

**To:** Benjamin Keel[Benjamin\_Keel@ios.doi.gov]; Clint Bowers[clint.bowers@bie.edu]; Dearman, Tony[tony.dearman@bie.edu]; Elizabeth Appel[elizabeth.appel@bia.gov]; Kraynal Alfred[kraynal.alfred@bia.gov]; Mike Black[mike.black@bia.gov]; Nedra Darling[nedra.darling@bia.gov]; Nedra Darling[nedra\_darling@ios.doi.gov]; Robin Shield[robin.shield@bia.gov]; Sarah Walters[sarah.walters@sol.doi.gov]; Sharee Freeman[sharee.freeman@bia.gov]; Shawn Pensoneau[shawn.pensoneau@bia.gov]; Weldon Loudermilk[weldon.loudermilk@bia.gov]; Gavin Clarkson[gavin.clarkson@bia.gov]; Julia Smola[julia.smola@bia.gov]  
**From:** shawn.pensoneau@bia.gov  
**Sent:** 2017-07-13T16:37:20-04:00  
**Importance:** Normal  
**Subject:** OPA-IA Daily News Clips July 13, 2017  
**Received:** 2017-07-13T16:39:33-04:00  
[July 12 - Navajo Can't Revive New Mexico State Court Jurisdiction Challenge.docx](#)  
[July 12 - Senators Enviros, Tribes Urge DOI to Keep Monuments Intact.docx](#)  
[July 12 - No Evidence Of Theft From Shoshone Tribe.docx](#)  
[July 12 - Oglala Sioux Official Pleads Not Guilty To Embezzlement.docx](#)

## Daily News Clips

### HOT TOPICS

[Massive Copper Mine Tests Trump's Push to Slash Regulations](#) (Reuters, July 13, 2017)

[Tester, Murkowski infuriated by Indian Health Service response to proposed cuts](#) (The Missoulian, July 12, 2017)

[SBA Chief McMahon latest cabinet official to visit Alaska](#) (Alaska Journal of Commerce, July 12, 2017)

### INDIAN LEGISLATIVE, LEGAL, JUSTICE AND PUBLIC SAFETY ISSUES

[Syracuse-area Indian casino accepted gamblers EBT funds, audit finds](#) (NY Daily News, July 13, 2017)

[Police undercover nets drug dealers, bootleggers](#) (Navajo Times, July 13, 2017)

[Five casino-operating tribes taking New Mexico to federal court](#) (Casino News, July 12, 2017)

[In casino dispute, Salamanca is in limbo](#) (WGRZ News, July 12, 2017)

[Tweaking Michigan Online Gambling Bill Doesn't Resolve Many of the Legal Problems](#) (Online Poker Report, July 12, 2017)

Navajo Can't Revive New Mexico State Court Jurisdiction Challenge – **See Attachment 1** (Law360, July 12, 2017)

Senators, Enviros, Tribes Urge DOI to Keep Monuments Intact – **See Attachment 2** (Law360, July 12, 2017)

No Evidence Of Theft From Shoshone Tribe – **See Attachment 3** (Law360, July 12, 2017)

Oglala Sioux Official Pleads Not Guilty To Embezzlement – **See Attachment 4** (Law360, July 12, 2017)

## **ECONOMIC DEVELOPMENT/FINANCE AND TECHNOLOGY IN INDIAN COUNTRY**

Cow Creek Tribe opens Takelma Roasting Company (The News-Review, July 13, 2017)

Nisqually Tribe could bring convention center, concert venue and 2<sup>nd</sup> casino to Lacey (The Olympian, July 12, 2017)

Tohono O’odham tribe announce \$400m casino development (Gambling Insider, July 12, 2017)

Construction continues on South Bend’s new Four Winds Casino (WNDU News, July 12, 2017)

Navajo Nation may buy Yavapai Ranch for \$60M (The Daily Courier, July 12, 2017)

## **HEALTH & EDUCATION IN INDIAN COUNTRY**

Indian Health Service feels the heat as frustration boils over in budget hearing (Indianz.com, July 12, 2017)

## **ENERGY, NATURAL RESOURCES AND ENVIRONMENT**

There’s rich history in Native corporation’s bid to become an oil company (Alaska News Dispatch, July 12, 2017)

## **TRIBAL LEADERSHIP & COMMUNITY NEWS**

Northern Tribal Border Summit Announced (Native News Online, July 13, 2017)

--

Office of Public Affairs - Indian Affairs  
Office of the Assistant Secretary - Indian Affairs  
U.S. Department of the Interior  
1849 C St., N.W., MS-4004-MIB  
Washington, D.C. 20240  
Main Phone: 202-208-3710  
Press Line: 202-219-4152  
[as-ia\\_opa@bia.gov](mailto:as-ia_opa@bia.gov)

# Sens., Enviros, Tribes Urge DOI To Keep Monuments Intact

Share us on: By **Adam Rhodes**

Law360, New York (July 12, 2017, 5:25 PM EDT) -- U.S. senators, Native American tribes and environmentalists have urged the U.S. Department of the Interior to preserve dozens of national monuments currently under review following an executive order from President Donald Trump, arguing that millions of Americans object to the review.

On Monday, the day the public comment period for the monument review closed, five tribes hit back at a June report by Interior Secretary Ryan Zinke that **recommended** that Bears Ears National Monument in Utah be reduced and "right sized." The tribes rejected claims that they are happy with Zinke's report and that they are displeased with the collaborative management of the Bears Ears monument.

On the contrary, not only are none of the five tribes — the Hopi Tribe, Navajo Nation, Ute Mountain Ute Tribe, Ute Tribe of Indians, and Zuni Pueblo — happy with the report, they argued that they would consider any reduction of the monument a slap in the face of their communities. Additionally, the tribal quintet protested in favor of the collaborative management of the monument, arguing that the current management system "is greatly needed, is excellent and recognizes our nations' role in monument management."

Zinke's June report came after an April executive order signed by Trump that **launched a review** of major land and marine national monuments designated under the Antiquities Act going back to 1996.

In a separate statement on Monday, the National Congress of American Indians also urged the DOI to maintain the monuments in their current form, adding that many of the monuments are deeply historically and culturally significant to tribes around the country.

The next day, Zinke issued his own statement on the comment period closing, arguing that the review is merely an effort to understand the perspectives of those locally impacted by the monuments.

"Too often under previous administrations, decisions were made in the Washington, D.C.,

bubble, far removed from the local residents who actually work the land and have to live with the consequences of D.C.'s actions. This monument review is the exact opposite," Zinke said in Tuesday's statement.

Attempting to assuage fears that the review would geographically diminish and alter the monuments, Zinke added: "I'd like to remind and reassure folks that even if a monument is modified, the land will remain under federal ownership. I am strictly opposed to the sale or transfer of our public lands, and nothing in this review changes that policy."

Legislators also voiced their concern over the review and on the day Zinke issued his statement, Democratic New Mexico Sens. Tom Udall and Martin Heinrich, along with environmental organizations and community advocates, led a press conference hitting back at the review and urging Zinke to keep existing monument protections intact.

At Tuesday's press conference, the politicians and advocates all urged the DOI to listen to the millions of Americans who commented on the review. According to Udall's statement, 2.5 million people commented and overwhelmingly opposed the review.

Udall said it would be outside of Trump's purview to alter the monuments, calling the review a politically motivated attack on public lands. Heinrich added that rescinding monuments could have serious impact on the nation's economy.

As for the environmentalists, Sierra Club Executive Director Michael Brune added that the monuments are integral to the history of the nation.

"Now is the time for Secretary Zinke to open his eyes and heed the millions of Americans who want to see our nation's monuments and public lands protected for all time," Brune said. "Public lands and waters tell the story of our nation — a story that should be of our shared democracy, not a celebration of corporate greed."

Representatives for the Department of the Interior had no further comment Wednesday.

--Editing by Katherine Rautenberg.

# Navajo Can't Revive NM State Court Jurisdiction Challenge

Share us on: By **Christine Powell**

Law360, New York (July 12, 2017, 5:09 PM EDT) -- A New Mexico federal judge stayed firm Tuesday on a recent decision to toss a lawsuit in which the Navajo Nation contests a state court's jurisdiction over a dispute accusing a tribe member of interfering with the use of an irrigation ditch on his property, finding no good reason for a redo.

U.S. District Judge William P. Johnson denied the Navajo Nation and member Curtis Bitsui's request that he rethink nixing their suit seeking a declaration that state courts lack jurisdiction over actions related to allotments in Indian Country and that New Mexico state Judge Pedro G. Rael and District Attorney Lemuel L. Martinez therefore lack authority to handle claims that Bitsui interfered with the use of an irrigation ditch on his property.

"Plaintiffs claim that they challenge the court's ruling in order to prevent 'manifest injustice,' but the court finds that they offer no reason for the court to modify its ruling," Judge Johnson said.

When granting Rael and Martinez judgment on the pleadings in April, Judge Johnson had said that the tribe and Bitsui were **trying to resurrect** his argument that the allotment at issue in the case was in Indian Country, after Rael had repeatedly rejected that contention in state court.

"This question has already been answered, and collateral estoppel bars this court from answering it again," Judge Johnson wrote at the time.

**Requesting reconsideration** the following month, the tribe and Bitsui argued that the case should be exempted from the doctrine of collateral estoppel because it has to do with federal preemption and sovereign immunity.

But on Tuesday, Judge Johnson characterized that argument as "a thinly disguised invitation to the court to rehash the central question of plaintiffs' underlying motion and on which the court has already ruled, which is whether this case involves issues of federal preemption or sovereign immunity that are relegated to federal courts to decide."

As for the tribe and Bitsui's argument that Rael failed to "fully and fairly" decide whether the allotment is in Indian Country, meaning that collateral estoppel cannot be applied, Judge Johnson stuck by his prior conclusion that Rael had considered testimony, documentary evidence and several rounds of briefing, meeting the requirements for full and fair litigation under the doctrine.

"Plaintiffs focus on their disagreements with Judge Rael's analysis, but as defendants point out, any challenge to Judge Rael's ruling is appropriately brought in the New Mexico Court of Appeals," Judge Johnson said. "In fact, the parties are awaiting a decision from that court."

According to the underlying state court lawsuit, the San Jose de la Cienega Community Ditch Association has an easement over Bitsui's property and thus the right to use an acequia, or irrigation ditch, that goes into and out of his land.

However, Bitsui has rerouted the acequia to divert water, has destroyed part of the irrigation channel with a bulldozer and has refused the association access to his property for maintenance of the acequia, the state court complaint alleges.

Bitsui had moved to dismiss the state court suit for lack of subject matter jurisdiction because his land is in Indian Country, but Judge Rael denied his request in March, according to court documents.

Representatives for the parties did not respond immediately to requests for comment Wednesday.

The tribe and Bitsui are represented by Stanley M. Pollack of the Navajo Nation Department of Justice.

Rael is represented by Nicholas M. Sydow and Rebecca A. Parish of the New Mexico Attorney General's Office.

Martinez is represented by Angelica Anaya Allen of the New Mexico Attorney General's Office.

The case is Navajo Nation et al. v. Rael et al., case number 1:16-cv-00888, in the U.S. District Court for the District of New Mexico.

--Additional reporting by Kat Sieniuc and Andrew Westney. Editing by Alyssa Miller.

# Oglala Sioux Official Pleads Not Guilty To Embezzlement

Share us on: By **Christine Powell**

Law360, New York (July 12, 2017, 4:18 PM EDT) -- The U.S. Attorney's Office for the District of South Dakota announced that an Oglala Sioux tribe official has pled not guilty to accusations that he embezzled money from the tribe.

Charles Leo Cummings, 57, pled not guilty to the charge during a July 7 arraignment presided over by U.S. Magistrate Judge Daneta Wollmann, according to a news release on Monday from U.S. Attorney Randolph J. Seiler's office.

The charge, contained in an indictment filed last month, accuses Cummings of willfully and knowingly embezzling, stealing, misapplying and converting "to his own use more than \$1,000 of monies, funds, credits, good, assets and other property belonging to the Oglala Sioux tribe."

The allegations pertain to the period beginning Dec. 28, 2015, and ending Jan. 18, 2016, according to the indictment, of which only a brief redacted version is publicly available.

The news release from the U.S. Attorney's office described Cummings as vice chairman for one of the tribe's districts, but did not elaborate any further.

Representatives for the U.S. Attorney's office, Cummings and the tribe could not immediately be reached for comment on Wednesday.

Court records indicate that a jury trial is currently slated to take place in September.

According to the news release, if convicted, Cummings faces a maximum of five years' imprisonment, a \$250,000 fine, a three-year period of supervised release and a \$100 payment to the federal Crime Victims Fund.

Cummings, who lives in Martin, South Dakota, could also be ordered to pay restitution, the release said.



The indictment was brought thanks to a federal law enforcement initiative known as the The Guardians Project, which seeks to help agencies coordinate with one another, to encourage citizens to disclose public corruption, embezzlement and fraud and to "hold accountable those who are responsible for adversely affecting those living in South Dakota's Indian Country communities," according to the release.

Agencies participating in The Guardians Project include the Federal Bureau of Investigation, the inspectors general offices of the U.S. Departments of the Interior, Education, Justice, Housing and Urban Development, Health and Human Services and the Social Security Administration.

The case is being prosecuted by Assistant U.S. Attorney Jeremy R. Jehangiri.

Cummings is represented by Jennifer R. Albertson of the Federal Public Defender's office.

The case is USA v. Cummings, case number 5:17-cr-50100, in the U.S. District Court for the District of South Dakota.

--Editing by Stephen Berg.

# No Evidence Of Theft From Shoshone Tribe: DOI Watchdog

Share us on: By **Matthew Guarnaccia**

Law360, New York (July 12, 2017, 5:38 PM EDT) -- The Office of the Inspector General for the U.S. Department of the Interior has found no evidence of theft from the federal or tribal funds of the Eastern Shoshone Tribe but said the tribe's finance office improperly commingled funds and failed to keep adequate accounting records.

In a report released July 10, the OIG said an investigation into the tribe requested by the Eastern Shoshone Business Council did not reveal mismanagement of funds, but concluded that the commingling of various program funds and inadequate record keeping took place "over a substantial period of time."

As a result, the OIG said it could not complete a forensic audit of the tribe's joint finance office as requested by the business counsel because it could not determine the status or configuration of the tribal or federal funds in question.

"The commingled funds and poor records made conducting an audit unfeasible," the OIG said.

According to the OIG, the DOI's Bureau of Indian Affairs was aware of the "disarray" of the finance office thanks to an investigation conducted by the agency in September 2015. A January 2016 report on the finance office revealed the commingled funds, as well as inefficient tribal management systems.

The OIG said the investigation arose from a letter sent by the business council to Sen. John Barrasso, R-Wyo., who in turn forwarded the request to the agency.

Representatives for the OIG were unavailable for comment Wednesday.

Representatives for the business council did not respond Wednesday to a request for comment.

--Editing by Emily Kokoll.

