



# Yurok Today

The Voice of the Yurok People



## Yurok wins global award for gun art

Carl Avery's amazing artwork earns top accolades in worldwide contest

SEE STORY ON PAGE 2

# Avery takes 1st in international art comp

*The Yurok man competed with 178 artists from 17 different countries*

Yurok tribal member and professional airbrush artist Carl Avery is making an international name for himself.

SATA, the creator of the most superior paint spray guns in the world, named Avery the winner of its highly competitive, international 2012 SATA Design Contest.

“I waited patiently for months to hear the call,” Avery said of receiving a ring from a SATA representative telling him that he had won the art competition. “I was shaking while I was on the phone.”

The Hoopa-native competed with 178 of his colleagues from 17 different countries, who submitted 285 entrees, to win the top prize. Like Avery, many of the entrants are accomplished artists. For his hard work Avery was awarded SATA’s \$1,200, limited edition airbrush adorned with his artwork. The German company’s Managing Director Albrecht Kruse, personally presented Avery the new paint gun at the SEMA Trade Show, an invite-only, high technology convention that takes place in Las Vegas at the end of October.

“SATA wanted to see what creative minds would contribute design ideas to a world-wide contest,” said Tony Larimer, Director of Sales and Marketing for Dan-Am, the exclusive importer of SATA products in the U.S. and Puerto Rico. “We were excited to meet the man who did such an incredible design on a SATAjet 4000 B spray gun. (Albrecht Kruse, Managing Director of SATA GmbH Kornwestheim Germany) was thrilled to be able to do this personally.”

SATA, a medium-sized German multinational corporation, has built paint spray guns since 1925. SATA airbrushes and accessories are known worldwide to be the “Cadillac” of spray guns. The company does about \$70 million Euros or \$84,870,000 U.S. dollars in business each year.

Avery’s artwork was displayed on an international stage at the Automechanika Trade Show. Automechnika is the “world’s leading trade fair for the automotive industry,” and is held in Frankfurt, Germany every fall.

The young man’s art submission is an exceptionally detailed, mixed-media drawing. Avery’s idea was to put a modern twist on pre-turn-of-the-century, highest quality artwork found engraved on the stocks of rifles and on the grips and cylinders of handguns. Instead of the pastoral scenes found on the old guns, hot rods and Harleys are offset by unfurling foliage, giving it a certain depth. Avery’s clever vision was to create an artistic rendition of what airbrush painters would typically shoot with their guns, fancy cars and motorcycles.

“I got the idea from looking at a lot of old guns,” Avery said. “I wanted to make something classy that would appeal to everyone.”

Avery’s winning picture was first hand-drawn using a technical pen. He then uploaded a scanned file of the image into Photoshop. Using the industry standard program he continued work on the detail of the piece until it was finished.

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“WE WERE EXCITED TO MEET THE MAN WHO DID SUCH AN INCREDIBLE DESIGN.”

TONY LARIMER • DIRECTOR OF SALES AND MARKETING

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## On The Cover

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Yurok tribal member and business owner, Carl Avery recently won a highly competitive, international art contest.



Self portrait by Carl Avery

The professional artist owns Glympse Airbrushing in Redding, where he works on everything from high-end motorcycles to custom canvas artwork. His reputation as an adroit airbrush artist draws clients from as far away as the Bay Area. Several regional tribal members have employed his business, which opened in 2002, to airbrush culturally significant designs on their vehicles and motorcycle helmets.

“Carl’s creativity is over the top,” said Austin Nova, a Yurok tribal member who had Avery airbrush traditional designs on his motorcycle helmet. “I gave him the colors to work with and he gave me back a piece of art!”

Avery is also part of the world-renown Emerson Motorsports team. Emerson Motorsports, owned by Bill Emerson of Redding, custom builds from scratch 1965 Mustang Cobras. The final mechanical products are so sought after there is an 8-year waiting list.

“Getting to work with Bill has been amazing. He’s such a smart guy,” Avery said.

Avery began cultivating his next-level craft at a very early age when he was living in Hoopa. He developed the detail-oriented approach, which can be viewed in all of his artwork, drawing difficult traditional basket designs. His mother and other family members, like his uncle, Tony Silvia, who created the Yurok Tribe’s seal and the out-sized, masterful mural in the Council Chambers, are talented artists and encouraged him to pursue his passion. His father, who “couldn’t draw a stick figure”, bought Avery his first paint gun at 14.

Avery learned about the design contest in March of 2012 after seeing an advertisement in a trade magazine. Avery received the fateful phone call from Germany letting him know he won in September.

“A guy from Germany called. I almost didn’t answer because there were like 15 numbers. I thought it was a sales person. I was blown away,” said Avery.

A solid selection of Avery’s work can be viewed on his Glympse Airbrushing Facebook page. ✨



Albrecht Kruse, Managing Director of SATA Gmbh Kornwestheim Germany, hands Carl Avery (left) the new, top of the line paint spray guns at the SEMA Trade Show.

• CHECK OUT THE PHOTO SPREAD OF AVERY’S WORK ON PAGE 6

# Yurok-made movie shown at festival

Yurok filmmaker Cynthia Matzger's movie centers around Yurok history

Yurok tribal member and motion picture director Cynthia Matzger's documentary, "Jimmie James, Come on Down," was recently selected to be featured on the big screen at the 37th annual American Indian Film Festival.

The American Indian Film Festival, put on by the American Indian Film Institute, is the most prestigious and longest running Native American awards show in the world.

Matzger's movie is her first foray into the field of documentary filmmaking. The accomplished, San Francisco-based director has worked for more than a decade directing and producing television shows and series for several major networks such as ABC, FOX, MTV and TLC.

"Jimmie James, Come on Down" begins in loud and smoggy Los Angeles, California where Yurok elder, Aawok Jimmie James, a man who lived in Yurok Country for most of his life, decided to celebrate his 90th birthday at the game show Price Is Right.

The nonfiction chronicle is framed from Matzger's perspective as the great-great niece of James, a universally respected Yurok elder. Matzger was not raised on the reservation, but sought him out to reconnect to her Yurok roots.

The film travels back in time to the place Matzger met her great great uncle for the first time while traveling to the Yurok Reservation for a family reunion. James, born in 1914, openly shares his life's experiences including: the first time he saw a white man, being physically abused at a state-run boarding school, and living as the Great Creator intended.

Throughout its duration, the documentary traverses between Los Angeles, where the stars are on the ground and the dirt is in the atmosphere, to the Yurok Reservation where Aawok James lives a culturally-based life. Matzger brings the audience into the Yurok world to learn aspects of the culture in the most traditional manner: sitting with an elder hearing stories first-hand.



Yurok movie maker Cynthia Matzger shoots footage on the Reservation for the film.

**Here Matzger explains the personal path to making this film.**

**What inspired you to make this movie?**

My niece and nephew inspired me. They had never been to the Rez. My SF cousins and I visited the rez as kids but we never spent an extended period of time up there. It got me thinking about how the history of assimilation was still at work. I initially set out to make a video "family tree" when I came up for a family reunion. I quickly realized that a tree cannot be a tree without its roots and those roots are the traditions and culture. So I started filming those. Once I met Uncle Jimmie, he became my main focus. He was such a charismatic character and was truly the bridge that brought together the old world and the new world.

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THE YUROKS ARE KNOWN STORYTELLERS. I'M GRATEFUL IT'S IN MY BLOOD.”

CYNTHIA MATZGER • DIRECTOR

**How did you go about researching this documentary? How many trips to the Yurok Reservation did you make?**

I feel like everything happened pretty organically. I didn't have a particular story in mind. I knew I wanted to explore issues of assimilation in modern day life and I knew I wanted to help lessen the gap between two very different worlds. Uncle Jimmie going on the Price Is Right was the catalyst for how I finally ended up structuring the story. The Price Is Right became the "hook" that brings us up to the reservation which, for me, is where the real story unfolds. Everyone knows about the Price Is Right, but not everyone knows about the Yuroks. I filmed Jimmie on and off over six years. In May of 2012 I came up and filmed Jimmie's daughters (Noreen & Becky) and granddaughter (Rachel). The majority of research came when I was editing the film and adding historical facts and statistics.

**You put on hold a comfortable career in the television industry. How did creating this film change your perspective, your life?**

I started the documentary as I was breaking into the reality-television business after having worked in film development for four years. I was living in Los Angeles and when you work in production, you work 6-7 days a week, 15-18 hour days. That schedule kept me from getting up to the Rez to film as often as I would have liked. After 6 years of directing reality TV, my career was put on hold due to family circumstances.

In a way this film has been my anchor, bringing me back to what is real and important. Completing this documentary has been a great learning experience all the way around. As someone who didn't grow up on the Reservation, I feel incredibly fortunate to have been able to sit with an elder to hear stories first-hand. It's been great getting to know another side of the family I didn't even know I had. It's my wish that others will be inspired to document and preserve Yurok life on film for the generations to come.

**What do you hope people will get out of this film?**

Most people who ask me about the film have never even heard of the Yurok Tribe. I hope people will see that beyond the facade of Wal-Marts and Starbucks, that Native American Tribes



Matzgar's film was highlighted at the 2012 American Indian Film Festival in San Francisco.

still exist and still practice their time-honored traditions and culture. I hope the message comes across that despite our tragic history, the Yurok spirit cannot be broken. And finally, for tribal members who live off the Rez or who have never been to the Rez, then I hope this film can bring a little of the Rez to them.

**What are your plans for the future?**

I would like to continue to make more documentaries, both Native and non-Native. I aim to write and direct a narrative feature. I'm currently working on an experimental short. The Yuroks are known storytellers. I'm grateful it's in my blood. ✨

# Cops expand enforcement authority

The Yurok Tribe's Department of Public Safety recently added a new implement to its crime-fighting arsenal that will help stop crime on the Yurok Reservation.

Yurok Public Safety Officers were recently commissioned by the Bureau of Indian Affairs to enforce several federal criminal laws. The BIA Special Law Enforcement Commission expanded Yurok officers' ability to investigate and present cases to the federal prosecutor's office for serious offenses, including: drug-related crimes, Lacy Act violations, timber theft, repeat domestic violence offenses, stalking and other victim-related crimes.

The federal laws the Yurok officers can now enforce will have a direct, positive impact on the reservation community. The rate of the federal violations against people and the ecosystem is unacceptable. At least one of these crimes is perpetrated everyday, which puts the health and safety of too many people at risk.

"We are hoping to put a serious dent in the crimes being committed and to protect people from becoming victims of these horrible crimes," said Yurok Public Safety Chief Mary McQuillen.

The BIA Commission's designation also enables Yurok officers to arrest non-Indians if there is a native person involved. The tribe can be viewed as a victim too.

"We are glad to have this option that can potentially lead to the arrest of criminals who will have to face a federal court and federal prison time," said Chief McQuillen. "We also need people to realize that offenders can be charged simultaneously in tribal court, federal court and possibly state court."

The Yurok Tribe has agreements with Del Norte and Humboldt Counties that give sworn Yurok law enforcement officers the authority to arrest reservation residents of any race who have broken state laws.

Previous to the new BIA certification, a federal officer, of which there are few locally, would have to be called, if a non-native person was involved in a federal crime, to investigate and compile the evidence that would ultimately be used to convict the offender. This system has failed Yurok people and indigenous people in Public Law 280 states like California.



Chief Mary McQuillen stands with Officer Josh Davis, Officer Jerry Abasolo, Sergeant Thorin McCovey, Sergeant Butch Lee, all of whom can now enforce several federal laws.

Public Law 280 limits tribal jurisdiction over non-tribal members, making it easier for non-natives to get away with crimes and exploit natural resources on the reservation.

Take for example, a Lacy Act violation, where a non-native person poached salmon from the Klamath River and sold them illegally. The Lacy Act is a federal law put in place to stop the illegal sales of wildlife, fish and plants. The Tribe would have to call in the one special agent from the local NOAA Fisheries Office of Law Enforcement. The solo officer is in charge of Humboldt and Del Norte Counties, which spans 4,573 square miles. Enforcement of the important Act by one agent is simply not adequate, or possible. Now, instead of the one agent, the full weight of Yurok Public Safety can be put behind pursuing an arrest of those suspected of violating the law.

The Public Safety officers also benefit from the special classification. The commissioned officers are viewed by the federal government as federal police.

"Now, for example, if an officer is assaulted that is an assault on a federal officer and the perpetrator could face federal prison time," McQuillen said. ❖

# Tribe passes new traffic regulations

The Yurok Tribal Council recently passed the first ever traffic-related ordinance.

The Yurok Vehicle Code defines the rules of the road on the Yurok Reservation. One of the primary functions of the new law is “to exercise the inherent sovereignty of the Yurok Tribe to provide for the health, economy, and social well-being of tribal members and to promote and protect tribal sovereignty in accordance with the Yurok Constitution.”

The new traffic regulations are very similar to the State of California’s Vehicle Code. However, the new vehicle code also captures traditional Yurok values. For example, if a person without an elder parking permit parks in designated elder parking area his or her vehicle may be towed and he or she may be subject to a fine.

“Due to the Public Law 280 status of the Yurok Reservation, it is in the best interest of efficient enforcement to adopt the sections of the California Vehicle Code which provide for public safety and order to minimize confusion to the driving public,” the Tribe’s new ordinance states.

Additionally, according to the new traffic rules, those who commit misdemeanor or felony-level offenses can be held accountable in both Tribal and State Court. The Yurok Tribal Court will be the primary court adjudicating traffic offenses.

The Yurok Tribe’s Department of Public Safety will begin enforcing the new traffic rules in 30 to 60 days.

To read the entire ordinance visit [www.yuroktribe.org](http://www.yuroktribe.org). ✨

# October election results



(Top) Yurok Vice Chairperson Susan Masten is sworn in by Yurok Election Official Lana Crutchfield. Masten received more votes than incumbent Marjorie Buckskin. Buckskin served the Tribe as the North District Representative for the Yurok Tribal Council for four terms and as Vice Chairperson for one. Masten served as Chairperson of the Yurok Tribe from 1997 to 2003.



(Bottom) Larry Hendrix was sworn in to his seventh term as the Orick District Representative for the Yurok Tribal Council.

# YUROKMAN MA

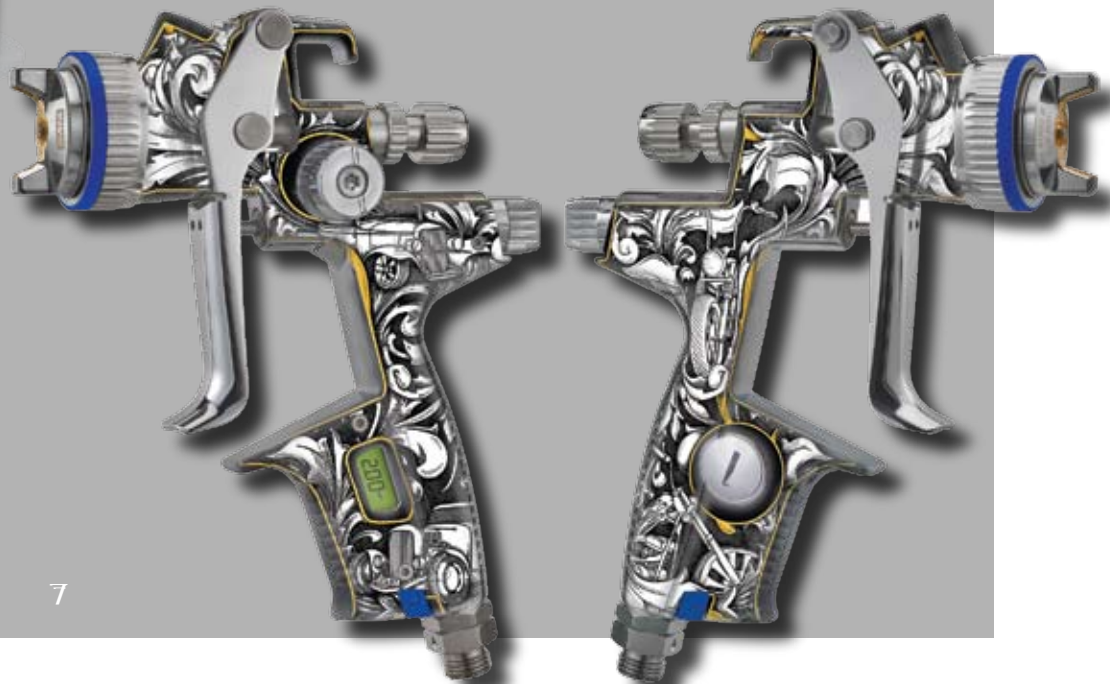




# MAKES HIS MARK



1. Carl Avery painted this 2010 Dodge Challenger with “Transformer” theme.
2. Avery airbrushed this motorcycle emblazoned with a sturgeon design and dentalia.
3. One of many Glympse Airbrushing logos.
4. Check out the detail of the robot.
5. Carl Avery also paints on canvas.
6. This motorcycle received a full makeover.
7. The paint spray guns adorned with Avery’s winning artwork.



# Good year for commercial fishers

*Abundance of fish helps families put food on the table, buy school clothes*

This year's salmon harvest was the best in more than three decades.

"The record fish run provided a much needed financial boost for tribal families," said Yurok Chairman Thomas O'Rourke. "The commercial fishery enables tribal fishers, most of which work multiple jobs, to augment their yearly income and keep food on the table."

The commercial quota determined by the Yurok Tribal Council was 107,500 fish. The commercial fishery started on July 29 with the Elders Fishery and ended on September 23. The harvest netted nearly \$3 million dollars for tribal salmon fishers.

"This year's commercial fishery was the largest in volume and economic value that the Tribe has experienced in many decades" said the Tribe's Fisheries Program Manager Dave Hillemeier. "The quality of fish was high and market demand was generally good, resulting in prices that were consistently well above the minimum bids received prior to the season".

During the Elders Fishery, the Tribe buys salmon for a discounted price and distributes it to Yurok elders.

The fish are important to the elders from a financial and cultural perspective. Most are on a set income and cannot fish anymore. Many of the older generation attribute their good health to eating fish consistently throughout their lives.

Fishing was closed two days of each week during the 2012 fall fishery to help ensure that spawning escapement objectives throughout the Klamath Basin are met.

Yurok Public Safety Officers put in hundreds of extra hours just prior and during the commercial season, enforcing the Tribe's fishing regulations, such as the two day restrictions,

laid out in its annual Harvest Management Plan.

"Overall, the commercial fishery went well," said Yurok Public Safety Chief Mary McQuillen. "Our officers and game wardens sacrifice a lot of time away from their families during the commercial season. They should be commended for their dedication to minimizing the exploitation of this important resource."

On two separate occasions, Yurok officers rescued at least five sport fishers who fell into the river and were consequently swept out into the frigid and fierce Pacific Ocean outside of the mouth of the river.

"If it was not for the officers training in water rescue and pure courage, lives would have been lost," Chief McQuillen said.

Fisheries managers predicted 380,000 fall-run chinook salmon would return to the Klamath River during 2012. It is too early to tell if the science-based estimate was correct, however preliminary counts from various locations in the basin indicate that while it was a large return this year, it may be less than what was initially predicted.

"Given the uncertainty with the pre-season projection, and the initial indications of run size, it may be good that our harvest came in slightly less than the pre-season allotment," Hillemeier said. "It's good to see the Tribe experience such a bountiful fishery while at the same time ensuring that adequate spawning escapement occurs throughout the Klamath Basin." ❄

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**"THE RECORD FISH RUN PROVIDED A MUCH NEEDED FINANCIAL BOOST FOR TRIBAL FAMILIES."**

**THOMAS O'ROURKE SR. • CHAIRMAN OF THE YUROK TRIBE**

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# Multiple factors behind big salmon run

*The future of the Klamath is highly uncertain without dam legislation*

The record-breaking 2012 Klamath River salmon season is a near perfect portrait of the basin's potential to produce large salmon runs.

Consistent salmon seasons like this year's would significantly move the course of the region's depressed economy in a positive direction. The economic benefits of solid salmon runs are panoramic. This year, the Yurok catch grossed \$3 million, which multiplies as the fish change hands from wholesaler to processor to retail shop. Ocean charters and river salmon guide services were booked solid for the entire season. Tackle shops, hotels and every other recreational fishing-related businesses received a welcomed boost to their balance sheets.

## Why was the run size so large this year?

Yurok fisheries biologists attribute this year's large run of king salmon to three main factors. First, in 2010, when the juvenile fish from this year's return were at a critical stage of their development, the basin experienced plentiful late spring rains, which gave the juvenile fish access to prime tributary rearing conditions. The creeks provide superior safety and forage for the small fish. Second, ocean conditions were phenomenal. Krill, the foundation of the food chain, were abnormally abundant, giving salmon in the ocean a better shot at making it back to the river to spawn. Third, restoration efforts of the Tribe and others over the past two decades in key Klamath Basin tributaries are paying off in dividends of fish.

Fisheries managers predict that there will likely be a large run of four year old fish next year, as this year's strong brood was age-3 fish. Following next year, it is more likely that the river will re-enter a period of uncertainty in terms of



(left) Tawnie Scott and Del Ray, both fisheries technicians, monitor the fall run.

producing abundant returns.

The likelihood of large future runs like this season is minimal if the Klamath River continues on its current path, according to veteran Klamath River fish biologists. The river remains in serious trouble. The Klamath Basin is listed as "impaired" under the Clean Water Act. Nearly every year there is a juvenile fish disease problem, which can sometimes affect up to 80 percent of the juvenile salmon. The largest adult salmon fish kill occurred on the Yurok Reservation in 2002. The causes of the fish kill have yet to be addressed for the long-term. Also, toxic algal blooms flow down the river from the Klamath Hydroelectric Project at extremely high levels on a near annual basis, this year included.

The Yurok Tribe, Klamath Tribes of Oregon, Karuk Tribe Klamath River-based businesses, fishing and conservation groups and others have a plan to permanently resolve these economy-killing issues and change the future of the Klamath

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“ THE LIKELIHOOD OF LARGE FUTURE RUNS LIKE THIS SEASON IS MINIMAL. ”

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region from bleak to bright. The solution that the truly basin-dependent coalition agrees on is the visionary Klamath Basin Economic Restoration Act of which members of Congress in the both the House and the Senate have proposed legislation to put the plan in action.

When there is a shortage of Klamath fish, it creates a ripple effect that reverberates from Point Sir in Central California to Cape Falcon in Southern Oregon. The economic boost generated from abundant runs of Klamath salmon deflates in years of low abundance, such as 2005 and 2006 when there was no Tribal commercial fishery and very minimal subsistence fishery.

The legislation calls for the removal of the outdated Klamath Hydroelectric Project, balances water between farmers and fish and large-scale river restoration of the Klamath.

The water quality and quantity and restorative plan called for in the legislation are projected to result in more than an 85 percent increase of Klamath River salmon stocks. The removal of the hydroelectric dams will also alleviate the toxic blue-green algae which poisons the river nearly every summer. The dam removal fund established to collect PacifiCorp's contribution contains \$41.7 million and is growing every day.

It is time to stop playing political football with Klamath River salmon and work together to pass the Klamath Basin Economic Restoration Act. Congress can stop the short-term and short-sighted approach that has only held the Klamath back from producing salmon at its full potential. Please encourage the stagnant Congress to pick up the ball and run with it. The future of the fish and the economy is in their hands. ✧



## Route 101 Paving Project

Caltrans announces that a paving project on Route 101 near Klamath will begin **on Monday, November 5.**

Work will be conducted from the Klamath River Bridge to the Wilson Creek Bridge and is expected to continue through November. Work hours will be 7:30 a.m. to 7:00 p.m., weekdays. Motorists should anticipate 15 minute delays, and all work is weather permitting. Access to private drives and businesses in the project area will be temporarily affected.

### Driving Tips

- Please wait for pilot cars to guide you during construction.
- Please do not drive on new pavement unless directed to do so.
- Watch for areas of hot asphalt, and follow the project's traffic guidance.

**Thank you for your patience and cooperation during this project!**

For more information about this project, please contact Juris Mergups, Resident Engineer at 707-464-4618.

For the most current road information on all State highways, please call 1-800-427-7623 (1-800-GAS-ROAD) or visit [www.dot.ca.gov](http://www.dot.ca.gov).



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Please contact the Social Services Department to find out how you can make a difference. 707.482-1350

# Prop 215 is not recognized on reservation

*Land owners appear to be confused about marijuana regulations*

It is unlawful on the Yurok Reservation to sell, grow, possess, process, sell, transport, consume or smoke medical marijuana.

Recently, several marijuana grows on the Reservation have been found accompanied with California's Proposition 215 Compassionate Use Act cards in plain view. Prop 215 allows the cultivation, sale and use of cannabis within state boundaries for those with a valid prescription from a doctor. It appears there is confusion among some residents about whether or not medical pot is legal on the on the Reservation.

"The Yurok Tribe has a zero-tolerance policy," said Yurok Public Safety Chief Mary McQuillen. "The Tribe does not recognize California's Proposition 215. The zero-tolerance policy applies to both natives and non-natives living on the reservation."

The federal government does not recognize the California proposition either.

In addition, the Office of the Tribal Attorney warns that Proposition 215 "prescriptions" are actually medical "recommendations." Licensed physicians may not prescribe marijuana because the Federal Food and Drug Administration is the agency that regulates prescription drugs. [U.S. DOJ, DEA, Practitioner's Manual, Section V "Valid Prescription"] Physicians may only issue a recommendation under California law. "A doctor who actually prescribes or dispenses marijuana violates federal law." [Conant v. Walters (2002) 309 F.3d 629, 632] The California compassionate use act is pre-empted by federal law. [Gonzales v. Raich (2005) 545 U.S. 1]



Marijuana is illegal within the Yurok Reservation boundaries.

Yurok Public Safety Officers have the authority to cite those in violation of the regulation into federal or tribal court or both. All Yurok police were recently commissioned by the Bureau of Indian Affairs to enforce certain federal, criminal statutes on the Reservation, one of them being drug interdiction.

The Yurok Tribal Council passed the "Zero Tolerance Policy" on August 25, 2006. The policy clearly states the Tribe does not acknowledge "state issued 215 cards authorizing the use of production of medical marijuana." The resolution also asserts all illegal drugs, including marijuana, threaten "the health and welfare of the tribal membership."

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**“ THE ZERO-TOLERANCE POLICY APPLIES TO BOTH NATIVES AND NON-NATIVES LIVING ON THE RESERVATION. ”**

**MARY MCQUILLEN • CHIEF OF PUBLIC SAFETY**

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Many of the illegal pot grows, including those thought to be under the protection of 215, have yielded serious threats to the environment as well. For example tribal police officers have witnessed severe water diversions from creeks where salmon and steelhead spawn, unpermitted logging and tons of trash at the clandestine operations.

The prohibited pot production and associated ecological dangers affect mammals as well.

For example, a recent U.C. Davis study of Pacific Fishers in the region found chilling levels of various rodenticides in 46 of 58 fishers sampled in the scientific investigation.

Also, every time a grow site is dismantled the Yurok Environmental Program has to survey the sites and remediate imminent threats to the ecosystem and, if there are funds available, clean up the trash and other unsightly debris.

**To report illegal cannabis cultivation, contact Yurok Public Safety at (707) 482-8185. ✘**

## Q and A with Employee of the Month Steven Basford, who works as a computer technician for the Information and Technology Department.

1. **What is your title?** Computer Technician I
2. **How long have you been working for the Tribe?** Three Years
3. **Why did you decide to work for the Tribe?** An opportunity to continue my education in computer systems and to help others with any computer related issue that they may have.
4. **What does your job entail?** Maintaining, fixing, building, programming, and updating computer systems and computer related equipment. Other parts of my job entail network management, setting up accounts, building webpages (internalweb, YurokTribe, ext.), running Ethernet lines, setting up phone systems, and any other computer related job.

5. **What is the most satisfying part of your job?** Knowing that the systems I work on are being used and are working as they were designed and built.

6. **How does your position serve the tribal membership?** Keeping everyone up to date on the latest tech and keep us all moving towards the future of technological advancement.

7. **What do you do outside of work?** I'm a video gamer and the funny thing is that being a gamer is what made me want to be a computer technician. In the past, if you wanted to play most of the latest games on a computer you almost had to be a computer programmer. I found I had a knack for solving problems to computer related issues and I wanted to share my knowledge with others.

8. **What are your plans for the future?** Continue my education into computers and computer related systems to keep up with the latest technology as it comes out. Then apply my knowledge in my everyday work to share with others. ✘

## Former Forestry Director out on bail

Former Yurok Forestry Director Roland Raymond was recently released on \$50,000 bail from Humboldt County Jail.

Raymond and two biologists are suspected of allegedly embezzling more than \$870,000 from the Yurok Tribe. Ron LeValley and Sean McAllister of Mad River Biologists are also out on bail. Federal investigators believe Raymond also allegedly embezzled \$35,475 from the California Indian Forest and Fire Management Council.

The funds largely originated from the federal government, which is why Federal prosecutors took over the case in early 2012.

Raymond faces up to five years in federal prison and \$250,000 in fines. Federal prosecutors stated that Raymond is no longer a flight risk.

Raymond is due back in court on December 10 for arraignment. He pled not guilty in August.

The Yurok Tribal Council is closely monitoring the case, which is of grave importance.

The Tribe expects LeValley and McAllister to be formally charged in federal court, but they are expected to be back in front of a judge on January 8, 2013, nearly a year after the initial arrest. ✘

# Tribal homeowners likely exempt from fee

Yurok tribal members and registered members of other tribes, who own habitable structures on the Yurok Reservation, are believed to be exempt from paying California's recently levied Fire Prevention Fee.

California Assembly Bill X1 29, passed as an emergency provision in the closing budget sessions of 2011, allows the state to collect a fee of up to \$150 for each livable structure located in what is called the State Responsibility Area. The SRA covers one-third of the state in mostly rural areas.

Homeowners within the SRA, but under the jurisdiction of a local fire department will receive a \$35 reduction for each habitable structure. The fee will offset the costs of brush clearing, evacuation routes and forest restoration activities that will hasten wildfires.

Many Yurok Reservation residents submitted inquiries with the Yurok Office of the Tribal Attorney asking if they are legally obligated to pay the fee. The OTA drafted a memorandum to the Yurok Tribal Council, which included an opinion of whether or not tribal members, who own habitable dwellings on the Reservation, are obligated to pay the fee.

"It is the opinion of the Office of Tribal Attorney that Indian owners of (habitable structures within the Reservation) are not subject to the Fire Prevention Fee...Indian owners of land that is not within the Reservation would have to pay the fee," according to the memorandum.

There are two designations of land ownership within the Yurok Reservation, which are important to understand in relation to the Fire Prevention Fee. There is "fee land" which is land owned by individuals and there is "trust land", property the federal government holds for the Tribe. The fee does not apply to trust land, however it does apply to non-Indian owners of fee land.

The OTA pointed to prominent case law to back-stop its conclusion. *Yakima v. Confederated Tribes* (1992) 502 U.S. 251 confirms that states and local governments can tax real

property held in fee, but such taxes (e.g. county real property taxes) must be a taxation of land and not taxation with respect to land or taxation of transactions involving land. According to the Fire Prevention Fee legislation, the fee supports "prevention activities that are associated with structures on lands designated to be within the State Responsibility Area. Prevention costs will be equitably distributed among the citizens of the state "who generally benefit from those activities." The fee is for structures, not land and is "not enforceable against tribal members or other Indian owners of fee land on the reservation," according to the Yurok Office of the Tribal Attorney.

Additionally, Public Law 280 only allows the state to claim civil regulatory jurisdiction over Native Americans on the reservation when it is specifically approved by Congress. The distinction here between regulation and prohibition is important. Some activities, such as methamphetamine sales and spousal abuse are always prohibited by the state and are subject to state jurisdiction on the reservation. Other state laws, such as many traffic laws and building codes are regulatory in nature because it is permissible to drive or to build under certain circumstances. In the case of structures, the maintenance of structures is not prohibited, but it is regulated by zoning laws and building codes. The Fire Prevention Fee is a regulation of the activity of structure maintenance.

The OTA cited *Bryan v. Itasca County*, a precedent-setting case, which makes clear that California cannot impose a tax on habitable structures owned by Native Americans living on a reservation. In the case, the United States Supreme Court, citing PL 280, overturned a tax upon a mobile home structure because the tax was regulatory in nature and not specified by congress.

**Cal Fire has a form for those who believe they are exempt from the fee. The Petition of Redetermination can be found on its website [www.firepreventionfee.org](http://www.firepreventionfee.org). It is suggested that tribal members submit this form in lieu of payment to Cal Fire. ✪**

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“ IT IS THE OPINION OF THE OFFICE OF TRIBAL ATTORNEY THAT INDIAN OWNERS OF (HABITABLE STRUCTURES WITHIN THE RESERVATION) ARE NOT SUBJECT TO THE FIRE PREVENTION FEE. ”

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# Yurok Tribe

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