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The Tulalip Tribes are federally recognized successors in interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the Treaty of Point Elliott.

June 5, 2019

Rep. Raul Grijalva, Chairman  
Committee on Natural Resources  
U.S. House of Representatives  
Washington, DC 20515

Rep. Rob Bishop, Ranking Member  
Committee on Natural Resources  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Grijalva and Ranking Member Bishop:

The Tulalip Tribes, the successors in interest to the Snohomish, Snoqualmie, and Skykomish tribes and other tribes and bands signatory to the Treaty of Point Elliot of 1855, strongly oppose H.R. 2961, the “Samish Indian Land Reaffirmation Act.” The bill could open the door to renewed assertions of treaty rights by the Samish Indian Nation to the detriment of the Tulalip Tribes and other treaty tribes. Federal courts have repeatedly and consistently held that the Samish Indian Nation is not a successor to any tribe that participated in the 1855 Treaty of Point Elliot. H.R. 2961 would upend 40 years of legal precedent and the extensive litigating position that the Tulalip and other area tribes have relied on administering treaty resources.

As introduced, the bill would “ratif[y] and confirm[.]” an interim decision by Bureau of Indian Affairs Northwest Regional Director to take approximately 6.70 acres of land into trust for the benefit of the Samish Indian Nation. Although Tulalip does not object to Samish putting this particular parcel of land into trust status, Tulalip has strong objections to the Regional Director’s “Carcieri” analysis supporting the decision. In concluding that the Samish Indian Nation was under federal jurisdiction in 1934, the Regional Director November 9, 2018, decision is premised solely on the notion that Indian Nation is a successor to the historic Samish and Nuwaha tribes, which were parties to the 1855 Treaty of Point Elliott. The fact that the Samish Indian Nation is not a successor to a treaty tribe does not preclude the Samish Indian Nation from establishing that it was under federal jurisdiction in 1934, but it does preclude it from establishing that it was under federal jurisdiction *on the basis of the Treaty of Point Elliott*.

The BIA Regional Director’s November 9, 2018, decision is an unlawful agency action in light of the four decades of federal court decisions that have examined the successorship issues under the Treaty of Point of Elliott and made the opposite conclusion.

The Tulalip Tribes fully supports and incorporates by reference the written testimony of Chairman Brian Cladoosby on behalf of the Swinomish Indian Tribal Community section 4 (a),(b), and (c) submitted by the Swinomish Indian Tribal Community that discuss the extensive litigating

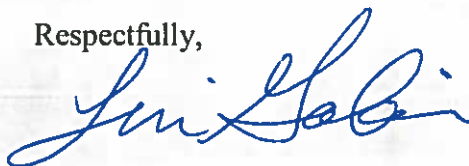
position of the United States, federal case law, and the decision made by the Regional Director, among other things related to the 1855 Treaty of Point Elliot.

As noted in Chairman Cladoosby's testimony, as introduced, H.R. 2916 would terminate the Swinomish Indian Tribal Community's administrative appeal challenging the Regional Director's decision that is currently pending before the Interior Board of Indian Appeals. Although the Tulalip Tribes did not appeal the decision to avoid redundancy with Swinomish's claims, it does intend to participate in the briefing on the merits of the appeal as *amici curie*.

The federal government and Congress have a trust responsibility to Indian tribes to allow tribes to utilize established federal procedures to obtain legal redress and judicial review of decisions that adversely affect their interests. From a moral perspective, this trust responsibility is heightened when the decision being challenged implicates tribal treaty rights.

If you have any questions please call Tulalip Tribal Chairwoman Teri Gobin at 360-716-4500 or Lisa Koop Gunn at 206-683-5667 or email [lkoop@tulaliptribes-nsn.gov](mailto:lkoop@tulaliptribes-nsn.gov).

Respectfully,



Teri Gobin  
Tulalip Chairwoman

cc: Tulalip Board of Directors  
Senator Patty Murray  
Tulalip Natural Resources Department  
Lisa Koop Gunn, Tribal Attorney