



Confederated Tribes of Warm Springs, Oregon
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April 4, 2022

Chairman Raul Grijalva
Ranking Member Bruce Westerman
Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, D.C. 20151

Re: H.R. 1891

Dear Chairman Grijalva and Ranking Member Westerman:

On behalf of the Confederated Tribes of the Warm Springs Reservation of Oregon (“Warm Springs Tribe”), I am writing to express our concerns about H.R. 1891, a bill “To Amend the Grand Ronde Reservation Act, and Other Purposes”. If enacted, this legislation would permit the Grand Ronde Tribe to pursue land claims against the United States within the State of Oregon. Our concern is that such land claims could be the basis for establishing an off-reservation casino on a 26 acre parcel of fee land Grand Ronde currently owns just east of Portland, Oregon.

Grand Ronde recently announced in its tribal newspaper that it planned to convert this property, a former greyhound race track, in Wood Village, Oregon into a Class III casino called “Spirit Mountain at Wood Village”. <https://www.smokesignals.org/articles/2021/08/12/tribe-updates-wood-village-officials-on-casino-plans/>. However, under the 1988 Indian Gaming Regulatory Act, presumably the only way Grand Ronde would be able to take the land into trust and have it determined to be “gaming eligible” by the Secretary of the Interior, would be proceed through the IGRA Section 26 “two part determination” process. 25 U.S.C. Section 2719(b)(1)(A). This is a highly rigorous and uncertain process that requires extensive consultations with the state, surrounding community and nearby Indian tribes, and also requires the Governor’s concurrence in the Secretary’s positive “two part determination”.

When other Oregon tribes have undertaken the IGRA Section 26 “two part determination” process for approval of off-reservation casino projects, Grand Ronde has vigorously and loudly objected to these proposals. A few years ago, the Warm Springs Tribe pursued a “two part determination” casino project at Cascade Locks, Oregon and faced intense, prolonged and very costly opposition from Grand Ronde along the way. Currently, the Siletz Tribe has initiated the “two part determination” process seeking approval of an off-reservation casino in Salem, OR. Like the Warm Springs project, the Siletz project has encountered intense opposition from the Grand Ronde Tribe. Should Grand Ronde pursue the “two part determination” process to gain

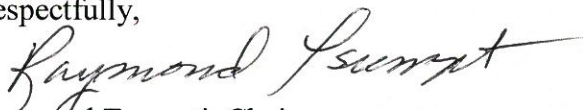


approval for their “Spirit Mountain at Wood Village” project, they will undoubtedly face stiff opposition from the surrounding community, nearby Indian tribes, who will point out the hypocrisy of the Grand Ronde project when Grand Ronde had opposed other tribes similar projects, and the uncertainty of the Governor’s concurrence.

Our concern about H.R. 1891 is that Grand Ronde may seek an alternative, much easier, path for approval by the Secretary of Interior of gaming at the “Spirit Mountain at Wood Village” facility. That process is set out in 25 U.S.C. Section 2719(b)(1)(B)(i), which allows the Secretary to approve gaming on land taken into trust as part of a “land claim settlement”. The land into trust and “gaming eligible” determination by the Secretary under this section of IGRA are mandatory, not discretionary, and are not subject to consultations with the state, surrounding community, nearby Indian tribes and does not require the Governor’s concurrence. This is the process recently used by the Tohono O’Odham Tribe of Arizona to develop the “Desert Diamond” casino in Glendale, AZ. If H.R. 1891 is enacted into law, revenue derived from a land claim settlement with Grand Ronde could be used to purchase land for gaming purposes. Under federal precedent, this land could then be placed into trust under IGRA’s “land claim settlement” provision.

For the reasons stated above, we urge the Committee to reject H.R. 1891. Alternatively, to foreclose the possibility of a future Grand Ronde land claim leading to approval of gaming at the “Spirit Mountain at Wood Village” property (or elsewhere), the bill should be amended to state in clear and uncertain terms that IGRA’s “land claim” provisions for gaming approval cannot be used by Grand Ronde with respect to any new lands acquired as a result of a future land claim settlement, including land purchased with the proceeds of a settlement.

Respectfully,



Raymond Tsumpti, Chairman
Warm Springs Tribal Council

