

TESTIMONY OF CHERYL HOILE
ON BEHALF OF
THE CONFEDERATED TRIBES OF THE COOS, LOWER UMPQUA, AND
SIUSLAW INDIANS
BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS
S. 868

March 30, 2004

My name is Cheryl Hoile; I am the Vice Chair of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indian Tribe. On behalf of every member of our Tribe we thank you for holding this hearing on S. 868. We have been waiting and working for many years to regain a portion of our aboriginal homelands. S. 868 accomplishes that objective and we urge your support.

**PROOF OF ABORIGINAL TERRITORY WITHIN THE AREA PROPOSED IN
S. 868**

This following documentation was prepared by Dr. Stephen Dow Beckham on behalf of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.

On April 10, 1792, John Boit, a mariner, recorded the first documented account of Native Americans on the south-central Oregon Coast at latitude 43° 45' North and longitude 122° 11' West. He wrote about a meeting in which he and his colleagues purchased otter skins (Boit 1941). Although Boit did not record the name of the people encountered, the location suggests that his contact occurred with the Lower Umpqua.

In July of 1827, Alexander Roderick McLeod of the Hudson's Bay Company led a brigade south along the central coast of Oregon and passed through the homeland of the Siuslaw and Lower Umpqua Indians. McLeod traveled overland across Heceta Head and camped on the banks of the Siuslaw. On July 18, McLeod wrote, "... did not go but three miles when I perceived three canoes under sail coming forward I accordingly returned to the entrance of the River Saestecau (Siuslaw) to meet them. The canoes passed safely over the bar." McLeod continued, "We erected our camp at the entrance of the River Saestecau it is about three hundred yards wide at ebb tide and apparently very deep current strong, several Indians collected about our camp in the evening, it is with difficulty that we can converse with them for none of the Tribe are acquainted with the Cheenook dialect..." (Davies and Johnson 1961 [23]: 164-165.)

On July 20 of that same year, McLeod's brigade moved to the confluence of the North Fork of the Siuslaw and its main stem – the site of a major Siuslaw village and the location of the tribal cemetery of "ka'aich," a site now entered on the National Register of Historic Places. McLeod wrote, "We proceed up the river to the first fork on our left at the entrance of which we erected our camp between two villages apparently this stream is a resort for Indians from various parts of the neighboring country about three came about us shortly after we landed and six were pointed out to us as leading characters

denominated Chief of whom some are from the interior and others from the River Umpqua to the Southward of this twenty miles...” (Davies and Johnson 1961 [23]: 166). For the next ten days the Hudson’s Bay Company men trapped and traded among the Siuslaw Indians.

During the summer of 1828 Jedediah Smith, an American fur trapper and trader, led a brigade north along the coast of southern Oregon. After camping among the Indians on Coos Bay, the party swam its horses across the estuary to the North Spit and continued north to the Umpqua River along the beach. On July 11 of that year, while encamped at Winchester Bay, near the mouth of the Umpqua, Harrison Rogers of the party wrote:

“Today we enc [camped] where there was some Indians’ living, a number of them speak Chinook. 70 or 80 in camp; they bring us fish and berries and appear friendly, we buy those articles from them at a dear rate. Those Ind[ians] call themselves the ompqua.” (Maloney 1940:319.)

The Lower Umpquas attacked Smith’s party and killed eleven of the company at the confluence of Smith River. The conflict may have erupted over the theft of an axe or the unwanted sexual advances of the men in Smith’s employment towards the Indian women. Subsequent to this incident, the Hudson’s Bay Company dispatched Alexander Roderick McLeod to salvage the property of the Americans and to seek survivors. McLeod led a patrol of men to the mouth of the Umpqua and, in late October and early November 1828, mounted a reconnaissance between Tenmile Creek on the south to the Siuslaw River on the north. Further confirmation of the residence of the Lower Umpqua (on the estuary) and the Siuslaw (in the Siuslaw watershed) appears in McLeod’s journal of this expedition. (Sullivan 1934:128-131)

On August 25-26, 1840, a contingent of Methodist missionaries camped among the Lower Umpqua Indians at the mouth of the Umpqua River. Gustavus Hines, a member of the party wrote, “On arriving at the coast we found the Indians living in three small villages, the larger being on the south, and the other two on the north side of the river. The whole number, as near as we could ascertain, amounted to about two hundred men, women and children, about one-third of whom were absent in the mountains for the purposes of picking berries.” (Hines 1851:103-104).

In 1841 Dr. James M. Gairdner, a physician formerly in the employ of the Hudson’s Bay Company, published “notes on the Indian Tribes on the Upper and Lower Columbia” in the Journal of the Royal Geographical Society of London. In his enumeration of tribes, Gairdner listed from north to south the tribes residing along the coast of Oregon. These included:

23. Sayonstla [Siuslaw] On the sea-coast South of No. 22
24. Kiliwatsal [Lower Umpqua] On the sea-coast South of No. 23
25. Kaon [Coos] On the sea-coast south of number 24

In October 1850, an anonymous writer entered the Umpqua River as a member of the Winchester Exploring Expedition. He wrote at length about his adventures and explorations, including a trip up the Smith River wherein he encountered a number of villages of the Lower Umpqua Indians. During his reconnaissance of several days of the Smith River, this writer noted:

“Drawing nearer, we found that what I had imagined to be an Indian village was in reality neither more nor less than an immense cemetery of aborigines. The cidevant huts were simply the tumuli of earth, each of which marked the resting place of a warrior of the tribe, and over which were piled his canoe, paddles, weapons, cooking utensils, and nets...”

This writer and his party eventually stole a burial canoe from the cemetery in the vicinity of Smith River Falls. “Her bows and stern were considerably elevated, and were carved in the semblance of some unknown monsters, while the gunwales, instead of retreating canoe fashion, flared outwards” he wrote (Anonymous 1865:452-453).

Robert Gordon Latham in 1850 identified the residency and distribution of the Siuslaw, Lower Umpqua, and the Coos tribes in *The Natural History of the Varieties of Man* (1850).

Siuslaw: “The Sainstskla. South of the Yakon [Yaquina] between the Umkwa and the Sea.”

Lower Umpqua or Kalawatset: “Killiwashat. Mouth of the Umkwa.”

Coos: “The Kaus. Between the river Umkwa and the river Clamet.”
(Latham 1850:325)

On April 17, 1852, the settlers at the mouth of the Umpqua River filed a petition with the Oregon Superintendent of Indian Affairs urging treaty negotiations with the Indians in the vicinity of Umpqua City. The petition noted the presence of the Coos, Lower Umpqua and Siuslaw in that area:

“We would respectfully state that the Umpqua Indians or those living near the mouth of the Umpqua River, comprising about fifty, have for the two years of our residence in this place appeared friendly and peaceable, for the most part. There is also a tribe residing North of this place about the mouth of the Siuslaw River whose demeanor has for the most part been proper towards us. They number one hundred, but there is one or two tribes’ south on and about Kowes River who sometimes make predatory excursions to this comit[t]ing serious depredations and plundering us of valuable property.” (Scholfield 1852).

In June, 1853, Nathan Scholfield, a settler who filed on a Donation Land Claim near the mouth of the Umpqua River, mounted reconnaissance of the country north to Heceta Head. His narrative confirmed the presence of the Siuslaw Tribe:

“We arrived at the mouth of the Siuslaw by a journey of twenty miles over a hard sandy beach and camped in the open air, in the vicinity of the principal settlement of the Siuslaw Indians. The next morning having procured a canoe and two Indians, one of whom was John, the second tyee or chief of the tribe we proceed with a flood tide up the river; its general course, I found to be about east southeast with no tributaries as I expected, extending southerly approaching Smiths river. We arrived in the vicinity of the rapids at the head of tidewater at night, encamped under a large firm tree, during an incessant rain, which continued during the night, the next day, and the following night.” (Scholfield 1853).

In the spring of 1854 the Superintendent of Indian Affairs established the Umpqua Sub-Agency, an administrative unit to deal with the Indians of the Siuslaw, Umpqua and Coos watersheds. During the summer of 1854 Joel Palmer, Oregon Superintendent of Indian Affairs, visited the Siuslaw Tribe, he wrote:

“The Siuslaw Band reside on the river of that name three or four miles about its mouth; said stream empties into the ocean about twenty five miles north of the Umpqua River. They number twenty six men, thirty six women and twenty children.” (Palmer 1854).

On September 30, 1854, Palmer assigned Edwin P. Drew responsibilities as agent of the Umpqua Sub-Agency. Palmer identified the tribes and bands occupying the area of Drew’s assignment:

“The coast from the mouth of the Coquille northward so far as to include the Siuslaw Band of Indians; thence eastward to the summit of the Coast Range of Mountain; hence southward as to include all the Bands of Indians below the Umpqua Valley proper; thence to the Headwaters of the Coquille; thence to the Coast so as to include all the Bands residing on the waters of Coquille. The bands within this district are the Siuslaw, Lower Umpquas Coose Bay Indians and Coquilles” (Palmer 1854).

A number of scholars have addressed tribal identities, languages, and locations in Oregon. All are in agreement that the Siuslaw occupied the watersheds of the Siuslaw River, the Lower Umpqua occupied the watershed of the lower Umpqua and Smith Rivers, and that the Coos occupied the watershed of Coos Bay.

Representative of these assessments is Joel V. Berreman’s “Tribal Distribution in Oregon.” Berreman wrote about the speakers of Siuslawan:

“The Lower Umpqua (Kuitsh) – The Lower Umpqua claimed territory on the sea coast from Five Mile Lake [Tahkenitch] on the north to Ten Mile Lake on the south, and up the Umpqua River some distance above Scottsburg. Dorsey named twenty-one villages here, which would indicate a considerable population. The impression is substantiated by the journal of Jedediah Smith expedition of 1828.

These explorers observed many Indians in this region. It is reported that sixty or seventy came into camp at one time, and that they called themselves “Ompquah.

“Siuslaw – The Siuslaw proper occupied the watershed of the river of that name and some adjacent coast. According to Frachtenberg their southern boundary was the neighborhood of Five Mile Lake [Tahkenitch Lake]. On the north they bordered on the Yahach [Yatchats] river, while their villages extended upstream as far as Mapleton. He makes no mention of the upper drainage, but he includes in this linguistic area, and Dorsey has located several villages far towards its source. It is apparent therefore that it was claimed by this tribe. (Berreman 1937:36-37).”

More recently Henry Zenk wrote an ethnographic overview of these tribes for the Smithsonian Institution’s *Handbook of North American Indians*. Zenk’s article “Siuslawans and Coosans” confirmed aboriginal occupancy of the south-central coast of Oregon:

“The Indians referred to as the Siuslawian were speakers of the Siuslaw language isolate, which consisted of two principal dialects: Siuslaw proper, spoken on the Siuslaw River and adjacent ocean coast, and Lower Umpqua, spoken on the Umpqua River below the head of tidewater, and along adjacent ocean coast.” (Zenk 1990[7]:572).

In specific reference to the Siuslaw and Lower Umpqua, Zenk noted:

“Siuslaw winter villages were evidently all within a few miles of the ocean shore. Their exact number is unclear. Dorsey reported 34 Siuslaw proper and 14 Lower Umpqua sites. Harrington found surviving Siuslaw speakers able to identify most of Dorsey’s downstream sites, but they knew very little about his upstream sites, which were probably mostly seasonal camps.” (Zenk 1990 [7]:572).

Zenk’s article included a map titled “Siuslaw and Coosan territories and villages about 1830.” This map illustrated the tribal territories described in his narrative.

Conclusions

An extensive historical and ethnographic literature documents the aboriginal occupancy and presence of the Siuslaw Tribe in the Siuslaw watershed, the Lower Umpqua Tribe in the Smith River and Umpqua estuary, and the Coos Tribe in the watershed of Coos Bay. Reports of explorers, fur seekers, military officers, agents working for the Bureau of Indian Affairs, early settlers, and travelers all confirm the residency of these tribes in these areas.

The historical and ethnographic literature speaks unequivocally to the “exclusive use and occupancy” of territory by the Siuslaw, Lower Umpqua and Coos Tribes. Nowhere do the documentary accounts suggest tribal overlap, shared territories or area disputes.

The proposed reservation¹ of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians lies wholly within the undisputed aboriginal homeland of the Siuslaw and Lower Umpqua Tribes.

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PIONEER SETTLEMENT AND THE EMPIRE TREATY

In 1850, gold was discovered at a place known as Eight Dollar Bar, near what we now call Cave Junction, Oregon. Within months thousands of miners with gold fever moved into the area. These white miners were unsympathetic to Indian claims. Indians struggled to protect their land while miners, hungry for a better way of life, fought to achieve the American dream.

In 1855, Joel Palmer, an Indian Agent for the Oregon Territory was sent in by the Federal Government to negotiate treaties with Oregon tribes. Treaties with the tribes of the Rogue River, Umpqua/Cow Creek, and Calapooyas were established. None of the tribes of the central or southern Oregon coast were included in these treaties.

The Coos, Lower Umpqua, and Siuslaw Indians were not a warring people. They were prepared to share their ancestral homelands - approximately 1.6 million acres along the coast and in the mountains of the Coast Range - living on a small portion of the land and receiving compensation for the balance. In 1855, and in good faith, the tribes signed the Empire Treaty with the federal government. While the treaty was read twice on the Senate floor in 1857, it was never ratified. No land was allotted for the Tribes' reservation and no compensation given.

THE COAST RESERVATION, ITS CREATION, AND ITS RELATIONSHIP TO THE ABORIGINAL LANDS OF THE COOS, LOWER UMPQUA, AND SIUSLAW

This section documents the fact that at no time did the Siletz Agency or the tribes of the Siletz Reservation have jurisdiction over or interests in the aboriginal lands of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw.

This section is documented by Dr. Stephen Dow Beckham at the request of the Confederated Tribes.

In 1856 with the outbreak of the Rogue River War the Coos, Lower Umpqua, and Siuslaw Indians were marched north and held prisoner in what was called the Coast Reservation. They were held there against their will until the mid 1870s.

The Coast Reservation in Oregon was created on November 9, 1855, by executive order of President Franklin Pierce. The reservation reached from Cape Lookout (on the north) in Tillamook County to Siltcoos Outlet (on the south) in Lane County. The reservation became the home of the original inhabitants of that portion of the Oregon coast and the new home for the refugees of the Rogue River Indian wars who were relocated to the reservation from southwestern Oregon (Kappler 1904 [1]: 890-891).

From its inception, the Coast Reservation was divided into three administrative units. Each had an agent and each tribe specifically assigned to that agency and location:

Alsea Sub-Agency

This unit reached from the Alsea River south to the Siltcoos Outlet, a region located in what subsequently became Lincoln and western Lane Counties. From August, 1856 to September, 1859, this agency had its headquarters at Umpqua City on the north spit of the Umpqua River in Douglas County. The agency office was thus located about ten miles south of the southern boundary of the Coast Reservation. The reports of Agent Edwin P. Drew documented the operations of this unit and its confinement of the Coos,

Lower Umpqua, Siuslaw, and Alsea Indians under its jurisdiction. The soldiers at the US Army post, Fort Umpqua at Umpqua City, blocked return of the Coos to their homeland on Coos Bay and monitored their presence in the vicinity of Umpqua City (Beckham 1987:108-110, 157-158).

The Commissioner of Indian Affairs on September 3, 1859, ordered the relocation of the Alsea Sub-Agency headquarters to Yachats Prairie, a location about one mile north of the Yachats River. On July 12, 1860, the agent explained: “The Indians under my charge embrace the Umpqua, Coose, Alsea, and Siuslaw Indians, numbering 460 souls of which the Coos and Umpqua tribes, numbering 279, are living in the vicinity of Fort Umpqua, the remainder being located upon the Coast reservation” (ARCIA 1860:438-439). The move of the sub-agency headquarters was premised on getting the office onto the southern part of the Coast Reservation and moving the Coos and Lower Umpqua onto the reservation.

The Bureau of Indian Affairs permitted the Siuslaw to remain in their aboriginal area – the southernmost part of the Coast Reservation. The Siuslaws were not removed to Yachats Prairie. Jean Baptiste Gagnier, former chief trader for the Hudson’s Bay Company at its post at Elkton, Oregon, lived among them and instructed them in raising potatoes. Lynus Brooks, agent, reported in July 1862: “ The Sayousla tribe of Indians are located near the mouth of Sayousla Bay, which is forty miles south of the agency. They inhabit a small but fertile valley, where they cultivate their grounds, raising comfortable supplies of potatoes, corn squashes, carrots and pear. They are harmless, giving the white settlements (distant twenty miles) no trouble” (ARCIA 1863:443).

The Alsea Sub-Agency was closed by Act of Congress on March 3, 1875. The law required consent of the tribes living in the unit. The lands restored to the public domain included two units of the Coast Reservation – the northern unit administered by the Alsea Sub-Agency at Yachats. (Kappler 1904 [1]:157).

The minutes of the conference held at Yachats on June 17, 1875, confirm that none of the Coos, Lower Umpqua, Siuslaw, or Alsea concurred with the abolition of the agency and opening the unit to Euro-American settlement. The action proceeded without tribal consent. (Beckham 1977: 162)

Siletz Agency

This administrative unit was the central portion of the Coast Reservation. It reached from near the Alsea River on the south to Siletz Bay on the north. The agency was situated more than thirty miles up the Siletz River and was served by a trail that crossed the ridges from the prairie at Siletz with the upper reaches of Yaquina Bay. The agency had a warehouse at Depot Slough near present Toledo, Oregon, from which it carried supplies to Siletz agency via a pack trail and, ultimately, a wagon road. Siletz Block House and Fort Hoskins in Kings Valley (to the east) created a military presence for this administrative unit (ARCIA 1860:213).

The Yaquina and Siletz tribes originally occupied this portion of the Coast Reservation. Several refugee tribes were moved in on top of them and assigned to the Upper Farm and Lower Farm along the Siletz River. These included the Chetco, Tututni, Mikonotunne, Quatomah, Coquille, and some of the Galice and upper Rogue River bands. These people were survivors of the Indian wars of 1851-1856 that swept through their lands in southwestern Oregon.

This administrative unit of the Coast Reservation remained in continuous operation from 1855 to “Termination” in 1956. The Coast Reservation was diminished significantly in size by executive order of President Andrew Johnson on December 21, 1865. The president’s order restored the entire Yaquina watershed to the public domain and reduced the Siletz Agency to the following:

Commencing at the point two miles south of the Siletz Agency; thence west to the Pacific Ocean; then south along said ocean to the mouth of the Alsea River; thence up said river to the eastern boundary of the reservation; hence north along said eastern boundary to a point due east of the place of beginning; hence west to the place of beginning. (Kappler 1904 [1]: 891).

This administrative unit of the Coast Reservation was given specific affirmation as a “permanent reservation” with the boundary described below on March 3, 1875 by Congress.

Beginning at a point two miles south of the Siletz agency; thence west to the Pacific Ocean; thence north, along said ocean, to the mouth of the Salmon River; thence due east to the western boundary of the eighth range of townships west of the Willamette meridian; thence south with said boundary to a point due east of the place of beginning; thence west to the place of beginning; which is hereby set apart as a permanent reservation for the Indians now occupying the same and to be hereafter located thereon... (Kappler 1904 [1]: 157).

This law expressly stated “and all the balance of Alsea and Siletz reservations [namely, the northern unit administered by the Grande Ronde Agency and the southern unit administered by the Alsea Sub-Agency] is hereby thrown open to settlement under the laws of the United States.” (Kappler 1904 [1]: 157).

The act of 1875 was the first affirmation that the central unit of the Coast Reservation was “permanent.” The Indians assigned to that reservation were those administered by the Siletz Agency. The Salmon River, Nestucca, Tillamook, and Nehalem tribes to the north were not under that jurisdiction. **The Coos, Lower Umpqua, and Siuslaw Tribes were not under that jurisdiction.**

On October 31, 1892, Reuben P. Boise, William H. Odell, and D. H. H. Harding concluded an agreement with the Indians of the Siletz Reservation pursuant to an act of congress July 13, 1892 (28 Stat.324) to proceed with allotment of lands on the reservation and to cede unallotted lands to the United States for \$142,600 and the reserving of three

sections of land for tribal uses. Tribal leaders of the Siletz Reservation and the commissioners ratified this agreement. **The conference records confirm that the Coos, Lower Umpqua, Siuslaw, Salmon River, Nestucca, Tillamook and Nehalem tribes were not involved and did not sign this agreement.** (Kappler 1904 [1]: 533-533). On the basis of the allotment and cession agreement of 1892, President Grover Cleveland on May 16, 1895, proclaimed the understands [sic] valid and opened the unallotted and unreserved lands to settlement (Kappler 1904 [1]: 986-987).

From 1856 to 1875, the Grand Ronde Agency of the Grand Ronde Reservation had jurisdiction over the Coast Reservation from Siletz Bay extending north to Cape Lookout. This area included several bands of Salishan-speaking Tillamooks: Nechesne (or Salmon River), Nestucca, Tillamook, and Nehalem. The agency at Grand Ronde reported population figures for these tribes, dealt with issues of trespass, employed Indian laborers to build a wagon road, encouraged fisheries on the Salmon River to help feed the Indians at Grand Ronde, and exercised full administrative authority over this area. As early as 1859, the Grand Ronde Agency operated the “Salmon River Station” in this area (Metcalf 1859). In 1860 and subsequent years, the Grand Ronde agent enumerated the tribes of Tillamook County, including Salmon River Indians, as tribes within his agency (Miller 1860, Condon 1862). These enumerations continued through the 1860s and into the 1870s.

Conclusion.

At all times between 1856 and 1875 the administration of that portion of the Coast reservation wherein resided the Coos, Lower Umpqua, and Siuslaw Indians was handled through the Umpqua and Alsea Sub-Agencies. The Siletz Agency had no jurisdiction and was a separate administration.

At all times between 1856 and 1875 the administration of that portion of the Coast Reservation wherein resided the Salmon River, Nestucca, Tillamook, and Nehalem Indians was handled through the Grand Ronde Agency. The Siletz Agency had no jurisdiction and was a separate administration.

At no time did the Siletz Agency of the Coast Reservation administer any lands south of the Alsea River. Its jurisdiction over lands between the Alsea River and Cape Foulweather terminated in 1865. When the Siletz Reservation was created as a “permanent reservation” by Congress in 1875, its area reached from Cape Foulweather north to the Salmon River and east to the Coast Range.

In the twentieth century, the Roseburg Agency, Chemawa School, and Siletz-Grand Ronde Agency exercised administrative responsibility for the Coos, Lower Umpqua, and Siuslaw Indians who had public domain allotments. Between 1875 (with the closure of the Alsea Sub-Agency) and 1940 (and the gift of trust lands to the United States for the small reservation at Empire on Coos Bay,) the Bureau of Indian Affairs exercised no trust responsibility for tribal lands in the proposed reservation.

Never did the Siletz Agency administer lands nor have jurisdiction within the reservation proposed in S. 868 for the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw.

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HISTORY OF THE CONFEDERATED TRIBES POST IMPRISONMENT UNTIL THE PRESENT DAY

In the mid 1870's the tribes were released. Half of the tribal members had died at the Coastal Reservation. Those who were left returned to what had been their homeland. They found that their land had been settled, and they were left with no resources of any kind. This was without a doubt one of the darkest period of the tribes' history.

“Subsequent to 1892, the Bureau of Indian Affairs permitted some of the Coos, Lower Umpqua and Siuslaw tribes to secure public domain allotments within their aboriginal homeland. These allotments were granted under the Fourth Section of the General Allotment Act of 1887. The allottees were subsequently identified as the “4th Section Allottees.” Tribal members selected lands along the lower Siuslaw River, (near Florence and Acme, Oregon), the Umpqua estuary (near Gardiner, Oregon), and on the Coos Bay (especially in the vicinity of South Slough near Charleston, Oregon).” (Beckham)

In 1916, the three tribes formed a Confederation and it is under this Confederation that the tribes operate today. Between 1917 and 1956, the Confederated Tribes were irregularly provided federal services by the superintendent of the Chemawa Indian School and the agent of the Siletz-Grand Ronde agency.

In 1940, Louis J. Simpson and William G. Robertson donated to the United States a tract of 6.1 acres at Empire, Oregon for the benefit of the local Tribes. In 1941 an Indian division of the Civilian Conservation Corps (CCC) built a tribal hall for the Confederated Tribes. It has been in continuous use since that time.

In 1954, by Presidential order, although the Confederated Tribes opposed it, federal recognition of the Confederated Tribes was terminated. The next several decades were difficult ones for tribal members. Lack of education and economic opportunities in the area and racism by some of the white community took its toll.

In 1984, the Oregon Congressional delegation sought and achieved restoration of federal recognition for the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw. However, the legislation did not bring with it any compensation or the return of any land. The six acres donated in 1940 and subsequent purchases by the Tribe of small tracts remain the only reservation land.

THE INDIAN SELF DETERMINATION ACT AND TRIBAL EFFORTS TO MEET ITS GOALS

The Indian Self Determination Act (P.L. 93-638 as amended) encourages tribes to develop plans to achieve the goals of cultural restoration, economic self-sufficiency, and attain the standard of living enjoyed by other citizens of the United States. The Confederated Tribes have been working diligently since 1984 to attain those goals. An essential component in this effort is the Reservation Plan and Forest Land Restoration Proposal. Restoration of the Tribe's homelands will link tribal members to their cultural

heritage as only the land can. It will provide a long term source of revenue and lessen the Tribe's dependency on federal funding to operate Tribal government programs. It will also provide economic benefits to the local communities.

AGENDA FOR TRIBAL SELF-SUFFICIENCY

As part of the reservation planning process, Tribal staff, including all department managers, reviewed results of the 2003 socioeconomic survey and developed program budgets to adequately address Tribal member needs. A projection of these needs has been made to show budget requirements five and ten years into the future.

Concurrent with developing information concerning program needs, the Tribes have been involved in other business planning activities. The focus of these efforts has been to identify potential business enterprises which would generate revenues to meet program needs and help to address projected revenue shortfalls over the next ten years. In assessing potential revenue sources, it is assumed that there will be no substantial increase in funding from federal appropriations over the ten-year period. The restored Tribal forestland base is a crucial component of the Tribe's overall business plan.

The following Tables summarize the results of this planning effort (funding level projections were based on an annual inflation rate of 2.5%).

SUMMARY OF TRIBAL NEEDS, RESOURCES, AND SHORTFALL			
	<u>2004</u>	<u>2009</u>	<u>2014</u>
Tribal Program Needs	\$7,976,243	\$9,823,126	\$11,792,317
Revenue Sources	\$3,453,538	\$6,333,931	\$9,763,133
Shortfall	\$4,522,705	\$3,489,195	\$1,929,184

TRIBAL NEEDS IDENTIFIED BY CATEGORY			
	<u>2004</u>	<u>2009</u>	<u>2014</u>
Health	\$2,819,539	\$3,190,050	\$3,609,249
Social Services	\$1,907,963	\$2,158,684	\$2,442,353
Government	\$797,648	\$902,465	\$1,021,056
Natural Resources Management	\$1,00,050	\$1,064,447	\$1,137,305
Education	\$549,315	\$621,500	\$703,170
Housing	\$901,728	\$1,885,980	\$2,879,184
Totals	\$7,976,243	\$9,823,126	\$11,792,317

TRIBAL GOALS AND CRITERIA FOR SELECTION OF LANDS TO BE RESTORED

During the summer of 1997, a formal survey was conducted to obtain input from Tribal members concerning their ideas and priorities for restoration of a Tribal forest land base. A Tribal Core Group was also established as an ongoing means to obtain Tribal member input as the Reservation Plan and Land Restoration Proposal was developed and

finalized. Out of that process the Tribal Council and its members established the following goals and criteria for selection of lands which would comprise the restored Tribal land base:

- The lands must be located in the ancestral territory of the three Tribes. It is preferable that a portion of the restored lands be located in the core ancestral area of each Tribe.
- Land characteristics and existing resource conditions must represent, as closely as possible, what was found in the aboriginal forestland.
- The land and resources must be culturally significant to the Confederated Tribes. It is important that the lands include Tribal archaeological and cultural sites and contain traditional-use resources (culturally significant species of trees and other vegetation, fish, wildlife, native foods and medicines). Restoration of Tribal culture by reconnecting Tribal people to their ancestral lands and resources is a primary goal for the restored land base. The restored lands must contain some areas which are unaltered from their historic condition. Forest settings free of modern human influences are needed to restore traditional cultural practices like hunting, fishing, gathering, spirit quests, and reestablishing harmony with nature, which are critical to revitalizing Tribal identity.
- The land and resources must contribute to the economic self-sufficiency of the Confederated Tribes by providing job opportunities associated with ecosystem and watershed restoration work and sustainable utilization of timber products; recreation and eco-tourism opportunities; use of non-timber forest products in support of Tribal business enterprise operations; and a stable source of revenue for operation of Tribal government programs and delivery of services to Tribal members.

In addition to these Tribally established goals and criteria, additional considerations in selecting lands for restoration to the Confederated Tribes included:

- The redesignation of US Forest Service lands as Indian trust lands must not negatively impact existing public rights and uses of the lands.
- The Confederated Tribes' Restoration Act (P.L. 98-481) provides for the establishment of a reservation so long as the lands are at no cost to the federal government. Compliance with this provision of the Act requires that the Tribal land base be restored from lands which the federal government already owns.
- The restored lands must be managed consistent with the management regime on adjacent federal lands, which at this time is the Northwest Forest Plan.

After a series of informal discussions with the US Forest Service, members of the public, adjacent landowners, and interested parties, the Tribes developed a series of land restoration options. S. 868 reflects our efforts to meet the needs of the Tribe and reflects the input we received during the many years of development. The transfer of 62,865 acres from the US Forest Service to the BIA to be held in trust for the Tribes is a proposal grounded in history, compromise, and an effort to meet the needs of the Tribes. These

acres, which will become the Coos Tribal Forest, are wholly within the aboriginal homeland of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw.

DESCRIPTION AND MANAGEMENT OF THE COOS TRIBAL FOREST

The lands proposed as the Coos Tribal Forest are located in the Mapleton Ranger District of the Siuslaw National Forest between the Siuslaw and Umpqua Rivers and a few miles east of the Pacific Ocean. This area is part of the Oregon coast mountain range. Coast Range forests are characterized by steep slopes and are heavily dissected by streams, but the mild, wet climate and deep, fertile soils provide some of the best forest growing conditions in the world. The landscape includes highly productive Douglas-fir forests which provide superb habitat for a variety of fish and wildlife including the bald eagle, marbled murrelet, northern spotted owl, coho salmon, and Pacific lamprey. These species are either candidates for listing or are listed as threatened under the Endangered Species Act.

Commercial logging and road building began on these lands in the early 1900's and peaked over a 20-year period between the 1950's and the 1970's. The high level of timber harvesting and harsh logging practices (including sidecast road building, large clear cuts, and hot slash burns) caused significant erosion and degradation of wildlife and fish habitat. Today, the lands of the proposed Tribal Forest include 20,000 acres of young conifer plantations created by past clear cut logging and replanting. These are quite homogenous, largely single tree species plantations that can be restored to higher diversity and better wildlife and fish habitat by thinning (partial cutting intended to concentrate growth on fewer stems and thus shorten the time needed to produce large trees). The stands of larger trees thus created are better habitat for the threatened species. Murrelets nest in larger trees and northern spotted owls both nest and hunt most effectively in stands of larger trees. Also, some of the larger trees along streams fall in and across the stream course, and provide the complex structure important to salmon spawning and rearing habitat. Thus, the plantations already established provide a ready opportunity for management both for timber and for habitat improvement. This alignment provides one of the important bases for the management strategy proposed for the Tribal Forest.

Tribal goals for the Coos Tribal Forest are threefold. The overarching goal is to restore Tribal culture by reconnecting Tribal people to their ancestral homelands and to protect sites and resources that are significant components of Tribal culture. The second goal is to restore the health of ancestral watersheds by blending Native American values with the latest scientific methods for ecosystem restoration and sustainable forest management. The third goal is to contribute to Tribal self-sufficiency and to provide economic benefits to local communities through jobs and revenues generated from watershed restoration work, eco-tourism development, and sustainable harvest and use of forest products.

Tribal forest management will focus on restoring late-successional forests. This Tribal management direction is consistent with the existing goals for management of adjacent Siuslaw National Forest lands. Timber will be harvested by thinning to restore habitat and enhance cultural values on thousands of acres of conifer plantations. This, along with adjacent areas of National Forest, will create a landscape devoted to large trees and improved habitat. Thinning will also reduce the risk of catastrophic fires. Variable density thinning, in which the clumped nature of trees arising naturally from seed is mimicked, will be used to restore stand spatial complexity and to promote the development of forest floor vegetation, canopy gaps, and a variety of other habitat values for plant and animal species significant to Tribal culture. In general, state of the art science and an adaptive, learning approach will be employed in the management of all Tribal lands.

Under provisions of S. 868, a special fund is established for watershed restoration activities. The establishment of this special account is a unique requirement for the Coos Tribal Forest and attests to the Tribes' commitment to restore the health of their ancestral watersheds. S. 868 also will establish Special Management Areas (SMAs) for existing old-growth stands and areas with unique scenic and wild land values such as the existing Kentucky Falls Special Interest Area and the Beaver Creek and Sweet Creek Falls and stream corridors. These SMAs will be managed as undeveloped areas in accordance with existing federal standards and guidelines of the Siuslaw National Forest Plan. Tribal management direction for the SMAs will provide an added layer of protection for tribal cultural sites and resources. Management of the Coos Tribal Forest will comply with Federal environmental laws including the Endangered Species Act.

FOREST MANAGEMENT ECONOMIC BENEFITS

Anticipated Tribal revenues and other economic benefits generated from management of the Coos Tribal Forest are described below.

Revenue Source	Amount (Annual)
Timber Production	\$840,000
Non-timber Forest Products and Eco-tourism Activities	\$260,000
Total Revenue	\$1,100,000

Watershed and Habitat Restoration Activities	
Funding Source	Amount (Annual)
Tribal Watershed Restoration Account	\$210,000
Federal, State and Private Foundation Grants	\$300,000
Total Funding	\$510,000

Timber production revenue will be generated from thinning forest stands to promote development of late-successional forest conditions. The Coos Tribal Forest contains approximately 20,000 acres of conifer plantations. While some of this plantation acreage will not be treated due to unstable slopes and high landslide risk conditions, it is estimated that 18,750 acres are suitable for thinning treatments to improve habitat and watershed health. Implementation of a 25-year thinning program would treat 750 acres each year yielding about \$1,050,000² in annual timber revenue. Twenty percent of the timber revenue will be deposited in a special account to fund watershed restoration and forest improvement activities. Annual timber production revenue in the amount of \$840,000 will be generated from the plantation thinning to support Tribal government programs.

Revenue will also be generated from operation of Tribal business enterprises utilizing non-timber forest products and recreation resources of the Coos Tribal Forest. Specialty food and floral products include wild mushrooms, berries, moss, ferns, boughs and other greenery used in floral arrangements. Special management areas established within the Coos Tribal Forest contain scenic streams and waterfalls, rugged canyons, and unique coastal old-growth forest stands. These scenic areas provide excellent opportunity for eco-tourism and commercial recreation development with a Native American theme. Development of these non-timber forest products and recreation resources will generate annual revenue of \$260,000.

WATERSHED RESTORATION AND SALMON RECOVERY OPPORTUNITIES

There is a high priority need for watershed and habitat restoration work on the Coos Tribal Forest lands as a result of upland and riparian disturbances from logging, road building, and other human impacts. Restoration needs include thinning plantations to accelerate development of late-successional habitat; reestablishing conifer trees and vegetation along stream channels for shade, stabilization of stream banks and future source of large wood; adding large wood to streams to retain and stabilize salmon spawning gravel; replacement and maintenance of road culverts to reduce sedimentation and improve fish passage; and stabilizing and decommissioning of roads to reduce road density and input of sediment into streams. In addition to funds from the Tribes' watershed restoration account³, Federal, State, and private funds are available for watershed restoration work on Indian lands. It is anticipated that a minimum of \$300,000 in Federal, State, and private foundation grants will be available annually to carry out watershed and habitat restoration work on the Coos Tribal Forest. Accomplishing watershed and habitat restoration work on these lands will fulfill the Tribes' goal to improve the health of ancestral watersheds. It will also create job opportunities for both Tribal members and non-Indian residents of local communities.

² Based on a harvest volume of 8mbf per acre and stumpage rate of \$175/mbf.

³ Establishment of a Watershed Restoration Account is required under Section 3, Subsection (11) of S. 868.

CULTURAL SIGNIFICANCE OF THE LAND

The Indian Self-Determination Act also strives to maintain and restore Indian culture. The lands proposed for transfer in S. 868 accomplish this objective. Lands in the Siuslaw East, Siuslaw West, and Lakes tracts proposed for inclusion in the reservation contain the highest degree of culturally significant areas of any land between the Siuslaw and Umpqua Rivers. The portions of the Siuslaw East and Siuslaw West tracts which border the Siuslaw River have a concentration of old village sites. There are also prior Indian allotments both along the river and in the interior of these tracts. Waterfalls were commonly used as fishing sites, and the falls on Beaver Creek and Sweet Creek in the Siuslaw East tract and Kentucky Falls on the North Fork of the Smith River in the Lakes tract today have spiritual significance to Tribal Members. These waterways pass through rugged canyon terrain with rock outcroppings and high vista points. Such promontories are used as prayer sites. Transferring these lands to be held in trust for the Tribes will allow the Tribes to protect and utilize these sites for cultural restoration. Because the majority of the sites are in protected riparian areas and rugged, inoperable terrain, cultural restoration objectives for the selected tracts will have minimal, if any impact on potential economic activities. The following table provides specific information regarding cultural significance of the proposed restored lands and adjacent areas.

Cultural Activity On/Near Tribal Forest

(Known & High Probability Areas)

Site #	Name of Feature	USGS Map Quadrangle	Location	Known or Suspected Uses
FL1	Mouth of Bernhard Ck	Florence	T18S R11W S21	possible village site
FL2	Maple Creek	Florence, Goodwin Peak	T19S R 11W	fishing sites, trapping, hunting, marsh plants
FL3	South Inlet	Florence	T18S R11W 19S	fishing sites, trapping, hunting, marsh plants
FL4	Carle Creek	Florence		fishing sites, trapping, hunting, marsh plants
FL5	Roache Creek	Florence		fishing sites, trapping, hunting, marsh plants
FL6	Jordan Creek	Florence		fishing sites, trapping, hunting, marsh plants
GP1	Sweet Creek	Goodwin Peak, Baldy Mountain		fishing sites, trapping, hunting, marsh plants
GP2	Sweet Creek Falls	Goodwin Peak	T19S R10W S4	fishing site
GP3	Beaver Creek Falls	Goodwin Peak	T19S R10W S4	fishing site
GP4	Fiddle Creek	Goodwin Peak, Fivemile Creek		fishing sites, trapping, hunting, plants
GP5	Fiddle Creek Ridge	Goodwin Peak	T19S R10-11W S17-19	Ridge - hunting, upland plants, sacred sites
GP6	Bear Creek	Goodwin Peak		fishing sites, trapping, hunting, plants
GP7	Mt. Peter & upper reaches of Elk Wallow Ck.	Goodwin Peak	T18S R10W S31	Ridge - hunting, upland plants, sacred sites
GP8	Mr. Popocatepetl	Goodwin Peak	T19S R11W S23	Ridge - hunting, upland plants, sacred sites
GP9	Goodwin Peak	Goodwin Peak	T19S R10W S9	fishing sites, trapping, hunting, plants
GP10	Ridge above upper reaches Bernhardt Ck.	Goodwin Peak	T18S R11W S36	fishing sites, trapping, hunting, plants, sacred sites
GP11	Hoffman Cr		T18S R10 S18	fishing sites, trapping, hunting, plants, sacred sites

Cultural Activity On/Near Tribal Forest (Continued)

Site #	Name of Feature	USGS Map Quadrangle	Location	Known or Suspected Uses
M2	Knowles Creek	Mapleton	T18S R10W S2	burial site near mouth
M1	Siuslaw River battle site	Mapleton	T18S R10W S2	battle site with Columbia River Indians just upstream of Knowles Ck.
M3	Bailey Ridge	Mapleton	T18S S3 R9W	hunting, upland plants, sacred sites
G1	Barber Creek	Greenleaf	T17S R9W S36	possible village site at mouth. Access to fishing, trapping, gathering, hunting sites.
BM1	North Fork Smith River	Baldy Mountain, North Fork		fishing sites, trapping, hunting, plants
BM2	Kentucky Creek	Baldy Mountain		fishing, trapping, hunting, marsh plants. Ridge above creek, hunting, upland plants, sacred sites. Possible trail site to Roman Nose
BM3	Baldy Mountain & surrounding ridge	Baldy Mountain	T19S R9W S17	hunting, upland plants, sacred sites
BM4	Mt. Grayback, Hand Ridge, Table Rock	Baldy Mountain	T19S R10W S17	hunting, upland plants, sacred sites, possible trail to N. Fk. Falls
FC1	Fivemile Creek	Fivemile Creek		fishing sites, trapping, hunting, plants
FC2	Joyce Creek	Fivemile Creek		fishing sites, trapping, hunting, plants
NF1	Junction N. Fk. Smith & Smith Rivers	North Fork	T21S R10W S6	likely village site
NF2	Wasson Creek	North Fork, Deer Head, Scottsburg		fishing sites, trapping, hunting, plants
NF3	Robinson Ridge	North Fork, Smith River Falls		fishing sites, trapping, hunting, plants, sacred sites. Adjacent to N. Fk. Smith River
R1	Perkins Island & adjacent N shore Umpqua River	Reedsport	T21S R12W S26	Village site, site of "Smith Massacre"
R2	Otter Slough and creek	Reedsport, Deer Head Point	T21S R11W S20	possible village site near mouth. fishing sites, trapping, hunting, plants
DH1	North shore bench	Deer Head Pt.	T21S R11W S35	possible village site
DH2	Harvey Creek	Deer Head Pt.	T22S R10W S6	possible village site at mouth, portage to hunting, trapping, plant sites
DH3	North shore bench	Deer head Pt.	T22S R10W S16	possible village site
S1	Golden Ridge	Scottsburg	T21S R10W S35	hunting, plant gathering, sacred sites. Connects to ridge above Little Creek near ts'alilla village site

ENVIRONMENTAL SENSITIVITY AND IMPACTS ON OLD-GROWTH

The protected Kentucky Falls Special Management Area (SMA) contains relatively intact portions of terrestrial and aquatic habitat and some old-growth stands within its boundaries. This area meets the Tribes' goal for reacquiring some land within its ancestral territory which is unaltered from its historic condition. The tribe will develop special Tribal management direction to preserve the unique qualities of this area for restoration of Tribal culture.

Much of the land proposed for transfer is designated Late Successional Reserve (LSR) under the Forest Service land management plans. The area also contains species listed under the provisions of the Endangered Species Act. The Tribe's management plans will strive to meet late successional forest management objectives and legally must meet the Endangered Species Act requirements to protect listed species.

PUBLIC INPUT

The Confederated Tribes have been developing this specific Reservation Plan and Forest Land Restoration Proposal since 1997. During that time we have held over 250 meetings with all of the possible stakeholders. These meetings were focused on reviewing various land proposals, seeking input, and as a result ultimately modifying our request. We held eight open house community meetings throughout the area as well. We have met with the general public, adjacent landowners, watershed councils, recreation interests, local elected officials, northwest and national tribes, environmental and economic groups and timber interests, just to name a few. Our efforts were based on our desire to insure that we be viewed as good neighbors, good citizens, and interested in advancing not only our Tribe but the greater community.

Attached you will find letters of support from a wide array of interests. They include the Affiliated Tribes of the Northwest, the National Congress of American Indians, the Cities of North Bend and Coos Bay, the Douglas County Commissioners, Lane County Commissioners, and the Coos County Commissioners. Letters from every state legislator in the area are also included as well as letters from local environmental groups and local and region-wide timber associations. We have also attached letters from the general public and a series of editorials ranging from local papers to statewide papers.

During this public process we have tried to address the concerns we have heard and we believe we have gained the trust of the public. We have committed and it is reflected in S868 that:

- Public access will be maintained for hunting, fishing, recreation and transportation.
- There will be no gaming on these lands.
- Export of unprocessed logs from these lands is prohibited.
- Timber from these lands will be equally available to all domestic processors through a competitively bid process
- Assurance that the Confederated Tribes will not construct and operate a sawmill on these lands.
- Assurance that these lands will be managed to protect endangered species and managed consistent with the current adjacent federal land strategies.
- Assurance that county revenues will not be affected when the land is transferred.

In addition we have been willing to have greater specificity on management strategies included in the bill as well as a specific and greater roll for public input prior to final action on management activities.

CONCLUSION

In conclusion, we urge that the Committee unanimously support S.868 and restore a small but very significant portion of our homeland. We have been working hard to reach this goal. We cannot proceed without your active support and passage of this critical legislation.