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Daily News Clips

HOT TOPICS

[Zinke: Monument status may not be best to save sacred land](#) (Cache Valley Daily, May 9, 2017)

[Zinke flies over Bears Ears as critics urge him to 'Make San Juan County Great Again' and rescind monument](#) (The Salt Lake Tribune, May 8, 2017)

[Inspector General Finds Interior Department Administrative Leave Abuse](#) (The Heartland Institute, May 9, 2017)

[Zinke: No Question Bears Ears should be preserved, but how?](#) (KSL.com, May 8, 2017)

[Tribal Leaders call on the Trump Administration to preserve the Bears Ears National Monument](#) (Native News Online, May 8, 2017)

[The Latest: Zinke says he wants to preserve Native culture](#) (The Associated Press, May 8, 2017)

[Nevada set to defend Antiquities Act](#) (St. George Daily Spectrum, May 8, 2017)

[US Interior secretary tours hotly contested Utah monument](#) (The Missoulian, May 8, 2017)

[Dr. Ralph Maughan: Trump's personality and his order to dismember national monuments](#) (Idaho State Journal, May 8, 2017)

[GOP Senator says 'the Indians' should 'just take my word for it' on sacred tribal lands](#) (Think Progress, May 8, 2017)

[Native Americans demand apology from Senator Hatch after alleged racist remarks](#) (Fox News 13 Salt Lake City, May 9, 2017)

[Brian Newland: Donald Trump, and Indian Country's Termination Fears](#) (Turtle Talk, May 8, 2017)

Trump injects 'race' into debate with questions about Indian funding (Indianz.com, May 8, 2017)

U.S. Census Rolls Launches "My Tribal Area" Data Tool (Native News Online, May 9, 2017)

Ranchers and Tribes Unite Once Again to Fight Keystone XL (Indian Country Today, May 9, 2017)

Navajo Nation Council Votes to Fire Navajo Housing Authority Board (Indian Country Today, May 9, 2017)

Utah DOD agencies host annual meeting with American Indian Tribes (Indianz.com, May 9, 2017)

DOI Asks Public To Weigh In On Monument Designations – **See Attachment 1** (Law360, May 8, 2017)

Tribe, Corp Rip Dakota Access Doc Request in Pipeline Row – **See Attachment 2** (Law360, May 8, 2017)

EPA Asks For Stay In Maine Water Quality Row – **See Attachment 3** (Law360, May 8, 2017)

Appeal Of California Tribal Casino Approval Premature, Feds Say – **See Attachment 4** (Law360, May 8, 2017)

INDIAN LEGISLATIVE/JUSTICE & PUBLIC SAFETY ISSUES

Local man sentenced for drug conspiracy (Tahlequah Daily Press, May 9, 2017)

Senate Committee on Indian Affairs adds business meeting to agenda (Indianz.com, May 8, 2017)

Man convicted in murder of 13-year-old Pine Ridge Girl (KSFY, May 8, 2017)

Longtime federal prosecutor seeking top job (The Bismarck Tribune, May 8, 2017)

Flandreau tribe, state, clash in court (Argus Leader, May 7, 2017)

ECONOMIC DEVELOPMENT AND TECHNOLOGY IN INDIAN COUNTRY

Minnesota tribe to vote on new casino hotel in Cass Lake (Casino News, May 8, 2017)

Washington tribal casino not having huge impact on Oregon gambling sector, yet (Portland Tribune, May 8, 2017)

HEALTH & EDUCATION IN INDIAN COUNTRY

Navajo Nation President: Passing of Trumpcare could result in diminished health care to Indian Country (Native News Online, May 9, 2017)

'It's been a good journey': Jeanotte to retire from University of North Dakota American Indian Student Services (Duluth News Tribune, May 8, 2017)

ENERGY, NATURAL RESOURCES AND ENVIRONMENT

Navajo Nation still working to save coal power plant (Cronkite News, May 8, 2017)

TRIBAL LEADERSHIP & COMMUNITY NEWS

12th Annual Youth Leadership Conference to be held in Red Lake (Native News Online, May 9, 2017)

723 Edward S. Curtis Native American photogravures on display in Muskegon (Michigan Live, May 8, 2017)

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DOI Asks Public To Weigh In On Monument Designations

Share us on: By **Andrew Westney**

Law360, New York (May 8, 2017, 4:50 PM EDT) -- The U.S. Department of the Interior said Friday that for the first time, the government will open a formal public comment period for national monument designations under the Antiquities Act, including a Utah monument backed by several Native American tribes and other monuments President Donald Trump wants reviewed.

In an **April 26 executive order**, Trump instructed Interior Secretary Ryan Zinke to review monuments designated by presidents going back to 1996, including the 1.35 million-acre Bears Ears National Monument designated by former President Barack Obama late in his term — calling the act's use by previous administrations “abusive.”

The DOI said in a statement Friday that while a public comment period isn't required to designate a monument under the Antiquities Act, both Trump and Zinke “strongly believe that local input is a critical component of federal land management.”

“Today's action initiating a formal public comment process finally gives a voice to local communities and states when it comes to Antiquities Act monument designations,” Zinke said in the statement. “There is no predetermined outcome on any monument. I look forward to hearing from and engaging with local communities and stakeholders as this process continues.”

The Bears Ears monument designation in particular has come under fire from Republican lawmakers and Trump, who said at the April 26 signing ceremony for the executive order that Obama's December decision to set aside more than 1.35 million acres of land for the monument came “over the profound objections of the citizens of Utah.”

House Natural Resources Committee Chair Rob Bishop, R-Utah, said in a statement shortly after Obama designated the Bears Ears monument that the decision was “alien to the desires of the overwhelming number of Native Americans who live in this area, who will use this area, who approached us on how they wanted to function on this land.”

But tribal supporters of the designation, including the Bears Ears Inter-Tribal Coalition — a group representing the Hopi Tribe, Navajo Nation, Ute Indian Tribe, Ute Mountain Ute Tribe and Zuni Tribe — said in a May 2 statement that the monument was more than 80 years in the making and that its designation requires Zinke to work with tribal nations through a commission to manage the monument.

Trump's executive order was "a thinly veiled attack" on the Bears Ears designation, the group said in the statement, adding that Zinke has "ignored meeting requests from sovereign nations to meet regarding Bears Ears since January" while planning to meet with state and county officials.

Several leaders of the Bears Ears coalition who met in Washington, D.C., indicated that they "may pursue legal action" if the Trump administration seeks to overturn the Bears Ears designation, according to a Navajo statement on May 3.

Democrats on the House Committee on Oversight and Government Reform have disputed Republican lawmakers' contention there wasn't enough local input on the designation, saying in a **memo released April 13** that documents requested by the committee appeared to contradict Republicans' claims that the Obama administration violated the Antiquities Act by failing to adequately consult with the community or get local support before designating Bears Ears.

The DOI will publish a Federal Register notice soon to open the public comment period on the monument designations, with comments due on Bears Ears within 15 days and comments on other monument designations due within 60 days, according to the department's statement Friday.

In addition to the Bears Ears monument, public comment will be accepted on about 20 other monuments, including the Grand Staircase-Escalante National Monument in Utah, designated by President Bill Clinton in 1996.

The DOI is asking for comments on what additional national monuments should be reviewed because there wasn't enough public outreach before they were designated or expanded, among other issues, according to the department's statement.

The department is also seeking comments on five marine national monuments that are set

to be reviewed.

The DOI said in another statement Friday that Zinke was to begin a listening tour on Bears Ears and Grand Staircase-Escalante with state and local officials in Utah on Sunday, continuing through Wednesday.

--Additional reporting by Michael Phillis, Keith Goldberg and Christine Powell. Editing by Sara Ziegler.

Tribe, Corps Rip Dakota Access' Doc Request In Pipeline Row

Share us on: By **Christine Powell**

Law360, New York (May 8, 2017, 5:19 PM EDT) -- The U.S. Army Corps of Engineers and Standing Rock Sioux Tribe each slammed Dakota Access LLC's contention in D.C. federal court that the Corps has produced a "woefully deficient" administrative record in a case challenging the company's controversial pipeline, and that a more complete one would prove "political interference."

The Corps and the tribe filed separate responses to Dakota Access' motion to compel prompt completion of the administrative record, with which the company is seeking an order requiring the agency to cough up documents including emails, telephone logs and calendars that it claims are "critical to a full defense" against multiple tribes' claims contesting the agency's approvals for the 1,172-mile crude oil pipeline.

Although the company said in a memorandum in support of its motion that the existing record is "woefully deficient" and that the requested documents are relevant to proving the "improper political interference" in the Corps' review process by the White House and the U.S. Departments of the Army, Interior and Justice "in an effort to run out the clock," both the tribe and the agency questioned its assertions.

For its part, the Standing Rock Sioux Tribe said Thursday that Dakota Access had failed to meet the standards for supplementing the administrative record, that the record is already "extensive," and that the motion comes too late and "threatens to gravely disrupt the timeline for the resolution of the case," noting that **oil is already flowing** under a disputed stretch of federally owned land at Lake Oahe in North Dakota, "exposing the tribe to the very risks it believes should have been better examined and disclosed before any decisions on permits."

"For months, DAPL has made overblown accusations of political interference, yet the record lends no support to those claims, nor has DAPL ever produced any other evidence to support them," the tribe said. "Now that briefing on the cross-motions for summary judgment is complete, DAPL seeks to embark on a wide-ranging fishing expedition for evidence to support its theory. In this circuit, however, DAPL must show concrete and non-speculative

evidence that the record is incomplete, which it has failed to do.”

Meanwhile, the Corps said Friday that the D.C. Circuit has held that an agency’s compilation of its administrative record is entitled to a presumption of regularity and that an agency’s “internal, deliberative and predecisional” documents need not be included in an administrative record, but Dakota Access is seeking nonetheless to “complete” the Corps’ record with those kinds of documents.

All of the requested categories of documents are “indisputably deliberative,” the agency said, meaning Dakota Access could only overcome the presumption of regularity and get its hands on them if it demonstrated bad faith, but it has “not even attempted” to do so, offering only speculation that they would prove “political interference.”

“Dakota Access’ motion to compel broad discovery of such documents would therefore not ‘complete’ the administrative record, as Dakota Access suggests,” the Corps said. “It would instead transform this case from one based upon the review of a discrete administrative record under the Administrative Procedure Act into one with typical civil discovery. Dakota Access’ motion ... should be denied because the Corps, rather than Dakota Access, must be accorded deference in determining what materials the Corps considered in making the challenged decision.”

In the final days of the Obama administration and amid high-profile protests by the Standing Rock Sioux Tribe and environmental groups seeking to protect against a spill, the Corps had **declined to issue** an easement Dakota Access needed to complete the pipeline under Lake Oahe and had committed to conducting an environmental review to consider alternate routes.

But then the Corps granted the easement in February, following through on the directives contained within a **presidential memorandum** that President Donald Trump signed during his first few days in office, and axed its plans to prepare an **environmental impact statement** in connection with it.

Since then, in the D.C. federal court case, the Standing Rock Sioux Tribe, which first filed the lawsuit, and the Cheyenne River Sioux Tribe, which has intervened, have **been pushing** for partial summary judgment on their **claims challenging** the Corps’ actions on the pipeline.

Now, Dakota Access has asked for “all documents that pertain to the public statements and decisions regarding the Dakota Access Pipeline beginning” in September, when the Army, DOJ and DOI **jointly announced** that the federal government was going to revisit previous decisions before making a decision about the easement and running through mid-January, around the time that the administration changed hands.

“Plaintiffs ask this court to view their claims as having arisen in a world in which the agency process between Sept. 9 and Jan, 20 was entirely lawful,” the company said. “The government does too, perhaps to avoid potential embarrassment from exposure of that process or to avoid a precedent for future cases. But the court should not impose that alternative reality on itself.”

In March, the case was consolidated with two other similar ones filed by the Yankton Sioux Tribe and the Oglala Sioux Tribe.

Representatives for Dakota Access and the Standing Rock Sioux Tribe did not respond immediately to requests for comment Monday. The federal government does not comment on pending litigation.

The Standing Rock Sioux Tribe is represented by Patti A. Goldman, Jan E. Hasselman and Stephanie Tsosie of Earthjustice.

The U.S. Army Corps of Engineers is represented by Jeffrey H. Wood, Reuben S. Schifman, Amarveer S. Brar, Matthew M. Marinelli and Erica M. Zilioli of the U.S. Department of Justice.

The Cheyenne River Sioux Tribe is represented by Conly J. Schulte and Nicole E. Ducheneaux of Fredericks Peebles & Morgan LLP.

Dakota Access LLC is represented by Kimberly H. Caine, William J. Leone and Robert D. Comer of Norton Rose Fulbright and William S. Scherman and David Debold of Gibson Dunn.

The case is Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers, case number 1:16-cv-01534, in the U.S. District Court for the District of Columbia.

--Additional reporting by Andrew Westney. Editing by Philip Shea.