



Delores Pigsley

Chairman's Report

Siletz Legislation

As I mentioned in an earlier edition of *Siletz News*, the Tribe is seeking to have our original Siletz/Coast Reservation border recognized in legislation. The purpose of the legislation is to make it easier to have land the Tribe purchases taken into trust in a more simple process than is currently used.

We began working on this process several years ago. Our efforts resulted in some changes in the Bureau of Indian Affairs that allow the fee-to-trust process to be completed in the Northwest regional office, but all acquisitions – whether within our original reservation or not – are treated as off-reservation.

We have met on this issue with our congressional representatives several times both in Washington, D.C., and in

Oregon. We have worked to alleviate any and all concerns they asked about.

We met with and discussed the proposed legislation with all six counties that have land within our original 1855 Siletz/Coast Reservation. We also have met with and discussed our boundaries with both the Coos, Lower Umpqua and Siuslaw Tribe and with the Confederated Tribes of Grand Ronde.

In talks with the Coos, we recognized that their casino is inside the original 1855 Siletz/Coast Reservation. The land they purchased was a Siletz allotment and owned by an enrolled Siletz Tribal member.

Our Tribe did not object to the Coos purchase nor taking the land into trust for their casino. We remain supportive today of their efforts to further develop their resort plans, but in exchange we want them to acknowledge our historical reservation boundary.

In discussions with the Grand Ronde Tribe, their position has been that they also have a right to the Siletz/Coast Reservation. They currently have a bill introduced in both the House and the Senate that identifies their original 1857 Grand Ronde Reservation and doesn't mention our reservation. Their bill would recognize the boundaries set in the presidential order signed by President James Buchanan establishing the Grand Ronde Reservation.

Historical documents identify both the 1857 Grand Ronde Reservation established by executive order and the 1855

Siletz/Coast Reservation established by an executive order signed by President Franklin Pierce. Both executive orders were pursuant to several treaties and stipulations contained in them.

Along with the executive orders are numerous other documents as well as Court of Claims decisions that rejected any Grand Ronde interest in our original Reservation or any matters pertaining to it.

Both the Grand Ronde legislation and ours cite these executive orders as the authority for defining our original respective exterior boundaries for use in processing fee-to-trust applications.

I am happy to announce that our legislation was introduced in the Senate by our Senators Ron Wyden and Jeff Merkley; it is S908. Rep. Kurt Schrader will introduce the bill in the House of Representatives soon.

Bud Lane, our attorney Craig Dorsay and I visited Washington, D.C., the first week in May and met with our representatives. A hearing on our bill will be held by the Senate Committee on Indian Affairs, where we will present our case and facts in support of our legislation and have the opportunity to respond to any opposition.

Currently, the only opposition is by the Confederated Tribes of Grand Ronde. I have included their opposition letter in this edition of *Siletz News* so everyone will have a clear understanding of how extreme and unfounded a position they have taken (see below).

Investment Committee: Hawaii

Our Investment Committee held its last committee meeting in Honolulu, Hawaii. The representative of our investor, Atalanta Sosnoff Capital LLC, was recently changed to a gentleman named Kamani Kuala'au, now the senior vice president, who happens to be a Native Hawaiian and resides there.

Also included was Ken Miller, financial advisor of Morgan Stanley Smith Barney, who invests our minors' trust accounts along with our short-term investments.

We meet with our investors every other year to understand the investment strategies and make any changes that may be necessary. Our investments are doing very well.

Ken Miller agreed to provide information to our 18-year-olds who draw their funds out of the trust, information that will assist them in re-investing their funds.

Also on our agenda was a meeting with the Native Hawaiian group that is seeking federal recognition for Native Hawaiians. Some of us had met previously with their representatives while on a trip to Washington, D.C. The group invited us to a meeting with the larger group to talk about Tribal restoration and discuss the process our Tribe went through.

The Native Hawaiians were very cordial, had lots of questions and are seeking assistance. We will have a follow-up meeting when they visit us in the near future.

Their Restoration legislation has been introduced in the Senate by Senators Daniel Inouye and Daniel Akaka.



The Confederated Tribes of the Grand Ronde Community of Oregon

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April 6, 2011

Senator Ron Wyden
223 Dirksen Senate Office Building
United States Senate
Washington, DC 20510

via electronic mail to
senator@wyden.senate.gov and
michele_miranda@wyden.senate.gov

Re: Siletz Restoration Act Amendment

Dear Senator Wyden:

On behalf of the Confederated Tribes of the Grand Ronde Community of Oregon ("Grand Ronde"), I am writing to express concern over the proposed legislation to amend the Siletz Indian Tribe Restoration Act, and to urge you not to advance this legislation. The Siletz legislation is materially different from HR 726 and SB 356, Grand Ronde's bills to amend the Grand Ronde Reservation Act, and would significantly infringe on the rights of Grand Ronde and other tribes in western Oregon.

Unlike Grand Ronde's bill – which seeks to improve the process of acquiring lands in trust and returning to reservation status lands the Tribe reacquires within its original reservation – we believe the purpose of the Siletz legislation is to eliminate the historic claims of other tribes to the former Coast Reservation (which was set aside for all tribes in western Oregon) by equating the boundaries of the Siletz Reservation with the boundaries of the Coast Reservation. The Coast Reservation, as described in the Executive Order dated November 9, 1855, was never designated exclusively for the Siletz. It was set aside for Indians throughout western Oregon, including the antecedent tribes and bands of the Grand Ronde such as the tribes of the Willamette Valley, Umpqua Valley, and Rogue River Valley.¹ The Siletz are aware that Grand Ronde has made historic claims to the Coast Reservation. Their proposed legislation is nothing

¹ The Executive Order states: "The reservation of the land within denoted by blue-shaded lines is hereby made for the purposes indicated in the letter of the Commissioner of the General Land Office of the 10th September last and letter of the Secretary of the Interior of the 8th November, 1855." 1 Kappler's Indian Affairs 890-91 (U.S. G.P.O. 1904). The letter of September 10, 1855, referenced in the Executive Order, indicates that the Coast Reservation was established for the "Coast, Umpqua, and Willamette Tribes of Indians in Oregon Territory." The letter is reprinted in *Alcea Band of Tillamooks v. United States*, 59 F. Supp. 934 (Ct. Cl. 1945) (Special Findings of Fact #13), *aff'd*, *United States v. Alcea Band of Tillamooks*, 329 U.S. 40 (1946).

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more than a veiled attempt to eradicate the claims of Grand Ronde and other western Oregon tribes to the Coast Reservation.

The intent of the Siletz legislation is clear as the legislation does nothing to improve the process by which lands are taken into trust or given reservation status. The provisions of the legislation are not effective unless the relevant county submits a resolution or similar document accepting the provisions of the legislation and there is no certainty that the affected counties would actually do this.

The proposed legislation is also inconsistent with Section 7(d) of the Siletz Indian Tribe Restoration Act (25 U.S.C. 711e(d)), which provides that "the Secretary shall not accept any real property in trust for the benefit of the tribe or its members unless such real property is located within Lincoln County, State of Oregon." The property described in the proposed legislation is much more expansive, covering Lincoln, Lane, Tillamook, Yamhill, Benton, and Douglas Counties. Moreover, since the proposed legislation includes property in Tillamook and Yamhill Counties, the proposed legislation infringes on interests of Grand Ronde. Specifically, Section 8 of the Grand Ronde Restoration Act (25 U.S.C. 713(f)), provides that "the Secretary shall not accept any real property in trust for the benefit of the tribe or its members which is not located within the political boundaries of Polk, Yamhill, or Tillamook County, Oregon."

The Confederated Tribes of Grand Ronde request you defer any further action on the Siletz Restoration Act amendment.

Very truly yours,

Cheryl A. Kennedy
Chairwoman

cc: Oregon Congressional Delegation
Tribal Council
Tribal Attorney

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