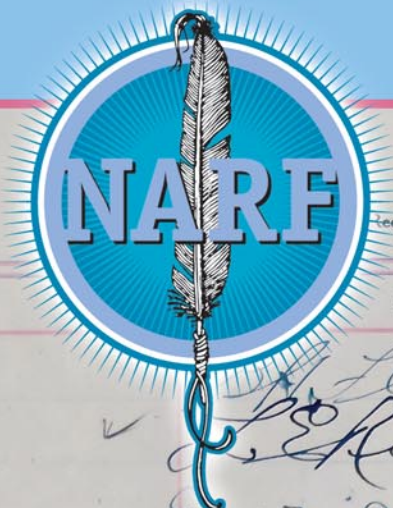


Native American Rights Fund

ANNUAL REPORT 2018



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Name	WEDNESDAY SEP 2 1925	Residence	Time	Room
✓ H. Levee	Los Angeles			In
✓ L. Ruffin	San Francisco			7
✓ Mrs. W. S. Sweeney	Phoenix			37
✓ David S. Sweeney	Phoenix			39
✓ Margaret M. Sweeney	Phoenix			19
✓ Seals	Maryland			17
✓ Mrs. M. Sweeney	Phoenix			40
L. Sweeney	Phoenix			4
L. Sweeney	Phoenix			28
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Cover and Art: Avis Charley (Spirit Lake Dakota/Navajo) is a mother and an artist. She was born and raised in Los Angeles, California. Charley is a painter and a ledger artist using color pencils on antique documents. She enjoys depicting Native empowerment using the female form as her main subject. Charley relishes bringing attention to and celebrating the evolution of the Native identity—from pre-reservation period to present day, from ancestral homelands to city life. She uses this awareness to continually redefine and reclaim her identity as a modern Indigenous woman and as an artist. Charley is a graduate from the Institute of American Indian Arts. Find Charley on Instagram and Facebook @AvisCharley.

Photo credit: Jason S. Ordaz



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Tax Status: The Native American Rights Fund (NARF) is a nonprofit, charitable organization incorporated in 1971 under the laws of the District of Columbia. NARF is exempt from federal income tax under the provisions of Section 501(c)(3) of the Internal Revenue code. Contributions to NARF are tax deductible. The Internal Revenue Service has ruled that NARF is not a “private foundation” as defined in Section 509(a) of the Internal Revenue Code. NARF was founded in 1970 and incorporated in 1971 in Washington, D.C.

EXECUTIVE DIRECTOR'S REPORT

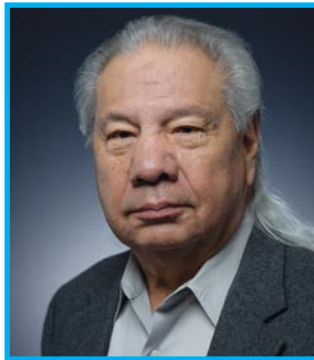
2018 was the 48th year that the Native American Rights Fund has been serving as the national Indian legal defense fund providing legal advice and assistance to tribes, Native organizations, and individual Indians in cases of major importance across the country. Once again during the year, we are proud that we were able to help our Native American clients achieve several significant legal victories and accomplishments.

The Tribal Supreme Court Project that we staff along with the National Congress of American Indians assisted tribes in prevailing in two important cases before the United States Supreme Court. In *Patchak v. Zinke*, the Supreme Court upheld an act of Congress taking land into trust for the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians/Gun Lake Tribe in Michigan, which had been challenged in a pending lawsuit. In *Washington v. US*, the Supreme Court affirmed lower court decisions that found that the state had violated tribal treaty fishing rights by having culverts that diminished salmon runs and compelled the state to correct the barrier culverts.

The Alaska Historical Commission voted to nominate the Ch'u'itna watershed for inclusion on the National Register of Historic Places as a Traditional Cultural Landscape. The designation would recognize the profound importance that the Ch'u'itna watershed has played in shaping and sustaining the culture, traditions, identity, and subsistence lifestyle of people of the Native Village of Tyonek, NARF's client, and ensure that impacts on Tyonek are considered in any future development plans in the watershed.

NARF began representation of three federally recognized Gwich'in Tribes opposing the oil and gas development of the Arctic National Wildlife Refuge's Coastal Plain, the home to the calving grounds of the Porcupine Caribou Herd, which is one of the largest wild herds in the world and of great cultural and subsistence importance to the Gwich'in Tribes. A 2017 act of Congress opened up the area for development, and NARF represents the Tribes during the environmental review processes required by the National Environmental Policy Act and the National Historic Preservation Act before development can occur.

A historic step forward was taken at the United Nations Framework Convention on Climate Change where NARF represents the National Congress of American Indians. A Facilitative Working Group was established to develop a work plan for the tradi-



John E. Echohawk
Executive Director

tional indigenous knowledge platform established in the Paris Agreement on climate change that helps guide the science used to address climate change. The Working Group is to be composed of seven country and seven indigenous representatives. This marks the first time that indigenous representatives chosen by indigenous peoples will participate on an equal basis within a United Nations body.

On behalf of the Rosebud Sioux Tribe in South Dakota and the Fort Belknap Indian Community in Montana, NARF filed a lawsuit opposing the proposed Keystone XL Pipeline which would link oil producers in Canada with the refiners and exporters on the Gulf Coast. The proposed pipeline route crosses over sacred Sioux land with cultural sites and burials and over many rivers and the Ogallala Aquifer which provide water to the Tribes and others. The Trump Administration has approved a project permit, but no consultation has occurred between the federal government and the Tribes as required by law.

NARF represents the American Indian Higher Education Consortium (AIHEC) as *amicus curiae* in a case brought against a tribal college by a former employee of the college, alleging that he was discriminated against by the college in violation of federal law. The tribal college, supported by AIHEC, was successful in having the case dismissed on the ground the college is an arm of the Confederated Salish and Kootenai Tribes of Montana and the Tribes have sovereign immunity from suit without their consent.

The Native American Voting Rights Coalition (NAVRC) completed and released a thirty-five tribe survey of over 5,000 Native voters in Nevada, Arizona, New Mexico and South Dakota that documented widespread discrimination and disenfranchisement. NAVRC, founded by NARF, is a non-partisan alliance of organizations, scholars, and activists advocating for equal access for Native Americans in the political process. NAVRC coordinates efforts at overcoming the barriers Native Americans face in registering to vote, casting their ballot, and having an equal voice in elections.

These legal victories and accomplishments would not have been possible without the contributions and grants from the many supporters of our nonprofit organization. We thank you for your support in 2018 and hope that your support will continue in 2019 and beyond so we can continue to pursue justice for Native Americans.

CHAIRMAN'S MESSAGE

Greetings.

Over the years, I have had the opportunity to serve as an advocate for Native American issues at all levels of government. I have represented my tribe in government-to-government actions at the local, state, and federal levels regarding issues of education, health care, economic development, and sovereign immunity. With the perspective gained from these experiences, I have a tremendous respect and appreciation for the long history of the Native American Rights Fund and the gains that it has made for Indian country.

NARF has forty-eight years of experience in establishing or re-establishing government-to-government relationships. Their long fought battles for justice and sovereignty for and on behalf of Indian Country, not only safeguard the rights of tribes and Native peoples but also protect shared American values such as justice, integrity, and a commitment to doing what is right. NARF's staff and board are dedicated to providing high-quality



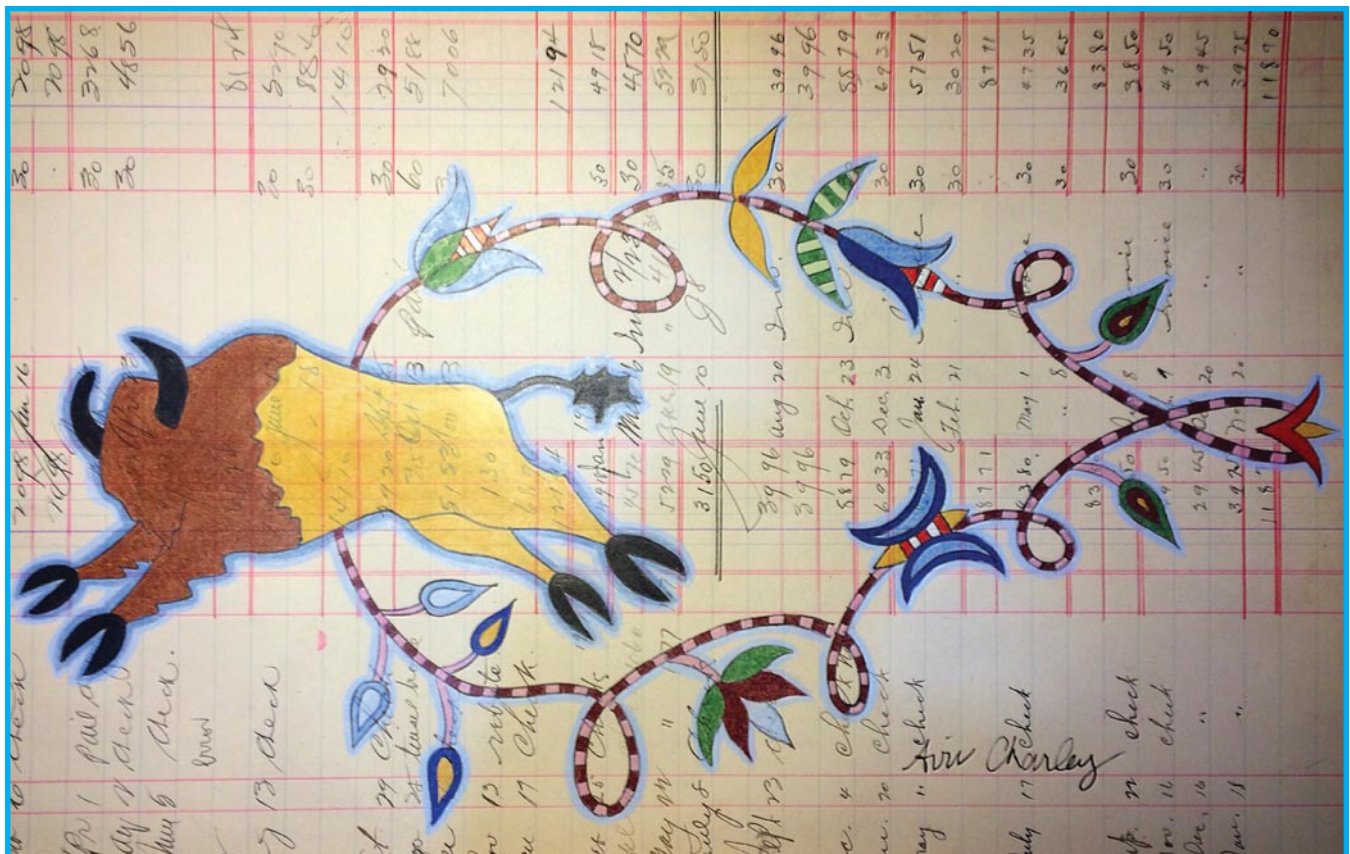
Robert R. McGhee
Chairman, NARF Board of Directors

legal representation to America's indigenous people.

In looking back at 2018, it is clear that the need for these services has not diminished. With dozens of high-stakes cases and projects underway, this year has proven challenging for many Native communities across the United States. NARF is called upon not only to continue its efforts, but to redouble them.

We need your help during these challenging times. It is only with the support of tribes, foundations, and individuals that NARF can continue to be the driving force in the fight for Indian rights and justice for Indian country. As we begin a new year that looks to be equally uncertain, I urge you to lend your help, your financial support, and your individual involvement to sustain this fight to ensure and protect Native peoples' rights and our nation's priorities.

Mvto. (Thank you.)



BOARD OF DIRECTORS

The Native American Rights Fund has a governing board composed of Native American leaders from across the country. Individual Board members are chosen based on their involvement and knowledge of Indian issues and affairs, as well as tribal affiliation, to ensure comprehensive geographical representation. The NARF Board of Directors, whose members serve a maximum of six years, provide NARF with leadership, and the vision of its members is essential to NARF's effectiveness in representing its Native American clients.

NARF's Board of Directors (L to R): **Robert Miguel** (Ak-Chin Indian Community); **Anita Mitchell** (Muckleshoot Indian Tribe); **Rebecca Miles** (Nez Perce Tribe); **Derek Valdo** (Pueblo of Acoma); **Michael Colbert Smith** (Chickasaw Nation); **Kenneth Kahn** (Santa Ynez Band of Chumash Indians); **Camille Kalama** (Native Hawai'ian); **Rhonda Pitka** (Athabaskan/Inupiaq); **Lacey Horn** (Cherokee Nation); **Robert McGhee**, Chairman (Poarch Band of Creek Indians). Not pictured: **Kurt BlueDog**, Vice-Chairman (Sisseton-Wahpeton Sioux); **Tex Hall**, Treasurer (Three Affiliated Tribes); **MaryAnn Johnson** (Portage Creek)



NATIONAL SUPPORT COMMITTEE

The National Support Committee assists NARF with fundraising and public relations efforts. Some members are prominent in the fields of business, entertainment, and the arts. Others are known advocates for the rights of the underserved. All are committed to upholding the rights of Native Americans.

Randy Bardwell (*Pechanga Band of Luiseño Mission Indians*)

Deborah Bardwell

Jaime Barrientoz (*Grande Traverse Band of Ottawa and Chippewa Indians*)

John Bevan

Wallace Coffey (*Comanche*)

Ada Deer (*Menominee*)

Harvey A. Dennenberg

Lucille A. Echohawk (*Pawnee*)

Jane Fonda

Eric Ginsburg

Jeff Ginsburg

Rodney Grant (*Omaha*)

Dr. Marion McCollom Hampton

Chris E. McNeil, Jr. (*Tlingit-Nisga'a*)

Billy Mills (*Oglala Lakota*)

Amado Peña, Jr. (*Yaqui/Chicano*)

Wayne Ross

Nancy Starling-Ross

Mark Rudick

Pam Rudick

Michael G. Sawaya

Ernie Stevens, Jr. (*Wisconsin Oneida*)

Andrew Teller (*Isleta Pueblo*)

Verna Teller (*Isleta Pueblo*)

Richard Trudell (*Santee Sioux*)

Rebecca Tsosie (*Pascua Yaqui*)

Tzo-Nah (*Shoshone Bannock*)

Aine Ungar

Rt. Rev. William C. Wantland (*Seminole*)

W. Richard West (*Southern Cheyenne*)

Randy Willis (*Oglala Lakota*)

Teresa Willis (*Umatilla*)

Mary Wynne (*Rosebud Sioux*)



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Allison,

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ask me to find out what the price of lumber is
to-day. I have just received a lot of lumber at the same
price as there was a few days ago. Some of
the poplar was a little cheaper, but as we
may wish to use it in some of the best
circumstances, I trust you will
be satisfied with the price.





INTRODUCTION

One of the initial responsibilities of NARF's first Board of Directors was to develop priorities that would guide the Native American Rights Fund in its mission to preserve and enforce the legal rights of Native Americans. Those five priorities continue to lead NARF today:

- Preserving tribal existence
- Protecting tribal natural resources
- Promoting Native American human rights
- Holding governments accountable to Native Americans
- Developing Indian law and educating the public about Indian rights, laws, and issues

Following, find NARF's recent work within each of these priority areas.

PRESERVING TRIBAL EXISTENCE

The US Constitution recognizes that Indian tribes are independent governmental entities with inherent authority over their members and territory. Tribal governments possess the power to regulate the internal affairs of their members as well as activities within their reservations. In treaties with the United States, Indian tribes ceded millions of acres of land in exchange for the guarantee that the federal government would protect the tribes' right to self-government. Under the priority of *preserving tribal existence*, NARF empowers tribes to live according to Native traditions, to enforce their treaty rights, to ensure their independence on reservations, and to protect their right to self-govern (sovereignty).

TRIBAL SOVEREIGNTY AND JURISDICTION

Tribal Sovereignty Protection Initiative

From the 19th to mid-20th century, the US Supreme Court repeatedly affirmed the principle that tribes retain inherent sovereignty over their members and territory. However, with the 1978 decision in *Oliphant v. Suquamish Indian Tribe*, the Supreme Court began chipping away at tribal sovereignty by restricting tribal jurisdiction and extending state jurisdiction. In response, NARF partnered with the National Congress of American Indians (NCAI) in 2001 to develop the Tribal Sovereignty Protection Initiative to restore the principle of inherent tribal sovereignty and safeguard the core of sovereignty that remains. The Initiative monitors legislation, judicial appointments, and cases related to tribal interests.

~ Tribal Supreme Court Project

A major component of the Initiative is the Tribal Supreme Court Project, which monitors cases potentially headed to the Supreme Court as well as those actually accepted for review. Staffed jointly by NARF and NCAI, the Tribal Supreme Court Project is based on the idea that a strong, consistent, coordinated approach will be able to reverse, or at least reduce, the

on-going erosion of tribal sovereignty by Supreme Court Justices who appear to lack an understanding of the foundational principles underlying federal Indian law and who are unfamiliar with the practical challenges facing tribal governments. The Project also ensures that attorneys representing Indian interests before the Supreme Court have the support they need, including coordinating the filing of a limited number of strategic *amicus* briefs.

During the October 2017 term, the Supreme Court decided three cases related to Indian interests.

In February 2018, the Court issued its opinion in *Patchak v. Zinke*. David Patchak, a non-Indian landowner, successfully argued before the Supreme Court in 2012 that he had standing to challenge to the acquisition of trust land for the benefit of the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians/Gun Lake Tribe. Subsequently, Congress passed the Gun Lake Trust Land Reaffirmation Act of 2014 (the Gun Lake Act), which reaffirmed the Department of the Interior's decision to take the land in question into trust for the Tribe, and removed jurisdiction from the federal courts over any actions relating to that property. Mr. Patchak challenged the Gun Lake Act as an unconstitutional infringement by Congress on judicial power. The Supreme Court affirmed the decision of the US Circuit Court of Appeals for the District of Columbia and held that the Gun Lake Act did not violate the separation of powers. The Court explained that Congress may make laws that apply retroactively to pending lawsuits, even when that legislation ensures that one side will win.

In May 2018, the Court reversed and remanded *Upper Skagit Indian Tribe v. Lundgren* to the Washington Supreme Court. This case arose out of a property dispute between the Upper Skagit Indian Tribe and adjacent property owners who alleged they had acquired land along the common boundary through



adverse possession. The tribe raised sovereign immunity, but the Washington Supreme Court decision held that tribal sovereign immunity did not bar an in rem action against real property. The US Supreme Court held that the Washington Supreme Court erred when it relied on *County of Yakima v. Confederated Tribes and Bands of Yakima Nation* for the proposition that Tribes lack sovereign immunity in an in rem action. However, the US Supreme Court remanded for the lower court to consider whether the “immovable property exception” to common law sovereign immunity applied in this case.

In June 2018, the Court issued a *per curiam* order that affirmed the Ninth Circuit’s judgment in favor of tribal interests in *Washington v. US*. This case is the latest chapter in litigation over treaty fishing rights in Washington dating back more than a century with seven prior Supreme Court decisions. In this case, the lower courts found that the state violated its treaty obligations by having culverts that diminished salmon runs and the court compelled the state to correct barrier culverts. The Supreme Court’s affirmance leaves that decision in place and adheres to time-honored approaches to Indian treaty interpretation.

For the October 2018 term, the Court has heard three Indian law cases argued: *Washington State Dep’t of Licensing v. Cougar Den* (Indian treaty preemption of state taxes), *Herrera v. Wyoming* (off-reservation hunting rights), and *Carpenter v. Murphy* (reservation disestablishment).

~ Judicial Selection Project

Another important component of the Tribal Sovereignty Protection Initiative is the Judicial Selection Project. The Project’s focus is research and education: to educate the federal judiciary about tribal issues, to educate tribal leaders about the federal judiciary, and to reach out to elected officials and the public at large about the need for federal judges who understand the unique legal status of Indian tribes.

In June 2018, Justice Anthony Kennedy announced his retirement from the Supreme Court. After a contentious set of hearings, the Senate confirmed President Trump’s nominee, DC Circuit Court of Appeals judge Brett

Kavanaugh, as Justice Kennedy’s replacement. Both NCAI and NARF opposed Kavanaugh’s confirmation based on his record on the rights of indigenous people, particularly in relation to *Rice v. Cayetano*. A memorandum setting forth Kavanaugh’s Indian law background is available at https://sct.narf.org/articles/indian_law_jurisprudence/kavanaugh.pdf.

Big Horn Electric Cooperative v. Alden Big Man, et al.

In 2012, Alden Big Man, an elderly member of the Apsaalooke (Crow) Tribe sued the Big Horn Electric Cooperative in the



Crow Civil Court pursuant to an Apsaalooke tribal statute limiting heat and electricity service disconnections during winter months for homes where elderly and disabled individuals reside. In 2013, the tribal court dismissed the case, holding that it lacked jurisdiction over the case, which was brought against a non-member utility company. Mr. Big Man appealed the ruling to the Apsaalooke Appeals Court. In April 2017, the Apsaalooke Appeals Court issued a decision holding that the trial court did have jurisdiction over Big Horn Electric and remanded the case to the Crow Civil Court for further proceedings. Big Horn Electric then filed a complaint in federal district court in May 2017, asking the court to find that tribal court remedies had been exhausted and that the tribal court and judges lacked jurisdiction over the suit. NARF, representing the Apsaalooke Appeals Court judges and Crow Tribal Health Board members, filed a Motion to Dismiss for failure to exhaust tribal court remedies and lack of jurisdiction, but those motions were denied because the federal district court was of the view that exhaustion in this case had occurred. Pretrial conference was held December 2018.

FEDERAL RECOGNITION OF TRIBAL STATUS

NARF represents Indian communities who have survived intact as identifiable Indian tribes but are not federally recognized. Tribal existence does not depend on federal recognition, but recognition is necessary for a government-to-government relationship.

Little Shell Tribe of Chippewa Indians of Montana

NARF continues to represent the Little Shell Tribe of Chippewa Indians of Montana in its pursuit of federal recognition. More than 20 years ago, in 1997, the government placed the Little Shell Tribe's federal recognition petition on active review status. Since that time, the Tribe has endured through several about-face decisions by various Assistant Secretaries for Indian Affairs who found first in favor and then against recognition of the Tribe. In 2013, NARF urged the Secretary of the Interior to suspend consideration of the Final Determination pending revisions to the federal acknowledgement regulations. New rules for the federal acknowledgement process were published in July 2015. The Tribe is now proceeding under the new, substantially changed rules and continues to pursue legislative recognition. In September 2018, the House of Representatives passed HR 3764, which would recognize the tribe. The bill was sent to the Senate where it died with the end of the legislative session.



The Comodoro

Los Vegas, New Mexico

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to Pay in Advance

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Name

SATURDAY SEP 5 1925

Residence

Time

Room

L.C. Pockets

Santa Fe

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7

Mr. & Mrs. [unclear]

Beauty Hills Calif.

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Mr. & Mrs. [unclear]

Madrid N.M.

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Mr. & Mrs. [unclear]

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Mrs. [unclear]

Los Angeles

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John F. [unclear]

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Denver

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PROTECTING TRIBAL NATURAL RESOURCES

Throughout North America's colonization, Indian tribes experienced a diminishment of their land base to a mere 2.3 percent of its original size. Currently, there are approximately 55 million acres of Indian-controlled land in the continental United States and about 44 million acres of Native-owned land in Alaska. An adequate land base and control over natural resources are central components of economic self-sufficiency and self-determination and are vital to the existence of tribes. Thus, much of NARF's work involves *protecting tribal natural resources*.

INDIAN LANDS

Hualapai Tribe Fee to Trust Applications

NARF represents the Hualapai Indian Tribe of Arizona in preparing and submitting applications for the transfer into trust status of eight parcels of land owned in fee by the Tribe. Three of the parcels have been accepted into trust. Decisions on the other five parcels will be significantly delayed. In April 2017, the Acting Assistant Secretary of Indian Affairs withdrew authority from BIA Regional Directors to approve off-reservation fee-to-trust applications and placed that authority with the Assistant Secretary of Indian Affairs. The BIA issued proposed changes to the existing regulations in October 2017. In addition to tribal consultation meetings, the Tribe has submitted written comments on the proposed changes.

Herrera v. Wyoming

NARF represents the Crow Tribe as *amicus* in a case involving the State of Wyoming's citation of Clayvin Herrera, a Crow citizen, for illegally taking an elk in the Big Horn National Forest in Wyoming. Herrera asserts that the Fort Laramie Treaty of 1868 reserved to members of the Crow Tribe the right to hunt on unoccupied lands within the area ceded by the Tribe under that Treaty, including the Big Horn National Forest. The Wyoming courts declined to allow Herrera to assert any treaty-related defenses, citing cases which they asserted went against the Tribe's treaty rights. The Wyoming courts also declined to allow the Crow Tribe to file *amicus* briefs. Herrera petitioned to the US Supreme Court for review, which was granted. NARF filed a brief for the Crow Tribe as *amicus curiae*. The case will be argued in January 2019.

Akiachak Native Community, et al. v. Department of Interior, et al.

In 2006, the Akiachak Native Community, the Chilkoot Indian Association, the Chalkyitsik Village Council, and the Tuluksak Native Community IRA, represented by NARF, brought suit in the US District Court for the District of Columbia seeking judicial review of 25 CFR Part 151 as it pertains to federally recog-

nized tribes in Alaska. This federal regulation governs the procedures used by Indian tribes and individuals requesting the Secretary of the Interior to acquire title to land in trust on their behalf. At the time, the regulation barred the acquisition of land in trust in Alaska other than for the Metlakatla Indian Community or its members.

In March 2013, the court granted Plaintiffs complete relief on all of their claims—a major victory for Alaska tribes. The State of Alaska and the Interior Department (DOI) filed appeals to the US Court of Appeals for the DC Circuit. However, while the appeal was pending, DOI changed course. In December 2014, DOI published its final rule rescinding the “Alaska Exception.” On the State's appeal, DC Circuit ruled 2-1 in favor of the Tribal appellees.

Pursuant to the Court of Appeals' decision, DOI completed one trust land acquisition in Alaska in January 2017 with nearly a dozen more pending. However, in July 2018, the Trump Administration officially withdrew the Solicitor's opinion supporting land-into-trust for Alaska Tribes and announced the Department would undertake a wholesale review of whether to reinstate the “Alaska Exception” into the Part 151 regulations.

Since the announcement, NARF has represented clients at tribal consultations around Alaska, making clear Alaska tribes will tolerate nothing more than full reinstatement of the trust lands program in Alaska.

WATER RIGHTS

Establishing tribal water rights, especially in arid western states, is a major NARF priority. Indian tribes are entitled under federal law to sufficient water for present and future needs, with a priority date at least as early as the establishment of their reservations. These reserved water rights are superior to all water rights created after the tribal priority date. In most cases, such a date gives tribes senior water rights in the water-short west. Unfortunately, many tribes have not used their reserved water rights and most of these rights are adjudicated or unquantified. The major need is to define or quantify the amount of water to which each tribe is entitled.

Agua Caliente Band of Cahuilla Indians

NARF, with co-counsel, represents the Agua Caliente Band of Cahuilla Indians in a lawsuit filed in May 2013 in the US District Court for the Central District of California, asking the court (a) to declare the Tribe's water rights as the senior rights in the Coachella Valley, (b) to quantify these rights, and (c) to prevent



Coachella Valley Water District and Desert Water Agency from further injuring residents throughout the Valley by impairing the quantity and quality of water in the aquifer through the import of lesser quality water.

In March 2015, the court ruled largely in the Tribe's favor, holding that the Tribe has a reserved right to water and that groundwater is a water source available to fulfill that right. The water agencies appealed that decision and, in March 2017, the Ninth Circuit unanimously affirmed the lower court's ruling. The water districts petitioned the US Supreme Court for a *writ of certiorari*, but that petition was denied and the lower court's decision held.

With this "phase one" part of the trial put to rest, the parties are addressing what are called the "phase two" legal issues. Phase two will deal with the correct method for quantifying the Tribe's share, whether there is a right to water of a certain quality, and whether the Tribe owns the groundwater storage space under its reservation. Throughout 2018 the parties explored settlement options. However, the parties were very far apart on possible settlement positions, and the mediator suspended settlement talks. Therefore, briefing and discovery on Phase 2 issues is now occurring in the district court.

Palouse River Basin Adjudication - Nez Perce Tribe Water Rights
NARF represents the Nez Perce Tribe in its water rights claims in the Palouse River Basin Adjudication (PRBA). In October 2016, the Idaho Water Court issued a commencement order for the PRBA. An initial hearing was held on the PRBA in January 2017. NARF and the Tribe are working with the United States to examine the nature and scope of the Tribe's water rights claims in the Palouse watershed. Potential claims include those for instream flows for fish habitat in the mainstream Palouse, for springs, and for allotments on a small portion of the northwest corner of the Reservation. Tribal claims likely will be filed in December of 2019.

Klamath Basin Water Rights

Represented by NARF, the Klamath Tribes' water rights were recognized in the federal courts in *United States v. Adair* in 1983, but the courts left quantification of the Tribal water rights to the State of Oregon's general stream adjudication, the Klamath Basin Adjudication (KBA). Following conclusion of the 38-year-long administrative phase of the KBA, the Tribes were able to enforce their water rights for the first time during the 2013 irrigation season. The Oregon Water Resources Department's (OWRD's) Findings of Fact and Order of Determination (FFOD) issued in the KBA are now under review in the Klamath County Circuit Court. The court adopted a phased approach for the review.

In 2017 and 2018, the Klamath County Circuit Court resolved jurisdictional and other threshold legal issues as well as general procedural issues and threshold or cross-cutting issues not addressed in earlier sub-phases. Importantly, the court issued rulings limiting discovery and the introduction of new evidence, thus preventing a complete do-over of the administrative proceedings. However, the court ruled that a *de novo* standard of review will apply, in which the court will "look anew" at the determinations of OWRD in the FFOD and may give deference to OWRD's determinations.

Now the KBA is in Phase 3, which addresses the substantive exceptions filed to the individual water right claim determinations in the FFOD. Opening briefs for the first of three claim groups began in August 2018 and oral argument is scheduled for February 2019.

Related case *Baley v. US*: After sixteen years of litigation, the Court of Federal Claims resoundingly re-affirmed the superiority of the senior water rights of the Klamath Tribes and downriver Klamath Basin tribes over other water interests in the Klamath Basin. Though the Tribes were not parties to the case, NARF filed several *amicus* briefs on their behalf. In December 2017, the irrigators filed an appeal to the US Court of Appeals for the Federal Circuit. Briefing was held throughout 2018 and NARF filed an *amicus* brief on behalf of the Klamath Tribes in September 2018.

Tule River Tribe

After almost 30 years of advocacy, the Tule River Indian Tribe, represented by NARF, successfully settled its water rights in November 2007. The settlement agreement secured a domestic, municipal, industrial, and commercial water supply for the Tribe. The Tribe now seeks federal legislation to ratify the agreement and authorize appropriations to develop the water rights through the creation of water infrastructure and reservoirs on the Tule River Reservation.

The Tribe's team assisted the federal team in developing an appraisal of several alternatives. The federal team promised to be done with the study by November 2015 so that the Tribe could proceed to negotiate an appropriate settlement to present to Congress. In December 2016 the federal team delivered its report to the Tribe. The Tribe and its team performed a detailed analysis and critique of the report and met with Interior Department officials in March 2018 to brief them and bring them up to speed on negotiation developments.



Kickapoo Tribe in Kansas

In recent decades, according to the Environmental Protection Agency, the water supply for the Kickapoo Reservation has at times been in violation of the Safe Drinking Water Act of 1974. Consequently, the Kickapoo people fear they are unable to safely drink, bathe, or cook with tap water. There also is not enough water on the reservation to provide basic municipal services to the community-the Tribe is not able to provide local schools with reliable, safe running water, and the fire department cannot provide adequate fire protection. In June 2006, the

Kickapoo Tribe in Kansas, represented by NARF, filed a federal court lawsuit in an effort to enforce express promises made to the Tribe to build a Reservoir Project, the most cost effective and reliable means to improve the water supply. The Nemaha Brown Watershed Joint Board #7, the Natural Resources Conservation Service of the US Department of Agriculture, and the State of Kansas made promises to the Tribe over two decades ago. Since that time, these parties have been actively developing the water resources, resulting in the near depletion of the Tribe's senior federal water rights. The federal government, the state, and the local watershed district all concede the existence of the Tribe's senior Indian reserved water rights; the real issue is the amount of water needed to satisfy the Tribe's rights, and the source of that water.

In September 2016, the Tribe and the state executed a comprehensive settlement agreement that includes as its centerpiece a negotiated water right for the Tribe, as well as all of the details for the administration of the Tribe's right in the Delaware River watershed. The Tribe and NARF developed legislation in consultation with the Kansas congressional delegation to approve the water right negotiated with the state. In November 2017, Kansas Senator Moran introduced S 2154, Kickapoo Tribe in Kansas Water Rights Settlement Agreement Act, which was referred to the Senate Indian Affairs Committee. A hearing was held in July 2018 before the Committee, and the bill was favorably reported out of committee in September 2018. The bill was very favorably scored by the Congressional Budget Office. A companion bill, HR 7034, was introduced by Congresswoman

Jenkins in the House in October 2018 and referred to the House Committees on Natural Resources and Agriculture. Neither bill was enacted into law at the end of the 115th Congress. The Tribe will work with the State and the Kansas congressional delegation to re-introduce the bill early in 2019.

Pauma Band of Luiseno Indians

The Pauma Band of Luiseno Indians is one of the five tribes party to the San Luis Rey Water Rights Settlement. The San Luis Rey Tribes' water rights were initially addressed by a Congress-

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sionally-approved settlement act in 1988. However, for a wide variety of reasons, the settlement was unenforceable and did not address the needs of the tribes. In 2016, a bill amending the original settlement act was passed by Congress, and the San Luis Rey Water Rights Settlement is now in its implementation stage. NARF represents the Pauma Band in the implementation, which includes allocation of water and funding as well as examining groundwater management strategies.

HUNTING AND FISHING RIGHTS

Tribal rights to hunt and fish are grounded in tribal sovereignty and affirmed in many treaties and agreements. As with water, the overall demand for game and fish today often exceeds the supply. In contrast, subsistence is the sustainable Native philosophy of taking only what you need. NARF has defended tribal hunting, fishing, and subsistence rights in a variety of cases, most recently focused in Alaska. There often are no roads or stores in rural Alaska, and so no other group of people in the

United States continues to be as intimately connected to the land and water and as dependent upon its vast natural resources as Alaska's indigenous peoples.

Organized Village of Saxman IRA Council Rural Determination Status

The Alaska National Interest Lands Conservation Act (ANILCA) of 1980 provides a subsistence harvest priority to Alaska's rural residents. However, it does not define who qualifies as rural. Saxman village is a coastal community of approximately 400 residents, most of whom are Alaska Native. In 2007, the Federal Subsistence Board (FSB) promulgated a final rule that revoked Saxman's rural community status. The FSB reasoned that Saxman's close proximity to the town of Ketchikan—they are connected by a two-mile long road—justified aggregating the two communities as one non-rural community. NARF assisted the tribe as it sought to reinstate its rural status.

In May 2015, legislation to reinstate Saxman as a rural community was introduced and soon thereafter the FSB adopted the proposed administrative rule favoring Saxman's rural status. NARF continues to work with the Tribe on issues surrounding the FSB and federal subsistence management program, including future policy issues surrounding rural community status.

Bering Sea Elders Group

The Bering Sea Elders Group (BSEG) is an alliance of thirty-nine Yup'ik and Inupiaq villages that seeks to protect the sensitive ecosystem of the Bering Sea, as well as the subsistence lifestyle and the communities that depend on it. NARF has designed a comprehensive plan to help this group of Alaska Native villages in their efforts to protect the area and become more engaged in its management.

In December 2016, NARF's work with BSEG resulted in President Barack Obama signing an historic Executive Order creating the Northern Bering Sea Climate Resilience Area. However, in April 2017, President Trump signed an executive order called "Implementing an America-First Offshore Energy Strategy." While the order was aimed at re-opening Arctic and Atlantic areas for offshore drilling, it also entirely revoked Executive Order 13754. This reversal occurred without notice and despite all indications that the suite of northern Bering Sea protections—including the focus on the role of Tribes in future decisions—were not in danger. BSEG responded immediately in the media, determined to restore the important conservation, economic, and cultural provisions. BSEG Elders passed a resolution calling for the reinstatement of the Executive Order and its protections. BSEG and allies are working with federal representatives to restore the provisions.

Finally, NARF is working with BSEG in its ongoing negotiations with the bottom trawl industry. These negotiations resulted in the creation of a working group, which is a co-management body with equal representation between the bottom trawl industry and Native villages that are close to the industry's primary fishing grounds.

Pebble Mine

Alaska's Bristol Bay region is home to the largest wild salmon runs in the world. It is also home to the Yup'ik, Dena'ina, and Alutiiq peoples who depend on sustainable salmon runs for their subsistence. In 2013, NARF helped create the United Tribes of Bristol Bay (UTBB), a consortium of tribes in the region. UTBB was formed for tribes to directly address regional large-scale mining proposals threatening salmon-rearing streams. Exercising its delegated governmental authority, with

NARF as counsel, UTBB has engaged the federal government in direct government-to-government consultation on large scale mining in Bristol Bay like the proposed Pebble Mine.

The proposed Pebble Mine would sit on the headwaters of the largest salmon-producing river in Bristol Bay. In February 2014, EPA gave notice that it would initiate a Clean Water Act 404(c) process for the proposed mine. Section 404(c) authorizes EPA to prohibit or restrict the discharge of material in waters when it determines that such disposal would have an unacceptable adverse impact on various resources, including fisheries, wildlife, municipal water supplies, or recreational areas. As soon as the EPA announced that it would study the Pebble Mine, the State of Alaska requested a stay to allow the developer to submit a permit under the National Environmental Policy Act (NEPA) process. EPA granted the state and the Corp of Engineers an extension to respond to the notification of 404(c) process. The stay ended in April 2013, and Pebble Limited Partnership (PLP) filed suit in May challenging the EPA's review process. The district court and the US Court of Appeals both dismissed the case.

So, in September 2014, PLP filed another complaint against EPA. The court granted the preliminary injunction, thereby halting EPA's work on the 404(c) process in Bristol Bay. As the case continued, the judge issued a broad order quashing PLP's subpoenas, finding that they pushed federal discovery rules to their very limits. After the order, PLP withdrew its remaining subpoenas, but PLP began serving narrower subpoenas, which also were quashed. In the last days of 2016, the parties requested a stay of the proceedings in order to negotiate a settlement of the case.

In May 2017, the parties reached a total settlement of the litigation. Key terms of the settlement include: (1) dismissing all Pebble's pending lawsuits against the EPA; (2) EPA's agreeing to propose to withdraw the proposed Section 404(c) determination; (3) EPA's agreeing it will not move to finalize any Section 404(c) action until 48 months from the date of the settlement or until the US Army Corps of Engineers issues its final environmental impact statement, whichever comes first.

PLP filed its federal permit application in December 2017, thereby beginning the NEPA review process. NARF and UTBB continue to work to protect Bristol Bay throughout the federal and state permitting process surrounding the Pebble Mine.

John Sturgeon v. Sue Masica et al.

In *John Sturgeon v. Sue Masica et al.*, federal courts upheld the

In October 2017, the Ninth Circuit Court of Appeals upheld for the second time the right of the Park Service to prohibit the use of a hovercraft on the Nation River. In reaching its ruling, the Court relied upon and reaffirmed all three of the Court of Appeals' prior *Katie John* decisions. In January 2018, Mr. Sturgeon again sought Supreme Court review. The Court accepted the case. The case has been fully briefed by the parties and the Court held oral argument in November 2018.



Avis Charlay

Regardless of the closed permitting process, NARF helped NVT nominate the entire Ch'u'itnu watershed for inclusion on the National Register of Historic Places as a Traditional Cultural Landscape. The designation would recognize the profound importance the Ch'u'itnu watershed has played in shaping and sustaining NVT's peoples' culture, traditions, identity, and subsistence lifestyle and ensure that impacts to Tubughna cultural, traditional, and subsistence practices are taken into consideration during future consultation processes for projects within the Ch'u'itnu.

In April 2018, the Alaska Historical Commission voted 6-2 that the Ch'u'itnu Historic District, Traditional Cultural Property was eligible for listing on the National Register and recommended that the State Historic Preservation Officer (SHPO) approve the nomination. The SHPO rejected the Commission's recommendation, but nevertheless sent the nomination to the Keeper of the National Register for final determination. NVT and NARF are working with the Keeper's staff to ensure that the nomination is adequately documented before it is listed.

Arctic National Wildlife Refuge

The Arctic National Wildlife Refuge's Coastal Plain is home to the calving grounds of the Porcupine Caribou Herd—one of the largest wild herds in the world—and of great cultural importance to the Gwich'in Tribes of Alaska, who refer to the area as Iizhik Gwats'an Gwandaii Goodlit (the sacred place where life begins). Since 1980, when the Coastal Plain was first considered for development, the Gwich'in Tribes have worked tirelessly to protect the Refuge and the caribou. NARF represents the Native Village of Venetie Tribal Government, Venetie Village Council, and Arctic Village Council, three federally recognized Gwich'in tribes, and advises them on their rights and strategic options surrounding proposed development of the Coastal Plain.

In 2017, Congress enacted tax reform legislation that contained a provision opening the Arctic National Wildlife Refuge's Coastal Plain to oil and gas development. The Bureau of Land Management (BLM) began the environmental review process to open the Coastal Plain to oil and gas leasing.

NARF is working with tribal clients during the review processes required by the National Environmental Policy Act and the National Historic Preservation Act. This involvement means that the tribes have been at the decision-making table from the outset, influencing the scope and direction of the processes, rather than being just spectators. However, in

December 2018, the BLM published its draft environmental impact statement without any prior notice to the tribes despite months of government-to-government meetings. The draft EIS is based on pre-existing data and research from other regions in Alaska that brushes aside the effects on subsistence and cultural resources.

ENVIRONMENTAL PROTECTION

NCAI Climate Change Matters

The effects of climate change on indigenous peoples throughout the world are acute and will only get worse. NARF represents the National Congress of American Indians (NCAI) on climate change matters at the international level through the United Nations Framework Convention on Climate Change (UNFCCC). NARF and NCAI are ensuring that indigenous rights are protected in any international treaty or agreement governing greenhouse gas emissions reductions.

In December 2015, the Paris Agreement, the first universally binding accord on climate change, was adopted under the UNFCCC. The International Indigenous Peoples Forum on Climate Change (indigenous caucus), which NARF participates in, did not achieve all that it sought, but it achieved significant references that can be built on going forward. The Agreement states that, when taking action on climate change, the rights of indigenous peoples must be acknowledged and that traditional, indigenous knowledge shall help guide the science used to address climate change. It also recognizes the need to strengthen that knowledge and establishes a platform for the sharing of information and best practices. Since the Paris Agreement, the indigenous caucus has made efforts to make the traditional knowledge platform a reality.

In December 2018, a historic step forward was taken at the 24th Conference of the Parties (COP 24) when they established a Facilitative Working Group to develop a work plan for the platform. The working group will have fourteen representatives: seven country representatives and seven indigenous representatives appointed by indigenous peoples. This representation of indigenous peoples is unprecedented, marking the first time that indigenous representatives (chosen by indigenous peoples) will participate on an equal basis with states within a United Nations body.

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PROMOTING HUMAN RIGHTS

Under the priority of the *promoting human rights*, NARF concentrates on enforcing laws regarding equal protection and freedom from discrimination in areas such as voting, education, incarceration, and religion. NARF also helps develop laws that provide unique protections for Native collective rights, traditions, culture, and property such as sacred places, peyote, eagle feathers, burial remains, and funerary objects.

RELIGIOUS FREEDOM AND SACRED PLACES

Bears Ears

For several years, the Bears Ears Inter Tribal Coalition, a consortium of five sovereign Indian nations (Hopi Tribe, Navajo Nation, Ute Indian Tribe, Ute Mountain Ute Tribe, and Pueblo of Zuni) worked to protect the Bears Ears region, America's most significant unprotected cultural landscape. The Bears Ears region, located in Utah, contains at least 100,000 archaeological sites, some dated back to 12,000 BCE, and remains critical to many tribes today for spiritual as well as hunting and gathering purposes. In response to these efforts, in December 2016, President Obama designated the Bears Ears National Monument and established the Bears Ears Commission "to provide guidance and recommendations on the development and implementation of management plans and on management of the monument." The Commission included one elected officer each from the Hopi Nation, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe, and Pueblo of Zuni.

In April 2017, President Trump directed the Department of the Interior to review the Bears Ears National Monument to determine if it was created without "public outreach and proper coordination." The suggestion that the monument's designation lacked outreach and coordination is disingenuous. The Bears Ears National Monument was created after years of advocacy and many public meetings in the Bears Ears region and in Washington, DC. The effort to protect Bears Ears was very long, very public, and very robust.

Despite an outpouring of public support for Bears Ears, in December 2017, President Trump issued an Executive Order revoking and replacing the Bears Ears National Monument. Representing the Hopi, Zuni, and Ute Mountain Ute Tribes, NARF sued the Administration for violations of the Antiquities Act, the Separation of Powers, the Property Clause and the Administrative Procedures Act. The case was assigned to a judge in the federal court in the District of Columbia. In September 2018, the DC District Court denied the government's motion to transfer to Utah, so the case will be litigated in DC. The government immediately filed a motion to dismiss and

NARF responded on behalf of the Hopi, Zuni, and Ute Mountain Ute Tribes. However, the real issue is that President Trump does not have the authority to do what he did. Only Congress has the power to extinguish monuments once established.

Keystone XL Pipeline

The TransCanada Keystone XL Pipeline is a massive oil pipeline intended to link the oil producers in Canada with the refiners and export terminals on the Gulf Coast. It stretches 1,179 miles and crosses or comes very close to the boundaries of many reservations and tribal land holdings, including the *Oceti Sacowin* or Great Sioux Nation lands from before the Fort Laramie Treaty of 1868. It also crosses many rivers and the Ogallala Aquifer, which provides water to South Dakota, Nebraska, and others. Moreover, the proposed pipeline route crosses over sacred Sioux land and an undetermined number of cultural sites and burials. Despite these realities, no consultation has occurred between the federal government and the tribes affected. President Obama rejected the permit required for the Canada-US boundary crossing in 2015, but the Trump Administration reversed course and granted the necessary permit, reviving a project that many thought dead. A lawsuit was filed on behalf of the Rosebud Sioux Tribe and the Fort Belknap Indian Community in August 2018, opposing the pipeline and any intrusion onto sacred tribal and treaty lands, as well as any environmental damage to the water supply.

Northern Arizona Withdrawal

In 2012, an action known as the Northern Arizona Withdrawal removed over a million acres of land around the Grand Canyon from any new uranium mining claims. Several mining companies and individuals challenged the Withdrawal on many grounds, including that the withdrawal violated the Establishment Clause of the US Constitution because it relied on American Indian spiritual beliefs and constituted an impermissible establishment of religion. NARF, representing the Indian Peaks Band of Paiute Indians, the San Juan Southern Paiute Tribe, and the Morningstar Institute, filed an *amicus* brief in *Yount v. Jewell*. The court upheld the Northern Arizona Withdrawal.

The mining companies appealed this decision to the US Court of Appeals for the Ninth Circuit. NARF, representing the Paiute Indian Tribe of Utah, San Juan Southern Paiute Tribe, Kaibab Band of Paiute Indians, Hualapai Tribe of the Hualapai Reservation, Northwestern Band of the Shoshone Nation, the Morning Star Institute, and the National Congress of American Indians, again filed an *amicus* brief. In December 2017, the Ninth Circuit affirmed the district court's opinion upholding

the Northern Arizona Withdrawal. In March 2018, one of the mining companies filed a *certiorari* petition with the US Supreme Court. The Supreme Court declined to hear the matter. This is a great victory that will prevent future mining claims for the time being.

Southern Utah Wilderness Alliance, et al. v. Schneider

In May 2015, environmentalists and historic preservation advocates secured a victory when a Utah federal district court ordered the Bureau of Land Management (BLM) to conduct on-the-ground surveys to identify cultural artifacts in need of protection on more than 4,000 miles of dirt roads and trails where BLM permits off-road vehicles to be driven. BLM appealed that decision in the US Court of Appeals for the Tenth Circuit. NARF, representing the Paiute Indian Tribe of Utah, Indian Peaks Band of Paiutes, the Southern Ute Indian Tribe, and the Morning Star Institute, filed an *amicus* brief requesting that the surveys be conducted. A settlement agreement was executed in January 2017. The settlement terms include requirements for new travel planning on thirteen different areas under federal management, including additional and more intensive cultural resource surveys and inventories, as well as other provisions related to wilderness areas, updated oil and gas guidance and modeling efforts, and vacating the district court opinion. NARF continues to monitor the progress of the case and the viability of the settlement.

Solonex v. Jewell

NARF represented the Blackfeet Tribe as *amicus curiae* in the federal district court case, *Solonex v. Jewell*. Solonex LLC challenged the authority of the United States to cancel its oil and gas lease in areas that would threaten the Tribe's sacred sites. In 2017 and 2018, the parties completed briefing and oral arguments on motions for summary judgment and in September 2018, the judge entered summary judgement in favor of Solonex, concluding that the lease cancelation was "arbitrary and capricious" because more than 30 years of indecision by the agency constituted an unreasonable delay. The judge also concluded that Department of the Interior did not give Solonex appropriate notice that it was canceling the lease, which violated a duty to act in good faith. At this time, it is not known whether the United States intends to appeal the decision.

Standing Rock Sioux Tribe v. Army Corp of Engineers - Amicus Brief Strategy

NARF and the National Congress of American Indians (NCAI) are assisting the Standing Rock Sioux Tribe and their attorneys to develop and coordinate an effective *amicus* brief strategy in their lawsuit against the US Army Corps of Engineers in rela-

tion to the Dakota Access Pipeline (DAPL). In December 2016, the Army Corps of Engineers issued a statement that it would not grant an easement to allow the Dakota Access Pipeline to cross under Lake Oahe. The Corps determined that further environmental review was warranted. However, in January 2017, President Trump directed the Corps to take "any and all actions appropriate" to review and approve the easement, rescind or modify the December memo, and consider any prior determinations in the matter.

In February 2017, the Department of Justice informed the court that the Corps had provided notice of its intention to grant an easement to Dakota Access, LLC, to construct a pipeline under Lake Oahe. Both Standing Rock Sioux Tribe and Cheyenne River Sioux Tribe filed amended complaints and motions for summary judgment challenging the issuance of the easement. NARF, in conjunction with NCAI, coordinated an *amicus* brief strategy in support of the Tribes' motions for summary judgment.

In June 2017, the court issued a favorable ruling for the Tribes, finding that the Corps "did not adequately consider the impacts of an oil spill on fishing rights, hunting rights, or environmental justice, or the degree to which the pipeline's effects are likely to be highly controversial." In February and March 2018, the Cheyenne River Sioux Tribe and Standing Rock Sioux Tribe requested that the court issue clearer guidelines for the Corps' consultation with the Tribes in the remand process, asserting that the Corps has been unresponsive to requests for information and otherwise not meaningfully engaged with the Tribes in developing an oil spill response plan. In April 2018, Dakota Access filed its oil spill response plan, after which the court denied the Tribes' request for clarification and consultation guidelines, ruling that the request was mooted by the filing of the oil spill response plan.

In August 2018, the Corps issued a decision affirming its original decision to issue a construction permit for DAPL. The Corps concluded that the "... review on remand did not reveal 'significant new circumstance[s] or information relevant to environmental concerns.' The court ordered proposals for post-remand proceedings. NARF and NCAI continue to work with the Tribes' attorneys and coordinate *amicus* strategy as requested.

Native American Church of North America

NARF has represented the Native American Church of North America (NACNA) and its member chapters for four decades in litigation and legislative action. For the past two years,



NARF has worked to develop and support access to and the use of peyote for NACNA. Importing from Mexico, where most naturally occurring peyote grows, is presently not legal, and artificial cultivation is difficult and extraordinarily expensive, so North American peyotists depend on the only region where peyote abundance occurs in the United States, the Rio Grande River Valley in south Texas. That supply of peyote is becoming less sustainable due to a myriad of factors: growing Indian demand; exploitation and commercialization by non-Indian people; damage from land use practices including cattle ranching; and damage from incorrect harvesting practices and over-harvesting of the peyote cactus.

For the last few years, the Peyote Research Project has focused on raising awareness in Texas of the need to protect the sacrament. NARF and NACNA representatives have held many meetings with landowners, peyoteros, and botanists to develop relationships. A meeting with Texas Department of Public Safety officials was held in January 2018 to brief them on the Project.

In 2017, NARF closed on the purchase of 605 acres of south Texas land, made possible by a grant from the RiverStyx Foundation of California. Currently, NARF, with Native American Church representatives and the philanthropy community, is creating a nonprofit organization to hold title to the land and put a peyote conservation project in place.

INDIAN EDUCATION

Boarding School Healing Project

During the 19th and into the 20th century, pursuant to federal policy, Native American children were forcibly abducted from their homes to attend Christian and government-run boarding schools. The purpose was to "civilize" the Indian and to stamp out Native culture. There has been scant recognition and no acceptance of responsibility by the US federal government that initiated and carried out this policy of cultural genocide. Unlike in other countries (e.g. Canada, Australia), there has been no official US proposal for healing or reconciliation.

NARF represents the Native American Boarding School Healing Coalition in seeking appropriate acknowledgment by the United States and major Christian denominations of their roles in establishing and implementing the boarding school policy of cultural genocide. The Coalition provides education and outreach in Indian Country, churches and the non-Indian public, Congress, and international venues.

Tribal Education Departments

National Assembly

NARF founded the Tribal Education Departments National Assembly (TEDNA) almost fifteen years ago with funding from the US Department of Education to start a national membership organization for Tribal Education Departments (or Agencies). With NARF's assistance, TEDNA has become a leading Indian education organization that focuses on tribal governance over K-12 education provided by state, federal, and tribal schools. NARF continues to represent TEDNA on national legislative and administrative matters. Recently, NARF has reviewed tribal education codes to identify areas for increased tribal governance. NARF also provides training for TEDNA and its partners on various national, state, and tribal education legislation and other legal matters.

McCoy v. Salish Kootenai College

NARF represents the American Indian Higher Education Consortium (AIHEC) as *amicus curiae* in this case brought against a tribal college by a former employee of the college alleging that he was discriminated against by the college in violation of Title VII of the Civil Rights Act. The college has moved to dismiss on the ground that the Confederated Salish and Kootenai Tribes have sovereign immunity and the college is an arm of the Tribes. AIHEC sought to participate on behalf of its 36 member tribal colleges and universities. In April 2018, over the employee's opposition, the court granted AIHEC's motion to file its *amicus* brief. The court heard oral argument on the college's

dismissal motion in August 2018. The court granted the tribal college's motion to dismiss, but the individual has appealed to the US Court of Appeals for the Ninth Circuit.

Rosebud Sioux Tribal Education Code Revision Project

In 1987 NARF accepted the request of the Rosebud Sioux Tribe to develop a precedent-setting tribal education code to regulate all K-12 schools on its reservation. The Rosebud Sioux Tribe adopted its Education Code in 1991. In 2015, the Rosebud Sioux Tribe received a grant from the Department of the Interior to revise its 25-year-old Education Code. The Tribe retained NARF to do this revision; work on the revision is ongoing.

Leech Lake Band of Ojibwe Education Code

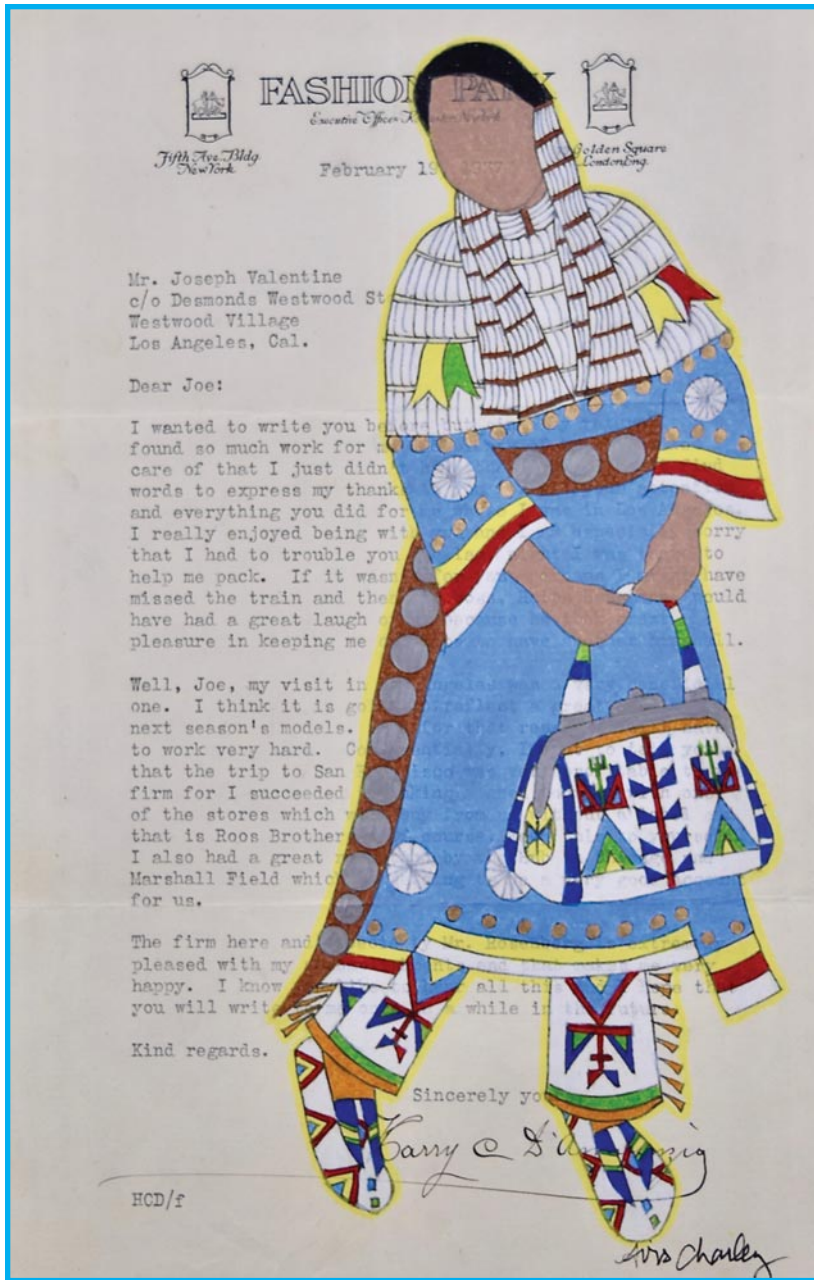
NARF represents the Leech Lake Band of Ojibwe in drafting a comprehensive education code. NARF met with the Leech Lake Education Director, the Tribal Council, and in-house legal staff in early October, and is proceeding with developing the code and gathering input from stakeholders on the Reservation.

INDIAN CHILD WELFARE ACT DEFENSE

The Indian Child Welfare Act (ICWA) was passed by the US Congress in 1978 in response to the disproportionate numbers of American Indian and Alaska Native children being removed from their families by state agencies and state courts and placed in non-Native foster or adoptive homes or residential institutions. Congress found that many of these removals and placements were due to state officials' inability or unwillingness to understand tribal cultures and societies. The impact of the removals and placements was extremely detrimental to the children, their families, and tribes.

In 2016, the Bureau of Indian Affairs (BIA) issued regulations and guidelines for the implementation of ICWA. The past several years have seen a dramatic increase in the number of legal challenges brought by opponents of ICWA, all with the goal of undermining ICWA and tribal sovereignty. The ICWA Defense Project is a partnership formed to protect the rights of children, families, and tribes in ICWA proceedings nationwide.

Most recently, in October 2018, in the case *Brackeen v. Zinke* (in the US District Court for the Northern District of Texas) the judge ruled that both ICWA and the 2016 ICWA regulations are unconstitutional. The arguments Judge O'Connor relied upon to hold ICWA and the regulations unconstitutional are contrary to the Constitution, congressional intent, and decades of well-established federal Indian law. NARF is working closely with



our partners and the tribal defendants to coordinate *amicus* briefs and is committed to ensuring that this decision is reversed.

Finally, NARF has been heavily involved in recent efforts in Alaska to transfer more control over the state's child welfare system to tribes through a compacting process. Initial negotiations took place over the course of 2017, and the Alaska Tribal Child Welfare Compact was signed in October 2017. This compact al-

lows tribes to enter into an agreement with the State to provide services and/or perform functions that are currently provided by the Alaska Office of Children's Services. In 2018, the tribes negotiated additional services for the coming fiscal year.

VOTING AND CIVIL RIGHTS

Brakebill, et al. v. Jaeger

In 2016, NARF, on behalf of seven Native Americans from North Dakota fought the state's voter ID law, which disproportionately prevented Native Americans from exercising their right to vote. Judge Daniel L. Hovland of the US District Court for the District of North Dakota found "[i]t is undisputed that the more severe conditions in which Native Americans live translates to disproportionate burdens when it comes to complying with the new voter ID laws." Judge Hovland, therefore, held the law likely violated the US Constitution because it disproportionately kept Native Americans from voting. He required the state to provide a fail-safe mechanism for those without IDs in the 2016 general election. Judge Hovland wrote, "... it is clear that a safety net is needed for those voters who simply cannot obtain a qualifying voter ID with reasonable effort."

The state legislature amended the law in 2017, but still failed to include meaningful protections for voters' rights. In December 2017, Plaintiffs filed an amended complaint alleging the new law violated the Voting Rights Act and the US and North Dakota Constitutions because of the disproportionate impacts on Native Americans. Plaintiffs also alleged that the law's intent was to burden Native American voters in order to suppress their vote and that the new law

constitutes an illegal property requirement to vote. In April 2018, the court stopped enforcement of the new voter ID law. The court ordered the state to accept a much broader swath of IDs for voting purposes and put a significant amount of power back under tribal control. The state appealed to the US Court of Appeals for the Eighth Circuit. In late September, after absentee voting had begun, the Eighth Circuit changed the rules of the election and permitted the state to use residential street

addresses even though Native communities in the state often lack them. The Supreme Court upheld that decision. The Eighth Circuit is now considering the merits of the appeal.

Native American Voting Rights Coalition

In 2015, NARF founded the Native American Voting Rights Coalition (NAVRC), a non-partisan alliance of organizations, scholars, and activists advocating for equal access for Native Americans to the political process. NARF developed the project to coordinate efforts at overcoming the barriers Native Americans face in registering to vote, casting their ballot, and having an equal voice in elections. NAVRC employs three primary methods to achieve its goal. It educates the public about the unique challenges Native voters face. It works with policy makers and election officials to address those challenges. And, when necessary, NAVRC members may pursue other legal avenues, including litigation, to stop practices that have a discriminatory purpose or effect on Native voters.

One of the significant achievements of the Coalition so far is the completion of a thirty-tribe survey of over 5,000 voters in Nevada, Arizona, New Mexico, and South Dakota. The results documented widespread discrimination and disenfranchisement. The final survey was released in January 2018. Subsequently, the Coalition completed its second ambitious project: to conduct field hearings throughout Indian Country to document barriers to registration and voting in non-tribal elections. Information from the hearings will help promote public education, identify policy solutions, and consideration of other legal remedies to expand Native access to voting. Results from the field hearings are forthcoming.

The NAVRC, led by NARF, developed a detailed strategic plan for both the 2018 and 2020 elections and is working on funding and meeting its many objectives.

Smith v. State

For decades, the Alaska Court System has excluded the residents of over 150 rural villages from being called for jury service. The courts claim that it's too expensive to include rural

residents; however, the exclusion of rural residents disenfranchises communities with lower incomes and that are predominately Alaska Native. Not including those communities in the jury pool results in thirty percent of Alaska Natives being excluded from participating in the justice system. It affects perceptions of the justice system-when excluded from jury service, then one only encounters the courts as a victim,



witness, or defendant. And, it results in unrepresentative juries and likely disproportionate sentences.

In February 2017, NARF filed an *amicus* brief before the Alaska Court of Appeals in support of Appellant Smith's arguments that costs savings alone are not a sufficient government interest, under an equal protection and due process analysis, to exclude thirty percent of the Alaska Native community from serving on juries. Briefing has been completed and oral argument was held May 2018.

INTERNATIONAL RECOGNITION OF INDIGENOUS PEOPLES

United Nations Declaration on the Rights of Indigenous Peoples

Since 1999, NARF has represented the National Congress of American Indians (NCAI) in the international arena to protect indigenous rights. In September 2007, the United Nations General Assembly overwhelmingly adopted the Declaration on the Rights of Indigenous Peoples (Declaration). The Declaration recognizes that indigenous peoples have important collective human rights in a multitude of areas, including self-determination, spirituality, cultural and linguistic heritage, and lands, territories and natural resources. It sets minimum standards for the treatment of indigenous peoples and can serve as the basis for the development of customary international law.

NARF's most recent actions on behalf of the NCAI have focused on the participation of indigenous institutions at the United Nations (UN). Until now, indigenous peoples have had to appear in most UN bodies as non-governmental organizations, which is precisely what they are not. Indigenous peoples' representatives from around the world, including one from NCAI, met in November 2016 to discuss areas of consensus. Informal consultations with member states began in December 2016 and continued through July 2017. This series of consultations concluded without any real movement on the issue, but the UN General Assembly committed, in September 2017, to continue to consider the issue for the next five sessions, and directed that additional regional consultations take place and that a report be compiled. A compilation of submissions by Indigenous Peoples and member states can be found at www.un.org/development/desa/indigenouspeoples/reports-by-members-of-the-permanent-forum.html.

Organization of American States Draft Declaration on the Rights of Indigenous Peoples

The Organization of American States (OAS) has been working on an American Declaration on the Rights of Indigenous

Peoples for over twenty-five years. NARF has been representing NCAI on this matter. The General Assembly of the OAS approved the American Declaration on the Rights of Indigenous Peoples in June 2016. This Declaration marks a major victory for indigenous peoples. The American Declaration goes beyond the United Nations Declaration on the Rights of Indigenous Peoples in several respects including addressing treaties, the rights of children, and the rights of peoples in voluntary isolation. The United States commented it had been a persistent objector to the text and could not be bound by it. NARF attended the first Inter-American week for Indigenous People August 6-10, 2018 in Washington, DC.

World Intellectual Property Organization

NARF represents NCAI in the ongoing negotiations for an international instrument to protect various intellectual property, including Traditional Knowledge, Genetic Resources and Associated Traditional Knowledge (GRAATK), and Traditional Cultural Expressions (TCE). The United States has been participating in these negotiations at the World Intellectual Property Organization (WIPO) since 2000. Since 2009, the negotiations have centered on the draft text of the three potential instruments concerning TK, GRAATK, and TCE.

In May 2017, NARF and the University of Colorado (CU) Law School hosted a drafting session on the TCE instrument. NARF took a draft of new TCE provisions to the 34th WIPO session in June 2017. The WIPO Indigenous Caucus approved the draft and some of the text from it was introduced into the WIPO draft TCE instrument. In 2017, the new WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) mandate and work plan were approved by the WIPO General Assembly.

Building on that experience, NARF and CU Law School hosted another major drafting session in May 2018 focusing on the GRAATK instrument. Once again, the draft text that was made available to and approved by the Indigenous Caucus, thus strengthening the Caucus' ability to participate effectively in negotiations. In June 2018, NARF served as a speaker on the IGC Indigenous Panel on the topic of "Practical Measures Relating to Intellectual Property and Genetic Resources: Databases and Contracts - Indigenous Peoples' and Local Communities' Perspectives."

HOLDING GOVERNMENTS ACCOUNTABLE

Within the unique trust relationship between the United States and Native nations is the inherent duty for all levels of government to recognize and responsibly enforce the many laws and regulations applicable to Native peoples. Because such laws impact virtually every aspect of tribal life, NARF is committed to *holding governments accountable* to Native Americans.

TRUST FUND MATTERS

Pembina Chippewa v. United States

NARF represents the Turtle Mountain Chippewa, Chippewa Cree, White Earth Band of Minnesota Chippewa, and Little Shell Chippewa Tribes in this case against the federal government for misaccounting and mismanagement of their tribal trust fund, the Pembina Judgment Fund. Starting in August 2007, the parties engaged in alternative dispute resolution proceedings in the Court of Federal Claims. In July 2015, the parties reached agreement on a monetary amount for a potential settlement of the Plaintiffs' claims in this case. In March 2018, the parties reached agreement on the non-monetary components of a potential settlement. The parties are now proceeding to seek their formal approvals of the settlement.

Muscogee (Creek) Nation v. Zinke

In January 2014, the Muscogee Creek Nation retained NARF to represent it in its pending action in federal district court for an historical accounting of its trust funds and assets. NARF reviewed the Nation's trust account data provided by the government and assisted the Nation in its settlement negotiations with the government. In August 2016, the final settlement agreement was filed with and approved by the Court. The Joint Stipulation of Dismissal was filed in September 2016 and is awaiting approval by the Court.

Intertribal Council of Arizona v. United States

In April 2015, NARF filed on behalf of the Intertribal Council of Arizona (ITCA) a breach of trust case against the United States seeking damages for mismanagement of the Arizona Intertribal Trust Fund (AITF). The AITF was established by Congress in 1988 to compensate Arizona tribes for the closure of the Phoenix Indian School, an off-reservation boarding school operated by the Bureau of Indian Affairs since 1891. The school's closure allowed the Department of the Interior to exchange the land on which the school had been located for privately owned lands of the Barron Collier Company in Florida that would become part of a national wildlife refuge. The Phoenix lands were more valuable than the Florida lands, and Congress approved the land exchange only if the difference in value of the properties went to the AITF and a trust

fund for the Navajo Nation. Collier paid some, but not all, of the property value and then gave notice that they would no longer make payments. The lawsuit seeks to hold the United States liable for the remaining payments into the AITF. After failed negotiation efforts, ITCA filed its Second Amendment Complaint in April 2018, which the United States moved to dismiss. The court heard oral argument on the motion in October 2018 and granted virtually the entire motion, dismissing all but a portion of one of ITCA's claims. NARF is researching options and recommendations for ITCA.

Repeal of the Klamath Tribe Distribution of Judgment Act

The Klamath Tribe retained NARF to seek repeal of the Distribution of Judgment Fund Act, which was adopted as part of the legislation that terminated the Tribes' government-to-government relationship in 1954. That relationship was restored in 1986, but the remnant legislation was not repealed. The Distribution Act requires distribution of judgments from the United States Treasury to descendants of those who appear on the final roll compiled pursuant to the Termination Act. That would include distribution of tribal funds to a significant number of non-Indians and individuals who are not enrolled members of the Tribes. Repeal would result in funds deposited in the Treasury from judgments against the United States being distributed pursuant the Distribution of Judgment Funds Act for all Tribes. Senators Merkley and Wyden introduced S 1223 in May 2017 to repeal the Klamath Tribe Judgment Fund Act. NARF provided testimony in support of its adoption. S 1223 was adopted in the Senate in March 2018, but was not considered by the House before the end of the legislative session. The Tribe will work to re-introduce the bill in 2019.

Center for Biological Diversity, et al. v. US Army Corps of Engineers, et al.

NARF represented the Santa Ynez Band of Chumash Indians in a case challenging the issuance of a Clean Water Act Section 404 permit. The proposed Newhall Ranch Project area encompasses 12,000 acres along 5.5 linear miles of the Santa Clara River and calls for the construction of nearly 21,000 homes on approximately 2,550 acres. The project area is also the ancestral homeland of Chumash and includes at least two significant archaeological sites as well as a number of ancient burials. The Corps issued a Clean Water Act Section 404 permit to Newhall in October 2012; the suit soon followed. The Tribe joined this case to protect their right to government-to-government consultation under the Administrative Procedure Act (APA) and the National Historic Preservation Act (NHPA). The Tribe's claim is simple: the Corps never contacted, much less formally consulted, the Tribe about the project. The Corps failed to fol-

low the statutory and regulatory mandates with respect to the Tribe. Thus the Section 404 permit the Corp's granted to Newhall is in violation of the NHPA and APA. Oral argument was held in February 2017. Subsequently, Newhall began settlement discussions in earnest and the case was settled in September 2017. The Tribe negotiated for cultural resource

protections that exceed what is required by California and federal law, support for their cultural center, and amending of the flawed agreement that previously applied to the project. NARF is now counsel to Santa Ynez to implement the terms of the settlement agreement.



DEVELOPING INDIAN LAW

NARF has three ongoing projects aimed at *developing Indian law and educating the public about Indian rights, laws, and issues*: the Indigenous Peacemaking Initiative, the National Indian Law Library, and the Indian Law Support Center. NARF also participates in numerous conferences and meetings to share its knowledge and expertise in Indian law. NARF remains firmly committed to continuing its effort to share its legal expertise in support of Indian rights.

INDIGENOUS PEACEMAKING INITIATIVE

Indigenous peacemaking is a community-directed conflict resolution process that addresses the concerns of all interested parties. The peacemaking process uses traditional rituals such as the group circle and Clan structures to involve the parties to a conflict, their supporters, elders and interested community members. Within the circle, people can speak from the heart in a shared search for understanding of the conflict, and together identify the steps necessary to assist in healing all affected parties and to prevent future occurrences and conflicts. Learn more from the IPI video at <http://bit.ly/IPI-video>.

Trainings and technical assistance for tribes continues to be a primary focal point for the project. IPI completed its 4th annual training session at the Pokagon Band of Potawatomi Tribal Courts in Michigan and is in multi-phase training plans for Isleta Pueblo, the Ho-Chunk Nation in Wisconsin, and the Eastern Band of Cherokee Indians. IPI also worked with the Ho-Chunk Nation to develop a plan to support peacemaking implementation within the tribal court system.

IPI staff and Advisory Committee members participated in a Mindfulness New Mexico workshop in April 2018 and met with researchers from the University of New Mexico to discuss possible approaches for measuring success in peacemaking, which would allow the development of statistical data for tribal communities and funding agencies. Outreach to other restorative justice practitioners is ongoing, as project staff attempt to develop more awareness of peacemaking in the larger restorative justice community.

THE NATIONAL INDIAN LAW LIBRARY

The National Indian Law Library (NILL) is the only publicly available law library in the United States devoted to Indian law. The library serves NARF staff, but also members of the public. Since its start in 1972, NILL has collected nearly 9,000 resource materials that relate to federal Indian and tribal law. The

collection includes tribal laws and constitutions, pleadings from major Indian cases, and hard-to-find reports and historical legal information. The library maintains an immense website (www.narf.org/nill/), which receives 26,000 visits each month. In addition to making its extensive collection available to the public, NILL provides research assistance related to Indian law and tribal law, and its staff answers over 2,000 questions each year.

The library's holdings include the largest collection of tribal codes, ordinances and constitutions, and the Tribal Law Gateway (www.narf.org/nill/triballaw/) continues to be an invaluable resource for tribal law. In the last year, NILL received updates to 73 constitutions/codes from 43 tribes.

Each week, NILL provides free updates on Indian law through the Indian Law Bulletins (www.narf.org/nill/bulletins/). More than 6,400 subscribers currently receive the bulletin updates by email. For more than a decade, the library has offered access to federal and state court cases, legal news and scholarship, federal legislation, and regulatory action from agencies and departments like the Environmental Protection Agency and the Bureau of Indian Affairs. That collection of materials, archived on the NILL website, can be used as a searchable database of Native American law and legal news.

INDIAN LAW SUPPORT CENTER

The Indian Tribal Justice and Legal Assistance Act of 2000 authorizes the US Department of Justice (DOJ) to provide supplemental funding to Indian Legal Services (ILS) programs for their representation of Indian people and tribes that fall below federal poverty guidelines. NARF continues to perform Indian Law Support Center duties by sending regular communications to ILS programs, hosting a national listserv, handling requests for assistance, and working with ILS programs to secure a more stable funding base. DOJ recently announced its intent to award FY 2018 funding of \$300,000 for civil programs and \$300,000 for criminal programs. NARF is working with the National Association of Indian Legal Services to transfer management of these DOJ grants with this next round of grant awards. NARF will complete the management function for all grant awards that NARF currently manages.

ATTORNEYS' RECEIPTS FOR PAPERS.

Received of _____

Clerk of the _____

Court of _____

County, _____

No. 28 2-20-1.

the Papers in the following Case, to wit:

Geo. D. Barnard & Co., Blank Book Manufacturers.

No. of CASE	No. of PAPERS	Defendants. STYLE-OF CASE	NAME-OF-ATTORNEY-RECEIVING THE PAPERS	When Received Month Day Year	When Returned Month Day Year
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1879		Sundrum Richard P.	J. Bingham	Oct 22 - 1913	
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1905		Sundrum Alfred Bernard Nisoff	Pacific Rail- way Company.	January 31 - 1914	
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2113		Solloway H. C.	Belgarro.	March 18 - 1916	
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2114		Solloway H. C.	Belgarro.	March 18 - 1916	
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2134		Bigby James W.	Bigby.	May 13 - 1916	
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2149		Hooker E. J.	Grocery Co	June 10 - 1916	
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2158		Hooker E. J.	Grocery Co	June 19 - 1916	
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2161		Caralude	Shoe and Sons	June 27 - 1916	
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		Hartell	Shoe and Sons	July 27 - 1916	
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2195		Seuer Gust	Shoe and Sons	Sept 14 - 1916	
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		Seuer Gust	Shoe and Sons	Sept 14 - 1916	
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2193		Soffman	Shoe and Sons	Sept 12 - 1916	
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		Soffman	Shoe and Sons	Sept 12 - 1916	
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2218		Lougher R.	Shoe and Sons	Nov. 20 - 1916	
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2236		Lougher R.	Shoe and Sons	Jan 22 - 1917	
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		Lougher R.	Shoe and Sons	Jan 22 - 1917	
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Co. 15		Harper, John	Shoe and Sons		
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2437		Hunt, Mar	Shoe and Sons	June 23, 1917	
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		Hunt, Mar	Shoe and Sons	June 23, 1917	
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		Hunt, Mar	Shoe and Sons	June 23, 1917	
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FY 2018 FINANCIAL REPORT

Based on our audited financial statements for the fiscal year ending September 30, 2018, NARF reports total revenue and net assets of \$14,453,263 and \$43,878,073, respectively. Due to presentation requirements of the audited financial statements in terms of recognizing the timing of certain revenues and expenses, they do not reflect the fact that based on NARF's internal reporting, expenses and other cash outlays exceeded revenue resulting in a decrease of \$64,488 to NARF's reserve fund.

When compared to fiscal year 2017: The increase in public contributions is mostly due to escalated direct mail campaigns (donations increased over 50% in that area). The significant

decrease in tribal contributions is due to receiving generous, one-time, donations from our tribal trust fund clients last year. Federal awards relate to our Bureau of Justice Assistance contracts, the majority of which is also included in expenses since it is paid-out to sub-recipients, and, although we continue to be awarded new contracts, the amounts vary from year to year. The increase in foundation grants is mostly due to receiving many new grants restricted to our important projects and cases. The decrease in legal fees is mostly related to the fees we received last year for our tribal trust fund work, we did not receive any of these fees in 2018. Along with the overall markets, NARF's investments continue to perform well.

SUPPORT AND REVENUE COMPARISON				
	2018		2017	
	dollars	percents	dollars	percents
Public Contributions	\$ 3,583,370	24.8%	\$ 2,121,784	6.6%
Tribal Contributions	927,200	6.4%	23,771,360	74.1%
Federal Awards	1,139,640	7.9%	1,001,888	3.1%
Foundation Grants	4,580,491	31.7%	907,065	2.8%
Legal Fees	1,340,072	9.2%	2,123,889	6.6%
Return on Investments	2,843,631	19.7%	2,115,776	6.6%
Other	38,859	0.3%	55,646	0.2%
TOTALS	\$14,453,263	100.0%	\$32,097,408	100.0%

EXPENSE COMPARISON				
	2018		2017	
	dollars	percents	dollars	percents
Litigation and Client Services	\$ 8,782,554	68.5%	\$ 7,738,649	69.9%
National Indian Law Library	332,551	2.6%	356,178	3.2%
Total Program Services	9,115,105	71.1%	8,094,827	73.1%
Management and General	1,036,746	8.1%	902,350	8.2%
Fund Raising	2,668,574	20.8%	2,068,248	18.7%
Total Support Services	3,705,320	28.9%	2,970,598	26.9%
TOTALS	\$12,820,425	100.0%	\$11,065,425	100.0%

Note: This summary of financial information has been extracted from NARF's audited financial statements which received an unmodified opinion by the accounting firm of BKD, LLP. Complete audited financials are available, upon request, through our Boulder office, or at www.narf.org.

NARF ACKNOWLEDGMENT OF CONTRIBUTIONS: FISCAL YEAR 2018

NARF's success relies on the generosity of our donors throughout the nation. We invite you to learn more about the benefits associated with each program listed below, please contact our Development Department at 303-447-8760.

We gratefully acknowledge these donors for fiscal year 2018 (October 1, 2017 through September 30, 2018).

TRIBES AND NATIVE ORGANIZATIONS

Ak-Chin Indian Community, AMERIND Risk, Buena Vista Rancheria Band of Me-Wuk Indians, Cabazon Band of Mission Indians, Cherokee Nation, Chickasaw Nation, Choctaw Nation of Oklahoma, Confederated Tribes of Siletz Indians, Cow Creek Bank of Umpqua Tribe of Indians, Delaware Nation of Oklahoma, Fort McDowell Yavapai Nation, Keweenaw Bay Indian Community, Match-E-Be-Nash-She-Wish Band of Pottawatomi Indian, Miccosukee Tribe of Indians, Muckleshoot Indian Tribe, National Indian Gaming Association, Native American Church, Nome Eskimo Community, Pala Band of Mission Indians, Pechanga Band of Luiseño Mission Indians, Poarch Band of Creek Indians, Ponca Tribe of Nebraska, Quapaw Tribal Gaming Agency, San Manuel Band of Mission Indians, Santa Rosa Band of Cahuilla Indians, Seminole Tribe of Florida, Seven Cedars Casino/Jamestown S'Klallam, Shakopee Mdewakanton Sioux Community, Suquamish Indian Tribe of Port Madison, Yavapai-Prescott Indian Tribe, Yocha Dehe Wintun Nation

FOUNDATIONS, CORPORATIONS AND LAW FIRMS

Adirondack Foundation; Agua Fund; Alaska Conservation Foundation; AOH Foundation; Aria Foundation; Better Way Foundation; Casey Family Programs; Charles P. & Mary E. Belgarde Foundation; Chorus Foundation; Cold Mountain Fund of RSF Social Finance; Comcast NBCUniversal Foundation; Darby Foundation; Defense Against Thought Control Foundation; Edgerton Foundation; Edward & Verna Gerbic Family Foundation; Ethel Kennedy Foundation; Ford Foundation; Gary NFP; Gordon and Betty Moore Foundation; Hanuman Foundation; Hewlett Foundation; Impact Fund; Lannan Foundation; MALDEF; Morton K. and Jane Blaustein Foundation; NEO Philanthropy; Oak Foundation; Oceans 5; Pew Charitable Trust; RiverStyx Foundation; Round River Foundation; Solidarity Giving; Stardust Foundation; Steiner Family Foundation; Carey Turnbull; Tiffany & Co. Foundation; Tzo'-Nah Fund; Washkewicz Family Foundation; Cherry Republic, Inc.; Dr. Bronner's Magic Soaps; Patagonia; Robins Kaplan, LLP; Tilden Toelupe, LLC



Living Waters Endowment-The Living Waters Endowment allows donors to honor friends and loved ones by making an endowment gift of \$10,000 or more, where the principal is invested and interest income is used for NARF's programs. By designating a gift to endowment, contributions generate annual funds and provide legal representation to our tribal clients in perpetuity.

Elwood H. Brotzman Memorial Fund, Jerome Davis Living Waters Endowment Fund, Kathleen & Ruth Dooley Family Fund, John Echohawk, Kim Gottschalk, Susan K. Griffiths Memorial Fund, The Robert & Joy Hanson Leland Endowment, Frank J. McCormick Family Fund, Melody McCoy, Steven Moore, Marvin W. Pourier Jr. & Donna M. Deans Memorial Fund, Mary Lou Mosca-Ragona Memorial Fund, Ernest L. Schusky Endowment, The Snoqualmie Indian Tribe, Helen & Sidney Ungar Memorial Endowment Fund, Dan & Beth Whittemore, Joel Williams

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Theresa Grant Blumen, Jovana Brown, Diane D. Delp, Carolyn Ferriday, William Guimond, Patricia Heidelberger, Jeannette Hoffenkamp, Kurt Low, Joseph Padula, Mary Sacher, Ermalee Bonar Skillman, Cathern Elizabeth Tufts, John Tyler, John L. Vaupel, Amelia W. Vernon, Mary Brizius Weingart

Peta Uha—*Peta Uha in the Lakota (Sioux) language means firekeeper, an individual who makes a solemn commitment to ensure that the sacred flame-source of light, heat, and energy for the people will be kept burning. Peta Uha is a membership program for donors making substantial annual commitments to NARE. Like the firekeepers of old, members of the Peta Uha Council demonstrate constancy and vigilance to ensure the protection of justice for Native Americans.*

Peta Uha Pipestone

Art L. Davidson, Lucille Echohawk, Lucile Hamlin, Benjamin Kazez, Rhoda Lindsay, Jay Scheide, Bill Thomson, Jean Del Vecchio, Dan & Beth Whittemore

Peta Uha Turquoise

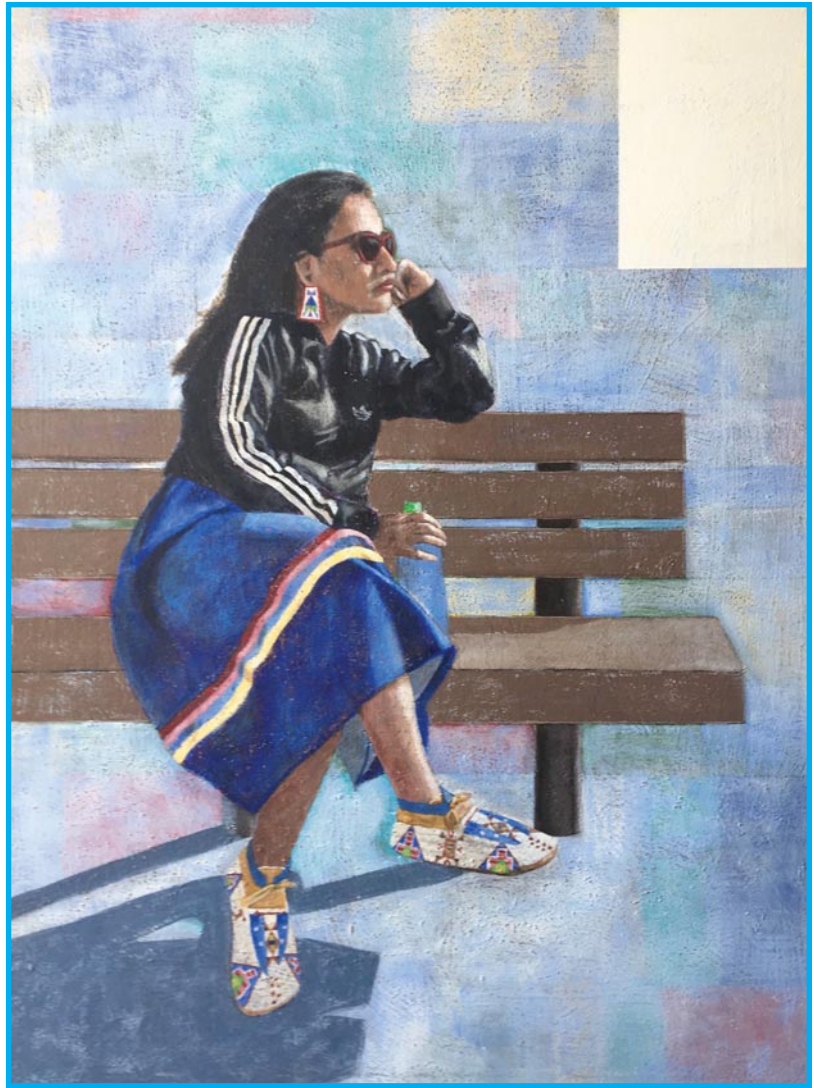
Rev. & Mrs. Frederick & Judith Buechner, Dave & Sheila Gold, Nancy H. Gensburg, Mark Goldman, Willodean Harness, Michael & Barbara Krancer, Ann E. Larimore, Lynn Marran, Paul & Julie Murphy-Ribes, Helene Presskreischer, Mr. & Mrs. Robert J. Quinn

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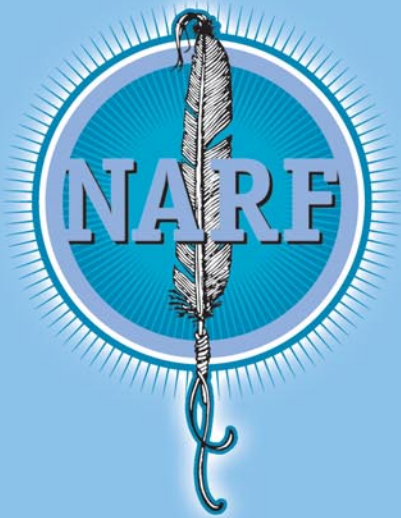
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