



Confederated Tribes of Siletz Indians

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Team Leader
Western Oregon Plan Revisions Office
P.O. Box 2965
Portland, OR 97208

Dear Team Leader:

On behalf of the Confederated Tribes of Siletz Indians, I offer the following comments regarding the Bureau of Land Management's Western Oregon Plan Revisions. I am writing this letter in support of the Lands Actions as described in Appendix O, and I am suggesting modifications in those actions that would support the Siletz Tribe's efforts at increasing its land base.

The Confederated Tribes of Siletz Indians is a federally recognized tribe, headquartered in Siletz, Oregon. Our tribe has over 4,000 enrolled members. Most live in the area covered by the Western Oregon Plan Revisions.

One goal of the Siletz Tribe is to consolidate and diversify its land base to support sustainable economic growth. The Tribal economy is reliant on a sovereign land base, its resource stewardship, and its economic commodities to provide a cornerstone for sustainable economic growth and stability. The Tribal economy, in turn, supports tribal services including health care, housing, and educational and employment opportunities. As a self-governance tribe, the Siletz Tribe is steadily building its capacity to operate such programs sufficient to serve the growing memberships' needs. The Western Oregon Plan Revisions offer your agency a unique opportunity to help the Siletz Tribe achieve economic growth and meet the needs of tribal members by targeting land disposal actions to benefit federally recognized Indian tribes.

There are four geographic scales for which we are interested in the proposed Lands Actions. The first is our ancestral lands. In pre-contact times, the ancestors of the Confederated Tribes of Siletz Indians belonged to over 25 diverse tribes from western Oregon and Northern California. Because of the diversity of the bands that comprise our ancestors, our ancestral land in Oregon stretches from the Oregon coast to the crest of the Cascade Mountains, from the Columbia River to the California state line. Any land disposal action within this area, including exchanges or sales, would be of inherent interest to our tribe. Land exchanges or disposals to non-Tribal entities could have

adverse affects on areas important to our culture. Additionally, we would be interested in any land acquisition opportunities that may arise throughout the Western Oregon Plan Revision affected area, so we may manage and protect resources important to our culture.

The second scale of interest to the Siletz Tribe is land within the original boundaries of the Coast (Siletz) Reservation. Our Siletz Reservation was established by an Executive Order, signed by President Franklin Pierce on November 9th, 1855, and originally contained over 1.1 million acres. The establishment of a permanent reservation was called for by several treaties signed with our western Oregon Tribes as early as 1853, which had been ratified and proclaimed law by the President prior to the 1855 Executive Order. In particular, the Rogue River Treaty of September 10, 1853, established a "temporary reservation" in the Rogue Valley (Table Rock) "until a suitable selection shall be made by the direction of the President of the United States for their *permanent* residence, and buildings erected thereon, and provision made for their removal" (emphasis added). The original Coast Reservation boundary included all the lands from Cape Lookout to the divide between the Siuslaw and Smith Rivers, including all that drained into Siltcoos Lake and Siltcoos River and eastward to the western boundary of the 8th Range of Townships West of the Willamette Meridian. The map that accompanied the Executive Order confirms this description. Under the language of the Rogue River Treaty, the President only had power to create a permanent reservation in discontinuing the temporary Table Rock Reservation and others like it in Western Oregon. He did not have the discretion to make the Coast Reservation "temporary" under the language of the treaty. In spite of this, our reservation was systematically dismantled by having large chunks opened to settlement without our consent. Our position is that the intent of the 1855 Executive Order was to create as permanent the Siletz (Coast) Reservation. Therefore, any land transfers/disposals within the original boundaries of the Siletz (Coast) Reservation should be initially offered to the Confederated Tribes of Siletz Indians.

The third scale of interest to the Siletz Tribe is our 11-county "service area." The Siletz Tribe was terminated by the Western Oregon Indians Termination Act of 1954, 25 U.S.C. § 691 *et seq.* In 1977, Congress restored the Siletz Tribe to federally recognized status (25 U.S.C. § 711, *et seq.*), but a land base for the Tribe was not restored at the same time. The Siletz Reservation Act of 1980 created a 3,600-acre permanent reservation, but it consisted only of small scattered parcels around Siletz. Since restoration, we have been able to add to our land base through the Bureau of Indian Affairs' "fee to trust" process, but our land base is still inadequate to meet the needs of our members. Because many federal programs for which Indians and Indian tribes are eligible require residence on or near an Indian reservation, Congress created a Siletz "Service Area" that was deemed equivalent to an Indian reservation for purposes of qualification for federal services and programs. The Siletz Service Area includes the counties of Lincoln, Benton, Linn, Lane, Multnomah, Polk, Washington, Yamhill, Marion, Clackamas, and Tillamook. Land acquisition opportunities in these 11 counties where we could provide housing, economic opportunities, or services to tribal members would directly benefit the Siletz Tribe. In fact, some years ago, BLM and CTSI were working together with the Oregon Congressional delegation to transfer the public domain land in Lincoln County to the Siletz Tribe. Unfortunately, there was not enough support

among Oregon's Congressional delegation to make it happen. Regardless, we remain interested in acquiring the public domain land in Lincoln County. We would like an opportunity to revisit this issue in the near future.

The fourth and smallest scale of interest to the Siletz Tribe is our Tribal Land Consolidation Area. The Indian Reorganization Act of 1934 (IRA), 25 U.S.C. § 465, allows the Secretary of Interior, at his or her discretion, to take land into trust for the benefit of an Indian tribe or of individual Indians. The Bureau of Indian Affairs adopted regulations to implement the provisions of the IRA (see 25 CFR 151.3(a)(1)). These regulations allow for acquisition of land into trust when the land lies within the exterior boundaries of an established reservation, or when the land is within a tribal consolidation area. In 1980, the Bureau of Indian Affairs Northwest Regional Director adopted a consolidation area for the Siletz Tribe. Acquisition of land within the Consolidation Area is important to the Siletz Tribe because these lands are centered around the community of Siletz, which is the historic, cultural, and social center of the tribe. The consolidation area consists of the following area:

Township 9 South, Range 11 West;
Township 9 South, Range 10 West;
Township 9 South, Range 9 West;
Township 10 South, Range 11 West;
Township 10 South, Range 10 West;
Township 10 South, Range 9 West; and
Portion of Township 10 South, Range 8 West,
Willamette Meridian, Lincoln County, Oregon.

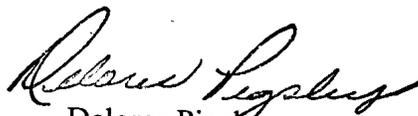
I have three suggested modifications in Appendix O that would recognize our tribe's historic and cultural ties to the land. First, on page O-1361, one of the "General Land Tenure Adjustment Evaluation Factors" reads, "Suitability of the land for management by another Federal agency." You allocate many parcels of land for Land Tenure Zone 3 (disposal). Several of those parcels are within one of the four aforementioned areas in which the Siletz Tribe has an interest in acquiring land. I suggest an amendment to that factor, so that it reads "Suitability of the land for management by another Federal agency *or Federally Recognized Indian Tribe.*" Second, I proposed that another criterion in this section should be "***Disposal assists a Federally Recognized Tribe in restoring its land base pursuant to the Indian Reorganization Act, 25 USC § 465.***"

Third, on page O-1362, you list four criteria for disposal. I suggest adding a fifth criterion: "***Disposal would be beneficial to the Federally Recognized Indian Tribe with the strongest ancestral and legal succession ties to the parcels in question.***"

With this amended language, if the Siletz Tribe and the Bureau ever entered into a planning process for transferring ownership to the Bureau of Indian Affairs or the Siletz Tribe directly, the actions would clearly be in conformance with your land use plan, which will be important when you consider specific proposals.

Thank you for the opportunity to provide comments on the plan revisions. My hope is that your agency and the Tribe can develop a mutually beneficial relationship in achieving our goals.

Sincerely,

A handwritten signature in cursive script, appearing to read "Delores Pigstey".

Delores Pigstey
Tribal Chairman