathological individuals and criminals. Also required is a campaign of vilification and dehumanization of the victims by the perpetrators, who are usually new states or new regimes attempting to impose conformity to a new ideology and its model of society.119

Thomas Hobbes famously determined that we are all utterly self-absorbed and evil, else why would we need a constabulary. But, Waller impresses on his readers that the masses of mainly men who were pressed into service to manage colonies were, in their natural state, unobtrusive and quite ordinary. He studied “rank-and-file killers” whom he found, “are so ordinary that, with few exceptions, they were readily absorbed into civil society after the killings and peacefully lived out unremarkable lives,” and worth repeating, “attesting to the unsettling reality that genocide overwhelms justice.”120 And, he says that there is no such thing as a perpetratorless genocide. Our fears do not allow us to understand human evil as we may try to justify it if we do, and become contaminated, making every aware person a perpetrator.121 Ervin Staub concurs that being ordinary is all that is necessary to be an actor in genocide, and that includes the propaganda creator who reinforces his own belief in the course of persuading others.122

Waller says we must not let ourselves believe that all evil-doers are sadists and psychopaths, but accept that very ordinary people can be convinced to follow orders, no matter what they are, and commit the worst of horrors. But, they are an artificial construct. He indicates that we have to be taught and he uses a “four-pronged model” to demonstrate our response to authority and its target: our ethnocentrism is the only right one; xenophobia or fear of all strangers; the desire for social dominance; and the us-them perceptual framework, the dehumanization of the victim.123 And there is the psychology of the “collective” which, Waller says, can bring about either violence or heroism.124 The key to the success of mass killings is propaganda with facile evidence that people easily accept.

Accounts of brutality by one race to another are common throughout history but during colonization it was a scheduled day’s work all over the globe, for centuries, and it was characterized by published images of strutting English generals. But, the first such instance of genocidal massacres in the North American colonies was in the Pequot War (1636-7) when Puritan settlers reacted to an Indian raid by launching an extermination campaign. This “‘created a precedent for later genocidal wars.’”125

With practice and experiment, colonial managers became insanely obscene. In 1864, a Colorado Methodist minister, Colonel John Chivington, ordered his volunteer soldiers to murder all Cheyennes, including children. “‘Kill and scalp all … little and big … Nits make lice.’” The massacre prompted an inquiry and the following testimony.

120 Waller 14
121 Ibid 16
123 Waller 18-20
124 Ibid 35-6
125 Waller 114
I did not see a body of a man, woman or child but was scalped, and in many instances their bodies were mutilated in a most horrible manner—men, women and children’s privates cut out, & c; I heard one man say the he had cut out a woman’s private parts and had them for exhibition on a stick … I also heard of numerous instances in which men had cut out the private part of females and stretched them over their saddle-bows and wore them over their hats …126

Viet Nam War veteran, Gregory Gomez, told author Sebastian Junger about his Apache grandfather who was murdered by an army ranger in order to seize the elder Gomez’ land. “[T]hey strung him from a tree limb, cut his genitals off, and stuffed them in his mouth.”127

As its colonialism expanded, English hubris swelled with it until by the mid-twentieth century they committed such monstrous atrocities as can barely be described in one language.

•Indian Partition by England in 1947: 12.5 million were in forced migrations, women were tortured and murdered. They raped and gang-raped a reported 83,000 women and girls and cut off many of their breasts.128

•The Boer Wars at the turn of the 20th Century: 22,000 children starved to death in English concentration camps.129

•English Torture Centre in Yemen in the 1960s: stripped in refrigerated cells, burned with cigarettes, genitals crushed, forced to sit on a metal pole and pushing it into their anus.130

•The Cyprus Internment 1955 – 1959: suspected terrorists were regularly beaten, waterboarded and executed. Hot peppers were rubbed into children’s eyes, and they were flogged with whips and iron.131

•The Kenyan Camps 1950s: the English put 1.5 million Kenyans in concentration camps where men were raped with knives, women’s breasts were mutilated, they gouged out eyes, cut off ears, used barbed wire to cut skin. They sodomized and castrated men with pliers, stuffed mud in their throat until they suffocated and they worked them death. “Survivors were sometimes burned alive.”132 Hundreds of thousands are thought to have been murdered but proper records were not deemed necessary.

•The Bengal Famine 1943: From one to three million died in a preventable famine when, harkening back to Ireland centuries earlier, the English diverted resources for themselves. Churchill was confronted with graphic evidence of starving Indians and said, “Then why hasn’t Gandhi died yet?”133

126 The Sand Creek Massacre
https://www.univie.ac.at/Anglistik/easyrider/data/The%20Sand%20Creek%20Massacre.htm
132 Morris cont’d
•The Mau Mau Revolt 1950s: 320,000 were driven into concentration camps. One million more were also enclosed. They burned eardrums with cigarettes, waxed and burned them, bored holes in eardrums, cut off testicles and fingers with an instrument for animal castration. Settlers were instrumental in this terrorism and one boasted, “By the time I cut his balls off he had no ears, and his eyeball, the right one, I think, was hanging out of its socket.” The soldiers were told to shoot to their heart’s content as long as their targets were black. One thousand and ninety were hanged.134

James Waller makes a profound statement, answering a question that has been posited by ethicists forever when debating the rightful place for blame: the source of the order, or the executioner; the officer or the soldier. “In willfully failing to exercise their moral judgment, they retain full moral and legal accountability for the atrocities they committed. To understand all is not to forgive all.”135

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135 Waller 16
A partial death toll directly related to English colonization:

**East Indians**: Estimates range from 7 – 85 million but no firm records were kept or thought to be necessary.
- [http://www.danielpipes.org/comments/201158](http://www.danielpipes.org/comments/201158)

(Thirty-five million is very conservative as 19,000,000 are estimated to have died in just two of the famines).

And there’s Churchill’s performance when 4.3 million died in 1943 famine.

**Canadian First Nations**: Children in Residential Schools:
(No exact figures, no records kept of any Aboriginal deaths in Canada)

**Acadians**:
(Lost at sea not accounted for).

**Irish**: England’s genocide by artificial famine 1845 -49.

**Cromwell and the Irish** between 1641 - 1653
(Cromwell also enslaved 300,000 Irish adults, plus 100,000 children aged 10-14).

**Mau Mau**:
Numbers not properly recorded, est 130,000 to 300,000 Kikuyu unaccounted for

**Africans**: (English slaves enroute only. Britain transported 3.1 million Africans of whom 2.7 million arrived)

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<td>East Indians</td>
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<td>Africans</td>
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In all cases victims were thrown off their land, and the scorched earth policy was applied. In Ireland, Scotland, Acadia, India, Australia, New Zealand and Africa they were ordered to leave their crops in the ground. The English seized the produce, stock and land for reassigned tenants, or for profit, or personal use, and millions of legitimate landowners and leaseholders were subsequently starved to death. No attempt was made to record the deaths and torture of Canadian and Australian Aboriginals, or African slaves in the Americas.
Although several authors have written in depth on genocide, they have all skirted the horrors committed by the English when occupying the Canadian maritime province in the 17th and 18th Centuries. As well, the extensive propaganda the British government developed to cover these atrocities is truly under reported. To our shame, Canadian governments of all stripes have accepted the obfuscation, the sanctimony and heroics, and are perhaps just as guilty by omission as the crown when it ordered outright unthinkable terroristic strategies to invade, occupy and raid Acadian and Mi’kmaq homeland in Nova Scotia.

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The 3rd DECLARATION FOR HEALTH, LIFE AND DEFENSE OF OUR LANDS, RIGHTS AND FUTURE GENERATIONS”

Adopted by the 3rd International Indigenous Women’s Symposium
on Environmental and Reproductive Health: Advancing Research and Assessing

Impacts of Environmental Violence on Indigenous Women and Girls

APRIL 14 – 15, 2018 COLUMBIA UNIVERSITY LAW SCHOOL NEW YORK CITY, NEW YORK

Organized and sponsored by the International Indigenous Women’s Forum (FIMI), the International Indian Treaty Council (IITC), the Institute for the Study of Human Rights (Indigenous Peoples’ Rights Program) at Columbia University and el Fondo para el Desarrollo de los Pueblos Indígenas del América Latina y el Caribe (FILAC) Co-sponsored by: MADRE; Alaska Community Action on Toxics; Tribal Link; and Columbia University’s Center for Gender and Sexuality Law, Native American Law Students Association, If/When/How: Lawyering for Reproductive Justice, Law School, Center for the Study of Social Difference and Center for the Study of Ethnicity and Race.

Submitted to the 17th Session of the United Nations Permanent Forum on Indigenous Issues APRIL 18, 2018

We, Indigenous women and our allies from all regions of the world gathered at the 3rd INTERNATIONAL INDIGENOUS WOMEN'S ENVIRONMENTAL AND REPRODUCTIVE HEALTH SYMPOSIUM, at Columba University Law School in New York City on April 14 - 15, 2018.

We thank the Ramapough Lenape Nation for welcoming us to their traditional homelands. We also express our heartfelt thanks to Columbia University for hosting the Symposium, to the Symposium organizers and to all those who supported this historic event.

We have shared our struggles, songs, cultural understandings, research, and lived experiences focusing on the impacts of environmental violence in our communities including the deadly effects of environmental toxics on our reproductive health. We cried together and comforted each other. We built on and amplified the voices of the grass-roots women, mothers and grandmothers, midwives, traditional healers and community leaders who first raised these concerns. They were the heroes who begin to call the attention of the world to the reproductive and intergenerational health impacts of environmental contamination including the increasing levels of birth defects,
stillbirths, leukemia, reproductive system cancers and other life-threatening conditions that had been very rare in their communities in the past.

We continue to honor their contributions and calls for justice, and endorse the Declarations from the previous two Symposia in California (2010) and Chickaloon Alaska (2012) which first defined these deliberate deadly exposures to pesticides, mining wastes and other sources of toxic contamination as environmental violence. We continue to call for the full implementation of their recommendations.

In coming together at this 3rd Symposium, we have renewed our shared commitments to put a stop to the horrific environmental violence, and the continued impunity of States and corporations which continue to contaminate us and impact our sacred life-giving capacities.

We encourage the international bodies and mechanisms which have recognized the relationship between Environmental Toxics and Reproductive Health as well as the impacts of Environmental Violence, including the UN Permanent Forum on Indigenous Issues, to continue to prioritize this issue and to work for effective solutions in collaboration with Indigenous women from all regions.\textsuperscript{1} We also encourage other UN bodies, including the UN Business and Human Rights Forum, the Committee on Food Security and the Commission on the Status of Women, to begin to focus greater attention on Environmental Violence against Indigenous Women and Girls in the context of their own mandates.

We appreciate the interest and engagement of the academic and scientific communities in supporting us in documenting and bringing these situations to light. We have seen how governments continue to collaborate with corporations to promote “acceptable risk” standards, deny impacts and allow continued contamination. Information is withheld or not provided to Indigenous communities even when the impacts of chemicals, or practices, they are exposed to are well known and well documented by corporations, scientists and governments. Indigenous Peoples are left with the burden of proof regarding the cause of the health impacts they are experiencing, and their anecdotal reports are ignored or dismissed as “unverified” and “unscientific”. Meanwhile sexual and environmental violence is happening under a veil of secrecy and impunity.

We understand that partnering with scientists and academics, and the International arena, requires continued capacity-building for effective community engagement as well as a commitment by these scientists and academics to implement and respect Indigenous Peoples’ right to Free, Prior, Informed Consent. Respecting traditional knowledge and on-the ground experiences is important for the development of successful community-driven participatory research methods as an alternative to the “extractive research” models of the past.

We commend the work of the Indigenous women who presented their participatory research, studies and community experiences. These include the devastating impacts of pesticides, including those that have been banned by the exporting countries, uranium mining and nuclear weapons testing, toxic waste incineration, small and large-scale gold mining using mercury, coal ash dumping, military waste, narcotics and pharma-chemicals, sexual violence carried out in association with extractive industries and the criminalization and repression of women human and environmental rights defenders.

We express our collective outrage that current federal and international laws permit industry, military and all levels of government to knowingly produce, release, store, transport, export, import and dump hazardous chemicals and radioactive materials, and expand contaminating activities such as fossil fuel development, hydraulic fracturing, uranium mining and milling, introduction of genetically modified seeds, toxic waste incineration and high-pesticide agriculture. Our Indigenous communities and homelands have been treated as colonies for resource...
extraction with devastating impacts on our intergenerational health. We call for a just transition from fossil fuel dependency to sustainable and just economies as a key element of Environmental Health.

We call for a halt to all forms of environmental violence including sexual violence, exploitation and trafficking of Indigenous women and girls carried out in association with extractive industries, and targeting of Indigenous human and environmental rights defenders.

We understand that as Indigenous Peoples, and Indigenous women, we have rights: to health, dignity, culture, life, a safe and clean environment, healthy clean foods, decision-making in matters that affect us, and to free prior and informed consent, among others. The International Human Rights framework contains standards that we can use to protect our rights to intergenerational and environmental health, and to be free from environmental violence. These include the UN Declaration on Rights of Indigenous Peoples, the UN Convention on the Rights of the Child; the International Convention on the Elimination of All Forms of Racial Discrimination; and the Convention

We reaffirm the inherent right of our Peoples to clean water, air, land and food, and the inalienable rights of our children to be born healthy and toxics-free. We again acknowledge the sacredness of the life-giving force of our birthing places and the traditional knowledge and practices of our Indigenous women healers and practitioners.

Healing and empowerment will mean finding the pathways to return our spirits to ourselves, and restore our collective dignity, identity, and our confidence in our own power. We will need to work in partnership to amplify our voices, share our information and experiences, develop strategies and create solutions that we can undertake together. We also affirm the urgent need for us to expand and strengthen our alliances to more effectively address our shared concerns.

In response to these affirmations, commitments and understanding we make the following recommendations, calls to action and next steps to find and implement solutions:

UN Environmental Conventions including the Minamata and Stockholm Conventions which, however, too often fail to recognize the full and effective participation of Indigenous Peoples or their rights. on the Rights of Persons with Disabilities;

1. We call upon Indigenous, National and International processes to respect the traditional knowledge of Indigenous women regarding sustainable development, environmental protection, cultural practices, food production and health and to include their full and effective participation as leaders and experts in all levels of decision-making on these matters.

2. We call for an immediate halt to the criminalization, incarceration, intimidation, coercion, death threats and assassination of all Indigenous human and environmental rights defenders from developed and developing countries who are protecting their homelands, communities, future generations, and life- giving processes from environmental destruction and contamination. As one example out of many others, we condemn the recent action of the government of the Philippines who’ve raised terrorism allegations against Victoria Tauli-Corpuz, UN Special Rapporteur on the Rights of Indigenous Peoples and one of the most renown and respected indigenous women advocates, as well as Joan Carling, representative of the Indigenous Peoples Major Group for the Sustainable Development Goals (SDGs), along with over 30 Indigenous community based human rights defenders in the Philippines. We call upon the UN Human Rights System to demand that the Philippines remove their names from this list and ensure their safety, along with all other women defenders from around the world.

3. We call on States to immediately cease the criminalization of Indigenous women’s health, birthing practices, traditional midwifery, and to respect the use of Indigenous medicinal knowledge on equal footing with other health systems and methods, including the right of Indigenous healers to protect, use and share this knowledge as they so choose.
4. We call upon academia, human rights and environmental researchers to support Indigenous Peoples in documenting incidents of environmental violence including sexual assaults, sexual trafficking and missing and murdered women and girls directly related to the influx of mining, oil drilling, fracking, timber cutting and other extractive industries in and around Indigenous communities so that cases can be filed nationally and internationally. Not only must individual perpetrators be held accountable for these crimes but the national and transnational corporations must be brought to justice in State as well as international processes so that impunity will not continue.

5. We affirm the role and authority of Indigenous laws and legal systems, including Treaty-based justice systems, as well as national, regional and international justice systems to hold perpetrators accountable for all forms of environmental violence and ensure that Indigenous women are heard without prejudice.

6. We will continue educating our own Peoples and communities about the links between reproductive health and environmental contaminants as well as their human rights as affirmed in the UN Declaration, Nation-to-Nation Treaties and other international standards. This includes facilitating cross-border and multi-regional information-sharing as a key component of FPIC.

7. We will provide capacity-building and training to assist impacted women and girls as well as other community members to document their experiences and the impacts of Environmental Violence to hold States and corporations accountable, including by collecting community testimonies for submission to UN Human Rights bodies and partnering in a respectful way with scientists and academics to document experiences and present human rights cases.

8. We commit, in these efforts, to include the participation, experiences, unique challenges and vulnerabilities of Indigenous persons with disabilities, as well as to collect additional information to document the links between disabilities and prenatal exposure to environmental toxics.

9. We call on States to fully implement and uphold, without qualification, the UN Declaration on the Rights of Indigenous Peoples, including, inter alia, Article 29 regarding the right of Indigenous Peoples to the protection of their environments and the State obligation to ensure Free Prior and Informed Consent regarding hazardous materials, as well as Article 32 affirming FPIC regarding development activities on our lands, and Articles 20, 23,24 and 31 affirming our collective rights to health, use of traditional medicines, cultural heritage, and subsistence practices.

10. We once again call upon States to eliminate the production, import, export and use of pesticides, industrial chemicals and toxic by-products that disrupt the endocrine system, affect learning and neurological development, cause reproductive system cancers, undermine reproductive and maternal health, and affect the well-being of our future human generations and our relatives of the natural world.

11. We further call on States and corporations to take responsibility for effective and immediate clean-up of contaminated sites, in collaboration and coordination with impacted Indigenous Peoples, created by activities which they permitted or approved, in accordance with Committee on the Rights of the Child and CERD recommendations to various States.

12. To call upon States to initiate transparent ongoing dialogues with Indigenous Peoples regarding rights to lands and territories, environmental and reproductive health as human rights, and to include, when appropriate, corporations.

13. We also make the following calls upon the United Nations system:
a) For the UN Human Right bodies hold States accountable through stronger monitoring and oversight processes for implementation of relevant Treaty Body and Universal Periodic Review recommendations, as well as the Business and Human Rights Principles regarding their obligations to monitor the activities of corporations they license and ensure that they do not violate human rights of Indigenous Peoples.

b) For UN Special Rapporteurs and other Human Rights Mandate holders, bodies, agencies and processes to coordinate their efforts to address Environmental Health and Environmental Violence as cross cutting issues impacting many UN processes and mandates including implementation of the UN 2030 Sustainable Development Agenda, Health, Women, children, environment, food sovereignty/security, land and resources, and human rights defenders, among others.

c) For the UN Special Rapporteur on Human Rights Defenders to prioritize cases of Indigenous Women Human and Environmental Rights defenders and for the UN Special Rapporteur on the Rights of Indigenous Peoples to include Environmental Violence in her study on Indigenous Women Human Rights Defenders.

d) For UN agencies and bodies to support Indigenous Peoples from all regions to build their capacity to understand their rights, effectively use the UN Human Rights System, understand the risks of the substances to which they are exposed and to develop internal monitoring protocols and indicators to measure implementation of their rights, and further to provide capacity building for States, UN agencies and processes to better understand, incorporate and implement the rights of Indigenous Peoples.

e) For the UN Committee on the Rights of the Child to adopt a General Comment addressing Children’s Rights and the Environment as called for by Indigenous Peoples and Civil Society Organizations. We further recommend that CEDAW establish a Voluntary Fund so that Indigenous women and girls can effectively and consistently participate.

g) For the UNPFII 17th session take note of this Declaration and its recommendations to develop next steps within its mandate, including by calling upon the Inter-Agency Support Group to act in keeping with their respective mandates to address the concerns presented in this Declaration.

f) For the Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) to prioritize Indigenous women as one of the central themes of its next and future sessions including addressing the issue of Environmental Violence and Indigenous Women human and environmental rights defenders.

h) For the UN Chemicals Conventions (Stockholm, Basel, Rotterdam and Minamata) to be held accountable to uphold Human Rights standards in their decision-making including the UN Declaration of the Rights of Indigenous Peoples.

i) For the UNPFII to adopt a resolution at its 17th session calling for strengthening UN legally binding standards regarding the lifecycle impacts of toxic chemicals incorporating a human rights framework and approach, including the rights of Indigenous Peoples to FPIC and full participation in decision making. In this regard we express our support for the current legal review of the Rotterdam Convention and other UN Chemical Conventions by the Special Rapporteur on Human Rights and Toxics as called for by UNPFII 17th session, and we commit to collaborate with him to provide information, documentation, and expertise upon request. We also urge the governments of Mexico, Peru and other States to arrange his requested country visits without further delay.

j) For the UN Framework Convention on Climate Change to focus attention on the relationship between
the causes and impacts of Climate Change and the toxic contamination Indigenous Peoples’ lands,

ecosystems, traditional food systems and bodies.

k) For the UN Food and Agriculture Organization to implement the call by Indigenous Peoples and the Chair of the UNPFII to revise the FAO Code of Conduct on Pesticides to include the right to FPIC for Indigenous Peoples affected by pesticides including those that continue to be exported by countries that have banned them.

l) For the World Intellectual Property Organization and its Intergovernmental Committee on Traditional Knowledge, Genetic Resources and Folklore fully apply the UN Declaration on the Rights of Indigenous Peoples, including Articles 31 and 18 in its standard setting processes to ensure the protection of Indigenous Peoples genetic resources and traditional knowledge.

m) For States as well as the UN Process, in their consideration of themes relevant to implementation of the UN Sustainable Development Goals and the 2030 Agenda, to develop indicators and collect data related to the causes and impacts of Environmental Violence which can inform the adoption of national laws and policies and be included in each country’s Voluntary National Reports.

n) For UN Agencies and bodies focusing on Agriculture and Food Security (i.e. UN FAO, International Fund for Agricultural Development, UN Committee on Food Security, activities for the Decade of the Family Farm) as well as organizations in solidarity, to work with Indigenous Food Producers to create strategies and markets for Indigenous agricultural products using organic and traditional methods of production so that they can compete with modern agriculture companies.

o) For the United Nations Secretariat for the Chemicals Convention to create a Voluntary Fund to support Indigenous women to attend and participate in the UN Chemical Convention meetings to allow them to speak for themselves and advocate for their Peoples health, lands and rights.

14. We call for research carried out on Indigenous Peoples to be decolonized. We urge and encourage Indigenous Peoples, Nations and communities to implement their own protocols and criteria for engaging with scientists and academics to conduct studies and research on reproductive and intergenerational health and other aspects of Environmental Violence, and for scientists and academics to endorse these criteria prior to engaging with Indigenous Peoples. Protocols could include, inter alia:

a) All proposed research should be presented for review and approval to the community in both the mainstream and Indigenous languages so that they can exercise free, prior and informed consent in accordance with the standard provided by the UN Declaration in Article 18 regarding participation in decision-making.

b) Research should incorporate recommendations from recognized experts and knowledge holders from within the Indigenous community on the specific research question(s), methodology, mediation scope, and monitoring, among others.

c) The intellectual property/content and outcomes of a study must be shared and explained by the researcher with the community in both mainstream and Indigenous language so that they can determine what can be disseminated and shared outside the community.

d) “Community-Based Participatory Research” be utilized as the methodology and specific research protocols consistent with works such as “Decolonizing Methodologies” by indigenous researcher, Dr. Linda Smith of Aotearoa, be utilized to combat the practice of “Extractive Research”.

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e) Data from broader studies should be disaggregated to illustrate disparities, develop strategies to improve Indigenous Peoples’ health and identify root causes.

f) Researchers must provide complete transparency with research participants so that biological samples and all other collected data will be used solely for the purpose indicated in the approved Free Prior Informed Consent procedure and then returned to the community in accordance with the standards for control and protection of traditional knowledge and genetic resources in the UN Declaration Article 31.

g) Ensure that all FPIC practices explicitly require the participation of indigenous women, youth, elders and traditional knowledge keepers, and persons with disabilities in the decision-making process.

h) Oral histories and traditional knowledge will be collected and documented by Indigenous researchers from the community in question and will remain within the community unless otherwise agreed by the knowledge holders. Resources should be made available to increase the research capacity of Indigenous Peoples’ community members so that we can tell our own stories and rewrite existing narratives from an Indigenous perspective;

i) Traditional knowledge holders including traditional healers be given the same level of respect, acknowledgement, and privilege as western medicine practitioners in all studies in which they chose to participate.

j) The role and involvement of Indigenous Universities and academic institutions should be strengthened, supported and recognized in educational and academic process and studies involving the health, rights, ways of life and traditional knowledge of Indigenous Peoples as well as in archiving and distributing the outcomes and results.

**We further recommend:**

14. That Governments on all levels dedicate resources and adopt policies to support traditional ways of farming and food production including the recognition of Indigenous Peoples Food Sovereignty zones and halting of mega-projects and corporate activities that exploit Indigenous Peoples seeds and crops, promote agro-chemicals and GMO’s and contaminate Indigenous Peoples’ lands and waters.

15. That Tribes, Universities and other institutions divest from multi-national chemical and pesticide companies and other polluters.

16. That innovative communication strategies, including new technologies, be utilized by Indigenous Peoples to inform their communities and the public about the grave reproductive and other health risks of environmental violence and environmental toxics and strategies for solutions.

17. That the environmental impacts, environmental violence and intergenerational health impacts caused by all forms of military activities by State and non-state actors including militarization of Indigenous lands, waste dumping and clean-up activities, and militarized border enforcement carried out on Indigenous Peoples lands and territories be addressed, and additional studies be conducted to achieve a more comprehensive overview of these impacts in all countries.

18. That States and corporations provide for complete clean-up and restoration of contaminated sites, eco-systems, and waterways, working in conjunction and with the agreement of the impacted Indigenous Peoples regarding the process and results, and that reparations and medical care are provided to all persons and families who have been impacted because of contaminating activities.

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19. That States amend their regulatory and public health policies to support the health and rights of Indigenous Peoples rather than protecting the interests of corporations and the military, recognizing that for chemicals that are endocrine-disrupting, cause genetic changes or birth defects, or combine to magnify the impacts, there are no safe levels of exposure. We call upon tribal, provincial and State governments to establish standards that protect women, children, and future generations based on the precautionary principle rather than “acceptable risk”.

20. That Indigenous Peoples in each country establish their own monitoring and observance mechanisms to measure State compliance with the rights of Indigenous Peoples including rights related to intergenerational health, corporate and government accountability and environmental protection.

In Conclusion:

We recognize the impacts and tragedies that have occurred because of environmental violence, but we also celebrate our victories, strength, resilience and resistance. We commit to continue our struggles and fulfill our responsibilities to our children and the generations still to come. We commit to continue revitalizing our traditional ways of life, languages, and cultures, and to implement solutions in our own communities based on our traditional knowledge, practices and ways of knowing. We commit to reclaim our wellness and power as Indigenous women and Peoples and reaffirm that our children have a right to be born healthy and to live in a clean environment. To heal our Peoples and Mother Earth, we must continue to heal ourselves, tell our stories, build our unity, defend out rights and be who we are.

Adopted by Consensus in New York City, Lenape Traditional Territory, April 15, 2018

1 We acknowledge the International bodies and UN experts who have contributed significantly to international recognition of Environmental Violence and related human rights violations since the last Symposium in 2012. These include, notably, the UN Permanent Forum on Indigenous Issues (UNPFII) which recognized Environmental Violence as a form of Violence against Indigenous Women and Girls in the reports of their Expert Group Meetings in 2012 and 2014, and in the report of its 13th session.

We thank the current members of the UNPFII from the Africa, Latin America, and Arctic regions who participated in this Symposium, and appreciate the continued attention of the UNPFII to this issue including by receiving the preliminary report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, on his human rights review of the Rotterdam Convention at its current 17th session.

We also acknowledge with appreciation the contributions of other international conferences, UN mechanisms and fora which have further supported the work by Indigenous Peoples to address this issue. These include:

a) The Lima Declaration from the World Conference of Indigenous Women in 2014, which called for zero tolerance of all forms of Violence against Indigenous Women, including Environmental Violence;

b) The UN Special Rapporteurs on the Rights of Indigenous Peoples, on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, and on the Human Rights and the Environment, whom have all addressed the connections between environmental toxics and intergenerational/reproductive health;

c) The UN Committee on the Elimination of Racial Discrimination (CERD) and the historic recommendations calling upon the US and Canada in 2012 and 2014 to take appropriate legislative measures to prevent the transnational corporations they license from negatively impacting the rights of Indigenous Peoples outside of their
country, focusing on the specific impacts of US pesticides exports and mining by Canadian-based transnational companies; and,

d) The UN Committee on the Rights of the Child’s ground-breaking recognition of “Environmental Health” as a right protected under Article 24 of the Convention based on its 2015 country review of Mexico, including the recommendation to Mexico to halt the import of pesticides that have been banned for use by exporting countries and the CRC’s Day of Discussion on Child Rights and the Environment in 2016; and,

e) The UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) for its 2016 Study on Right to Health which recognized and included Environmental Health and the reproductive impacts of pesticides.

MINISTER OF CROWN-INDIGENOUS RELATIONS AND NORTHERN AFFAIRS CAROLYN BENNETT DELIVERS REMARKS AT THE AFN SPECIAL CHIEFS ASSEMBLY

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Moderator: Thank you very much, National Chief. If we had more time I would speak to the youthfulness issue. Perhaps before lunch we’ll come back to that. I’m honoured to be able to introduce Dr. Carolyn Bennett who has been elected to the federal House of Commons for the last 20 years and is well known to all of us given her work as – in the previous Liberal government as the Canada’s only Minister of State for Public Health. And during the tenure of the previous Conservative government she served as the opposition critic for many years, and in her – in the current government she has the responsibility as the Minister of Crown-Indigenous Relations and Northern Affairs. So with that, please help me welcome to the podium Dr. Carolyn Bennett – the Honourable Carolyn Bennett.

Hon. C. Bennett: Thanks. Howard is getting younger every day. It’s good. Greetings. Bonjour (indigenous language – no translation) and thank you both Racelle and Harold for the leadership and we really do honour the elders that were here this morning but also of course the drum and the Eagle River singers. We thank Chief Whiteduck for welcoming us to the unceded territory of the Algonquin people, but I think all of us are amazed and inspired by – by writer and quill speaking their own language and – and really inspiring us to the future of what it should be like when – when we have proud indigenous children and youth proud to speak their language and proud and comfortable in their – in their culture and competent on the land and the water and the ice.

I also acknowledge the loss in Norway House in how heartfelt it is that – that this happens and – and also acknowledge the presence of the Bushi (ph) family who are also here to remind us of the very significant need for change. It is – it is un grand plaisir d’être ici avec mon collègue Mélanie Joly and also with Elizabeth May and my colleague Kathy McCloud (ph) but also with senators McCallum and Pate. We thank you for all of your work.

It is a – I think it’s an exciting time. Most of you have been part of the over 68, rights recognition and implementation framework discussions and gatherings. So I do want to be able to take some questions and we do know and acknowledge that you need some straight answers that will be very important as you take this conversation back to your communities.

However, Tuesday mornings are Cabinet meetings and so we apologize as ministers that we will have to leave in time to get back and answer questions on our files. So, as was mentioned since the Prime Minister’s speech of February 14th, we’ve been on the road engaging with indigenous communities and rights holders from coast-to-coast-to-coast to create the recognition and implementation of rights framework, self-governing nations, treaty groups, elected leadership, traditional leadership, youth and women and elders, your citizens who live in community and your citizens who now live in urban centres.
So, we feel that it’s in our – an important opportunity for me to hand in my homework. I’ll let you know a little bit of what I’ve been hearing, but yesterday I think Chief Sky-Deer said very clearly when she reminded us of the Two Row Wampum and said you need to get out of our affairs. So that’s exactly what we’re trying to do. We’re trying to work with you to disentangle from the colonial practices, The Indian Act but also all the other paternalistic policies and practices. We want to imagine what our relationship with First Nations would have been without The Indian Act. Imagine what would Canada have looked like if these conversations had taken place amongst our ancestors a hundred and fifty years ago.

We want to imagine what it would have looked like if after The Constitution Act of 1982 the work describing section 35 rights, and affirming them had been done with the same intensity as was done to ensure all laws and policies and practices of Canada were compliant with the Charter in sections 1 to 34. We are doing that work now on section 35. We are affirming and implementing those sections 35 rights, 35 plus years late.

So I think I need to start by clarifying what we are not doing and – and then we want to talk a little bit about what we want to achieve and then a little bit of what we’ve learned so far in the process. So firstly, I want to confirm that – that what we hear coast-to-coast-to-coast is this is tough because of all of the challenges that your communities are still facing. It’s been very important to us that you’ve taken the time to come, to share with us your concerns but we’re grateful to every one of you that has for your candor and your willingness to recognize this is an open door to an amazing opportunity to fundamentally transform the relationship with Canada.

As it says in the mandate letter of all the ministers, a relationship based on the recognition of rights, respect, cooperation and partnership. So the real challenges in your communities I know make it hard for you to take the time away and then to explain your absence to your communities. So I want you to please thank them for sharing you with us as we embark on this journey of next 150.

It’s important for you to hear directly from me, despite what you may be hearing elsewhere. The framework has not yet been written. Let me repeat, the framework has not yet been written. We are committed to co-develop this framework and walk the talk of nothing about us without us.

Secondly, we know that the process isn’t perfect and we welcome any advice. We want your communities to know that and we want to continue to improve how we engage. The era of Ottawa determining how and when and where your rights are implemented is over and you need to hear from me directly nothing, nothing will be imposed. Rebuilding nations, moving to self-determination is an opt-in process. At the beginning, we decided against putting out a discussion paper which risks giving people the impression everything had already been decided.

There was no green paper or white paper. In fact, we’re still working hard to prove that we are in no way on any white paper path. We are determined to work with you on a path to vibrant, proud indigenous nations that are in charge of their lives and their land. This is the opposite of assimilation. We chose to just put forward some questions that would begin conversations. Many of you have suggested better questions.

One of the questions was removed. I think it said something along the lines what’s the biggest barrier to self-determination? And Regional Chief TG (ph) answered with one word, “you”. So, we get that, Regional Chief and indeed that’s what we’re trying to say. We’re trying to get out of the way and I guess you have heard me say before as a physician I know when not to prescribe. So, there’s no prescription in the terms of the outcome, the process or the timeframe. We need to get this right.

Thirdly, the federal government’s goal is straightforward: to do everything we can to ensure indigenous people are in charge of their lives and their land. Our starting position is that indigenous rights exist and that those rights shouldn’t have to be claimed and then proven in court. It means getting to a table. It means that we are
talking about title. It means we are working very hard to stay out of court. For that, we need to be working towards dispute and accountability mechanisms that are trusted by all parties.

We have laws in our federal government. You have your laws and more and more of you are working to put in place traditional legal practices and customs. We want to get back to what was envisioned with the Two Row Wampum. We need to ensure that the laws of Canada confirm with your section 35 rights.

We are not relegating First Nations to the status of municipalities. Municipalities don’t have their own distinct language and culture. Municipalities don’t have inherent treaty rights, the brigade (ph) Confederation, rights that are enshrined in the Constitution. Indigenous people have inherent and treaty rights. What is needed is a partner who respects that and will work to ensure that future governments are bound by laws to honour these rights.

We recognize that the comprehensive claims and inherent rights policies are flawed. These policies have chartered our course for over 30 years down a path that led to notions like cease, release and surrender to top-down approaches, to the Crown-Indigenous relationship and to repeated rights-related litigation as the National Chief outlines.

Years, even decades spent at the negotiating tables, then massive loans to pay off afterwards for having successfully negotiated and implementing your own rights. So the Prime Minister says better is always possible and we all know that the status quo is not okay. We want to redesign federal laws and develop new measures to support the rebuilding of Indigenous nations and governments. No longer will you have to give up your rights to reach a negotiated agreement. Extinguishment is now off the table.

Agreements are about relationships and allowing those relationships to evolve over time. So the idea of full and final settlement is also off the table. The principal of periodic review is being well received. We need to move self-determination beyond a relationship that is imposed. You need to be able to choose governments of your own making. This is the key in undoing the damage of The Indian Act.

Il faut faire de la place aux femmes, aux jeunes et aux aînés, faire de la place dans les lois du Canada, aux lois et pratiques traditionnelles, aux façons traditionnelles de prendre des décisions.

These things are at the heart of your work. This is real self-determination. I have heard that many of you would like to hear more from those communities further along the path to self-determination. What worked? What didn’t work? What are some of the best practices? It is – many have said that the UN Declaration on the Rights of Indigenous Peoples and the calls to action of the Truth and Reconciliation Commission must be the foundation or renewed relationship and new approaches to rights, including this framework.

The framework should not seek to define rights universally, rather to remove barriers to the implementation of rights. As article 3 of the – my rather tattered version of the UN Declaration says: “Indigenous peoples have the right to self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.” And the framework must also address rights and titles. Nation rebuilding is a priority across the country. It’s a process that can only be led by Indigenous people and it’s clear that nations reconstituted will be much better able to participate in free, prior and informed consent and execute on article 19.

Also protecting and advancing languages and culture is also why the important and very clear in the UN Declaration, especially as the foundation element of strengthening Indigenous communities and of reconstituting nations. As collectivities come back together on their own terms, the federal government must recognize and enable the inherent right of self-government. We have also heard that advancing treaty rights is just as important as rights recognition.
Treaty holders want mechanisms to facilitate moving out from under *The Indian Act* towards self-government, including enhanced recognition of the inherent right of self-government. They have also called for the recognition and implementation of their treaty rights. For treaty holders both pre-1975 and modern, your treaties are your framework. The recognition and implementation of Indigenous rights framework will not nullify your rights.

Moving forward, our focus will be on implementing those rights. We need to explore new understandings of treaties that make room for treaty evolution and innovative certainty techniques. We must develop more manageable stepping-stone approaches to concluding agreements. Many groups currently negotiating with Canada have entered into side discussions to advance priority issues such as the fisheries, economic development, language and housing.

Other communities see what Dr. Philpott and the National Chief describe as the humanitarian crisis of Child and Family Services as a reason to get to the table and assert jurisdiction over their children and prevent their children being taken from their communities. Article 7 of the UN Declaration includes that children forcibly removing – children of the group to another group. That is clear. We have to stop doing it.

Some groups are using discussions and negotiation processes as a response or alternative to litigation, including the development about a court settlement at the table. We need to support these more collaborative approaches. There are now over 60 tables representing over half or 320 *Indian Act* bands at table discussions. They’re priorities on the path to self-determination. These discussions start with a blank piece of paper as you will hear from Joe Wild (ph), not a predetermined mandate already determined by Cabinet.

So building on land claims, comprehensive community plans, more choosing *First Nations Land Management Act*, the momentum is amazing. The new education systems in Ottawa, Ontario and in Manitoba, hereditary leadership at the table at Hidaqway (ph) and Ktunaxa in Akwesasne, and happily Budget 2018 gave us the dollars to fund these conversations on Nation rebuilding and the path to self-determination.

Indigenous peoples must have a say in activities that impact their territories and rights, but nations sometimes don’t agree with Canada, the provinces and territories and with each other. So we are hearing the importance of creating new dispute resolution mechanisms that will be trusted and again eliminate the expensive and time consuming court processes. We’ve also heard loud and clear that the engagement period is too short, but others who have said it’s all there in volume 2 of our CAP (ph) get on with it. They want to make sure that the rights described in section 35 are a full box of rights. They want the principles of the UN Declaration implemented and in place before the next election.

There are – there still a lot of work to do. We need to address the fundamental issues such as the deep relationship between rights and title, and the management of lands and resources. Laws need to describe the producery (ph) responsibility of the Crown and the recognition and implementation of rights.

We need your support in getting this right, to make the framework as good as it can be. You will have time to talk to your communities and to your elders what should be and what shouldn’t be in legislation that will directly impact the quality of life of your peoples, your rights and your futures.

We have a tremendous and exciting opportunity before us. This is about building the Canada of tomorrow. It’s about making things better for your communities. It’s about nation building. Many have said that our CAP was able to sit on the shelf because Canadians had not been included and didn’t understand it. I think that the Truth and Reconciliation Commission has done an important job in educating Canadians about the many failed and tragic government policies, residential schools but also the horrible consequences of *The Indian Act*. 

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Canadians are now more aware of the Sixties Scoop and the root causes of missing and murdered Indigenous women and girls, child abuse, removing children from their communities, sexism and racism in policing. More and more organizations, communities and individuals – individual Canadians are becoming intentional in their commitment to help on the journey of reconciliation. The book clubs with Indigenous authors and all of the – the blanket exercise, there are many, many Canadians now wanting to help and to make new friends as First Nations, Inuit and Métis.

These allies will be truly important in the imperative of addressing racism. Last week, Dr. Philpott and I and Minister Petitpas Taylor had dinner with Monique Bégin, the mother of Medicare. She reminded us of the Medicare story. At the time, all the provinces were against. The doctors were against. But the people were in favour and therefore they pressed on. It is meant that no federal has ever tried to thinker with The Canada Health Act. And the provinces and territories have respected it and the dispute resolution mechanism that was set up in the Act. It is, I believe, that this is the moment in which we can embed the recognition implementation of Indigenous rights into the identity of all Canadians, something that they can all feel part of and proud of.

It felt good at the UN last month as we built upon the important truth telling of the Prime Minister at the general assembly last September as we humbly begin our journey of reconciliation. We need your help. We are committed to support the work that you need to do rebuilding your nations. We are ready to work with each of you on the priorities and the path that your communities will choose to be better – to be better able to end the paternalism, assert jurisdiction and form governments better able to provide safe communities and a better quality of life for your people.

We are taking Chief Sky-Deer’s advice to heart that you need to get out of our affairs. We want that too. We know you can do a way better job. We know that as nations because self-determining their health, education and economic outcomes improve. I am confident that we can work together to co-develop a framework that will ensure the recognition and implementation of your rights so that the next 150 years we’ll be able to achieve the promise of your people and of all of Canada.

Thank you. Merci. Meegwetch.

Moderator: Merci infiniment notre ministre Bennett.

I'd just like to indicate that all Members of Parliament who are attending have been asked that they will be, to take questions. (sic) And what we are planning on doing – and I've noted that there's two people who are already presenting to the microphone, I have noted those names. Given time, what we're going to do is we're going to go directly to Minister Joly, and then we'll take first those questions from the Chiefs Committee on Languages that have been prepared, that National Chief spoke about, and then we'll take questions for Minister Bennett.

SPEAKING POINTS FOR SADM JOE WILD
AFN SPECIAL CHIEFS’ ASSEMBLY ON FEDERAL LEGISLATION
“IMPLEMENTING RIGHTS LEGISLATION – DIALOGUE SESSION”
May 1, 2018
INTRODUCTION AND BACKGROUND

Hello everyone, and thank you for joining us here today.

I want to acknowledge that we are gathered on Algonquin territory – thank you to the Algonquin people for welcoming us.
As you all know, on February 14, the Prime Minister delivered a landmark statement in the House of Commons on the recognition and implementation of Indigenous rights.

The Prime Minister announced that the Government of Canada will develop a Recognition and Implementation of Indigenous Rights Framework in full partnership with First Nations, Inuit, and Métis peoples.

To truly renew the relationship between Canada and Indigenous people, the Government of Canada will make the recognition and implementation of rights the basis for all relations between Indigenous people and the federal government.

What this means is that Canada has to stop hindering the implementation of inherent and treaty rights.

This is about living up to our constitutional obligations under section 35, but more importantly about honouring the terms of our relationships – relationships that must be founded on the recognition of rights, respect, cooperation and partnership.

In the spirit of respectful partnership, Canada committed to determining the substance of the Framework through national engagement activities led by the Minister of Crown-Indigenous Relations and Northern Affairs.

But before I get any further into where we’re going, I would like to briefly touch on where we’re coming from.

Whenever we discuss Indigenous rights in Canada, we begin by recognizing that there are inherent rights as well as those established by treaty.

Section 35 of the Constitution Act, 1982; along with the UN Declaration on the Rights of Indigenous Peoples provide the constitutional and international frameworks that recognize and affirm these rights.

The introduction of section 35 was a momentous development towards the protection and respect of the inherent and treaty rights that Indigenous people have always held.

It is important to remember that just over 30 years ago, we could not have predicted that this would be the case.

It was thanks to the tireless advocacy of Indigenous peoples that Aboriginal and treaty rights were enshrined in the Constitution. We would not be where we are today without the work of those advocates.

While significant progress was made following the adoption of the Constitution Act, 1982 – through instruments like the Comprehensive Land Claims and Inherent Right policies – our Indigenous partners have been telling us for years that the status quo simply does not go far enough.

Federal approaches over the last 30 years have been defined by the denial of Indigenous rights in Canada:

- obliging groups to prove the very existence of their rights up to a federal standard of evidence;
- an insistence on the full and final definition of rights where they are recognized;
- adversarial, inflexible, costly approaches to negotiations;
- a lack of appropriate options for advancing pre-1975 treaty rights; and,
- continual struggles to ensure that recognized rights are actually implemented.

In response to longstanding calls from Indigenous peoples, we started moving in a new direction around two years ago – the federal government began to embrace the idea of section 35 as a full box of rights.

We have also moved away from the position that we have no outstanding obligations under treaties – that we had done our duty on historic and modern treaty implementation.
Our new perspectives and approaches were first reflected in Recognition of Indigenous Rights and Self-Determination discussions – we now have about 60 of these discussions underway.

They have given us the opportunity to put aside our existing policy boxes and started the dialogue from a blank page, sitting down with Indigenous groups based on how they want to organize themselves and starting from a place of recognizing their rights.

We work together at the table to explore what the vision of selfdetermination looks like for that particular community, and how we can implement their rights to make that vision a reality.

For many First Nations, priorities at the table have centred on how to forge brand new pathways to self-determination, health and prosperity that make sense in the unique context of the community.

For others, priorities are driven by our existing treaty relationships.

Through these discussions, we are seeking ways forward that respect the spirit and intent of longstanding treaties and relationships, and that build off that shared history as a foundation for moving forward.

However, our approach must also contemplate what our relationship would look like had we not gone through that long period of colonialism.

This brings me to why I’m here today – to talk about how we’re taking what we’ve learned and using that knowledge to transform Canada’s approach to Indigenous rights, in full partnership with the rights-holders.

DETAILS ON THE FRAMEWORK AND WHAT WE HAVE HEARD THROUGH ENGAGEMENT

Since the Prime Minister’s announcement in February, Minister Bennett has been leading engagement activities with Indigenous groups across the country to inform the substance of a Recognition and Implementation of Indigenous Framework.

This Framework will ground Canada’s new approach to Indigenous rights in law and policy, and on February 14, the Prime Minister suggested that it could:

- build new mechanisms to recognize Indigenous governments and ensure the rigorous, full and meaningful implementation of treaties and agreements;
- create new tools to support the rebuilding of Indigenous nations, communities and governments and advance selfdetermination and the inherent right of self-government;
- establish new methods of dispute resolution;
- enhance federal transparency and accountability;
- align Canadian legislation and policies with the UN Declaration; and,
- replace the Comprehensive Land Claims and Inherent Right policies with new, distinctions-based policies.

Since then, what we have heard through engagement has given us a better picture of what the Framework must achieve. I want to offer a brief summary of key objectives raised through engagement sessions to date.

We have heard that the United Nations Declaration on the Rights of Indigenous Peoples and the Calls to Action of the Truth and Reconciliation Commission must be the foundation of any new approaches to rights.
We have been called on to ensure an appropriately in-depth engagement process that creates opportunities for meaningful community involvement and true co-development, while respecting external timing pressures.

We know there is a need for a process to reconstitute collectives and nations that is shaped and led by Indigenous peoples, and for mechanisms to ensure meaningful federal recognition and implementation of the inherent right of self-government.

As Grand Chief Ed John knows, we have heard loud and clear about the fundamental link between rights and title. There have been calls for practical approaches to Indigenous title and its recognition as a fundamental element of reconciliation.

We know that Canada must implement existing treaty rights in full, and honour treaty relationships. We also need to enable the acceleration of ongoing negotiations.

We understand that the Framework should not attempt to codify or universally define Indigenous rights, but rather enable their implementation and evolution.

Indigenous people have also been clear that they need to have a say in economic development activities impacting traditional territories.

Finally, we continue to hear about the need for new ways to hold the federal government accountable to its commitments, particularly with respect to the implementation of rights and agreements.

Bearing in mind that this is only an overview – is it a good representation of the interests of your communities? Are there key points that we have missed?

Minister Bennett’s national engagement is ongoing, and the Prime Minister’s intention is to have the Framework introduced later this year and implemented by October 2019. As we work towards transformative change together, I am always open and eager to hear your thoughts.

CONCLUDING REMARKS

If we are going to try to map out the future and set the stage for the next 150 years, we need to find a place to start having conversations about what that relationship is going to look like.

How do we work together to shape our relationship going forward, and to attempt to do so in the spirit of making this process about decolonization and building partnership?

Recognizing all of the legacies of how we got to where we are today, what are the next steps we want to take together?

That is what a lot of the work we have been trying to undertake in the last couple of years has been – sitting down with First Nations and having conversations at the community level about what the landscape would look like if there was no Indian Act.

The Framework development process builds on this and the many steps that Canada has already taken towards advancing the rights of First Nations, including: fully endorsing the UN Declaration and supporting MP Saganash’s Bill C-262 to implement it; establishing the Working Group of Ministers on the Review of Laws and Policies; and, establishing approximately 60 Recognition of Indigenous Rights and Self-Determination discussions.
Working together with First Nations partners to define how we recognize and implement their rights in federal law and policy is vital to overcoming the legacy of colonialism and achieving better outcomes for all Canadians.

We are looking to hear about what your communities might be thinking of in terms of what we need to do to advance this conversation, and to really get to the objective the Prime Minister has set out: ensuring that the recognition and implementation of Indigenous rights is the basis of all our relations.

Thank you.

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MEDIA NOTES


NCAI announces the return of ‘Indian Country Today’ and it’s first two powerhouse full-time staffers, Editor Mark Trahant and Associate Editor Vincent Schilling

Indian Country Today has new leadership and will be fully back in business soon. At the beginning of this month, the ownership of the digital platform was transferred from the Oneida Indian Nation in New York to the National Congress of American Indians in Washington, D.C. Indian Country Today has been on a hiatus since September.

Heading up the Indian Country Today editorial team is Mark Trahant (Shoshone-Bannock) as Indian Country Today Editor and Vincent Schilling (Akwesasne Mohawk) as Associate Editor. The digital publication will continue on 'publishing lightly' until this spring when there will be a build up of its operation, a shift to a new web platform, and an increased staff:"

Vincent Schilling has kept Indian Country Today functioning on a limited basis on line since the beginning of 2018.

University of Arizona Press listings include: Andrew Cowell, Naming the World: Language and Power Among the Northern Arapaho (288 pp. for $50.00 cloth or Ebook ($50.00); Yvette J. Saavedra, Pasadena Before the Roses: Race, Identity, and Land Use in Southern California, 1771–1890 (280 pp. for $45.00 cloth or Ebook); Beth Rose Middleton Manning, Upstream: Trust Lands and Power on the Feather River (256 pp. for $35.00 paper or Ebook $35.00); Jenny L. Davis, Talking Indian: Identity and Language Revitalization in the Chickasaw Renaissance (184 pp. for $50.00 cloth or Ebook); Robert Henry, Amanda LaVallee, Nancy Van Styvendale, and Robert Alexander Innes, Eds., Global Indigenous Health: Reconciling the Past, Engaging the Present, Animating the Future ($60 cloth or Ebook); Piergiorgio Di Giminiani, Sentient Lands: Indigeneity, Property, and Political Imagination in Neoliberal Chile (264 pp. for $55.00 cloth or Ebook); Laurent Corbeil, The Motions Beneath: Indigenous Migrants on the Urban Frontier of New Spain (296 pp. for $55.00 cloth or Ebook); Paula López Caballero, and Ariadna Acevedo-Rodrigo, with Paul K. Eiss Afterword, Beyond Alterity: Destabilizing the Indigenous Other in Mexico (320 pp. for $55.00 cloth or Ebook); and Rachel Corr, Interwoven: Andean Lives in Colonial Ecuador’s Textile Economy (232 pp. for $55.00 cloth or Ebook), all from the University of Arizona Press, 355 S. Euclid Ave., Suite 103, Tucson, AZ 85701, phone/fax (800) 426-3797, http://www.uapress.arizona.edu/.

Offerings from the University of Hawaii Press include: Timothy Neale, Wild Articulations: Environmentalism and Indigeneity in Northern Australia (266 pp. for $45 cloth); Laura Rademaker, Found in Translation: Many Meanings on a North Australian Mission (“Grounded in a deep appreciation of the local landscape, social organization, and cultural persistence of the Anindilyakwa people, this work offers a sensitive treatment of the relationships between language, power, and identity. 240 pp. for $68 cloth); Camilla Fojas, Rudy P. Guevarra Jr. And Nitasha Tamar Sharma, eds., Beyond Ethnicity: New Politics of Race in Hawai‘i (288 pp. for $68 cloth); Robert H. Stauffer, Kahana: How the Land Was Lost (240 pp., $28 paper, $47 cloth); Dana Naone Hall, Life of
Recent offerings from the University of New Mexico Press include: Theodore C. Van Alst Jr., *Sacred Smokes* (Growing up in a gang in the city can be dark. Growing up Native American in a gang in Chicago is a whole different story. This book takes a trip through that unexplored part of Indian Country. 176 pp. for $19.95 paper); Darnella Davis, *NTangling a Red, White, and Black Heritage: A Personal History of the Allotment Era* (232 pp. for $45 cloth); Peter M. Whiteley, *Puebloan Societies: Homology and Heterogeneity in Time and Space* (360 pp. for $49.95 paper); Christopher Ball, *Exchanging Words: Language, Ritual, and Relationality in Brazil’s Xingu Indigenous Park* (256 pp. for $49.95 paper); Paul F. Reed & Gary M. Brown, eds.; foreword by David Grant Noble, *Aztec, Salmon, and the Puebloan Heartland of the Middle San Juan* (184 pp. for $29.95 paper); Rani T. Alexander & Susan Kepecs, ed., *Colonial and Postcolonial Change in Mesoamerica: Archaeology as Historical Anthropology* (264 pp. for $85 cloth); Justin Jennings & Edward R. Swenson, eds., *Powerful Places in the Ancient Andes* (argues that a careful consideration of Andean conceptions of powerful places is critical not only to understanding Andean political and religious history but to rethinking socio-logical theories on landscapes more generally. 416 pp. for $85 cloth), all plus $5 for the first item and $1 for each additional, shipping, from the University of New Mexico Press, MSC04 2820, 1 University of New Mexico, Albuquerque NM 87131-0001 (505)272-7777 or (800)249-7737, http://www.unmpress.com/.


Offerings from the University of Alaska Press include: William Schneider, ed., contributions by Kevin Illingworth, Natasha Singh, Will Mayo, and Thomas Alton, *The Tanana Chiefs: Native Rights and Western Law* (187 pp. for: $35.00 paper, plus ebook); and Marilyn Sigman, *Entangled: People and Ecological Change in
Alaska's Kachemak Bay (296 pp. for $16.95 paper), all plus $6 first item, $1 each additional, from University of Alaska Press: www.alaska.edu/uapress.


Offerings from the University of Kansas Press include: Farina King, The Earth Memory Compass: Diné Landscapes and Education in the Twentieth Century (264 pp. for 24.95 paper and Ebook, $45 cloth); Tai S. Edwards, Osage Women and Empire: Gender and Power (292. pp. for $24.95 paper and Ebook, $45 cloth); and Katrina Jagodinsky and Pablo Mitchell, eds., Beyond the Borders of the Law: Critical Legal Histories of the North American West ( 368 pp. for $29.95 paper and Ebook, $50 cloth), all, plus $5 for first item, $1 for each additional, shipping, from: WWW.kansaspress.ku.edu.

Books from University of Minnesota Press include: J. Kēhaulani Kauanui, Editor; Foreword by Robert Warrior, Speaking of Indigenous Politics: Conversations with Activists, Scholars, and Tribal Leaders (424 pp. for $25.95 paper, $104 cloth); Thomas King, The Inconvenient Indian: A Curious Account of Native People in North America (304 pp. for $16.95 paper, $24.95 cloth); Timothy Cochrane, Gichi Bitobig, Grand Marais: Early Accounts of the Anishinaabeg and the North Shore Fur Trade (216 pp. for $21.95 paper); George Manuel and Michael Posluns; Foreword by Vine Deloria Jr.; Afterword by Doreen Manuell Introduction by Glen Sean Coulthard, The Fourth World: An Indian Reality, back in print (320 pp. for $24.95 paper); and Thomas Biolsi, Power and Progress on the Prairie: Governing People on Rosebud Reservation (360 pp, for $30 paper, $120 cloth), all plus $6.00 for 1st book, $1.25 each additional book, shipping, from: https://www.upress.umn.edu.

Clear Light Books has numerous Indigenous publications, but as they are not dated in the catalogue we cannot tell which are new to list here. Books from Clear light are all plus $4.00 first item, $.50 for each additional, from Clear Light Books, http://www.clearlightbooks.com.


Publications from the University of Alabama Press encompass: S. Ashley Kistler, ed., Faces of Resistance: Maya Heroes, Power, and Identity (272 pp. for $54.95 cloth and Ebook); Susan M. Alt, Cahokia's Complexities Ceremonies and Politics of the First Mississippian Farmer (176 pp. for $49.95 cloth and Ebook), all plus $6.00 first item, $1.25 for each additional, from University of Alabama Press, http://www.uapress.ua.edu/pages/BySeason.aspx.


The Institute for the Study of Human Right has announced the publication of a new book entitled Indigenous Peoples’ Rights and Unreported Struggles: Conflict and Peace. The book is a contribution of the Indigenous
Peoples’ Rights Program to the Tenth Anniversary of the United Nations Declaration on the Rights of Indigenous Peoples and is available on Columbia’s Academic Commons. Click: https://academiccommons.columbia.edu/catalog/ac:7wm37pvmf6 to access the full text. The book contains a number of case studies with a geographical focus at the national level—Chile, Nicaragua, Colombia, Russia, India, Bangladesh, the Philippines—or at the regional level, namely Africa, in the Great Lakes region and East Africa. Copies of the book are available from: Institute for the Study of Human Rights, Columbia University, 91 Claremont Ave. 7th Floor, New York, NY 10027, (212)854-2479, ishr@columbia.edu,


Collin G, Calloway, The Indian World of George Washington, showing how Washington was strongly influenced by his experience with American Indians and Native land, is $35 from Oxford University Press.


First Nations Development Institute offers a number of publications and webinars. As of June 2018, the list of publications encompassed: Annual Reports and Financial Information, Achieving Native Financial Empowerment, Investing in Native Youth, Advancing Household & Community Asset-Building Strategies, Nourishing Native Foods & Health and Strengthening Tribal & Community Institutions, plus a number of special reports. All can be accessed at: https://firstnations.org/knowledge-center.

The American Indian College Fund publishes Tribal College and University Research Journal. To receive a print copy of the journal contact David Sanders at the American Indian College Fund at dsanders@collegefund.org. Electronic copies can be downloaded free at https://collegefund.org/research-and-programs/research/research-journals/.

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Ph.D. Dissertations from Universities Around the World on Topics Relating to Indians in the Americas, Compiled from Dissertation Abstracts

Jonathon Erlen, Ph.D., History of Medicine Librarian, Health Sciences Library System
University of Pittsburgh, erlen@pitt.edu

and

Jay Toth, M.A., Professor of Anthropology, SUNY Freedonia, jtoth@atlanticbb.net

IPJ hosts a regularly updated data base of American Indian related Ph.D. from 2006 – the present. The dissertation coverage includes all languages and is international in scope as far as Dissertation Abstracts covers. This includes most European universities, South African universities, and a few in the Far East. They do not cover all the universities in the world, but do a pretty good job covering first world universities. There is no coverage of Latin American universities’ dissertations. The data base is updated in each Winter and Summer issue of IPJ, and sometimes between issues. Since ProQuest, the provier of the lists of dissertations from which Jonathan and Jay
find Indigenous dissertations, no longer goes by months/years there will be titles from various years added in the updates.


Useful Web Sites

Environmental Web Sites


UN NGO Climate Change Caucus, with numerous task forces, is at: http://climatecaucus.net. 


350.org works around the world on climate change related issued, at: www.350.org.

Greenpeace engages on many environmental concerns, at: greenpeace.org/usa/ and greenpeace.org/. 

Friends of the Earth is involved world wide in environmental advocacy, at: foei.org.

The Union of Concerned Scientists (UCS) works on a variety of environmental, as well as other, issues, at: www.ucusa.org.

Environmental Action is active on numerous environmental issue, at: environmental-action.org.

Environment America works on environmental issue in the U.S. at: https://environmentamerica.webaction.org.

Food and Water Watch is active on a variety of issues relating to water and food, at: https://www.foodandwaterwatch.org and https://secure.foodandwaterwatch.org.

The Wilderness Society works on environmental issues, particularly concerning preserving "wild places." at: wilderness.org.

Ocean River Institute works on river and other water issue, at: oceanriver.org.

The National Wildlife Federation, at: nwf.org, and The National Wildlife Federation Action Fund, at: https://online.nwf.org/site/SPageNavigator/ActionCenter, are concerned with environmental issues involving wildlife in the U.S.

The Nuclear Information and Resource Service includes in its work nuclear environmental issues, at: nirs.org.

The National Parks Conservation Association (NPCA) includes in its concerns environmental issues relating to U.S. national parks, at: npca.org and https://secure.npca.org/
Earth Policy Institute, dedicated to building a sustainable future as well as providing a plan of how to get from here to there: www.earthpolicy.org.

Wiser Earth lists more than 10,700 environmental and environmental justice organizations at: http://www.wiserearth.org/organization/

Earthwatch, the world’s largest environmental volunteer organization, founded in 1971, works globally to help the people of the planet volunteer realize a sustainable environment: http://www.earthwatch.org/.


The Environmental Defense Fund works on a variety of environmental issues and policy, including global warming induced climate change, primarily in the U.S.: http://edf.org.


SaveOurEnvironemnt.org, a coalition of environmental organizations acting politically in the U.S.: http://ga3.org/campaign/0908_endangered_species/xuninw84p7m8mxxm.


Care 2 is concerned about a variety of issues, including the environment: http://www.care2.com/.

Rainmakers Oceania studies possibilities for restoring the natural environment and humanity's rightful place in it, at: http://rainmakers-ozeania.com/0annexanchorc/about-rainmakers.html.

Green Ships, in fall 2008, was is asking Congress to act to speed the development of new energy efficient ships that can take thousands of trucks off Atlantic and Pacific Coast highways, moving freight up and down the costs with far less carbon emissions and more cheaply: http://www.greenships.org.


Planting Peace is, "A Resource Center for news and activities that seek to build a powerful coalition to bring about cooperation and synergy between the peace movement, the climate crisis movement, and the organic community." Their web site includes extensive links to organizations, articles, videos and books that make the connections, at: http://organicconsumers.org/plantingpeace/index.cfm. Planting Peace is sponsored by the Organic Consumers Association: http://organicconsumers.org/.

The Global Climate Change Campaign: http://www.globalclimatecampaign.org/.
The **Audubon Society** reports on and works on issues focused on birds, at: audubon.org.


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**American Indian and International Indigenous Web Sites**

**CELANEN: A Journal of Indigenous Governance** is produced by the Indigenous Governance Program at the University of Victoria, at: http://web.uvic.ca/igov/research/journal/index.htm. CELANEN (pronounced CHEL-LANG-GEN) is a Saanich word for "our birthright, our ancestry, sovereignty" and sets the tone for this annual publication containing articles, poetry, and commentary.

**Native Research Network** is now at: www.nativerearchnetwork.org. Its vision statement is: "A leadership community of American Indian, Alaska Native, Kanaka Maoli, and Canadian Aboriginal persons promoting integrity and excellence in research". Its mission is "To provide a pro-active network of American Indian, Alaska Native, Kanaka Maoli, and Canadian Aboriginal persons to promote and advocate for high quality research that is collaborative, supportive and builds capacity, and to promote an environment for research that operates on the principles of integrity, respect, trust, ethics, cooperation and open communication in multidisciplinary fields". The Native Research Network (NRN) provides networking and mentoring opportunities, a forum to share research expertise, sponsorship of research events, assistance to communities and tribes, and enhanced research communication. The NRN places a special emphasis on ensuring that research with Indigenous people is conducted in a culturally sensitive and respectful manner. Its Member List serve: NRN@lists.apa.org.

**The American Journal of Indigenous Studies** is a quarterly journal by the American Scholarly Research Association (ASRA), at: www.ASRAresearch.or.

**The Enduring Legacies Native Cases Initiative** began in 2006 as a partnership between The Evergreen State College, Northwest Indian College, Salish Kootenai College, and Grays Harbor College. Our goal is to develop and widely disseminate culturally relevant curriculum and teaching resources in the form of case studies on key issues in Indian Country: http://nativecases.evergreen.edu/about.html.

**The National Indian Housing Council** offers a number of reports at: http://www.naihc.indian.com/.

**The American Indian Studies Consortium** is at: http://www.cic.uiuc.edu/programs/AmericanIndianStudiesConsortium/.

Some news sources that have been useful in putting the issues of Indigenous Policy together are:
- **Pechanga Net**: http://www.pechanga.net/NativeNews.html
- **Survival International**: http://www.survival-international.org/.

Censored (in Indian Country): http://bsnorrell.blogspot.com/

ArizonaNativeNet is a virtual university outreach and distance learning telecommunications center devoted to the higher educational needs of Native Nations in Arizona, the United States and the world through the utilization of the worldwide web and the knowledge-based and technical resources and expertise of the University of Arizona, providing resources for Native Nations nation-building, at: www.arizonanative.net

The Forum for 'friends of Peoples close to Nature' is a movement of groups and individuals, concerned with the survival of Tribal peoples and their culture, in particular hunter-gatherers: http://ipwp.org/how.html.

Tebtebba (Indigenous Peoples' International Centre for Policy Research and Education), with lists of projects and publications, and reports of numerous Indigenous meetings: http://www.tebtebba.org/

Andre Cramblit (andrekar@ncide.org) has begun a new Native news blog continuing his former Native list serve to provide information pertinent to the American Indian community. The blog contains news of interest to Native Americans, Hawaiian Natives and Alaskan Natives. It is a briefing of items that he comes across that are of broad interest to American Indians. News and action requests are posted as are the occasional humorous entry. The newsletter is designed to inform you, make you think and keep a pipeline of information that is outside the mainstream media. “I try and post to it as often as my schedule permits I scan a wide range of sources on the net to get a different perspective on Native issues and try not to post stuff that is already posted on multiple sources such as websites or other lists”. To subscribe to go to: http://andrekaruk.posterous.com/.

Sacred Places Convention For Indigenous Peoples provides resources for protecting sacred places worldwide. Including, news, journals, books and publishing online Weekly News and providing an E-mail list serve, as well as holding conferences. For information go to: http://www.indigenouspeoplesissues.com.

Mark Trahant Blog, Trahant Reports, is at: http://www.marktrahant.org/marktrahant.org/Mark_Trahant.html

UANativeNet, formerly Arizona NativeNet, is a resource of topics relevant to tribal nations and Indigenous Peoples, particularly on matters of law and governance.

The Harvard Project on American Indian Economic Development offers a number of reports and its “Honoring Indian Nations” at: http://www.ksg.harvard.edu/hpaied/res_main.htm.

The Seventh generation Fund online Media Center: www.7genfund.org

Native Earthworks Preservation, an organization committed to preserving American Indian sacred sites, is at: http://nativeearthworkspreservation.org/.

Indianz.Com has posted Version 2.0 of the Federal Recognition Database, an online version of the Acknowledgment Decision Compilation (ADC), a record of documents that the Bureau of Indian Affairs has on file for dozens of groups that have made it through the federal recognition process. The ADC contains over 750 MB of documents -- up from over 600MB in version 1.2 -- that were scanned in and cataloged by the agency's Office of Federal Acknowledgment. The new version includes has additional documents and is easier to use. It is available at: http://www.indianz.com/adc20/adc20.html.

Tribal Link has an online blog at: http://triballinknewsonline.blogspot.com.

The National Indian Education Association: http://www.niea.org/.

Climate Frontlines is a global forum for indigenous peoples, small islands and vulnerable communities, running discussions, conferences and field projects: http://www.climatefrontlines.org/.

Cry of the Native Refugee web site, http://cryofthenativerefugee.com, is dedicated to “The True Native American History.”
First Peoples World Wide, focuses "on funding local development projects in Indigenous communities all over the world while creating bridges between our communities and corporations, governments, academics, NGOs and investors in their regions. We facilitate the use of traditional Indigenous knowledge in solving today’s challenges, including climate change, food security, medicine, governance and sustainable development:" http://firstpeoples.org.

The RaceProject has a Facebook age that is a forum for the dissemination and discussion of contemporary Race and Politics issues. It includes a continuing archive of news stories, editorial opinion, audio, video and pointed exchanges between academics, graduate students and members of the lay-public. Those interested can visit and sign up to the page at: http://www.facebook.com/RaceProject.

Rainmakers Oceania studies possibilities for restoring the natural environment and humanity's rightful place in it, at: http://rainmakers-ozeania.com/0annexanchorc/about-rainmakers.html.

Oxfam America’s interactive website: http://adapt.oxfamamerica.org shows how social vulnerability and climate variability impact each county in the U.S. Southwest region. The methodology exposes how social vulnerability, not science, determines the human risk to climate change.


The Newberry Library received a grant in August, 2007, from the National Endowment for the Humanities to fund “Indians of the Midwest and Contemporary Issues.” The McNickle Center will construct this multimedia website designed to marry the Library’s rich collections on Native American history with state-of-the-art interactive web capabilities to reveal the cultural and historical roots of controversial issues involving Native Americans today. These include conflicts over gaming and casinos, fishing and hunting rights, the disposition of Indian artifacts and archeological sites, and the use of Indian images in the media. In addition to historical collections, the site will also feature interviews with contemporary Native Americans, interactive maps, links to tribal and other websites, and social networking. For more information contact Céline Swicegood, swicegoodc@newberry.org.

The site www.pressdisplay.com has scanned and searchable versions of thousands of newspapers daily from around the world. These are not truncated "online versions". You can view the actually pages of the paper published for that day. There are also 100's of US papers included daily. The service also allows you to set search terms or search particular papers daily. The service will also translate papers into English.

Native Voice Network (NVN: www.NativeVoiceNetwork.org), is a national alliance of Organizations interested in collaborative advocacy on issues impacting Native people locally and nationally.

The Northern California Indian Development Council has a web-based archive of traditional images and sounds at: http://www.ncidc.org/.


Tribal College Journal (TCJ) provides to news related to American Indian higher education: tribalcollegejournal.org.

American Indian Graduate Center: http://www.aigcs.org.

The Minneapolis American Indian Center's Native Path To Wellness Project of the Golden Eagle Program has developed a publication, Intergenerational Activities from a Native American Perspective that has been accepted by Penn State for their Intergenerational Web site: http://intergenerational.cas.psu.edu/Global.html.

The Indigenous Nations and Peoples Law, Legal Scholarship Journal has recently been created on line by the Social Science Research Network, with sponsorship by the Center for Indigenous Law, Governance & Citizenship at Syracuse University College of Law. Subscription to the journal is free, by clicking on: http://hq.ssrn.com/.

The National Council Of Urban Indian Health is at: http://www.ncuih.org/.

Wicazo Sa Review, i an interdisciplinary journal devoted to the mission of assisting indigenous peoples of the Americas in taking possession of their own intellectual and creative pursuits, is at: https://americanindian.clas.asu.edu/review.


Lessons In Tribal Sovereignty, at: http://sorrel.humboldt.edu/~go1/kellogg/intro.html, features Welcome to American Indian Issues: An Introductory and Curricular Guide for Educators. The contents were made possible by the American Indian Civics Project (AICP), a project initially funded by the W.K. Kellogg Foundation's Native American Higher Education Initiative, The primary goal of the AICP is to provide educators with the tools to educate secondary students - Indian and non-Native alike - about the historical and contemporary political, economic, and social characteristics of sovereign tribal nations throughout the United States.

The Columbia River Inter-Tribal Fish Commission (CRITFC) has a blog as part of its Celilo Legacy project, serving as a clearinghouse for public discourse, information, events, activities, and memorials. The blog is accessible by going to www.critfc.org and clicking on the "Celilo Legacy blog" image, or by simply entering: www.critfc.org/celilo.
The Coeur d’Alene Tribe of Idaho has **Rezkast, a Web site of Native affairs and culture** at: www.rezkast.com.

A listing of the different Alaska Native groups' values and other traditional information is on the **Alaska Native Knowledge website** at: www.ankn.uaf.edu.


**A list of Indigenous Language Conferences** is kept at the **Teaching Indigenous Languages** web site at Northern Arizona University: http://www2.nau.edu/jar/Conf.html.


The **Council of Elders** (provisional government): Kaliakh Nation (Region XVII) has initiated a **website in order to expose crimes against humanity committed upon the original inhabitants of Alaska**, at: http://www.katalla-chilkat-tlingit.com/.

An interactive website, [www.cherokee.org/allotment](http://www.cherokee.org/allotment), focuses on the **Allotment Era in Cherokee History during the period from 1887 to 1934**, when Congress divided American Indian reservation lands into privately owned parcels that could be (and widely were) sold to non Indians, threatening tribal existence.

The **Blue Lake Rancheria** of California launched a web site, Fall 2007, featuring the nation’s history, philosophy, economic enterprise, community involvement, and other topics, with many-links. One purpose of the site is to make tribal operations transparent. It is at: www.bluelakerancheria-nsn.gov.


**Indigenous Rights Quarterly** can be accessed at: [http://www.aitpn.org/irq.htm](http://www.aitpn.org/irq.htm).

**NGO Society for Threatened Peoples International**, in consultative status to the United Nations ECOSOC, and in participatory status with the Council of Europe, Indigenous Peoples Department, USA: [http://www.gfbv.de](http://www.gfbv.de).


The **World Indigenous Higher Education Consortium (WINHEC)** and its Journal are online at: [http://www.win-hec.org/](http://www.win-hec.org/). (See the Ongoing Activities Section for more on WINHEC). The WINHEC site includes links to other Indigenous organizations and institutions.
A link on Latin American Indigenous Peoples:

The Asian Indigenous and Tribal Peoples Network produces occasional papers and reports at:

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ANNOUNCEMENTS

Are you an American Indian woman?  
Would you like to tell your life story?

If you would like to take part in a research study and tell us about your experiences, we would like to talk to you.

Participants will be paid $20 cash for completing one life history interview. You will be able to choose the interview location.  
We can even come to you!

For more information, please contact:
Brian Pitman, M.A. (Doctoral student at Old Dominion University)
Call (910)280-7211, bpitman@odu.edu

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