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## Garage sale seeking donations

Tribal Elders are seeking donations of items for their fundraising garage sales.

To donate an item or items, call Tribal Elder Linda Brandon at 971-267-0918. ■

# Cowlitz Tribe not federally acknowledged until 2000

**COWLITZ continued from front page**

tary Larry Echo Hawk and Bureau of Indian Affairs Northwest Region Director Stanley Speaks.

The approximately 152-acre parcel that Interior approved to take into trust for the Cowlitz Tribe is at the Northwest 319th Street interchange west of Interstate 5 near La Center, about 15 miles north of Vancouver. The Cowlitz have announced plans to build a large casino at the site.

However, Grand Ronde's lawsuit says that the land is approximately 25 miles from the Cowlitz administrative offices in Longview, Wash., and 50 miles away from Cowlitz Tribal housing and the Cowlitz Elders Program and Senior Nutrition Center in Toledo, Wash.

"Grand Ronde has cultural and historical connections to the north shore of the Columbia River, including Clark County," the lawsuit says. "Indeed, that historical connection has been expressly recognized by treaty since 1855. Grand

Ronde also considers Clark County, Wash., part of its Non-Treaty Homelands and Cultural Interest Lands, and Grand Ronde Tribal members are buried on the north side of the Columbia River.

"Establishment of a reservation for the Cowlitz outside their aboriginal lands — and on lands to which Grand Ronde, by contrast, has a significant connection — would cause further injury to Grand Ronde."

The Indian Claims Commission, the Tribe's lawsuit states, determined the southernmost area of the Cowlitz's aboriginal land is at least 14 miles north of the parcel.

"In the relevant historical time periods, such distances would have been difficult to travel and would have been traveled only rarely," the lawsuit says, which does not support Salazar's finding that the Cowlitz had a significant historical connection to the land.

The lawsuit filed by Clark County and the other parties also points out that the Department of Interior's decision appears to run contrary to

a 2009 Supreme Court decision that ruled Interior could only take land into trust for Tribes that were recognized as of 1934, when the Indian Reorganization Act was enacted.

"In approving the Cowlitz Tribe's proposed fee-to-trust, the Secretary ... exceeded his authority under the Indian Reorganization Act, the scope of which the Supreme Court recently clarified in *Carcieri v. Salazar*," Clark County's lawsuit says.

Clark County says that the Supreme Court ruled that the Indian Reorganization Act defines the term "Indian" to "include all persons of Indian descent who are members of any recognized Indian Tribe now under federal jurisdiction" with "now" meaning when the act was first enacted in 1934.

The Cowlitz Tribe was not federally acknowledged until 2000.

"The available evidence ... demonstrates that the Cowlitz Tribe was not under federal jurisdiction in 1934," the lawsuit states.

Clark County's lawsuit also points out that the Cowlitz Tribe's fee lands and Tribal offices are 24 miles

north of the proposed casino site within the Tribe's historic territory, but that real estate developer David Barnett, the Tribe's chairman's son at the time, purchased the option on the La Center parcel, which is a "short 16-mile drive from Portland, Oregon, providing easy access to the Portland gaming market."

Clark County's lawsuit also asserts violations of the Indian Gaming Regulatory Act and National Environmental Policy Act by the Department of Interior in reaching its decision to OK the Cowlitz land request.

The Grand Ronde Tribe has retained the law firm of Robbins, Russell, Englert, Orseck, Untereiner & Sauber to represent it while Clark County and the city of Vancouver are using staff attorneys and Citizens Against Reservation Shopping, the neighboring landowners and card room owners have retained Perkins Coie law firm.

U.S. District Court in Washington, D.C., is not expected to hear either lawsuit until this summer at the earliest. ■



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