

South Dakota

Summit Scheduled On Indian Foster Care

BY KRISTI EATON
Associated Press

SIOUX FALLS — Indian Child Welfare Act directors from South Dakota's nine Native American tribes and federal officials are planning a summit focusing on Indian child foster care in the state after allegations surfaced that the state was routinely breaking the law.

The South Dakota Indian Child Welfare Act Directors' Coalition is working in conjunction with the federal Bureau of Indian Affairs to plan the summit, which was announced this week and is scheduled for April 15-17 in Rapid City.

The ICWA directors' coalition also submitted a report to Congress that details how they believe the state of South Dakota is willfully violating federal law by removing too many American Indian children from their homes and placing them in foster care with non-Indian families.

"We look forward to assisting the coalition to producing a summit that will highlight their priority tools and strategies as they fulfill their responsibilities related to the implementation of ICWA," said Nedra Darling, spokeswoman for the Office of the Assistant Secretary-Indian Affairs at the Department of Interior, which oversees the BIA.

The summit and report are in response to a 2011 National Public Radio series that said the state routinely broke the Indian Child Welfare Act and disrupted the lives of hundreds of Native American families each year.

Under federal law, Native American children removed from homes must be placed with relatives or put in foster care with other Native American families except in unusual circumstances.

The three-part NPR report, which was based on an analysis of state records, said a disproportionate number of Native American children removed from their homes in South Dakota each year are sent to foster care in non-Indian

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DIANE GARREAU

homes or group homes. The report also claimed that Native American children are placed in South Dakota's foster care system at a disproportionate rate.

But state officials have called the NPR stories inaccurate, unfair and biased, but acknowledged a disproportionate number of Native American children are involved in the child welfare system because the state receives more referrals for alleged abuse and neglect involving them.

Following the report, six bipartisan congressmen asked the Department of Interior to investigate the alleged ICWA violations made in the NPR report and find out what the BIA intended to do if the violations were found to be true.

The BIA said it was planning a summit to address the allegations, but due to various issues, including the resignation of one Assistant Secretary of the Interior for Indian Affairs and the confirmation of another, it never occurred last year.

That's when the coalition of ICWA directors came together and created their own report and started planning the summit with the help

of the BIA.

"You know, it's been a long time coming," said Raymond Cournoyer, ICWA director on the Yankton Sioux Indian Reservation and co-chair of the ICWA directors' coalition.

Cournoyer said the summit will include testimony from grandmothers who have worked unsuccessfully to get their grandchildren back from foster care, discussions on tribal codes, best practices and funding strategies, among other things.

Diane Garreau, ICWA director from the Cheyenne River Indian Reservation, said it has been frustrating for the ICWA directors that the summit didn't happen by the original date, but she said she is glad it is happening now because there are issues that need to be addressed.

"One of the feelings I've always had in dealing with the state of South Dakota is they see Native children as different. That they're not children of South Dakota. They're identified as Indian children, and that's really sad, too, because it seems like we're separate," she said.

A big part of an ICWA director's job includes legal work and working with attorneys, which costs money — money that the tribe's aren't getting, Garreau said.

One case the Cheyenne River Sioux Tribe is currently pursuing surrounds a 5-year-old girl attempting to be adopted in Virginia. The girl is the daughter of a man living in Alabama who is enrolled with the tribe. The tribe has been battling to have a say in the adoption, Garreau said, and will go to court in Virginia in May to make their case.

"If we are not on top of it, this is what happens, you know, they try to slip these kids through the cracks," she said.

Kristin Kellar, spokeswoman for the South Dakota Department of Social Services, said the agency had not yet heard about the ICWA summit and have not yet determined whether the agency will participate.

Elk Being Collared At Wind Cave National Park

HOT SPRINGS (AP) — Officials have hired a helicopter crew to snag and collar elk at a southwestern South Dakota park, some of which will be pushed out to make the herd more manageable.

They want to add 36 collared elk to the 40 already wearing tracking collars at Wind Cave National Park. They had reached 26 elk by the end of Wednesday, the *Rapid City Journal* reported.

It takes only a matter of minutes for the crew to fire a net over an elk from the air, collar it and take a blood sample on the ground, then release the animal.

"They're very delicate animals, even though they're big and strong," said Jim Pope, pilot and owner of Leading Edge Aviation of Clarkston, Wash. "Our concern for the animals is paramount."

The park used to round up excess elk and sell them to American Indian tribes out of state, but the practice was ended a few years ago when chronic wasting disease was found in the herd. Officials in about a month plan to push hundreds of elk outside the park boundaries to reduce a bloated herd and prevent overgrazing. The elk would be available to hunters outside of the park, and officials also hope they will boost a depleted elk herd in the adjoining Custer State Park.

Tracking the collared elk will help officials determine the success of that plan.

"We'll be following some that stay in the park, and we'll find out where some that leave the park end up," Wind Cave biologist Duane Weber said.

Utility Repaying Northeast Nebraska District

SOUTH SIOUX CITY, Neb. (AP) — South Sioux City is repaying the South Sioux City Community School District because the district had been billed double over the past 10 years.

The *Sioux City Journal* reports the district was overcharged nearly \$416,000.

School board member Tom Gesell says the district expected savings from an addition to the high school built in 2002, but those savings were never realized. The second meter was added during the 2002 renovations, but the old meter was never disconnected.

Crews working on the air conditioning system last summer found the second meter.

The City Council has approved repaying the district because the city is the administrator for Nebraska Public Power District.

Sioux Falls District Drops NW Elementary Plans

SIOUX FALLS (AP) — The Sioux Falls School District is abandoning plans for a 600-student elementary school in the northwest corner of the district because of waning interest in the Spanish immersion program.

Superintendent Pam Homan tells the *Argus Leader* that 125 incoming kindergartners applied for the Spanish immersion lottery last year, which prompted the board to establish a fourth kindergarten class split between two elementary schools.

But Homan says only 93 signed up for the 2013-14 lottery, and the district can't commit to building a school with four classes at each grade level.

The school board is now weighing several options in central Sioux Falls for a smaller school, with three classes at each grade level instead of four. The board will decide what to do during a March 6 work session.

Officials Warn Of ATVs Breaking Through Ice

LINCOLN, Neb. (AP) — Nebraska Game and Parks Commission officials are urging those planning a winter fishing expedition to use caution after two all-terrain vehicles broke through the ice of a northern Nebraska lake.

Conservation officer Heath Packett, of Gordon, says two ATVs carrying three riders broke through the ice on Cottonwood Lake in Cherry County on Monday. Packett says each of the riders safely escaped the frigid water, which was about 8 feet deep at the site of the accident.

The accident has prompted officials to ban the use of ATVs on the 680-acre lake. ATVs have also been prohibited on nearby Home Valley Lake.

Deer Stops Driver From Escaping Police

OMAHA, Neb. (AP) — Authorities in Omaha say they caught up to a speeding driver after he slammed into a deer.

Omaha television station KETV reports police tried to stop the male driver speeding in a sport utility vehicle early Thursday morning. Then his SUV crashed into a deer.

The station reports the driver was arrested and he faces several charges.

It's unclear what happened to the deer.

Neb. Governor's Tax Plans Face More Resistance

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — Tim Kelliher paid more than \$19,000 in state income taxes in 2011, an amount that could vanish in future years, depending on what happens to Gov. Dave Heineman's two tax proposals.

But on Thursday, the Kearney farm producer made his first-ever trip to the Nebraska Capitol with a message for lawmakers: Kill both bills.

Kelliher told the Legislature's Revenue Committee that he would pay less in income taxes if the governor's plan becomes law, but losing sales-tax exemptions that the governor has targeted would prompt him to spend his money elsewhere. The 18-year-veteran farmer said he would travel out-of-state to buy seed, delay equipment purchases, and use manure for fertilizer instead of purchasing it from a Nebraska producer.

His testimony was part of a wave of opposition Thursday from groups that represent hospitals, farmers, low-income fami-

lies and businesses that enjoy the sales-tax exemptions. Lawmakers convened the hearing on the second of two proposals aimed at Nebraska's income tax and sales-tax exemptions.

Kelliher invoked the warnings of former presidential hopeful Ross Perot, who spoke of a "giant sucking sound" of jobs rushing from the United States to Mexico under the North American Free Trade Agreement.

"Nebraska will hear the same sucking sound of agricultural industry leaving, across our state borders," Kelliher said. "Fertilizer, seed and equipment will be bought in neighboring states, whose Legislatures have not forgotten that it is profit that allows for payments of taxes — not gross expenses."

Heineman has called on lawmakers to eliminate Nebraska's income tax, or at least reduce the amount that retirees pay. The proposals would make up the difference by eliminating as many as 27 state sales-tax exemptions. The Republican governor has argued that bill's main opponents are "highly paid lobbyists" who

are trying to protect their specific exemptions.

The larger of his two proposals would eliminate 27 sales tax exemptions, worth an estimated \$2.4 billion, while axing Nebraska's corporate and individual income tax. The second, smaller proposal would eliminate about \$400 million in exemptions and reduce what retirees pay in income taxes.

Steve Wellman, a Syracuse farmer and spokesman for the Nebraska Soybean Association, said the proposals would increase the cost of inputs, such as materials and energy, to stay in business. Wellman said the proposal would remove eliminate at least \$200 million in sales tax exemptions that benefit farmers.

"There's always a lot of discussion about helping young farmers and ranchers get started with their operations, yet our actions often do just the opposite," Wellman said. "This appears to be another example of a policy that will hurt beginning farmers."

Kathy English, executive vice president of the Children's Medical Center in Omaha, said elimi-

nating the tax exemption on energy use would increase her facility's operating costs by 7 percent.

The bill's prime sponsor, Sen. Beau McCoy of Omaha, said opponents have raised valid concerns. But he said he also wants suggestions from opponents on how to proceed with tax reform.

McCoy said he also has heard support from constituents who support the bill, but aren't able to travel to the Capitol to speak in favor of it. One resident in his district, 49-year-old Shawn Sinner, said he and his wife may move to South Dakota or Texas after their two youngest children finish high school. The state's income tax will play a major role in his decision, he said.

Sinner, who works for a Texas-based payment-processing company, said lawmakers should examine each sales tax-exemption, one-by-one, in a public setting.

"I think that would be in the best interest of the average Nebraskan," he said.

South Dakota Senate Panel Rejects Uranium Mining Bill

BY CHET BROKAW
Associated Press

PIERRE — A plan to restore some of the state's permitting authority over a proposed uranium mine was rejected by a South Dakota Senate panel Thursday after lawmakers said they see no need to spend state money duplicating federal regulatory programs.

The Agriculture and Natural Resources Committee voted 7-1 to kill the bill, which was promoted by ranchers and others who fear the mine near Edgemont in southwestern South Dakota will deplete and pollute the underground water supplies that will be used in the mining process.

Committee members said it makes sense to let federal agencies handle the mine permit and some related issues because the state Department of Environment and Natural Resources does not have sufficient staff to handle those duties. However, the state agency does have control over permits that allow the mine to use and discharge water, they said.

"What more can we do?" said Sen. Jason Frerichs, D-Wilmot.

Susan Henderson, who ranches near the proposed mine, said she is afraid the mine will use so much underground water that her wells will go dry. She said all the dams on her 16-square-mile ranch went dry in last summer's drought, so she needed well water for her cattle.

"If I had not had not had that underground water and been able to use that, I'd have been out of businesses and so would all of my neighbors," Henderson said.

But Mark Hollenbeck, a rancher and engineer who is project manager for the mine, said he would not be involved in the project if he thought it would take too much water or pollute it.

"I want to make sure it's safe for my family, my kids and my neighbors," Hollenbeck said.

Powertech Uranium Corp.'s proposed Dewey-Burdock project, named for two abandoned towns nearby, would cover about 16.5 square miles and produce about 1

million pounds of uranium oxide annually for the next two decades.

Powertech, a Canadian company whose U.S. arm is overseeing the project, plans to use a method known as in-situ recovery, which would pump groundwater fortified with oxygen and carbon dioxide into the underground ore deposits to dissolve the uranium. The water would be pumped back to the surface, where the uranium would be extracted and sold to nuclear power plants.

The defeated bill sought to repeal a law passed by the 2011 Legislature that prevents the state Department of Environment and Natural Resources from duplicating federal regulation of underground injection wells and in-situ mining.

That means the federal Nuclear Regulatory Commission is in charge of deciding whether the project gets a license, which is a mining permit.

The NRC has recommended that a license be granted and a final decision could be made by June. The Environmental Protection Agency is considering Powertech's application for permits related to injecting water underground in the mining process.

However, the state still has control over granting water rights permits that would let the project use underground water for the extraction process and a permit for discharging water.

Dayton Hyde, an author who runs the Black Hills Wild Horse Sanctuary near Hot Springs, said he opposes the mine because it could pollute the Cheyenne River and underground water supplies used to support the ranch's 500 horses and 100 cattle.


"Without that water we just can't exist," Hyde said.

But Hollenbeck, the mine project manager, said state officials will regulate the water use that worries mine opponents.

Hollenbeck said the NRC needs to handle the mine license because state agencies do not have the expertise or staff to do so.

State Environment Secretary Steve Pirner did not testify for or against the bill. But in response to committee questions, he said his agency would need additional money and staff to handle the regulatory duties now done by the NRC and EPA.

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