



COWLITZ INDIAN TRIBE

February 9, 2022

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

Re: Significant Concerns about H.R. 1891, A Bill to Amend the Grand Ronde
Reservation Act.

Dear Chairman Grijalva and Ranking Member Westerman,

The Cowlitz Indian Tribe is writing to you to express extreme concern about H.R. 1891, a bill “To Amend the Grand Ronde Reservation Act, and Other Purposes.” We understand that the rationale for introduction of the bill was to address “an error in a prior amendment” to the Grand Ronde Reservation Act (Act). (Respectfully, it is hard to fathom that the very clear language in the 1994 Act relating to termination of claims within the State was “an error,” and we point out that Grand Ronde’s *lawyer* testified on the Tribe’s behalf in the original House hearing on the 1994 Act.) *See Federal Recognition of Indian Tribes: Hearing on H.R. 2549, H.R. 4462 and H.R. 4709 Before the House Subcommittee on Native American Affairs of the House Committee on Natural Resources*, 103rd Congress, July 22, 1994, p. 105. Our concern is that rather than correcting an “error,” this legislation in fact reopens tribal territory issues that surrounding tribes thought were long since resolved, and that there has been no consultation with the tribes that may well be impacted by this proposed legislation.

As you know, the Grand Ronde Reservation Act was enacted in 1988 to establish a reservation for the Grand Ronde Tribes after Grand Ronde was restored to federally recognized status in 1983. Pub. Law 100-425, 102 Stat. 1594 (Sept. 9, 1988). The Act has been amended several times since then, increasing Grand Ronde’s total reservation acreage. In 1994, the bill was amended to allow Grand Ronde to acquire an additional 240 acres of Bureau of Land Management (BLM) land contiguous to the Tribe’s reservation to settle claims it had relating to 84 acres (known as the “Thompson Strip”) that had been erroneously excluded from Grand Ronde’s reservation due to a BLM survey error. In exchange for receiving 240 acres of BLM land as compensation for the original 84 acres, Grand Ronde settled their claims against the

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federal government by agreeing to an extinguishment of “all claims to lands within the State of Oregon based upon recognized title to the Grand Ronde Indian Reservation ...” Pub. Law 103-435, 108 Stat. 4566 (Nov. 2, 1994).

H.R. 1891 appears to drastically change the terms of that settlement and by so doing potentially impacts the interests of other tribes, including Cowlitz. In its testimony on identical legislation in the 116th Congress, the Department of the Interior flagged this problem. “While the legislative history does not directly address the statewide claims extinguishment section of the 1994 Act, the Tribe had the opportunity to oppose that provision on the record. *The Department encourages the Subcommittee [for Indigenous Peoples] to pursue further investigation of the land claim settlement which resulted in P.L. 103-435 to determine if H.R. 4888 would be appropriate.*” <https://naturalresources.house.gov/imo/media/doc/BIA%20-%20Statement%20for%20HNR%20sc%20IPUS%20Leg.%20Hearing%20on%20H.R.%204059,%20H.R.%204888,%20H.R.%205153.pdf>. *Emphasis added.* The Department indicated that it was “not supportive of measures that might result in additional federal liability for previously extinguished land claims.” The Cowlitz Tribe is concerned that Interior’s concerns have not been addressed.

Even more disturbing for the Cowlitz Tribe, however, is the impact reopening the Grand Ronde settlement terms may have on other tribes, including Cowlitz. To the best of our knowledge, Grand Ronde has produced no map or other information that would allow Congress or the public to gauge where its other claim areas are located. We are aware of a map, publicly available online at Grand Ronde’s website (<https://www.grandronde.org/history-culture/history/our-story/>) and reproduced at the back of this letter, that appears to demonstrate the very large area in which Grand Ronde may believe it has claims. Claims within Grand Ronde’s purported “Treaty” and “Unceded Territory” areas appear to potentially impact not only Cowlitz’s reservation, but (if we are reading the map correctly) also the reservations of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians, Confederated Tribes of Siletz Indians of Oregon, Coquille Indian Tribe Cow Creek Band of Umpqua Tribe of Indians. Finally, I note that Cowlitz was not restored to federal recognition until 2002, so we never had a real opportunity to comment on any of the Grand Ronde legislation when it was originally considered and enacted.

In the strongest possible terms, Cowlitz urges that the Committee should insist that Grand Ronde be clearer about where its additional land claims might be located by providing a map that would be included in the legislative record. Grand Ronde should also be more transparent about whether its potential claims are “possessory” in nature, *i.e.*, whether they potentially might unsettle or impinge the land rights of other tribes or land owners. Finally, we urge that it is

crucial that Congress consult with the potentially affected tribes before Congress allows Grand Ronde to unilaterally change the terms of its 1994 land claim settlement.

Respectfully,



David Barnett
Chairman

