

Old Grand Ronde Indian Land Claims

DeDe Whitewolf, Law Clerk for the Native American Program of the Oregon Legal Services, is conducting research for old Indian claims for money damages from injury to Trust and Restricted Tribal Lands. The scope and types of claims covered by the Statute of Limitations are described in the enclosed statement. The time limit for filing the claims is extremely short and your assistance will be of great value in the success of this effort. As a reminder, you MUST be aware of the closing date since no further claims will be considered after this date. The Statute of Limitations set a time limit after which the United States is FOREVER BARRED from commencing a lawsuit to recover money damages on behalf of Indian Tribes, Bands or groups of American Indians, or Individual Indians.

Scope of claims subject to the statute

Congress enacted a statute of limitations establishing a time limit after which the United States is forever barred from commencing a lawsuit to recover money damages on behalf of Indian Tribes, bands or groups of American Indian or individual Indians whose lands are held in trust or restricted status. Where the acts transactions or occurrence upon which the claim for money damages is based, took

place on or before July 18, 1966, any claims have to be submitted before September 17, 1983.

The statute applies to all cases where the United States has authority to sue to recover money damages on behalf of an Indian Tribe or Individual Indian by virtue of its trust responsibility to protect Indian property rights. It applies to causes of action arising out of a legally wrongful act or omission or the breach of a contractual obligation.

A. Claims for damages due to unauthorized occupancy of incorrect use of tribal or individually held lands or for the use of removal of its Natural Resources (Trespass)

1. Damages resulting from wrongful occupancy or use of tribal or allotted lands. For example, occupancy of Indian lands by a person, building, fencing, or other improvements without authority. Such cases may arise as a result of boundary disputes, or occupancy or use of Indian lands that were sold or leased by the Indian owner, but without the United States' approval of the sale or lease.
2. Damages to tribal or allotted lands or natural resources resulting from fire.
3. Damages resulting from the removal of natural resources from tribal or allotted lands. For example, unauthorized removal of sand, gravel, timber or other minerals.
4. Damages resulting from the wrongful appropriation of or interference with federally protected Indian water rights.

B. Claims damages due to the wrongful possession or use of tribal or individual personal property if such personal property is protected by Federal Government. (Conversion)

Damages resulting from wrongfully depriving an Indian owner of the possession or use of personal property which is protected by Federal Law. For example, the wrongful removal of felled timber (logs) from Indian lands.

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