

The Siletz Tribe's legislation has been passed by the House Natural Resource Committee and historical issues between Siletz and Coos have not been worked out. An amendment added by Congressman Peter DeFazio was meant to solve the issue agreed to by the Tribes, however, the Coos Tribe is now not agreeable. Below is our position on the history.

**Response to Coos Tribe's arguments against the Siletz legislation**

**Ancestral lands (Coos) versus Reservation lands (Siletz)**

The Coos Tribe's narrative tries to equate ancestral lands with Reservation lands. This maneuver is legally and historically unfounded because the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (recognized by Congress in 1984) never historically had a separate reservation. This is the fundamental justification for their new proposal to have 15,000 acres of federal land transferred to their exclusive ownership. Lane County should carefully consider that legislation because it will remove Lane County lands from county jurisdiction without any opportunity to comment or appeal.

If "ancestral lands" were the legal threshold for seeking on-reservation treatment in the fee-to-trust process, then the Siletz and Grand Ronde Tribes should be granted on-reservation status for every acre of western Oregon, from the crest of the Cascade Mountains to the Pacific Ocean, because the Tribes and bands that comprise those two Tribes are from throughout western Oregon. The over-

reach of such a proposal demonstrates why the on-reservation process is confined by law and regulation to the obvious: the boundaries of historically established reservations. The Coos Tribe's quest for "fair" treatment seeks to fundamentally alter and change law that has existed for at least the last 75 years. In contrast, the Siletz Tribe's legislation merely seeks to apply the current fee-to-trust regulations to the unique historical circumstances of the Siletz Tribe.

Moreover, the Siuslaw Indians living within the Siletz/Coast Reservation became part of the Siletz Confederated Tribe. Unfortunately the Coos Tribe has a pattern of asserting false legal ties to these people. For example, when the Coos Tribe sought to have the Hatch Tract placed into trust near Florence in 1997, the Coos Tribe informed the Bureau of Indian Affairs that the land "belongs to an Indian family with long-standing ties to the Confederated Tribes [of Coos, Lower Umpqua and Siuslaw Indians]."<sup>1</sup> In reality, the property had always been owned by individuals associated with the Siletz Tribe.

**Coos Tribe cannot have "on-reservation" status for a reservation that never existed**

The Coos Tribe is asking the county to support what history and the law preclude: to give them a right to the historic Siletz Coast Reservation. While both the Coos and Siletz Tribes have ancestors who resided in the Siuslaw watershed, those Siuslaw Indians who resided there after 1855 became Siletz Indians.

The Siletz bill does not affect other rights the Coos Tribe has within the area

described in the legislation (historic Siletz Reservation). For example, on federal and state lands the Coos Tribe will still be consulted along with the Siletz Tribe on cultural/historic matters such as the discovery of human remains or items of archaeological significance.

This differs from the Coos Tribe's own proposal to have Congress transfer 15,000 acres of federal land to the Tribe for its exclusive use. If the Coos Tribe's own arguments of the rights to "ancestral lands" were extended to their own proposal, the Siletz Tribe would have equal claim to those lands and it should be placed into trust equally for both Tribes.

**Coos Tribe would not be "disadvantaged" if Siletz bill is passed**

The Bureau of Indian Affairs specifically responded to this argument at a hearing in the House Subcommittee on Indian & Alaska Native Affairs in July 2012. When asked if Siletz could effectively "veto" land acquisitions by the Coos Tribe within the area covered in the Siletz bill, the BIA Director Mike Black stated that "the only time that [Tribal veto] comes into question is if another Tribe is trying to acquire lands within the jurisdictional boundaries of another reservation." The Siletz legislation does not create a jurisdictional boundary for the Siletz Tribe, it merely directs the BIA to process Siletz's fee-to-trust applications in a different manner. **There is no change whatsoever to how an application from the Coos Tribe would be handled.**



Delores Pigsley

This was further evidenced at the same hearing when BIA Director Black was asked "If H.R.6141 (the predecessor to HR 931) became law, could the Coos Tribe seek to have its claimed ancestral land within the Coast Reservation taken into trust?" Director Black responded, "I believe they could, yes sir." Even if the Siletz bill is signed into law, the Coos Tribe still has the ability it has now to purchase land and seek its placement into trust status.

As discussed above, the Coos Tribe does not have the same historical or legal right to on-reservation treatment in this geographic area. It was the Siletz Tribe's historical reservation and the Coos Tribe merely has an ancestral claim to part

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