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ESTABLISHMENT OF A SILETZ INDIAN RESERVATION
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HEARING
BEFORE THE
SELECT COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE
NINETY-SIXTH CONGRESS

FIRST SESSION

ON

S. 2055

TO ESTABLISH A RESERVATION FOR THE CONFEDERATED
TRIBES OF SILETZ INDIANS OF OREGON

JANUARY 30, 1980

WASHINGTON, D.C.

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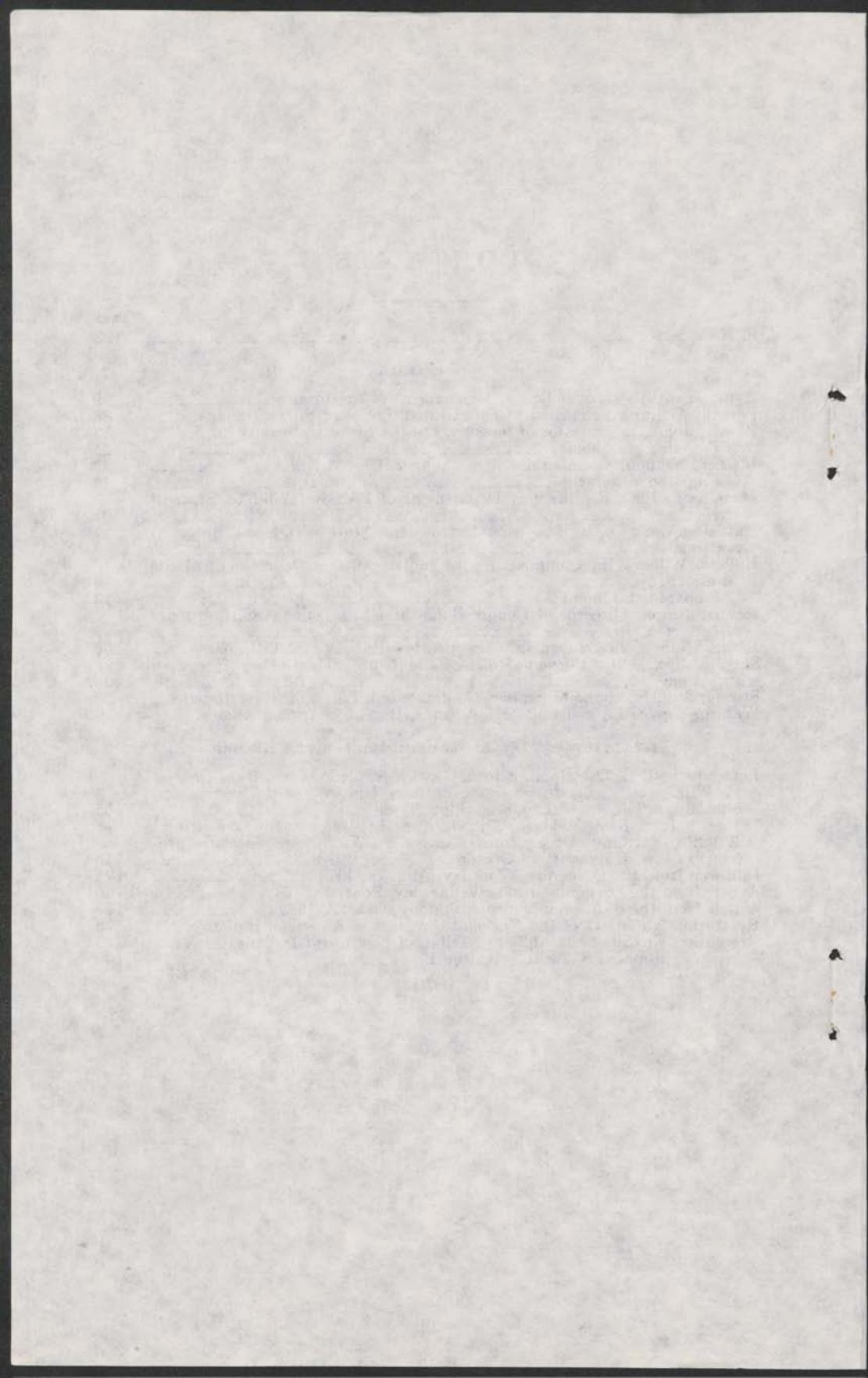
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ESTABLISHMENT OF A SILETZ INDIAN RESERVATION

WEDNESDAY, JANUARY 30, 1980

U.S. SENATE,
SELECT COMMITTEE ON INDIAN AFFAIRS,
Washington, D.C.

The committee met, pursuant to notice, at 10:30 a.m., in room 5110, Dirksen Senate Office Building, Senator John Melcher (chairman of the committee) presiding.

Present: Senator Hatfield.

Staff present: Max Richtman, staff director; Jo Jo Hunt, staff attorney; Susan Long, professional staff member; and Michael Cox, minority counsel.

Senator MELCHER. The committee will come to order.

This morning, we are meeting in public hearing on S. 2055, a bill to establish a reservation for the confederated tribes of Siletz Indians of Oregon.

The bill was introduced on November 28, 1979, by Senator Hatfield, and the purpose of our hearing this morning is to receive testimony from the administration, the confederated tribes, and other interested parties.

S. 2055 is a follow-up measure to the Siletz Indian Tribe Restoration Act, Public Law 95-195. That act provided for recognition to be extended to the tribe and for Federal Indian services and benefits to be furnished to the tribe and its members. However, any reservation for the tribe was to be established by a subsequent act of Congress.

The act further provided that the Secretary of the Interior negotiate with the tribe, or its representatives, concerning the establishment of a reservation and develop within 2 years of enactment a plan for the establishment of the reservation.

Upon approval of the plan by tribal officers, the Secretary was directed to submit the plan in the form of proposed legislation. S. 2055 is that proposed legislation, as recommended by the administration. It provides that all rights, title, and interests of the United States in certain parcels of land, containing some 3,630 acres, are to be held in trust for the confederated tribes. The land is to remain subject to all valid existing rights-of-way, licenses, leases, permits, and easements. This acreage is public domain lands currently managed as timberlands by the Bureau of Land Management of the Department of the Interior.

The bill also provides for the Secretary of the Interior, acting at the request of the tribe, to accept any deed or other instrument conveying to the United States a parcel of land known as Government Hill and to hold such land in trust for the confederated tribes. This tract contains approximately 36 acres.

The bill provides that the aforementioned lands, which are located in Lincoln County, Oreg., will constitute the reservation for the confederated tribes. It also provides that no hunting, fishing, or trapping rights of any nature is granted by the establishment of the reservation and that the State of Oregon shall have civil and criminal jurisdiction with respect to the reservation in accordance with the provisions of Public Law 83-280.

At this time I will place a copy of the bill, S. 2055, in the record.
[The bill follows:]

96TH CONGRESS
1ST SESSION

S. 2055

To establish a reservation for the Confederated Tribes of Siletz Indians of Oregon.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 28 (legislative day, NOVEMBER 15), 1979

Mr. HATFIELD introduced the following bill; which was read twice and referred to the Select Committee on Indian Affairs

A BILL

To establish a reservation for the Confederated Tribes of Siletz
Indians of Oregon.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That, subject to all valid existing rights-of-way, reciprocal
4 road rights-of-way agreements, licenses, leases, permits, and
5 easements, all right, title, and interests of the United States
6 in the land described below is declared to be held in trust for
7 the Confederated Tribes of Siletz Indians of Oregon:

8 WILLAMETTE MERIDIAN, OREGON

9 Township 9 South, Range 9 West

10 Section 13: Southeast quarter northwest quarter;

- 1 Section 14: Northeast quarter northeast quarter;
- 2 Section 15: Lot 2;
- 3 Section 20: East half east half northeast quarter, east
4 half northeast quarter southeast quarter;
- 5 Section 21: South half northeast quarter, southeast
6 quarter northwest quarter, northeast quarter southwest quar-
7 ter;
- 8 Section 22: North half northwest quarter northeast
9 quarter, northeast quarter northwest quarter, south half
10 northwest quarter;
- 11 Section 23: Lots 3, 4, 5, southwest quarter northeast
12 quarter, northwest quarter southeast quarter;
- 13 Section 24: Northeast quarter southwest quarter;
- 14 Section 25: Lot 3, lot 7, southeast quarter northeast
15 quarter, southeast quarter northwest quarter, east half south-
16 west quarter, southeast quarter;
- 17 Section 26: Southeast quarter;
- 18 Section 27: South half northeast quarter northeast quar-
19 ter, south half northeast quarter, south half southwest quar-
20 ter northwest quarter, southeast quarter northwest quarter,
21 north half southeast quarter;
- 22 Section 31: Lot 20, southeast quarter northeast quarter;
- 23 Section 32: North half lot 21;
- 24 Section 34: East half west half northwest quarter, east
25 half northeast quarter southeast quarter, east half southwest

1 quarter southeast quarter, southeast quarter southeast quar-
2 ter;

3 Section 35: North half southwest quarter, southwest
4 quarter southwest quarter, northwest quarter southeast quar-
5 ter, southeast quarter southeast quarter;

6 Section 36: Southwest quarter southeast quarter.

7 Township 10 South, Range 9 West

8 Section 2: North half of lot 7, north half of lot 8;

9 Section 3: Lots 1, 2, 3, and 14;

10 Section 4: East half east half southwest quarter, east
11 half southeast quarter, east half northwest quarter southeast
12 quarter, southwest quarter northwest quarter southeast
13 quarter, southwest quarter southeast quarter;

14 Section 6: East half southwest quarter southwest quar-
15 ter;

16 Section 8: Lot 3;

17 Section 9: Lots 1, 2, 3, and the east half of lot 4;

18 Section 13: Southwest quarter southeast quarter;

19 Section 15: Lot 1;

20 Section 16: Southeast quarter southeast quarter;

21 Section 17: Lot 4;

22 Section 18: Lot 1;

23 Section 20: Lot 11;

24 Section 21: Lots 5 and 8;

25 Section 22: Lots 4, 5, and 17;

4

1 Section 24: Lots 1, 2, and 12;

2 Section 25: West half northeast quarter;

3 Section 26: Southwest quarter southeast quarter.

4 Township 10 South, Range 10 West,

5 Section 13: East half northwest quarter;

6 Section 14: Southeast quarter southwest quarter;

7 Section 15: South half northeast quarter and east half

8 southeast quarter northwest quarter;

9 Section 20: Lot 1 lying south of the south boundary of
10 the former Siletz Indian Reservation;

11 Section 23: Lot 6 and lot 7;

12 Section 24: Lot 8.

13 Township 10 South, Range 8 West

14 Section 18: Southeast quarter northwest quarter, south-
15 east quarter southeast quarter;

16 Section 20: South half southeast quarter;

17 Section 22: Southwest quarter northeast quarter;

18 Section 30: Lot 1.

19 Containing 3,630 acres, more or less.

20 SEC. 2. The Secretary of the Interior, acting at the re-
21 quest of the Confederated Tribes of Siletz Indians of Oregon,
22 shall, subject to all valid existing rights-of-way, licenses,
23 leases, permits, and easements, accept any deed or other in-
24 strument conveying to the United States the land conveyed
25 to the city of Siletz on July 27, 1956, known as Government

1 Hill, and hold such land in trust for the Confederated Tribes
2 of Siletz Indians of Oregon. Such land is described as:

3 WILLAMETTE MERIDIAN, OREGON

4 Township 10 South, Range 10 West

5 Section 4: South half of lot 32,

6 Section 9:

7 North half of lot 1,

8 North half of lot 2,

9 (except that portion of School Board Tract 62,
10 described as:

11 Beginning at the 1/16 corner of the section line
12 common to sections 4 and 9, this being the northwest
13 corner of lot 2, and the true point of beginning, thence
14 north 89 degrees 17 minutes east, 100 feet, thence
15 south 0 degrees 01 minutes east, 660.31 feet, thence
16 south 89 degrees 31 minutes west, 100 feet, thence
17 north 0 degrees 01 minutes west, 659.84 feet, to the
18 place of beginning),

19 Cemetery tract 61 described as:

20 Beginning at the section corner common to sec-
21 tions 3, 4, 9, and 10, thence south 0 degrees 34 min-
22 utes east, 664.74 feet, to the true point of beginning,
23 thence south 89 degrees 31 minutes west, 1335.60
24 feet, thence south 59 degrees 44 minutes east,
25 1299.25 feet, thence north 89 degrees 45 minutes

1 east, 54.2 feet, thence north 0 degrees 34 minutes
2 west, 598.98 feet, thence north 89 degrees 45 minutes
3 east, 165 feet, thence north 0 degrees 34 minutes
4 west, 65.76 feet, to the true point of beginning.

5 Containing 35.03 acres, more or less.

6 SEC. 3. The lands described in the first section and
7 (upon conveyance to the Secretary) section 2 of this Act shall
8 constitute the reservation of the Confederated Tribes of Si-
9 letz Indians of Oregon and shall be subject to the Act of June
10 18, 1934 (48 Stat. 984; 25 U.S.C. 461 et seq.), and other
11 provisions reapplied to such tribes pursuant to section 3 of
12 the Siletz Indian Tribe Restoration Act (91 Stat. 1415; 25
13 U.S.C. 711a). Such lands shall be subject to the right of the
14 Secretary of the Interior to establish without compensation
15 to such tribes, such reasonable rights-of-way and easements
16 as are necessary to provide access to or serve adjacent or
17 nearby Federal lands.

18 SEC. 4. The establishment of the Siletz Reservation
19 shall not grant or restore to the tribe or any member of the
20 tribe any hunting, fishing, or trapping right of any nature,
21 including any indirect or procedural right or advantage, on
22 such reservation.

23 SEC. 5. The State of Oregon shall have civil and crimi-
24 nal jurisdiction with respect to the Siletz Reservation and
25 persons on the reservation in accordance with section 1360
26 of title 28 and section 1162 of title 18, United States Code.

Senator MELCHER. We are going to hear from the witnesses today in a panel. We will hear all of the testimony first and then ask questions of members of the panel afterward.

I have on my witness list as the first witness Commissioner William E. Hallett, Commissioner of Indian Affairs; accompanied by Ralph Reeser, Fran Ayer, and Doyce Waldrip.

Before we proceed, without objection, Senator Hatfield's prepared statement will be included in the record at this point.

[The prepared statement follows:]

STATEMENT OF SENATOR MARK O. HATFIELD

I am very pleased to welcome the members of the Confederated Tribes of Siletz Indians here today as well as representatives of the State of Oregon and all of you interested in S. 2055, the bill to create a reservation for the Siletz Tribe.

In 1977 a piece of legislation of great significance to the Siletz Tribe, the Siletz Restoration Act, was enacted. Restoration of federal recognition to the Siletz people was the culmination of diligent efforts on behalf of the members to regain their tribal status. Included in the Restoration Act was a provision that a reservation plan be developed by the Tribe and two years after the enactment of the act, the plan would be presented by the Secretary of the Interior to Congress for consideration. I have introduced as legislation the reservation plan which is the result of dedicated work by the Tribe, the BIA and many other concerned parties.

The plan authorizes the transfer of a tract of land in the City of Siletz known as Government Hill, from the City to the Tribe. Once the headquarters of tribal operations, it was donated by the federal government to the City at the time of the Tribe's termination. The Siletz Tribe has plans to develop a tribal center on Government Hill which will consist of tribal offices, a medical and dental clinic, a community hall and recreation facilities.

The reservation plan also includes 3,630 acres of BLM land to be taken into trust for the Tribe. This land will be harvested for timber at an annual rate of approximately \$600,000 which will be used to fund tribal government functions.

The State of Oregon will retain civil and criminal jurisdiction on the reservation and in keeping with the language of the Restoration Act, the establishment of the reservation will not grant or restore hunting or fishing rights to the Tribe.

The size of the proposed reservation is small compared to the 1.1 million acres which was once in their possession. However, it will adequately meet the Tribe's needs to serve its people. It is my intention to see this legislation enacted soon, so that the Siletz Tribe might realize its capabilities of self-determination and so the federal government will have the opportunity to afford them that right.

STATEMENT OF WILLIAM E. HALLETT, COMMISSIONER OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY RALPH REESER, DIRECTOR OF CONGRESSIONAL AND LEGISLATIVE AFFAIRS, BIA; FRAN AYER, ASSISTANT SOLICITOR, DEPARTMENT OF THE INTERIOR; AND DOYCE L. WALDRIP, ASSISTANT AREA DIRECTOR, BIA

Mr. HALLETT. Thank you, Mr. Chairman, I am honored to have the opportunity to present the Department's position recommending the enactment of S. 2055. I am also pleased to present to you the delegation from the confederated tribes of Siletz Indians: Mr. Arthur Bensell, tribal chairman; Mrs. Pauline Ricks, vice chairperson; Mr. Stanley Strong, tribal council member; Mr. William Blosser of the consulting firm of CH2M Hill; and Dr. John H. Beuter, Oregon State University.

Mr. Chairman, in 1977, Congress passed and President Jimmy Carter signed the Siletz Restoration Act which reaffirmed the attitude and the ability of the United States to correct mistakes that have occurred in the past.

The Siletz people have endured much, and this plan, which is a requirement of the Restoration Act, exemplifies the capacity and the capability of the Siletz people.

We have a statement, Mr. Chairman, that we would like to submit for the record, and I would like to summarize that.

Senator MELCHER. Without objection, the entire statement will be made a part of the record.

Mr. HALLETT. Mr. Chairman, except for the technical differences, S. 2055 is the same as the draft bill transmitted by the Department of the Interior to the President of the Senate by letter dated November 19, 1979.

Senator MELCHER. Without objection, this also will be included in the record.

[The prepared statement, letter, and draft bill appear at the end of Mr. Hallett's testimony.]

Mr. HALLETT. On December 26, 1979, the Secretary transmitted to this committee the complete Siletz Reservation Plan document.

Section 7 of the Restoration Act provides for the establishment of a reservation for the tribe through the enactment of subsequent legislation that requires the Secretary of the Interior to develop and submit within 2 years to the Congress, in the form of legislation, a plan for the establishment of the reservation. The plan we have approved and submitted to Congress, which is reflected in S. 2055, was jointly developed by the tribe and the Bureau of Indian Affairs with consultation throughout the process with State and local people.

Prior to the submission to Congress, the plan was reviewed throughout the Department of the Interior and by the Office of Management and Budget. The first section of S. 2055 declares 37 specified parcels totaling some 3,630 acres of public domain lands located within Lincoln County.

Section 2 of the bill authorizes the Secretary of the Interior to accept the conveyance of a specified 36.55 acre tract of land known as Government Hill to hold such tract in trust for the confederated tribes of Siletz Indians of Oregon. That tract is now owned by the City of Siletz.

Section 3 of the bill provides that land held in trust pursuant to sections 1 and 2 shall be the Siletz Reservation and shall be subject to the Indian Reorganization Act of 1934 and other provisions extended or reextended to the Siletz Tribes by the Restoration Act.

Section 4 of the bill maintains the status quo regarding any hunting or fishing rights.

Section 5 of the bill provides that the State of Oregon shall continue to have criminal and civil jurisdiction on the Siletz Reservation.

We believe that S. 2055 represents a reasonable approach to the establishment of a reservation mandated by Congress and strikes an appropriate balance between the interests of the tribe and those of the local community, the State, and the Federal Government.

Although there is an absence of real estate transactions in the area, the estimated value of the land to be included in the reservation under

section 1 of the draft bill ranges from \$300 to \$750 per acre, with a total value of \$1,890,000 to \$2,722,000, excluding the value of the timber.

The land would provide the tribe with a continuing source of income from timber receipts in an annual gross amount of \$630,000 a year. From that sum the tribe has agreed to pay 5 percent to Lincoln County for 25 years to replace revenues that would otherwise have accrued to the county under the Bureau of Land Management's administration of land. Another sum of approximately \$60,000 a year, or 10 percent, would be deducted under the authority of 25 U.S.C. 406(a) to partially offset the Bureau of Indian Affairs' management costs estimated at approximately \$175,000 annually.

It is the present policy that, with tribal concurrence, the amount collected as timber sale administrative fees can be used for intensive forest management practices on the reservation. The value of the land to be included in the reservation under section 2 of the bill is estimated at \$2,500 per acre with a total value of approximately \$91,375.

Timberland was considered most suitable for inclusion in the reservation because of its abundance in Lincoln County. The continuing value of timber and its renewable nature, a tradition of timber-related employment in many tribal families, and a lack of controversy such as that surrounding land including water resources made it most suitable.

The public domain land would be included in the reservation under section 1 of the bill and is located in scattered parcels throughout Lincoln County. The land does contribute to the Department of the Interior's timber programs, but given the tribe's plans to continue present timber use of the land, we believe that inclusion of the land in the reservation is appropriate. Inclusion of this land would not have negative impacts that inclusion of forest lands or public lands would have.

Public land was considered more suitable for inclusion on the reservation than private land because of the difficulty of reaching a voluntary sale agreement for private land before the date of the submission of the reservation plan to Congress. Little private timberland is for sale in Lincoln County, and the appropriation of funds for the purchase of private land could cause prices to escalate. Inclusion of public land means that no land would have to be taken through the exercise of eminent domain and that no private land would have to be removed from the local tax rolls.

The land to be included in the reservation under section 2 of the bill will permit the tribe to centralize tribal facilities and activities at a location to which the tribe has strong historic, cultural, and emotional ties.

Mr. Chairman, this concludes our statement.

[Testimony resumes on p. 33.]

STATEMENT OF WILLIAM HALLETT, COMMISSIONER OF INDIAN AFFAIRS,
DEPARTMENT OF THE INTERIOR, BEFORE THE JANUARY 30, 1980, HEARING
OF THE SELECT COMMITTEE ON INDIAN AFFAIRS, UNITED STATES SENATE,
ON S. 2055, A BILL TO ESTABLISH A RESERVATION FOR THE CONFEDERATED
TRIBES OF SILETZ INDIANS OF OREGON.

Mr. Chairman and Members of the Committee, I am pleased to testify
in favor of enactment of S. 2055.

Except for technical differences, S. 2055 is the same as the draft bill
transmitted by the Department of the Interior to the President of the Senate
by a letter dated November 19, 1979. On December 26, 1979, the Secretary
transmitted to this Committee the complete "Siletz Reservation Plan" document.

The Siletz Indian Tribe Restoration Act of 1977 restored Federal recognition
or acknowledgement of the Confederated Tribes of Siletz Indians of Oregon
and made the tribal governing body and the tribal members again eligible for
the special programs and services provided by the United States for Indians
because of their status as Indians.

Section 7 of that Act provides for the establishment of a reservation
for the tribe through the enactment of subsequent legislation and requires
the Secretary of the Interior to develop and submit within two years to the
Congress, in the form of legislation, a plan for the establishment of the reservation.
The section also requires that the reservation land be located in Lincoln County,
Oregon, that there be consultation with state and local groups, and that the
plan be approved by the tribe's elected officials. The plan we have approved
and submitted to the Congress, and which is reflected in S. 2055, was jointly
developed by the tribe and the Bureau of Indian Affairs with consultation
throughout the process with state and local groups. Prior to submission

to the Congress, the plan was reviewed throughout the Department of the Interior and by the Office of Management and Budget.

The first section of S. 2055 declares 37 specified parcels totalling some 3,630 acres of public domain lands located in Lincoln County, Oregon, and administered by the Bureau of Land Management, to be held in trust for the Confederated Tribes of Siletz Indians of Oregon. Such lands will remain subject to any existing rights-of-way, licenses, leases, permits, and easements.

Section 2 of the bill authorizes the Secretary of the Interior to accept the conveyance of a specified 36.55 acre tract of land known as Government Hill and to hold such tract in trust for the Confederated Tribes of Siletz Indians of Oregon. The tract is now owned by the City of Siletz.

Section 3 of the bill provides that the lands held in trust pursuant to sections 1 and 2 shall be the Siletz Reservation and shall be subject to the Indian Reorganization Act of 1934 and other provisions reextended to the Siletz Tribes by the Restoration Act.

Section 4 of the bill maintains the status quo regarding any hunting or fishing rights of the Siletz Indians by providing that the establishment of the Siletz Reservation does not grant or restore any hunting, fishing, or trapping rights.

Section 5 of the bill provides that the State of Oregon shall continue to have civil and criminal jurisdiction on the Siletz Reservation.

We believe that S. 2055 represents a reasonable approach to the establishment of the reservation mandated by the Congress and strikes an appropriate balance between the interests of the tribe and those of the local community, the State of Oregon, and the Federal Government.

Although there is an absence of real estate transactions in the area, estimates of the value of the land to be included in the reservation under section 1 of the draft bill range from \$300 to \$750 per acre, with a total value of approximately \$1,089,000 to \$2,722,500 excluding the value of timber.

The land would provide the tribe with a continuing source of income from timber receipts, in a gross annual amount estimated at \$630,000. Of that sum, the tribe has agreed to pay 5% to Lincoln County for 25 years to replace revenues that would have otherwise accrued to the county under the Bureau of Land Management's administration of the land. Another sum, estimated at \$60,000 annually, would be deducted, under the authority of 25 U.S.C. 406(a) to partially offset Bureau of Indian Affairs management costs, estimated at approximately \$175,000 annually. The value of the land to be included in the reservation under section 2 of the bill is estimated at \$2,500 per acre, with a total value of approximately \$91,375.

Timberland was considered most suitable for inclusion in the reservation because of its abundance in Lincoln County, the continuing value of timber and its renewable nature, a tradition of timber-related employment in many tribal families, and a lack of controversy such as that surrounding land including water resources.

The public domain land that would be included in the reservation under section 1 of the bill is located in scattered parcels throughout Lincoln County. The land does contribute to the Department of the Interior's timber programs but, given the tribe's plans to continue the present timber use of the land, we believe that inclusion of the land in the reservation is appropriate. Inclusion

of this land would not have the negative effects that inclusion of Forest Service land or other public lands would have.

Public land was considered more suitable for inclusion in the reservation than private land because of the difficulty of reaching a voluntary sale agreement for private land before the date for the submission of the reservation plan to the Congress. Little private timberland is for sale in Lincoln County and the appropriation of funds for the purchase of private land could cause prices to escalate. Inclusion of public land means that no land would have to be taken through the exercise of eminent domain and that no private land would have to be removed from local tax rolls.

The land to be included in the reservation under section 2 of the bill would permit the tribe to centralize tribal facilities and activities at a location to which the tribe has strong historical, cultural, and emotional ties.

This concludes my prepared statement and we will be pleased to answer any questions the Committee may have.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

NOV 19 1979

Honorable Walter F. Mondale
President of the United States Senate
Washington, D.C. 20510

Dear Mr. President:

Enclosed is a draft bill, "To establish a reservation for the Confederated Tribes of Siletz Indians of Oregon", submitted in accordance with Section 7 of Public Law 95-195 (25 U.S.C. 711e). We request that the bill be introduced and referred to the appropriate Committee.

The Siletz Indian Tribe Restoration Act of November 18, 1977 (91 Stat. 1415, P.L. 95-195; 25 U.S.C. 711) restored Federal recognition or acknowledgement of the Confederated Tribes of Siletz Indians of Oregon and made the tribal governing body and the tribal members again eligible for the special programs and services provided by the United States for Indians because of their status as Indians. Section 7 of that Act provides for the establishment of a reservation for the tribe through the enactment of subsequent legislation and requires the Secretary of the Interior to develop and submit to the Congress by November 18, 1979, in the form of legislation, a plan for the establishment of the reservation. The section also requires that the reservation land be located in Lincoln County, Oregon.

The first section of the enclosed bill declares 37 specified parcels totalling some 3,630 acres of public domain lands located in Lincoln County, Oregon, and administered by the Bureau of Land Management, to be held in trust for the Confederated Tribes of Siletz Indians of Oregon. Such lands will remain subject to any existing rights-of-way, licenses, leases, permits, and easements.

Section 2 of the bill authorizes the Secretary of the Interior to accept the conveyance of a specified 36.55 acre tract of land known as Government Hill and to hold such tract in trust for the Confederated Tribes of Siletz Indians of Oregon. The tract is now owned by the city of Siletz.

Section 3 of the bill provides that the lands held in trust pursuant to sections 1 and 2 shall be the Siletz Reservation and shall be subject to the so-called Indian Reorganization Act of 1934 and other provisions reextended to the Siletz Tribes by Public Law 95-195.

Section 4 of the bill maintains the status quo regarding any hunting or fishing rights of the Siletz Indians by providing that the establishment of the Siletz Reservation does not grant or restore any hunting, fishing, or trapping rights.

Section 5 of the bill provides that the State of Oregon shall continue to have civil and criminal jurisdiction on the Siletz Reservation pursuant to 28 U.S.C. 1360 and 18 U.S.C. 1162.

We believe that the draft bill represents a reasonable approach to the establishment of the reservation mandated by the Congress and strikes an appropriate balance between the interests of the tribe and those of the local community, the State of Oregon, and the Federal Government.

Although there is an absence of real estate transactions in the area, estimates of the value of the land to be included in the reservation under section 1 of the draft bill range from \$300 to \$750 per acre, with a total value of approximately \$1,089,000 to \$2,722,500. The land would provide the tribe with a continuing source of income from timber receipts, in a gross annual amount estimated at \$630,000. Of that sum, the tribe has agreed to pay 10% to Lincoln County for 25 years to replace revenues that would have otherwise accrued to the county under the Bureau of Land Management's administration of the land. Another sum, estimated at \$60,000 annually, would be deducted, under the authority of Public Law 88-301 (25 U.S.C. 406(a)) to partially offset Bureau of Indian Affairs management costs, estimated at approximately \$175,000 annually. The value of the land to be included in the reservation under section 2 of the bill is estimated at \$2,500 per acre, with a total value of approximately \$91,375.

Timberland was considered most suitable for inclusion in the reservation because of its abundance in Lincoln County, the continuing value of timber and its renewable nature, a tradition of timber-related employment in many tribal families, and a lack of controversy such as that surrounding land including water resources.

The public domain land that would be included in the reservation under section 1 of the draft bill is located in scattered parcels throughout Lincoln County. The land does contribute to the Department of the Interior's timber programs but, given the tribe's plans to continue the present timber use of the land, we believe that inclusion of the land in the reservation is appropriate. Inclusion of this land would not have the negative effects that inclusion of Forest Service land or Oregon and California Railroad and Coos Bay Wagon Road (O&C) land would have.

Public land was considered more suitable for inclusion in the reservation than private land because of the difficulty of reaching a voluntary sale agreement for private land before the date for the submission of the reservation plan to the Congress. Little private timberland is for sale in Lincoln County and the appropriation of funds for the purchase

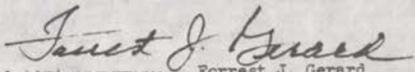
of private land could cause prices to escalate. Inclusion of public land means that no land would have to be taken through the exercise of eminent domain and that no private land would have to be removed from local tax rolls.

The land to be included in the reservation under section 2 of the draft bill would permit the tribe to centralize tribal facilities and activities at an urban location to which the tribe has strong historical, cultural, and emotional ties.

We have also enclosed a statement describing the notification and consultation process involved in the development of the draft bill and the written comments we received on the proposal. We will shortly forward to the appropriate committees of the Congress a document providing more detailed information regarding the plan.

The Office of Management and Budget has advised that there is no objection to the submission of this proposed legislation from the standpoint of the Administration's program.

Sincerely,


Assistant SECRETARY Forrest J. Gerard

Enclosure

A BILL

To establish a reservation for the Confederated Tribes of Siletz Indians of Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That, subject to all valid existing rights-of-way, reciprocal road rights-of-way agreements licenses, leases, permits, and easements, all right, title, and interests of the United States in the land described below is declared to be held in trust for the Confederated Tribes of Siletz Indians of Oregon:

WILLAMETTE MERIDIAN, OREGON

Township 9 South, Range 9 West

Sec. 13, SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 15, Lot 2;

Sec. 20, E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 21, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 22, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 23, Lots 3, 4, 5, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 24, NE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 25, Lot 3, Lot 7, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,

E $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 26, SE $\frac{1}{4}$;

Sec. 27, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 31, Lot 20, SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 32, N $\frac{1}{2}$ Lot 21;

Sec. 34, E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 35, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 36, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Township 10 South, Range 9 West,

Sec. 2, N $\frac{1}{2}$ of Lot 7, N $\frac{1}{2}$ of Lot 8;

Sec. 3, Lots 1, 2, 3, and 14;

Sec. 4, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 6, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 8, Lot 3;

Sec. 9, Lots 1, 2, 3, and the E $\frac{1}{2}$ of Lot 4;

Sec. 13, SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 15, Lot 1;

Sec. 16, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 17, Lot 4;

Sec. 18, Lot 1;

Sec. 20, Lot 11;

Sec. 21, Lots 5 and 8;

Sec. 22, Lots 4, 5, and 17;

Sec. 24, Lots 1, 2, and 12;

Sec. 25, W $\frac{1}{2}$ NE $\frac{1}{4}$;

Sec. 26, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Township 10 South, Range 10 West,

- Sec. 13, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 14, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 15, S $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 20, Lot 1 lying south of the south boundary
 of the former Siletz Indian Reservation;
 Sec. 23, Lot 6 and Lot 7;
 Sec. 24, Lot 8.

Township 10 South, Range 8 West,

- Sec. 18, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 20, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 22, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 30, Lot 1.

Containing 3,630 acres, more or less.

SEC. 2. The Secretary of the Interior, acting at the request of the Confederated Tribes of Siletz Indians of Oregon, shall, subject to all valid existing rights-of-way, licenses, leases, permits, and easements, accept in trust for the Confederated Tribes of Siletz Indians of Oregon, the land conveyed to the City of Siletz on July 27, 1956, known as Government Hill and described as:

WILLAMETTE MERIDIAN, OREGON

Township 10 South, Range 10 West

Section 4: South half of Lot 32,

Section 9: North half of Lot 1,
 North half of Lot 2,
 (except that portion of School Board Tract 62, described
 as:

Beginning at the 1/16 corner of the section
 line common to sections 4 and 9, this being
 the northwest corner of Lot 2, and the true point
 of beginning, thence North 89°17' east, 100 feet,
 thence south 0°01' east, 660.31 feet, thence south
 89°31' west, 100 feet, thence north 0°01' west,
 659.84 feet, to the place of beginning),

Cemetery Tract 61 described as:

Beginning at the section corner common to sections 3, 4, 9,
 and 10, thence south 0°34' east, 664.74 feet, to the true
 point of beginning, thence south 89°31' west, 1335.60 feet,
 thence south 59°44' east, 1299.25 feet, thence north 89°45'
 east, 54.2 feet, thence north 0°34' west, 598.98 feet,
 thence north 89°45' east, 165 feet, thence north 0°34'
 west, 65.76 feet, to the true point of beginning.

Containing 35.03 acres, more or less.

SEC. 3. The lands described in Section 1 and (upon conveyance to the
 Secretary) Section 2 of this Act shall constitute the reservation of the Confeder-
 ated Tribes of Siletz Indians of Oregon and shall be subject to the Act of June 18,

1934 (48 Stat. 984; 25 U.S.C. 461, et seq.) and other provisions reapplied to such Tribes pursuant to Section 3 of the Siletz Indian Tribe Restoration Act (91 Stat. 1415; 25 U.S.C. 711a). Such lands shall be subject to the right of the Secretary of the Interior to establish without compensation to such Tribes, such reasonable rights-of-way and easements as are necessary to provide access to or serve adjacent or nearby Federal lands.

SEC. 4. The establishment of the Siletz Reservation shall not grant or restore to the Tribe or any member of the Tribe any hunting, fishing, or trapping right of any nature, including any indirect or procedural right or advantage, on such Reservation.

SEC. 5. The State of Oregon shall have civil and criminal jurisdiction with respect to the Siletz Reservation and persons on the Reservation in accordance with section 1360 of Title 28 and section 1162 of Title 18, United States Code.



6300

OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM 97310

October 31, 1979

61. 3. 11. 79

Honorable Cecil D. Andrus, Secretary
United States Department of Interior
Office of the Secretary
Washington, D. C. 20240

Dear Secretary Andrus:

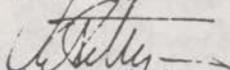
I received your letter of October 19, 1979, asking about the proposed Siletz Reservation Plan which you will be presenting to Congress before November 18, 1979. As the plan indicates, the Confederated Siletz Tribes have paid close attention to the mandate of Public Law 95-195 that affected state and local officials and other interested citizens be consulted during the development of the plan. At the state level, an ad hoc committee of interested state agency officials was formed to assist in this process and advise me of any areas where they believe that the state's interests are being adversely affected.

At this point, no objections have been brought to my attention, but the final meeting of this group will not be held until November 8, 1979. As Governor, however, I strongly support the plan presented by the Confederated Siletz Tribes to you, and believe that the tribe has carefully developed a reasonable proposal which will not only meet their basic governmental and tribal needs, but will be of substantial benefit to the local community and the state of Oregon.

Upon learning of any further concerns that are identified by my ad hoc committee, I will advise you.

Thank you for this opportunity to consider the Siletz Reservation Plan. I look forward to being able to continue to work with the Department of the Interior in realizing the Siletz Tribe's objectives.

Sincerely,


Victor Atiyeh
Governor

VA:oc

cc: Bruce Bishop
Art Bensell

COORDINATION AND CONSULTATION

The Department of the Interior and the Siletz Tribe, in accordance with § 711e(c) of the Siletz Restoration Act, have undertaken extensive notification and consultation with all appropriate State and local officials as well as other identifiable interest groups during the development of the reservation plan. This consultation will continue and the written comments received by the Secretary from such persons and groups will be submitted to Congress at the time the proposed legislation is formally introduced. Numerous meetings as well as extensive written and telephone communications have taken place between Bureau of Indian Affairs officials, Tribal Council members, and the State and local officials and other interested parties. Every effort has been made to ensure that all parties have been well informed and afforded a continuing opportunity to comment and provide input in the development of the plan.

The following is a list of the officials, agencies and interested parties consulted during the reservation plan development to date. The Siletz Restoration Act Committee was appointed by Governor Victor Atiyeh at the Tribe's request to consult with the Department of the Interior and the Tribe during the development of the plan.

Topics addressed at the meetings listed below included potential and identified size and location of the proposed reservation; effect of establishment of the reservation on State and local tax revenues; civil and criminal jurisdiction issues; hunting, fishing, and trapping rights of the Tribe and its members; provision of State and local services to the reservation, the Tribe, and tribal members; and provision of Federal and tribal services to the reservation, the Tribe, and tribal members. As a result of these meetings, extensive staff to staff communication between the Department, the Tribe, and the State agencies was facilitated, so that the consultation process has been ongoing and not simply limited to these meetings.

The Honorable Victor Atiyeh, Governor, State of Oregon

- * Meeting on April 9, 1979 at which the following persons were present: The Hon. Victor Atiyeh; Arthur Bensell, Pauline Ricks, Edmund Ben, Lindsey John, Delores Pigsley, Siletz Tribal Council; Charles Wilkinson, Sharon Gordon, tribal legal counsel; Richard Ivey, CH2M HILL.

- * Preliminary draft of plan mailed on August 10, 1979.

Siletz Restoration Act Committee (State of Oregon officials:)

James Redden (Chairman), Attorney General
 John R. Donaldson, Director, Department of Fish
 and Wildlife
 Leo T. Hegstrom, Director, Department of Human Resources
 Verne A. Duncan, State Superintendent of Public Instruction
 William S. Cox, Director, Division of State Lands
 J.B. Bedingfield, Director, Executive Department
 Rudy Clements, Commission on Indian Services
 Robyn L. Godwin, Director, Department of Revenue
 W.J. Kvarsten, Director, Department of Land Conservation
 and Development
 J.E. Schroeder, State Forester
 Dell Isham, Senator, District No. 2

- * Meeting held on May 18, 1979 at which the following persons were present: Doyce L. Waldrip, Assistant Area Director, BIA; James Burris, BIA; James Redden, Attorney General; Clement E. Azure, Department of Human Resources; Bruce Bishop, Commission on Indian Services; Bill Cox, Division of State Lands; J.E. Schroeder, Department of Forestry; Dell Isham, State Senator, District No. 2; Jon Yunker, Executive Department; Rollie Rousseau, Department of Fish & Wildlife; Jim Ross, Department of Land Conservation & Development; Robyn L. Godwin, Department of Revenue; Randy Martin, Plans Coordinator, Lincoln County; Arthur Bensell, Pauline Ricks, Edmund Ben, Lindsey John, George Baker, Delores Pigsley, Stanley Strong, Siletz Tribal Council; Charles Wilkinson, Sharon Gordon, tribal legal counsel; Marcy Schwartz, CH2M HILL.
- * Meeting held on July 28, 1979 at which the following persons were present: Doyce L. Waldrip, Assistant Area Director, BIA; Bernard Topash, BIA; James Redden, Attorney General; Jan Haley, Division of State Lands; Jon Yunker, Executive Department; John Donaldson, Department of Fish & Wildlife; J.E. Schroeder, Department of Forestry; Robyn L. Godwin, Department of Revenue; Rudy Clements, Commission on Indian Services; Rollie Rousseau, Department of Fish & Wildlife; Bruce Bishop, Commission on Indian Services; Steve Evered, Rick Gray, staff representatives of Congressman Les AuCoin; Arthur Bensell, George Baker, Mary Fisher, Stanley Strong, Lindsey John, Pauline Ricks,

Edmund Ben, Siletz Tribal Council; Charles Wilkinson, Sharon Gordon, tribal legal counsel; William Blosser, Marcy Schwartz, CH2M HILL.

- * Continuous staff contact between consultants and staff of above departments.
- * Preliminary draft of proposed plan mailed to members on August 10, 1979.
- * Meeting with Fish & Wildlife Commission is scheduled for September 21, 1979.

Lincoln County Commissioners

Albert Strand, Chairman
W.S. Ouderkirk
Andrew Zedwick

- * Meeting held on May 9, 1979 at which the following persons were present: Doyce L. Waldrip, Assistant Area Director, BIA; James Burris, BIA; Arthur Bensell, Pauline Ricks, Siletz Tribal Council; Sharon Gordon, tribal legal counsel.
- * Appointment of Randy Martin, Plans. Coordinator, Lincoln County, as official liaison with the Department of the Interior and the Tribe to work on the plan made by the Commissioners at the Tribe's request. Mr. Martin has been in continuous contact with staff in development of the plan.
- * Preliminary draft of proposed plan mailed to commissioners on August 10, 1979.

City of Siletz

Roy Weaver, Mayor
Gladys Faulkner, City Council
Stephen Streeter, City Council
Paul Zook, City Council
Ron Williams, City Council (resigned effective Aug. 1, 1979)

Leroy Yoder, Chairman, Planning Commission
Richard Bennett, Planning Commission
Harvey Haproff, Planning Commission (resigned Sept. 1979)
Robert Longyear, Planning Commission
James Strebig, Planning Commission
Grace Castle, Planning Commission
Verlin White, Planning Commission (new member, Sept. 1979)
Victor Bucy, Planning Commission (new member, Sept. 1979)
Michael Hart, Planning Commission (new member, Sept. 1979)

Paul Osterlund, City Attorney

- * Meeting held May 15, 1979 at which the following persons were present: Roy Weaver, Mayor; Gladys Faulkner, City Council; Susan Youngman Long, staff to Senator Mark Hatfield; James Burris, BIA; Arthur Bensell, Pauline Ricks, Siletz Tribal Council; Sharon Gordon, tribal legal counsel.
- * Meeting held on July 9, 1979 at which the following persons were present: Doyce L. Waldrip, Assistant Area Director, BIA; Roy Weaver, Mayor; Stephen Streeter, Paul Zook, Ron Williams, City Council; Paul Osterlund, City Attorney; Arthur Bensell, Pauline Ricks, Delores Pigsley, Edmund Ben, Lindsey John, Mary Fisher, Elouise Case, Stanley Strong, George Baker, Siletz Tribal Council; Sharon Gordon, tribal legal counsel; General Public.
- * Meeting held on August 2, 1979 at which the following persons were present: Doyce L. Waldrip, Assistant Area Director, BIA; Bernard Topash, BIA; Roy Weaver, Mayor; Gladys Faulkner, Paul Zook, City Council; Leroy Yoder, Richard Bennett, Harvey Haproff, Robert Longyear, James Strebig, Grace Castle, Planning Commission; Arthur Bensell, Lindsey John, George Baker, Edmund Ben, Mary Fisher, Delores Pigsley, Stanley Strong, Pauline Ricks, Elouise Case, Siletz Tribal Council; Sharon Gordon, tribal legal counsel; Marcy Schwartz, CH2M HILL; General Public.
- * Meeting with Planning Commission scheduled for September 13, 1979 to further discuss status and proposed uses of Government Hill property.
- * Preliminary draft of plan mailed to or delivered August 10, 1979.
- * Continuous staff contact during plan development.

Georgia-Pacific Corporation

- * Meeting held June 21, 1979 at which the following persons were present: Doyce L. Waldrip, Assistant Area Director, BIA; Robert E. Flowerree, Chairman and Chief Executive Officer, Georgia-Pacific Corporation; Arthur Bensell, Pauline Ricks, Siletz Tribal Council; Charles Wilkinson, tribal legal counsel.

Northwest Steelheaders Association, Trout Unlimited

- * Meeting held August 22, 1979 at which the following persons were present: Doyce L. Waldrip, Assistant Area Director, BIA; Bernard W. Topash, BIA; Dick Taug, Natural Resources Director, Northwest Steelheaders Association; Ken Torkelson, Bill Mason, Walt Younger, Norm Cleman, Bob Askey, Pat Loveland, Jim Reid, Bill Kremers, Richard Hanson, Corvallis Chapter, Northwest Steelheaders Association; R.P. Myers, Jerry W. Iverson, Tom Bayless, Charlie Brown, M.S. Morse, Paul E. Davis, Bill MacHugh, Albany Chapter, Northwest Steelheaders Association; Ken Donaldson, Trout Unlimited; Arthur Bensell, Pauline Ricks, Delores Pigsley, Lindsey John, Edmund Ben, George Baker, Stanley Strong, Siletz Tribal Council; Charles Wilkinson, Sharon Gordon, tribal legal counsel; Marcy Schwartz, CH2M HILL.

United States Forest Service

- * Meeting held March 23, 1979 at which the following persons were present: R.E. Worthington, Regional Forester, U.S.F.S.; Merle Hofferber, Director, Lands & Minerals, U.S.F.S.; Larry A. Fellows, Forest Supervisor, Siuslaw National Forest, U.S.F.S.; Vince Little, Area Director, BIA; Doyce L. Waldrip, Assistant Area Director, BIA; Bill Rifenberg, BIA; Bernard Topash, BIA; Arthur Bensell, Pauline Ricks, Siletz Tribal Council; Charles Wilkinson, Sharon Gordon, tribal legal counsel.
- * Continuous staff contact between BIA staff, consultants, and Forest Service personnel during development of plan.

State and Local Social Service Agencies

- * Personal, telephone, and written contacts made with the following agencies by staff during development of plan:

State of Oregon Mental Health Division
 State of Oregon Adult and Family Services
 State of Oregon Department of Education
 State of Oregon Children's Services Division
 State of Oregon Corrections Division
 State of Oregon Employment Division
 State of Oregon Community Services Program
 Lincoln County Mental Health Clinic
 Lincoln County Adult and Family Services

Lincoln County Council on Aging
 Lincoln County Housing Authority
 Lincoln County School District
 Lincoln County Children's Services
 Lincoln County Manpower Consortium
 Lincoln County Corrections Division
 Lincoln County Employment Division
 Lincoln County Volunteer Services
 Lincoln County Vocational Rehabilitation
 Lincoln County Comprehensive Youth Program
 Siletz Vocational School
 Siletz High School
 Siletz Drug and Alcohol Program

United States Bureau of Land Management

- * Meeting held on March 7, 1979 at which the following persons were present: Murl Storms, State Director, BLM; Vince Little, Area Director, BIA; Doyce L. Waldrip, Area Director, BIA; Ralph Gustafson, Forester, BIA; Arthur Bensell, Pauline Ricks, Siletz Tribal Council; Charles Wilkinson, Sharon Gordon, tribal legal counsel; Richard Ivey, CH2M HILL.
- * Continuous staff contact between BIA, consultants, and BLM forestry staff, as well as continuous written and telephone communication between all of the above parties.
- * Preliminary draft of proposed plan mailed to State Director.

Church Women United of Oregon

- * Annual meeting of this statewide organization on April 18, 1979 included presentation regarding reservation plan by Pauline Ricks, Tribal Vice-Chairperson, and Sharon Gordon, tribal legal counsel.
- * Abbreviated summary of reservation plan included in newsletters sent to 400 members of this organization on August 31, 1979.

Rotarians International, Newport and Lincoln City Chapters

- * Meeting of Newport chapter on April 25, 1979 included presentation regarding reservation plan by Arthur Bensell, Tribal Chairman.

- * Meetings of Toledo chapter on March 15 and May 2, 1979 included presentation on reservation plan given by Arthur Bensell, Tribal Chairman.

National Tribal Chairmen's Association

- * Annual meeting of this organization on July 30, 1979 in Denver, Colorado, included presentation on reservation plan by Arthur Bensell, Tribal Chairman.

National American Indian Women's Association

- * Annual meeting of this organization on May 23, 1979 in Yakima, Washington, included presentation on reservation plan by Pauline Ricks, Tribal Vice-Chairperson.

Northwest Affiliated Tribes Association

- * Annual meeting of this organization on August 28, 1979 in Warm Springs, Oregon, included presentation on reservation plan given by Arthur Bensell, Tribal Chairman; Pauline Ricks, Tribal Vice-Chairperson; and Sharon Gordon, tribal legal counsel.

Members of the Confederated Tribes of Siletz Indians of Oregon

- * General Council meetings were held on April 7, May 5, August 4, and September 15, 1979 at which reservation plan details and development were discussed. General Council meetings are announced to all the members of the Siletz Tribe in advance in the tribal newsletter, and are open to all interested persons. The August 2 and September 15 meetings included special lengthy presentations by Tribal Council members, tribal legal counsel, and consultants regarding the details of the proposed legislation and reservation plan, and opportunity for input of tribal members.
- * Information, questions and answers, and regular reports regarding development of the reservation plan have been made to all tribal members in the tribal newsletters published and mailed out in May, June, July, and August.
- * Information sheets and background materials on the Tribe and reservation plan development have been made available in each of the tribal area offices in Siletz, Springfield, and Salem.

Other Interest Groups

- * Preliminary draft of proposed plan mailed to the following organizations upon request during August and September, 1979.

Four Corners Rod and Gun Club, Salem, Oregon
Santiam Flycasters, Salem, Oregon
Oregon State Rifle and Pistol Association,
Oregon City, Oregon
Isaac Walton League, Corvallis, Oregon

Senator MELCHER. Thank you, Mr. Hallett. Speaking for the Confederated Tribes, my order of testimony is, first, Arthur Bensell.

STATEMENT OF ARTHUR S. BENSELL, CHAIRMAN, CONFEDERATED TRIBES OF SILETZ INDIANS; ACCOMPANIED BY: PAULINE RICKS, VICE CHAIRMAN; STANLEY STRONG, COUNCIL MEMBER; WILLIAM BLOSSER, PLANNING DIVISION MANAGER, CH2M HILL; AND JOHN H. BEUTER, PROFESSOR OF FORESTRY, OREGON STATE UNIVERSITY

Mr. BENSELL. Mr. Chairman, my name is Arthur Bensell, and I am a member of the Siletz Tribe, representing some 2,000 Indians on the central Oregon coast. We have traveled here to Washington, D.C. Two people from the tribe have accompanied me, and we are going to present testimony as to what it means to the Siletz Tribe to receive a land base.

Many of the things have happened before, such as the restoration plan, and now we are in the process of implementing the bill. At restoration, it was a very emotional time for us; we were very proud when that bill was signed into law by President Carter.

Now, we are implementing the plan. My colleagues who are with me are going to tell why we know we should have a land base.

It is my pleasure to introduce at this time Mr. Stanley Strong who will tell what he thinks. Stanley has been very active in tribal affairs for a long time.

Stanley?

Mr. STRONG. Thank you.

Mr. Chairman, my name is Stanley Strong. I am a Siletz Indian who was on the old tribal council before termination and is on the present tribal council.

I was born in Siletz on November 9, 1908. I attended the Government school at the Siletz Government Hill for a year until it was closed. Then, all Indians went to the public school. Some had a hard time; they were shy and timid. I learned to play all sports and made good grades.

I loved to go fishing, hunting, trapping, and peeling cascara bark. It brought food and put money in my pockets. My dad was a logger, using horses in those days. He always managed to have a big garden—and who helped him? I did, of course. I also had to milk 12 cows and ship cream as a boy.

We had a few games, such as duckinaw, shinny, and so forth. Also we learned games at school. We boys would much rather spear salmon in a salmon house during the season. You find a riffle where the water is swift with an eddy or switchback current 4 to 5 feet deep and build a shade over and above the water. The shade allows you to see in the water. Spears are made of hardwood, bone, or deer horns, or of iron. That was home and freedom. Indians would smoke eels, fish, and deer meat for hard months. We also canned lots of vegetables and fruits.

By the way, my mother canned over 800 quart jars of fruit, vegetables, and meat one year. That was a lot to eat.

But our land was taken. "No trespassing."

My mother told me our forefathers were tricked into a meeting between Port Orford and Brookings, Oreg. That is where we were originally lived. The white man wanted our homeland. The soldiers drove our people by foot to the beach of Port Orford through the waters to the boat. Some tried vainly to resist only to be gunbutted and beaten. Families were separated. Tears and blood stained the ground. Loneliness took its toll.

I know how brutal the army can get because I was a sergeant with five battle stars. Purple Heart, Silver Star, and a Bronze Arrow Head. Yes, I fought for our country—the United States of America.

I'm thankful we have dedicated men and women like our leaders here in Washington to help us.

We need a land base so the elderly can have a home in their last years, and those who have faced disaster. You can't always rent a place. They are not always available, or you don't have money. People come in for funerals and special gatherings. They should be able to rest overnight before going home.

I prefer a land base instead of money. Look what has happened to other tribes—used car lots, liquor, and foolish spending took all of the money. Soon it was all gone. We need something that will keep for the future, a place to anchor and hold fast.

Have you ever seen an ant hill? The ants all work speedily together, helping where help is needed, pushing this and that together. You wonder, can they make it and put it in the right place? Yes, they can, and do. So also were the pyramids. So also can the American Indian, if given the chance. I can see the future of Government Hill become active with education, resources, sports, religion, employment, and activities for all. Our tribe is beginning to live and wanting to take off from the launching pad of a land base.

We need a land base to erect permanent and lasting buildings. Without a land base we are homeless and lost. We do not have a foundation. This would be better than money; it would mean something for the future.

I can imagine what desperation does; it makes criminals out of once decent people. Some people are forced to cheat and steal to live. We were given Government Hill and a reservation to live on, but the white man was sure he got it all back. This left us without a land base or home. We became foreigners in our own land. It grieves me to see the land that was ours be no longer ours.

We need to prove ourselves as going forward hand in hand with the white man, as brothers. In years to come our grandchildren will believe in this because we built our tribe on a solid foundation.

We need a plan here at Siletz where we were raised. It gives a feeling of home and security under the flag of the United States of America.

I thank you.

MR. BENSELL. Mr. Chairman, I would now like to introduce Pauline Ricks, vice chairman of our tribal council, who has been long interested in the Siletz Tribe. She will now tell us why she thinks we need a land base.

Pauline?

MS. RICKS. Mr. Chairman, my name is Pauline Bell Ricks, and I live at 2660 North 20th, Springfield, Oreg. I am a member of the

Confederated Tribes of Siletz Indians of Oregon and currently vice chairman of the tribal council where I have served faithfully since the tribe reorganized in 1973.

I bring you greetings from the only federally recognized tribe on the beautiful Oregon coast.

The identity regranted us by restoration in 1977 has been a beautiful experience for our tribal members. We can proudly say we are Siletz Indians, and it certainly has been a rebirth of the Confederated Tribes of Siletz.

Our chairman and tribal counsel have been working hard on the Siletz restoration plan. We have put forth a lot of effort in educating the State of Oregon, our Oregon congressional delegation, and our local community on the needs of our people and why we need a land base.

I am very proud to be here in our Nation's capital as one of our tribal leaders. I respectfully present my testimony on the Siletz Indian Reservation plan, Senate bill 2055.

From the late 1800's to termination in 1954, the Government Hill was the headquarters for our tribe. It was the site for the agency office and tribal buildings where all social, cultural, recreation, and traditional functions took place. There were a lot of activities in the early days on Government Hill.

There was a cannery where our Indian women took pride in preparing food for the winter. There was a school, a park, and other facilities to benefit the tribe. We had small cottages for our elderly and a health clinic to meet the medical needs of our tribal members. Our men took a lot of pride in the upkeep of the park and the cemetery.

We looked upon Government Hill as sacred grounds because it was a place where we gathered together as Indian people to meet all our spiritual needs. Our lives centered around Government Hill, and it was the foundation for our tribe. Our roots are buried there, for when our lives are over we are laid to rest in the sacred burial grounds located there amid the beautiful rhododendrons and timber.

At termination the Government Hill was transferred to the city of Siletz. Today it is heartbreaking to see that blackberries and brush have taken over. The buildings that the Government did not destroy are now deteriorated and on the ground. Our last log cabin that stood at the foot of the hill was a historical landmark to our tribe. But it was recently burned to the ground. This tore the heart out of our tribal members, especially those that remembered their fathers and their grandfathers that took pride in building the cabin. I remember it well; my father was one of them.

But we are strong, and we are a proud race of people. We have pulled through world wars, the depression, and termination. Today we are prepared to start over.

Over the last year, we have had many meetings with the Siletz City Council and the Siletz Planning Commission about Government Hill. We have spent months talking with our non-Indian neighbors about our emotions for and dreams about Government Hill. We have had to explain a lot, and it has often been hard because many newer residents do not share our memories of our homeland. But our efforts paid off. In one of the largest turnouts ever in a Siletz city election,

the people in Siletz voted to give us back our Government Hill. Just last week we had a meeting where we agreed on the final details of the transfer.

Our friendship and cooperation with the city of Siletz and our non-Indian neighbors will continue in the future.

We have plans to rebuild our tribal headquarters on Government Hill, the only appropriate place. We plan to have a cultural and community center which will include a gymnasium, a kitchen, classrooms, and a much-needed daycare center. We have only one school in Siletz, and it cannot accommodate activities such as cultural classes or potlucks, tribal meetings, powwows, Indian basketball and baseball teams, and other tribal activities.

Our plan also includes outdoor recreation such as tennis courts, football fields, powwow grounds, and camping grounds for tribal members.

Some of the land will be left unimproved to teach our young people the traditional value of land. We will be able to take them on outings and teach them to dig roots and gather materials for basketmaking. And we will be able to have a private place for a sweat lodge, which is a religious tradition.

Our plans also include a health clinic to deal with our health problems: nutrition, medical, dental, alcohol, drug abuse, and mental problems. Our health problems are critical in Siletz simply because Siletz families cannot afford routine medical care.

In a recent study, we found that diabetes, cancer, and injuries were reported as leading causes of death. But the shocking report to our tribe was 44 percent of our tribal members die of cardiovascular disease. Our nearest health clinic is the Chemawa Indian School, 100 miles away. Although we are grateful for the existing program and assistance, we are not able to reach and help all of our people.

We need land; we need timber; and we need a steady source of income that will enable the tribe to run our own programs. We do not want to become totally dependent on the Government or welfare.

With the establishment of our reservation, the Siletz Tribe will be provided with an independent source of revenue. Right now our tribe does not have adequate income to support our tribal government needs. We do not have the ability to pay our tribal chairman or tribal council members. Without our own source of income, our tribe cannot meet basic administrative costs, including local matching funds, maintenance, or contracted services such as socioeconomic studies or long-range planning assistance. Our tribe, as other federally recognized tribes, should have an independent ability to secure competent technical assistance and legal consultation. These are all needs related to establishing a self-sufficient, independent tribal government that will continue to exist for our people for coming generations.

Some of our tribal members are not eligible for all benefits. An independent source of money is essential to help the maintenance, administration, and tribal council functioning so they can fulfill the needs of our growing tribe.

The unemployment levels for tribal members are high. In Lincoln County the unemployment rate is 44 percent among Indian people. Our timber operation would employ many of our tribal members. Our

goal is to improve the lives of our people and to help them sustain their sense of pride. We need sufficient income to provide a permanent existence for our tribal government.

The establishment of the reservation will also reflect that Indian people have a unique relationship with the land. Land is a focal point for tribal culture. We place a high traditional value on land. It is there that we gather berries, sprouts, greens, and mushrooms to eat. Some of our tribal members still peel cascara bark, and they go out and pick ferns to sell to supplement their income. Many go out to the mountains to pick wild hazelnuts and dig roots to make baskets. We thank the Great Spirit every day for the many things that the land provides for us.

Senator Hatfield, I would personally like to thank you for the tribe. I would like to mention one of the things that you would be interested in. Many of our tribal members are out gathering roots and materials; they are attending basketry classes; and this is very important to our tribe and just one example of what has happened as a result of your act in 1977.

The establishment of the reservation would enable us to be a self-sufficient tribe in many ways: socially, economically, and culturally. An Indian without land is nothing. Our reservation will be a place to rediscover and to revitalize the identity and the pride of once again being members of the confederated tribes of Siletz.

I urge you to support this bill so that the Siletz Tribe will exist for coming generations.

Thank you.

Mr. BENSELL. Mr. Chairman, I would like to make a few remarks. Senator MELCHER. Please proceed.

Mr. BENSELL. I also carried with me, Senator Hatfield, a letter from Roy Weaver, the mayor of Siletz, which I would like to read. It is addressed to you. If I may, could I read it at this time?

Senator HATFIELD. Certainly.

Mr. BENSELL [reading]:

Dear Senator Hatfield: The Siletz City Council has asked me, as Mayor of Siletz, to write this letter to you on behalf of the council. We would appreciate you including this letter in the record of the committee hearings which will be held on Wednesday, January 30, 1980.

As you know, last November the city council called for an advisory vote of the citizens of Siletz on the question of Government Hill. The results of that advisory vote favor transfer of Government Hill to the tribe.

Since the vote, we have had a number of meetings with the tribe and its representatives. An extraordinarily fair and cooperative spirit has prevailed on both sides. We believe that we have reached a memorandum of understanding setting our agreement with the tribe. Our working relationship with the tribe is excellent in all respects.

This plan has the potential to be a very good thing for the City of Siletz. Although there was definitely conflict during the early stages, those disagreements have clearly faded during the last 2 months. Most citizens now seem to appreciate the wide range of benefits that it appears will result from the tribal plan. In short, it seems to us that the citizens of Siletz are now pulling together to establish a tribal complex on Government Hill that will benefit the entire community.

We hope that this bill will pass promptly so that plans can become a reality.

Very truly yours,

ROY D. WEAVER, Mayor of Siletz.

If I may, I will continue.
 Senator MELCHER. Surely.

Mr. BENSELL. Mr. Chairman, the Siletz tribal council has been very busy since restoration on the many tasks facing our newly restored nation. The restoration act provided for an interim tribal government which would draft a constitution for the tribe. We worked hard to develop a document that would serve as the basis for our tribal government for generations to come. That constitution was adopted on June 2, 1979, and we feel—the Siletz people feel—this is a very good and workable constitution. I think it is being used in Indian country now as an example to update other constitutions where tribes have been busy for many years. So we think we have a very good constitution.

We have established three Indian area offices to help serve our members scattered throughout western Oregon as a result of termination. We have put tribal members to work helping each other as job counselors, health aides, and school and education assistants. We have set up committees to administer housing assistance programs for our elderly and low income. We have sponsored cultural and spiritual activities for our tribal members.

We are in the process of completing our enrollment ordinance and election ordinance. We are dedicated to establishing the finest tribal government we can for our people.

But the major task of our tribal government has been to work with the Department of the Interior on this plan for the Siletz Indian Reservation presented to you as S. 2055.

The process of putting together a plan that would truly serve the needs of our people in the generations to come has been the overriding concern of the tribal council since restoration. Land is central to our purpose.

Many Bureau officials were tough and consistent in insisting that this be a workable plan. Difficult and often painful decisions had to be made along the way. This plan was not what we wanted; yet we felt forced to accept trade-offs in order to develop a plan that was workable to all concerned.

At the second annual restoration powwow in November 1978, we began discussing the needs of our people for a reservation. Early in 1979, we met with representatives from the Department of the Interior from the Bureau of Indian Affairs Portland area office. Area director, Vincent Little, appointed assistant area director Doyce Waldrip to be involved with the project from the start. Other Bureau representatives have been involved deeply in the project as well. We were able to establish from the beginning that this would be a team effort between the Department and the tribe.

Upon the advice of the area office, the tribal council hired CH2M Hill as professional planning consultant to the project. This was done under the contracting procedure set by the Indian Self Determination Act. CH2M Hill has worked directly for the tribe in compliance with work plans and contracts developed with the assistance and approval of the Portland area office. A detailed work program for the project was drawn up with the tribe, the Bureau, and CH2M Hill all having critical areas of involvement.

I would like to say something about CH2M Hill. They are a very reputable worldwide consulting firm, and we were fortunate that they were based in our backyard. They were very accessible to us.

The planning has been long and difficult. Mr. Blosser from CH2M is going to explain this process.

Phase I of the plan included the preparing needed for detailed social and economic data about tribal members, and a review of the history of our former coast reservation. It also included research into various potential tribal enterprises and economic development opportunities for the tribe, as well as a detailed analysis of land ownership in Lincoln County.

This work was completed from March to May. The resulting reports were used at a decisionmaking meeting on June 2 and 3 at which representatives of the tribe, the Bureau, and CH2M Hill were present. At this time, the land ownership inventory prepared by the Bureau and CH2M Hill was interfaced with the tribal goals and the tribal enterprise profiles.

The concepts to be concentrated on were chosen at that point; namely, to survey in detail certain BLM-administered public domain lands, and the resources and revenues necessary for the operation of minimal tribal facilities and programs.

Phase II of the planning process extended from June through July and focused on the selection of particular land parcels to be included in the reservation plan and on the development and review of a detailed profile of these lands. At this point, numerous State and local governmental agencies as well as a number of special interest groups had also become quite involved in the planning process, and their input was invaluable in arriving at later decisions.

Phase III of the plan included development of economic, environmental, social, and governmental impact analysis. Again, State agencies and local governmental bodies played a very important role in decisionmaking.

Phase IV consisted of preparing the proposed reservation plan.

As a tribal council, we had become experts in many areas: Land use planning, taxes, Federal timber revenue distributions, social and economic indicators, economic development, and politics.

We met in March with the State director of the Bureau of Land Management, Murl Storms, and with the regional forester for the Forest Service, R. E. Worthington. These meetings, arranged by area director Vince Little and attended by him and other Bureau of Indian Affairs officials, resulted in a close and fruitful working relationship. The Bureau of Land Management approved our plan at both the State and national level, which shows we have a reasonable plan.

The tribal council met in early April with Gov. Vic Atiyeh to ask him to help us implement the consultation process. At our request, he appointed a special commission of State officials to consult with the tribe and the Department of the Interior during the planning process. The committee was chaired by attorney general James Redden, and included the following persons: John Donaldson, director, Fish and Wildlife Commission; Leo Hegstrom, director, Department of Human Resources; Vern Duncan, State superintendent of public instruction; William Cox, director, division of State lands; J. B. Bedingfield,

director, executive department; Rudy Clements, member, commission on Indian services; Robyn Godwin, director, department of revenue; W. J. Kvarsten, director, department of land conservation and development; J. E. Schroeder, State forester; and Dell Isham, State senator, district two. We had very productive meetings with this commission as a whole on May 18, July 28, and November 8, during which detailed discussions of the planning were held, and constructive and helpful criticisms were made by the committee members.

We changed course on several significant aspects of the plan as a result of their input. We also were able to develop excellent staff-level cooperation as a result of the formal committee's establishment. Lincoln County planners and Siletz City Council and Planning Commission members also attended these meetings on occasion.

A number of meetings were held with the Siletz City Council and Planning Commission regarding the transfer of Government Hill back to the Federal Government to be held in trust for the tribe. The end result of these meetings was the decision of the Siletz City Council to make the transfer. This decision was based upon thorough study, a unanimous planning commission recommendation for the transfer, and a strong citizen vote of approval in one of the largest turnouts ever in a Siletz City election. The tribe and the city have now agreed upon exact conditions of the transfer.

I would digress for a moment to pay tribute to Governor Atiyeh. I sat on the Commission of Indian Services in the State of Oregon with Victor, and when our first powwow was opened I introduced Vic as our next Governor of Oregon; it happened. Victor knows Indian country, knows Indian people, and he has continued to support us in our efforts. He says, "You have an open door to my office; come in any time."

I would also pay tribute to the City Council of Siletz. Mayor Weaver was raised in Siletz, and it was through his efforts and those of the council that we were able to get the hill back for the tribe.

We have also had separate meetings with special interest groups such as the Steelheaders and Trout Unlimited. We have met with the Oregon Fish and Wildlife Commission. We have met with several service groups and church groups. I can report that where people have listened with an open mind we have gained the goodwill and support of the Oregon public wherever we have gone with this plan.

Importantly, we have addressed other Indian groups as well as our own tribal people. Again, we have found there to be widespread support for the efforts of our tribe in regaining a very small portion of our former homelands.

An objection raised often is that the land base is too small. But we have had to become realists and have had to make many compromises. As a result of the extensive consultation process set into motion by the Siletz Restoration Act, we believe that we have developed a reservation plan that will meet the minimum needs of our tribe in the future and will assure a self-sufficient tribal government for our people.

We believe this reservation will be an asset to the State of Oregon and particularly to the county and local community where it is located. We believe that the broad base of understanding, support, and cooperative spirit that has resulted from the planning process will continue to be a positive force for our tribe and our State.

The working relationship that we now have with the State and its agencies is perhaps unparalleled in the United States. We are able to discuss matters before they become problems rather than fight about them later.

We have much hope for the future. Our hope is based upon the re-establishment of our land base so that the future generations of Siletz Indians will always have a place to call home and a people to welcome them.

Mr. Chairman, this concludes our testimony. It has been a pleasure. We thank you for the invitation to come here and present our testimony in favor of this very important piece of legislation for the Siletz people. Thank you.

Senator MELCHER. Mr. Blosser of CH2M, do you have testimony?

Mr. BLOSSER. Mr. Chairman, I am Bill Blosser. I am currently planning director of the planning division in the Portland, Oreg., office of CH2M Hill. I was the project administrator for our firm on this project and involved throughout the entire process.

In my testimony I would like to discuss very briefly five questions that have come up occasionally about the plan: First, what qualified CH2M Hill to assist the tribe; second, what was the procedure that we went through in formulating the plan; third, who was included in the process; fourth, what alternatives were considered; and, lastly, why is this plan the best one we could have come up with?

I have also prepared some written testimony which is much more lengthy. I believe that has been given to the clerk and will be, with your permission, entered into the record.

Senator MELCHER. Without objection, it will be included in the record at the end of your testimony.

Mr. BLOSSER. CH2M Hill is an alphabet-soup name of people founded in Corvallis. The firm was founded in about 1946; we currently have about 1,800 employees in 30 offices throughout the world.

Although our business is now worldwide in nature, our home base is still Oregon. We have about 500 employees in Corvallis and Portland. These employees cover a very wide range of specialties: All of the engineering disciplines, waste water, civil engineering, and so forth. But also, most importantly for this project, planners, economists, aquatic and wildlife biologists, mappers, surveyors, and architects.

The staff had a lot of experience also in working with Indian tribes and the BIA. One example is that we prepared the comprehensive plan for the Warm Springs reservation a couple of hundred miles east of the Siletz Reservation.

In short, I think that the reason the Siletz Tribe came to us to work on this project was that we provided them with a supermarket of skills that they could draw on at any stage in the planning process.

When this whole thing started, no one, including ourselves, quite knew how to form a plan for a reservation that did not yet exist.

The procedure for the plan was set out in very early 1979 when we first met with the tribe. At that point, the tribe had already taken some pretty important steps in establishing the process that they were going to pursue. First, they had formed a tribal government, which is pretty critical because there they had, in the tribal council, a policy-making group that could decide what was going to happen. Second,

they had completed the first stage of their enrollment so we knew whom we were dealing with and how many tribal members. And third, and probably most important from our point of view as planners, they had completed an in-depth house-to-house survey and interview of tribal members living in the eight-county service area.

So, we had very good information on the economic, social, housing, and health conditions of the tribal members at that time.

In our first work session with the tribe, which lasted two long, rainy days in Newport, we discussed where we would be going in the next few months with the planning process. At this time two rather critical procedures were established. First, there was a very, very strong feeling on the part of the tribe that the planning process had to be a very open one; they knew that there was a lot of potential controversy over the establishment of a reservation and a lot of interest by a lot of groups in what would be happening.

So, it was decided that at each stage of the planning process all possibly interested groups would have a chance to look at the draft, and have a chance to comment on it, and have a chance to be consulted.

A key component of this was mentioned in previous testimony: the establishment by Governor Atiyeh of the State agency task force. This was particularly critical from our point of view because this meant that all of our proposals were being considered at the highest levels of State government.

The second thing that we established at that first meeting was that whatever we came up with had to be carefully documented, by as careful research as we could possibly do, given the time constraints. That was to be primarily our role. As planners and consultants, we were to be the hit men for finding and documenting whatever needed to be documented to justify the amount of land that would be requested in the reservation plan.

At the conclusion of the work session, the next task we performed was to prepare the social profile of the tribe. The complete documentation on this was provided in the plan. I think all that needs to be said at this point is that that social profile portrayed a tribe that needed very, very badly many of the services that could be provided on a reservation.

After preparing that social profile, we then met at what I would call the most critical meeting of the whole planning process with the tribal council, again for 2 days. We worked out the tribe's short- and long-term goals. These goals, as you can read them in the plan, focused primarily on social, economic, and health issues. They also established the two characteristics that the tribe was going to look for in establishing a reservation.

The first was Government Hill. That had to be a part of the reservation. As Chairman Bensell has said, negotiations were begun with the city of Siletz and have been concluded, very happily, recently.

The second thing was that they needed a land base to provide income for sustaining tribal activities that could not be funded from other sources and also as a means to provide employment for tribal members.

After this goal-setting session, we were directed to go back and put together a reasonable and necessary budget for what would be needed to be sustained on the reservation. The first thing we did was to

work with the tribal members and the BIA to establish what tribal services would be provided in the next 10-year period: health, education, and welfare-type services.

We did detailed budgets of the manpower space needs. We even called in our architects to design roughly the buildings that would be needed to house these people so that we could make reliable cost estimates of the costs to build the facilities we were talking about.

Second, we investigated in depth the possible and potential tribal enterprises that they could enter into that would give the tribe income to support these activities. We attacked this in two ways. We first looked at what enterprises were realistic to be looked at in Lincoln County. This came down to primarily timber-related things, resort-related things, and aquaculture. Second, and probably most interestingly for many of us, we conducted a 1-day economic development conference in our offices in Portland to which many of the tribal members came, and at which we invited, and which was attended by, all of the Federal agencies that have major programs for Indians as well as a number of tribal members for other tribes who have experience in running and trying to establish tribal enterprises.

A major conclusion that emerged from our investigation of potential enterprises in Lincoln County, as well as this economic development conference, was that all of the enterprises that employed significant numbers of people also required large investments of capital, posed very high risks of failure, and, above all, required very highly skilled and experienced management.

The tribe decided that at this point in its existence it did not currently have the managerial skills to take on any very large-scale enterprises. Rather, it felt that its key and most important goal at this time, and probably for the next 5 years or maybe even 10 years, had to be to take care of the pressing social and health needs of its members.

Therefore, we went back to the drawing board looking for an enterprise which was not high risk, did not require high levels of management skills which, at this point, the tribe did not develop, and which would provide a steady, secure source of income so that the tribe could meet its first obligations to its people.

This enterprise, as we call it—and the only one that was realistic—was timber management and harvest. This enterprise fit very well with tribal experience. Many of the tribal members had been loggers and understand the forests. Stanley Strong is one. Also, the BIA has tremendous experience in assisting tribes in managing forests. So, the managerial skills were there in place.

The amount of land that was needed for this reservation was the next question: How much do you need? We went back to our budget, which I indicated earlier we had developed, and we had come to the figure of around \$600,000 as an annual income as being adequate to do the things the tribe needed. When I say adequate, I mean this \$600,000 would provide money to cover the expenses of operating the tribes that are not possible to be covered by grants and funds from BIA and other Government sources; second, money to help fund building the facilities that they wanted to build on Government Hill; and, last, some seed moneys that could be used to establish enterprises at a later time, seed money which could also be loaned to tribal members to establish their own businesses wherever they may live.

So, \$600,000 became the goal we were shooting at to derive from the timber operations. Then, the next step was establishing how much timber would be necessary to provide this income.

Here, our economists and the BIA foresters did a very, very detailed and lengthy survey of all the land in Lincoln County. We mapped all the land: private and all of the various categories of public land. We mapped the location of all recreation activities, potential dam sites, highly important fishing areas, critical endangered species habitats: all possible things that might have an effect on what land would be desirable for including in a reservation.

One of the key people we talked to during this stage was Georgia Pacific. Georgia Pacific is the largest single private landowner in the area and one whose properties are scattered all over the county. We approached them on the basis: "Can we purchase land from you?" This would avoid any requirement for dedicating public lands to the tribe.

Georgia Pacific was not very interested in this at all, raising the question that we might have to use eminent domain if we were to try to pursue that. But, most important, our foresters found that most of the Georgia Pacific land had very little merchantable timber on it; it had all been harvested in the last 20 years. So, that was not a very good alternative. And that same thing was true of almost all the other private land in the county.

The next two groups we talked to were the Forest Service and the BLM—the managers of the Federal Lands in the county. The Forest Service has extensive, very large and contiguous parcels of property in the county. Unfortunately, these parcels are also some of the most highly used for recreation purposes; they also include some of the best fishing areas for anglers. Also, timber harvests of the Forest Service lands return about 25 percent of their revenues to the counties in the area. So, withdrawing Forest Service lands would have been a severe blow to the counties.

Second, BLM land. BLM manages two types of land, one of which we call O. & C. lands. These are lands which were returned to BLM management from the demise of an old railroad. These lands, unfortunately from our point of view, return 50 percent of their timber revenues to the counties, an even heavier blow were we to try to withdraw this land for the reservation.

The last lands that were available really, that did not impose a tremendous economic hardship on the counties and areas around, were the BLM public domain lands. It is these lands that the tribe is requesting to be included in the reservation, and only a portion of them that exist in the county.

These lands return only 5 percent of their revenues to the county which, as was mentioned earlier, the tribes are willing to make up and continue to pay to the counties for 25 years. Also, very importantly from our point of view, the Oregon Fish and Wildlife Department found that there were no critical wildlife habitats or recreation values there and so forth. In other words, it caused no problem for them.

BLM public domain lands—we determined very quickly that about 3,600 acres would be adequate to provide a fairly steady \$600,000 per year.

To confirm that we had the right amount of land, we hired Dr. John Beuter of OSU to review all of our calculations and figures. Dr. Beuter was chosen because he is a nationally recognized figure in forest economics. He will present his comments in a few minutes.

To conclude my comments very quickly, what I have tried to show in this testimony and the written testimony I have submitted, is that the process of developing this plan was a very thoughtful, deliberate, and, above all, a cooperative process. The tribe did not charge off and do it alone. It was at every point reviewed carefully by everybody who could possibly have an interest in the State of Oregon and Federal agencies outside of the State.

We made every attempt we could to thoroughly research all of the alternatives. We made every attempt to minimize any adverse economic, social, or environmental problems that might be caused by creating the reservation. I think in my 10 years of experience in working with other tribes and citizens' groups on plans of this sort, this tribe has made the words "participatory democracy" mean more for me than at any time before. It really involved people in the process.

The reservation plan that I think you have before you today is a good one, a superior one, and a very fair one.

I thank you, and I would be very happy to answer any questions you may have.

[Testimony resumes on p. 64.]

WRITTEN TESTIMONY

PREPARED FOR THE SENATE SELECT COMMITTEE ON
INDIAN AFFAIRS ON S.2055 FOR PRESENTATION ON
30 JANUARY 1980

PREPARED BY WILLIAM R. BLOSSER, PLANNING DIVISION MANAGER,
CH2M HILL

INTRODUCTION

This written testimony is prepared to supplement oral testimony presented to the committee. The testimony references the Siletz Indian Reservation Plan and the Support Data document presented to the committee with the oral testimony.

This written testimony is divided into six sections:

1. Qualifications of CH2M HILL
2. Plan Preparation Process
3. Coordination and Consultation
4. Socioeconomic Profile of the Tribe
5. Alternatives Considered
6. Economic, Physical, and Jurisdictional Effects of Forming the Reservation

QUALIFICATIONS OF CH2M HILL

CH2M HILL is an international consulting firm of engineers, planners, economists, and scientists. The firm is employee owned, with more than 1,800 people located in 30 offices. The company was founded in 1946 in Corvallis, Oregon, which lies just 20 miles east of the proposed reservation. Its 500 employees in Oregon are intimately familiar with all parts of the state, and the staff includes all the specialists that are needed to undertake a complex reservation planning process. Further information on the general capabilities of the firm are provided at Tab H of the Support Data.

The firm has conducted a large number of economic development, resource inventory, and comprehensive planning studies for a number of Indian tribes and the Bureau of Indian Affairs. Recent studies include:

- A comprehensive development plan for the Warm Springs Reservation for the Confederated Tribes of the Warm Springs Indian Reservation. The plan addresses timber management and forest product manufacturing, recreational and convention center development, and resource conservation. Assistance provided included a detailed feasibility study of

on-reservation forest products manufacturing and feasibility studies of other economic development possibilities.

- A comprehensive inventory of reservation resources and development for the Confederated Tribes of the Umatilla Indian Reservation. This study served as the first step in a comprehensive planning program for the reservation. CH2M HILL subsequently prepared a water need study that projects water need to the year 2020.
- An economic feasibility study and site plan for tourist development on the Nez Perce Indian Reservation in Idaho.
- An economic feasibility study and site development plan for recreational development on the Spokane Indian Reservation in Washington.
- An estimate of the value of goods, services, and wages owed the Pribilof Aleuts on the basis of a claim under the Indian Claims Commission Act of 1946. CH2M HILL was retained by the Aleut Communities of St. Paul and St. George Islands, Pribilof Islands, Alaska.
- A water resources inventory of the Tule River Indian Reservation, Tulare County, California, with recommendations for water resource conservation and development measures. CH2M HILL was retained by the Tribal Council of the Tule River Indian Reservation and the Bureau of Indian Affairs.
- A survey of sites for office structures in five villages for the Bristol Bay Native Association, Alaska.
- A feasibility study on a fish processing plant at Haydaburg, Alaska, for the Haida Native Corporation. This study examines the economic and financial feasibility of the plant and identifies the facilities that will be needed.

CH2M HILL has also prepared many comprehensive plans for cities and counties and conducted other related studies. A list of urban and regional planning experience is at Tab H of the Support Data. Since this list was assembled, we have prepared comprehensive plans for the Cities of Fairview, Dundee, Cornelius, and Silverton, Oregon.

CH2M HILL has extensive experience in preparing environmental impact statements and other environmental impact evaluation documents required by NEPA. Most of our work has been on specific projects, such as industrial plants, wastewater collection and treatment systems, airports, and highway projects. These normally address both the direct effects of the project on its environs and indirect effects on surrounding communities. We have also done many impact assessments on proposed plans. These include:

- A water pollution control and abatement plan for Skagit County, Washington
- A water resource management plan for the Cedar and Green River basins for the municipality of metropolitan Seattle and the City of Seattle, Washington
- The Section 208 areawide water quality management plans for the Columbia Region Association of Governments (now the Metropolitan Service District) in Portland, Oregon, and for the Lane Council of Governments in Eugene, Oregon

In all, we have prepared approximately 150 environmental impact statements, assessments, and other related documents required pursuant to NEPA and state environmental impact laws.

PLAN PREPARATION PROCESS

The formal reservation planning process began at the second annual powwow celebrating the Tribe's restoration in November 1978. Informal discussions about the reservation among tribal members and guests provided the Tribal Council with a general sense of the Tribe's interests and concerns.

The Tribal Council then began its consideration of the steps to be taken in the actual formulation of a reservation plan. The Portland area office of the Bureau of Indian Affairs (BIA) designated several staff representatives to work with the Tribe on the project. The need for additional assistance was identified.

In March, the Tribal Council engaged CH2M HILL as planning consultant to the reservation planning project. After receiving a detailed orientation by the Tribal Council, CH2M HILL planners prepared a work program for the development of the plan. This work program, adopted by the Tribal Council, defined the approach to be taken and provided for the integration of work being done by the Tribal Council, BIA, tribal legal counsel, and CH2M HILL, and for the

involvement of various governmental agencies and interest groups at key points in the program. The work program is included at Tab A of the Support Data.

Twenty-four CH2M HILL professional staff participated in preparing the reservation plan. The list of these personnel are included at Tab L of the Support Data. The staff spent approximately 3,700 man hours on the project over an 8-month period.

Phase I of the plan development included the preparation of a socioeconomic profile of the Tribe (see Chapter 5 of the Plan) and a historical review of the Tribe (see Chapter 4 of the Plan). It also included the development of tribal goals and priorities, the research of various economic development opportunities for the Tribe, and the development of alternative reservation concepts. During this phase an economic development conference with state, Federal, and local agencies and with other tribes was conducted (see Tab B of Support Data). See Tab J for other physical background data.

A key step in Phase I was the formulation of tribal goals (see Chapter 6 of the Plan). The Tribal Council met in March 1979 to establish tribal goals relating to the reservation planning project. These were intended to provide direction to the consultant assisting the Tribe in the planning effort and to clarify the priorities of the Tribe.

Two major purposes of the reservation became clear: 1) to reestablish a "home" for the Tribe, a location where tribal facilities could be constructed and where tribal members could gather for activities, and 2) to provide a long-term source of income for the Tribe to ensure the permanent existence of its tribal government and to provide seed monies for tribal enterprises. Another priority that emerged was to choose land that would involve the least negative social, economic, and environmental impacts.

This work was completed from March to May. The resulting reports were used at a decision-making workshop during which the Tribal Council determined the reservation concept to be studied in greater detail. The reports were also discussed at General Council meetings and in tribal newsletters during this period. Local, state, and Federal governmental agencies and decision-makers were contacted by the Tribe and informed that the planning process was underway. These agencies and decision-makers supplied data to the tribal consultants on request. At the Tribe's request, Governor Victor Atiyeh appointed an advisory committee of state officials to facilitate consultation (see Appendix A of the Plan).

Phase II of the planning process extended from June through July and focused on the selection of land parcels to be included in the reservation plan and on the development and review of a detailed profile of these lands.

This data gathering and review process resulted in a series of refinements in the reservation concept itself and in the specific parcels of land to be included in the proposal. Input from state and local governmental agencies, as well as a variety of interest groups, played an important role in the final decision of the BIA and the Tribe on lands to be included in the reservation plan.

Phase III of the planning effort included the development of economic, environmental, social, and governmental analyses during August and September. Affected agencies and interest groups provided more detailed information on the proposed reservation lands and suggested various measures for mitigating perceived negative impacts.

Phase IV consisted of preparing a proposed reservation plan, receiving comments from affected parties, revising the proposed plan, and completing a final plan for Department of Interior review and approval.

COORDINATION AND CONSULTATION

The formation of the Plan involved intensive coordination and consultation with tribal members, government officials, and interested citizens and citizen groups. This involvement was provided for in paragraph 711e(c) of the Restoration Act, and was pursued enthusiastically by the Tribe and the BIA. Numerous meetings as well as extensive written and telephone communications took place between Bureau of Indian Affairs officials, Tribal Council members, and the state and local officials and other interested parties. Every effort was made to ensure that all parties were well informed and had a continuing opportunity to comment and provide input in the development of the Plan.

A list of the officials, agencies, and interested parties consulted during the reservation plan development is included in Appendix A of the Plan. The Siletz Restoration Act Committee was appointed by Governor Victor Atiyeh at the Tribe's request to consult with the Department of the Interior and the Tribe during the development of the Plan.

Topics addressed during the meetings attended by the Tribe and the consultant included potential and identified size and location of the proposed reservation; effect of establishment of the reservation on state and local tax revenues;

possible tribal enterprises; civil and criminal jurisdiction issues; hunting, fishing, and trapping rights of the Tribe and its members; provision of state and local services to the reservation, the Tribe, and tribal members; and provision of Federal and tribal services to the reservation, the Tribe, and tribal members. As a result of these meetings, extensive staff-to-staff communication between the Department, the Tribe, and the state agencies was facilitated, so that the consultation process has been ongoing and not simply limited to these meetings.

SOCIOECONOMIC PROFILE OF THE TRIBE

A key consideration in establishing the tribal goals and in determining the alternatives to be considered was the socioeconomic conditions of tribal members. To determine these conditions, the Tribe and the BIA commissioned an extensive survey of tribal members by an outside consultant. Using this data, CH2M HILL prepared a socioeconomic profile of the Tribe. Chapter 5 of the Plan details this profile. A summary is presented below.

There are currently 1,083 enrolled members of the Siletz Tribe and 613 tribal families. Of these Siletz families, 48 percent live within the eight counties designated as the service area for the Tribe by the Bureau of Indian Affairs. The largest concentration of these families lives in Lincoln County. Enrollment is expected to peak at 2,000; many of those yet to enroll live in Lincoln County.

Over one-third of Siletz families living inside the eight-county service area and 18 percent of those living outside the service area have incomes below the official United States poverty level. The median household income for Siletz families is less than one-half of the state average and the per capita income is only 38 percent of the state average.

Unemployment levels for tribal members are high. In Lincoln County, Indians have a 44-percent unemployment rate, and most of these Indians are tribal members. Additionally, Indians are heavily under-represented in higher-ranked occupations and over-represented in lower-ranked occupations.

In Lincoln County, 20 percent of persons receiving public assistance are Indians. This over-representation in social service caseloads is a measure of the need within the Siletz Tribe for a broad range of special programs.

Many tribal members suffer from severe health problems. Cardiovascular disease is responsible for 44 percent of deaths. Diabetes, cancer, and ulcers are other major causes

of death. Nutritional deficiencies are widespread and undoubtedly contribute to the high incidence of other problems. Alcoholism affects nearly every Siletz family. Tribal members have difficulty securing routine health care, and there is no tribal facility to provide such care.

Nearly 20 percent of Siletz family housing within the service area has either substandard water facilities, or septic facilities, or both. Twenty-eight percent of Siletz families live in substandard housing, a figure significantly above the state average.

Nearly half of the adult tribal members did not complete their high school educations. This drop-out problem continues today among the young people.

ALTERNATIVES CONSIDERED

INTRODUCTION

The reservation planning process involved the balancing of tribal goals and needs with social, environmental, and political realities. As is documented in Appendix A of the Plan, the planning process included extensive involvement of Federal, state, and local governmental representatives and interested members of the public. The specific alternatives considered can be broken down into five broad categories: type of land; location of land; ownership of land; amount of land; and tribal enterprises. Alternatives that were eliminated from further detailed study are identified and reasons are given for their elimination. The alternatives that emerged as the proposed reservation plan are discussed in more detail under "Proposed Plan."

TYPE OF LAND

Economic Development Resources

Coast land with immediate potential for resort- or tourist-related businesses and urban land suitable for commercial or industrial use were both considered. Little if any coastal land is available in Lincoln County; when available, it is extremely costly. Land suitable for commercial or industrial use near cities is more available and generally less expensive, but represents a higher risk investment. For this reason it was eliminated from consideration.

Agricultural Resources

The Tribe also considered agricultural land. Such land is not available in sufficient quantities in Lincoln County to

provide a strong economic base to the Tribe. Furthermore, farming has not been a traditional activity of Siletz members.

Water Resources

Land including or abutting major water resources abounds in Lincoln County. Despite their inherent beauty and the recreational opportunities they offer, these estuary and river lands were rejected for inclusion in the reservation.

Because of the controversy among commercial, sport, and Indian fishing interests in the Northwest, and concern for maintaining public access to streams, the Tribe felt a request for such lands would only stir opposition and obscure the issue of the pressing social needs of its members. Although the Tribe would have preferred to include such lands, there appeared to be too little to be gained and much to be lost by selecting lands including or abutting major rivers.

Timber Resources

There is an abundance of high quality timberland in Lincoln County designated for this use by both county and state planning agencies. The continuing value of timber, the renewable nature of the resource, and the area's suitability for growing timber made timberland desirable as an economic base for the Tribe. In addition, there is a well-established tradition of logging and timber-related employment in the background of many tribal families. This land type, therefore, emerged as the preferred alternative.

LOCATION OF LAND

The Tribe decided that location should not be the deciding factor in selecting land. However, because of strong historical, cultural, and emotional ties, a strong preference was felt for the Siletz area. The Tribe also has strong ties to Government Hill, which is the focal point for tribal activities and the site of the tribal cemetery. Acquisition of Government Hill was identified as one of the tribal goals.

The elimination of certain land areas because of type or ownership, as discussed above and below, was another factor in the final selection of preferred land location. The Tribe would have preferred a contiguous reservation or at least a contiguous parcel of timberland. This, however, would not be possible without unacceptable negative social, economic, and environmental impacts.

OWNERSHIP OF LAND

The ownership of land throughout Lincoln County is shown on Figure 4 of the Plan.

Private Land

Although private land in the Siletz area was considered for the site of the tribal center, it was ultimately rejected for a number of reasons. Most private land parcels of adequate size and privacy for the tribal center are located outside the City of Siletz and the City's proposed urban growth boundary. Developing outside this boundary would put the Tribe in possible conflict with the city, county, and the state land planning goals. A voluntary sale agreement between the Tribe and a private land owner (even on a contingency basis) was unlikely before the date set for the plan's presentation to Congress (November 18, 1979).

The Tribe felt strongly that it did not want to disrupt land-use patterns by choosing rural land outside the urban area, removing land from the tax rolls, or requesting the Federal government to use eminent domain proceedings. Eminent domain proceedings would adversely affect the lives of private property owners who have been the friends and neighbors of Siletz tribal members over the years. The Tribe also realized if it requested funds from Congress for the voluntary purchase of land, the request would escalate land values and make purchase negotiations with a fixed amount of money difficult.

From contacts made by the BIA and the Tribe, it became quickly apparent that private timberland is generally not for sale, and that much of it, especially in the Siletz area, has been recently logged.

Forest Service Lands

The U.S. Forest Service owns nearly 178,000 acres of timberland in Lincoln County. Most is consolidated in the northern and southern portions of Lincoln County, with relatively little acreage in the middle portion of the county.

Much of this land is in contiguous stands of merchantable timber. However, even if a relatively small amount of Forest Service land were selected for inclusion in the reservation, the withdrawal would have a significant negative impact on the county budget. Under Federal law, the Forest Service pays 25 percent of its timber revenues from lands within the county to the county. This amounts annually to between \$3 and \$4 million. The Tribe did not feel that it

could guarantee repayment of these lost revenues. There is also no Forest Service land in the Siletz area. Forest Service land in Lincoln County is heavily used for camping, hunting, and fishing. Even if the Tribe agreed to continue public access to these lands, the potential for a future change in tribal policy might have been interpreted as a negative impact by sports groups.

Bureau of Land Management O&C Lands

O&C land is located even farther away from Siletz than Forest Service land. Fifty percent of timber revenues from O&C lands are divided among the counties in which such land is located, making the economic impact of including such land in the reservation even more severe than that of Forest Service land withdrawal.

BLM Public Domain Lands

BLM public domain lands are located in relatively small parcels throughout the county, and are the closest public lands to Siletz. Only 5 percent of timber revenues from these lands accrues to the county. The Tribe felt that it could guarantee repayment of these revenues to the county from its income for 25 years. This land was therefore identified as the preferred ownership type.

Other Public Lands

Public land owned by the City of Siletz provided a site for a tribal center without many of the problems previously discussed in obtaining private land for this use. Government Hill, a 36-acre parcel in the City of Siletz, would provide both adequate space and privacy for the tribal center. It includes the existing tribal cemetery, was the headquarters of the former reservation, and is currently not developed except for a water tower and treatment plant. Uses projected for this site would fulfill identified needs in the City of Siletz and the Tribe.

AMOUNT OF LAND

Small Reservation and Large Appropriation

The option of establishing a very small reservation and requesting a large appropriation for tribal investment was rejected by the Tribe. Indian people have a traditional relationship with the land. The Tribe viewed its proper role as a steward of the land to use and preserve its resources for future generations. It was necessary that the amount of land included be adequate to provide for tribal facilities and a perpetual tribal economic base.

Large Amounts of Timberland

One option seriously considered by the Tribe involved selecting enough timberland to support a tribally owned and operated sawmill (see "Tribal Enterprises" below). CH2M HILL's analysis indicated that 35,000 to 50,000 acres of timberland would be needed. The Tribe rejected this option because it felt this encroachment on the private timber industry would generate tremendous public opposition. This option would also have necessitated including Forest Service land, since there are only 15,000 acres of BLM public domain land in the county. Over 35,000 acres of Forest Service land would have been required and the withdrawal would have severely affected both Forest Service personnel levels and revenues to the county.

Amount Identified as Necessary

In conformance with the tribal goals, the Tribe decided that, at an absolute minimum, income from its lands should be adequate to: 1) support tribal government and service programs, and 2) enable the Tribe to build facilities and invest in business enterprises (see "Tribal Enterprises" below). A 10-year economic projection was developed that reflects these minimum requirements, and shows that an annual tribal income of approximately \$600,000 would be necessary. CH2M HILL's analysis showed that about 3,600 acres of BLM public domain timberland would meet these needs.

TRIBAL ENTERPRISES

In May 1979, the Tribe sponsored a conference on economic development to generate ideas for potential tribal enterprises and to learn about other tribes' experiences with these businesses. Tribal representatives also spoke with agency program directors about economic development funding. Participants at the conference included representatives of the Bureau of Indian Affairs, Confederated Tribes of the Warm Springs Reservation of Oregon, Farmer's Home Administration, Oregon Department of Economic Development, Oregon Department of Fish and Wildlife, Economic Development Administration, Department of Housing and Urban Development, Small Business Administration, and the tribal consultant.

Based upon the conference discussions and the interests expressed by tribal members, the Tribal Council selected several industries as enterprises for further study. These included the resort, timber, and aquaculture industries. The tribal consultant then developed profiles to provide the Tribe with a general understanding of locational criteria and the potential risks and opportunities of these industry

groups (see Tabs B, C, and D of the Support Data for further information.

Logging Enterprise and Sawmill

Since the reservation will be located on heavily forested land, CH2M HILL investigated the operation of both a small logging enterprise and a sawmill.

A small logging enterprise would require the capital outlay of about \$650,000 and employ about eight loggers and a part-time bookkeeper. The logging operation would only move the wood from the forested stand to the hauling truck. Most loggers in the area work about 200 days of the year (since weather is restricting).

The need for skilled management in this type of operation is critical since the equipment is dangerous to operate. The logging manager must also be a skilled businessperson, with a knowledge of who will haul the logs at the cheapest rate and which mills are offering the highest prices.

The volume of logs harvested each year on tribal lands would not make the purchase of equipment economically feasible. The equipment would sit idle most of the year while costly financing charges were paid. The cutting unit could only make a profit by competing with other loggers for timber on non-Indian lands. Competition is already stiff, since there is not a great deal of timber left in the area. Most area loggers have many years of experience in family operations. The tribal consultant recommended that, rather than establishing its own logging operation, the Tribe should contract with private logging firms for timber harvest.

Low harvest volume and competition for scarce resources also indicated that a tribally owned sawmill would not be profitable. Although a sawmill capable of handling 100,000 to 200,000 board feet per day would create 20 to 45 full-time jobs, it would require the capital outlay of \$2.5-6 million. The mill might also sit idle frequently, for lack of logs.

The margin of profit in a mill is usually so small that good management and skilled mill workers are extremely critical to success. Even if the enterprise could find good managers, however, it would be adding milling capacity to an area already oversupplied for future demands.

Timberland Management

The alternative that was eventually adopted in the reservation involves the use of the 3,630 acres of timberland to be .

included in the reservation as a land base to assure a long-term income from harvesting forest products, chiefly timber. The BLM has managed these lands under the multiple use concept. Emphasis is upon timber production as the highest and best use of the land. The utility of the land for fish and wildlife habitat, watershed protection, and outdoor recreation is also recognized.

Timber Management and Sales. Management of the Siletz forest resources would be in accordance with Federal statutes governing the management of Indian forest lands. The basic documents governing operations are 25 CFR, Part 141 and 53 BIAM. The objectives of management are found in 25 CFR 141.3.

Detailed timber inventory information on the lands proposed as the Siletz Indian Reservation is not available at present. Projections can only be made from BLM data for lands throughout Lincoln County. A formal timber management plan will be prepared after a detailed, on-the-ground inventory has been made of the lands on the reservation. Such a plan will consider all of the aspects of timber management and their interrelationships with environmental and social concerns. The management plan will carefully consider the Tribe's goals for the reservation. Close coordination between the BIA and the Tribe will be maintained. The inventory will be funded through the Portland area office of the Bureau of Indian Affairs and will commence with the restoration of the reservation.

In order to verify the methodology used in making the initial timber harvest projections, CH2M HILL retained Dr. John Beuter of Oregon State University. His initial analysis of the data is listed at Tab E of the Support Data. His more recent analysis will be presented in this testimony to the committee.

While basically regulated by Federal law and agency guidelines, the BIA forest practices meet or exceed the standards established by the Oregon Forest Practices Act and Forest Practice Rules applicable to the Northwest Oregon Region. A staff consisting of a forest manager (GS 11-12), forester (GS 5-7-9), forestry technician (GS 3-4-5), and clerk-typist (GS 3-4) will manage the forest land on the reservation, and supervise timber sales and reforestation efforts (see Tab F of Support Data for a further breakdown).

Fire protection and smoke management services will be managed in much the same manner as the BLM is doing now. The standard harvesting procedure in the area has been clearcutting. In recent years, the average size of clearcuts has dropped to

23 acres on BLM lands in the Salem District. The revenue needs of the Tribe and the distribution of timber on the proposed reservation lands make continued use of small clearcuts a feasible and desirable harvesting option.

Regeneration of timber will be undertaken through the prompt replanting of cleared areas. The BIA anticipates an average density of 400 Douglas-fir seedlings per acre will maintain the timber resource. The actual planting density will vary with the capability of the land to grow trees. The higher the site index, the more seedlings will be planted on each acre.

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Timber Sales. The timber on the proposed reservation will be sold after a detailed appraisal of the timber present, based on an on-the-ground cruise, followed by competitive bidding. The timber to be cut will be designated by the

forest manager of the Siletz Reservation. As officer-in-charge, the forest manager is required to protect the land. By requiring specific procedures in all phases of the logging operation, the appropriate practices to conserve air, land, and water quality can be selected for each site.

Detailed provisions in the form of a sale contract will be established for each timber sale in accordance with the law. This framework aids the application of professional judgment and expertise in order to harvest timber efficiently, safeguard the productivity of the land, and achieve compliance with all applicable rules and regulations.

Aquaculture

CH2M HILL examined the possibilities for ocean ranching and salmon production. The capital outlay for a hatchery with 4-8 full-time employees would range from \$2.5 million to \$4 million.

Operation of a salmon hatchery and growing ponds was found to be impractical for the Tribe for several reasons. Hatchery management requires experience the Tribe could not provide or learn quickly. Biological uncertainties make the venture extremely risky for a firm without large financial reserves. Finally, most of the permits for hatcheries in Oregon estuaries have already been issued. The Oregon Department of Fish and Wildlife provided important fisheries information for this analysis, listed at Tab G of the Support Data.

Resort Industry

A full service resort, a rustic inn, and a KOA-style campground were profiled as possible enterprises in the resort industry.

Full Service Resort. A first class resort hotel proved to be impractical. Resort development requires a great deal of time, money, and knowledge. These enterprises have a great chance of failure unless they are planned and managed with extreme care. Although the overall cost of the resort was difficult to project, similar facilities have cost \$8-10 million. Acquiring a site on the coast, essential to high occupancy, would further raise these development costs. In the past, both management problems and high financing charges have sent several private resorts in the area close to bankruptcy.

Rustic Inn. An inn with less elaborate facilities was also considered. A properly sited and managed inn might appeal to church, youth, social, and business groups desiring low-cost lodging, food, and meeting areas. In addition to a

variety of bedroom accommodations, the inn would have included large common rooms, a large kitchen, and some outdoor recreation areas. A staff of six could manage the inn and cook the meals.

Development costs for even a rustic inn would run \$4-5 million, according to the consultant's estimates. As in the case of the more expensive resort, the management, location, and competition risks make the enterprise infeasible. Most rustic inns are located in areas of outstanding scenic attraction, such as by a lake, at the ocean, or on an alpine mountain with skiing nearby. An inn near Siletz would not show a profit even if it had triple the occupancy rate that is common for that area. An inn would also have to compete with nonprofit facilities such as church and youth camps.

Campground. Although more elaborate tourist facilities would lose money, a KOA-style campground situated on or near the coast would probably be profitable. This was therefore selected as a preferred enterprise and was included in the 10-year economic projections.

Business Loan Program

A low-interest business loan program for tribal members was identified as the second preferred enterprise. This program would serve the entire membership of the Tribe, and would increase self-dependence, reduce tribal unemployment, and stimulate local economies.

ENVIRONMENTAL CONSEQUENCES

Throughout the planning process, the Tribe and the BIA were acutely concerned that adverse economic and physical impacts be minimized. The coordination and consultation process was a key element in assuring that all impacts were scrutinized carefully before the final plan was formulated. As a result, we believe this plan maximizes its potential positive impacts while avoiding adverse impacts. A brief summary of our findings follows (see Tab K of Support Data for further detail).

ECONOMIC IMPACTS

Establishing the reservation will create approximately 34.5 full-time reservation-based jobs and 91 permanent, full-time jobs in the eight-county area over the next decade. Additionally, many temporary construction jobs will be created. At the height of tribal facility construction in 1985-86, wages from tribal operations and construction will boost Lincoln County personal earned income by \$1.4 million. The

permanent increase in income after construction is completed will be about \$.6 million per year.

Based on an 80-year rotation schedule and 1978 log values, it is projected that the timberlands in the proposed reservation can produce gross revenues of approximately \$665,000 per year, yielding a net revenue of approximately \$600,000 per year for the Tribe. The income from these sales will be used to cover the costs of the Tribe's governmental operations and investments.

Based on the assumed gross revenue of approximately \$665,000 per year, the Federal Government now receives annual timber revenues of approximately \$632,000 from these lands. If they are transferred to the proposed reservation, the Federal Government will receive approximately \$66,000 per year as a 10 percent administrative deduction for management.

Lincoln County currently receives 5 percent of the timber sale revenues from public domain lands. The Tribe will be 5 percent of its timber receipts from these lands to the county for a period of 25 years, after which it is anticipated that the county will have developed an alternative revenue source. There will be no fiscal impacts to the City of Siletz or the state from the transfer of Government Hill to be held in trust for the Tribe, since the land is now in public ownership.

PHYSICAL EFFECTS ON TIMBERLANDS

In managing the timberlands, the BIA will be governed by applicable Federal law, which requires sustained-yield management. The objectives in the applicable Federal regulations include: applying sound silvicultural principles, ensuring new forest growth, minimizing erosion, and preserving and developing grazing, wildlife, and other values of the forest. No negative environmental effects have been identified as a result of transferring the timberlands from BLM to BIA management by any of the state or Federal agencies consulted, including the State Fish and Wildlife Department.

PHYSICAL EFFECTS ON GOVERNMENT HILL

Government Hill will once again be the headquarters for the Siletz Tribe. The City of Siletz and the Tribe both will benefit from the use of cultural, social service, and recreational facilities to be constructed on the hill. The Tribe will work with the city to plan and fund facilities to meet both tribal and city needs.

JURISDICTIONAL IMPACTS

Since most of the proposed reservation lands are now in Federal ownership, there is little actual jurisdictional change effected by the proposed legislation.

Under Public Law 280, state criminal laws and civil laws regarding the status and rights of individual persons will still apply to the reservation area. State regulatory laws will no longer apply to reservation lands. However, it is the policy of the Department of the Interior and the BIA to cooperate fully with State and local governments on matters of mutual concern. The BIA and the Tribe expect to enter into an agreement with the City of Siletz about such issues as planning, zoning, building code, and fire protection.

On most Indian reservations, tribal members have the right to be free of state regulation of hunting, fishing, and trapping, and therefore the tribal government usually has jurisdiction over these matters. However, it has not been determined whether the Siletz Tribe lost its hunting, fishing, and trapping rights at the time of termination. The proposed legislation is neutral and does not affect the issue. If the rights were terminated, they are not restored. The state currently enforces its hunting, fishing, and trapping laws on the public domain lands and Government Hill. It may continue to enforce these laws on the reservation until such time, if ever, that a determination is made regarding the issue.

Senator MELCHER. Do you have any comments, Dr. Beuter?

Dr. BEUTER. Yes, Mr. Chairman.

My name is John Beuter. I have been a professional forester for 23 years. I am now head of the department of forest management at Oregon State University.

I appear before this committee as a consultant asked to look at the analysis that appeared in the Siletz Reservation plan with regard to timber volumes and values over time.

The situation is that there are 3,500 acres involved in the reservation, of which some 2,300 have timber in the neighborhood of 110 years of age on it. When you have this situation, you have a lot of options for harvesting in the short run, going all the way from harvesting everything today to stretching it out to some period of time to preserve your growing stock for the future.

So there are two things of concern when one estimates the timber harvest capability: What can you do in the short run, and what is the long run sustainable harvest level?

I looked at the long run sustainable harvest level for the lands in question and estimate the potential to be somewhere between 2.8 million board feet a year and 3.8 million board feet a year. The Bureau of Indian Affairs had estimated about 3.2 million, so I would consider their estimate to be quite reasonable, and that is with a moderate amount of timber management. This does not assume high intensity timber management to the best that we know how to do.

The second issue of how you might convert from the present state of the forest to a future sustainable level is as follows. As I mentioned, there are a lot of options for doing that. We looked at some rather conservative alternatives using a computer model that allows us to harvest the stand, grow it into the future, and see what happens, and also to constrain the harvest such that we do not destroy the capability for future harvests.

It was found that in the next 50 years the harvest could vary between 2.1 million board feet and somewhere in the neighborhood of 3 million board feet a year without destroying the long-run capability. In other words, the harvest would tend off in the future toward the long-run sustained yield capability of about 2.8 million, which we selected as a sort of conservative future yield.

Then the next issue is the one of the cash flow that would accompany such a harvest plan. Incidentally, the details of the harvest over time would be on table 2 of the testimony I have submitted.

Finally, we had to estimate what this might be worth and the cash flows that would accompany it. The Siletz Reservation plan had an estimate of somewhere in the neighborhood of \$560,000 a year. All of the possibilities that I looked at, except for the first period on one of them, would have yielded that much money or more. In fact, my estimation is that the value will increase sufficiently over the next 30 or 40 years that we would get up to roughly \$1 million a year possible revenue off the lands in question.

Senator MELCHER. Thank you. Without objection, your prepared testimony will be included in the record at this point.

[Testimony resumes on p. 74.]

UNITED STATES SENATE
SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
TESTIMONY OF JOHN H. BEUTER
ON S.2055 (SILETZ INDIAN RESERVATION ACT)

JANUARY 30, 1980

My name is John H. Beuter. I have been a professional forester for 23 years. I have a bachelor's degree in forest management and master's and Ph.D degrees in forest economics. Most of my research experience has been in forest resource and marketing economics analysis in the Pacific Northwest. I have been employed by the U. S. Forest Service, Oregon State University and as a private consultant. During the past ten years I have done research and taught forest management at Oregon State University; for the past three years I have been head of the Department of Forest Management.

I appear before this committee as a consultant asked to review the timber harvest and revenue estimates for the Siletz Indian Reservation Plan. In an earlier review, summarized in a November 4, 1979 letter from me to CH₂M-Hill (included as Appendix A to this testimony), I expressed some reservations about the method used to calculate the potential timber harvest, the basic forestry data and the stumpage price assumptions used in the Reservation Plan. In response to my concerns, the Bureau of Indian Affairs (BIA) has since conducted several additional analyses. In particular, they estimated several long-run timber harvest schedules using the Timber RAM computer model developed by the U. S. Forest Service. They also made a study of stumpage prices for timber recently sold by the Bureau of Land Management in the vicinity of the proposed reservation.

The rest of my testimony today is based largely on my review of the latest BIA analyses. Since November I also have looked at aerial photographs of the property in question and talked with Mr. Ralph Gustavson of the BIA who visited some of the parcels. Based on these observations, it is my judgment that the current timber volumes and site quality used in the analyses of timber harvest potential are reasonable.

I will address, in order, potential timber harvest volumes, and net cash flow to the tribe.

POTENTIAL TIMBER HARVEST VOLUMES

There are two parts to my analysis of potential timber harvest volumes: The long-run sustainable yield (harvest) and the harvest potential in the transition (the conversion period) from the present condition of the forest to its future managed condition.

Long-run sustainable yield (LRSY) - LRSY is defined by the inherent productivity of the land and the management practices used. It is the volume of timber expected on a perpetual basis once the forest is brought to what is believed to be its full yield potential.

I estimated LRSY in terms of two site quality levels and four management intensity levels (Table 1, Appendix B). The results ranged from 2.5 million board feet per year to 3.8 million board feet per year. Accordingly, the BIA estimated harvest potential of 3.2 million board feet per year seems reasonable in the long run.

Conversion period harvests - Because there is considerable mature timber volume now present on the forest, many options exist for scheduling its harvest. Since the purpose of this analysis is to get a feeling for what might be done, rather than to meet a specific objective, several alternatives are presented. The alternatives reflect a range of harvest schedules over the next 80 years given a site quality/management intensity combination which in the long run will result in a LRSY of 2.8 million board feet per year. (See Table 1, Appendix B.) This is at the low end of the range discussed above and reflects low intensity forest management, namely planting, protection and final harvesting. No thinning, fertilization, improved seedlings or other intensive practices are assumed, except that existing hardwood stands will be converted to Douglas-fir during the conversion period of 80 years.

The analyses ranged from specifying that the harvest over the next 200 years can never be below the average annual harvest of the first decade (a rather severe constraint), to finding the maximum harvest in the first decade that will satisfy the constraint that harvests over the next seven decades will not drop more than five percent from decade to decade. (Table 2, Appendix B.)

The results of these analyses, which reflect low management intensity and a very conservative attitude with regard to near-term harvesting, show the capability of harvesting between 2.1 and 3.0 million board feet per year over the next 80 years without ever dropping below 1.9 million board feet in the next 200 years. The most conservative approach has the harvest rising from 2.3 million board feet per year during 1980-1990 to 2.8 million board feet per year by 2050, at which point LRSY is reached. The other approaches show some bouncing around in the post-conversion period, which is primarily due to the crudeness of the computer analysis. Refining the analysis to eliminate this anomaly is not likely to change significantly the results discussed here.

Many more analyses are possible. The most pertinent ones would be set up to meet specific cash flow objectives of the tribe. However, even without these we have the basis for estimating some potential cash flows over the next few decades.

POTENTIAL CASH FLOWS FROM TIMBER HARVESTING

Of interest is the net cash flow to the tribe resulting from annual timber harvests. Gross revenue each year is simply the volume harvested times the stumpage value. Net cash flow is gross revenue less forestry-related expenses.

The Siletz Indian Reservation Plan was prepared with the assumption the tribe will pay 10 percent of gross revenues to the BIA for management of the tribal forest. All forest management costs in excess of

that amount, if any, are assumed to be covered by funds appropriated to the BIA by Congress. The only other forestry-related expense for the tribe is a payment of five percent of gross timber revenues to Lincoln County, in lieu of property taxes. Thus, annual net cash flow to the tribe is assumed to be 85 percent of annual gross revenues.

Current stumpage prices for Douglas-fir are based on observations of recent sales of Bureau of Land Management timber in the vicinity of the lands in question. Only sales of size and composition comparable to those expected on the Indian lands were included in the sample.

Current stumpage prices for red alder are based on recent price offerings for delivered logs by hardwood mills in the north coastal area, less estimated logging and transportation costs of \$100 per thousand board feet.

The current stumpage price for both species is used for the decade 1980 to 1990. Prices in subsequent decades are increased to reflect the customary assumption that Douglas-fir Region stumpage prices will continue the past trend, increasing an average of two percent per year above the rate of inflation. The resulting stumpage prices for the period 1980 to 2030 are shown in Table 3, Appendix B.

Using these stumpage prices and the potential harvest volumes from Table 2, Appendix B, projections of gross revenues and net cash flow were made for the period 1980-2030. These are shown in Table 4, Appendix D.

In 1980 dollars, the net cash flow to the tribe is unlikely to be below \$500,000 per year, and over time, is likely to rise to well over \$1,000,000 per year. The net cash flow could fall somewhat from one decade to the next, depending on what proportion of the harvest is the lower-valued red alder. Also, in some cases total harvest falls from one decade to the next. However, the overall trend for net cash flow is to increase over time.

SUMMARY

The Siletz Indian Reservation Plan projects an annual timber harvest potential of 3.2 million board feet and estimated annual net cash flow (85 percent of gross revenues) of \$565,000 per year.

In my judgment a long-run potential of 3.2 million board feet per year is a reasonable estimate, assuming a moderate degree of timber management. However, lower harvest levels may be chosen during the transition from the present forest to the managed forest of the future. Even if this occurs, it is likely the cash flow estimated in the Plan can be achieved, with minor decade to decade variation. In general, it can be expected net cash flows will be even higher over the next 50 years than estimated in the Plan.

JOHN H. BEUTER
2030 N. W. Robin Hood Street
Corvallis, Oregon 97330

November 4, 1979

Ms. Marcy Schwartz
CH2M-Hill
1600 S. W. Western Blvd.
Corvallis, Oregon 97330

Dear Ms. Schwartz:

As Bill Blosser requested, I have reviewed the timber resource analysis of the Siletz Reservation Plan. My review was limited to reading the timber resources section of the report, interviewing Ralph Gustavson and Bud Miller of the Bureau of Indian Affairs (the foresters who prepared the timber analysis) and checking some of their calculations. I did not visit the property and made no attempt to verify the timber inventory data and site quality assumption - - key variables in the analysis.

The analysis of the timber resource and potential harvest is a crude first approximation. An "allowable cut" of about 3.2 million board feet per year is estimated in the report. This seems a reasonable estimate of what could be harvested over the next decade or so. Assuming the timber inventory is not significantly overestimated (an unlikely possibility), this harvest level could not be construed as overcutting in the context of the sustained yield objective implied by the allowable cut analysis. In fact, a higher harvest may be possible under different management assumptions than used in the analysis.

The method used to calculate the allowable cut - - the Kemp Formula - - provides only a very rough estimate of what might be harvested from the lands in question. The formula was designed to estimate short-term harvest (up to ten years) in a process of converting an unregulated forest (uneven distribution of age and size classes of timber) to a more regulated condition. It keys on the present condition of the forest (timber size class distribution and volume) and the desired rotation age to provide an approximation of the area to be cut each year from the oldest age classes. The formula provides no information about long-run sustainable harvest potential. Nor does it provide information about the trajectory of harvest during the time it takes to regulate the forest. In short, the Kemp Formula provides only a provisional short-term harvest level. It does not address long-run harvest potential which can vary depending on the method of management. Nor does it address the many options which exist during the transition from the present forest to a desired future state.

The key variables for the timber resource analysis used to verify the allowable cut are current inventory, site quality and management intensity. The inventory provided by the Bureau of Land Management (BLM) is based on an extensive aerial photo analysis (according to

Gustavson and Miller). The statistical basis of the analysis is not available so no estimate of sampling error is possible.

The source of the site quality assumption is not apparent. According to Gustavson and Miller site index 160* was used -- "based on information provided by CH2M-Hill." However, I consider this a reasonable estimate based on my experience in the area in question.

Management intensity refers to the combination of forestry practices which will influence future timber growth. Low intensity implies little investment and lower yields; high intensity implies higher yields through timely execution of forestry practices and high quality control throughout a growth cycle (rotation). The analysis for the Siletz plan contains a mixture of high and low management intensity assumptions. For example, it is assumed stands will be regenerated immediately after final harvest (an assumption that implies very high intensity), but the assumed volume yields are based on those observed in wild, untended stands (an assumption that implies very low intensity).

I have some reservations about the financial returns to the tribe estimated on page 91 of the plan. Table 26 identifies \$205.61 as "BLM 1968 log value." From the way the figure is used to calculate timber value and revenues I assume that is supposed to be stumpage value.** It is unlikely the tribe could obtain stumpage values as high as the BLM because it would be making smaller sales than the BLM customarily makes. The estimated annual harvest of 3.2 million board feet is much smaller than some BLM sales. Also, the harvest from the tribal lands in a given year is likely to be scattered among its parcels instead of concentrated in one place as is the typical BLM sale. Finally, BLM sales can be harvested over a period of two or three years which provides some leeway for speculation. With the tribal need for cash flow and the relatively small volume of timber to be sold, it is less likely the tribal sales would be for long periods, thus diminishing the possibility of speculative bidding.

The estimated financial returns do not refer to costs of development (roads, bridges, etc.) and forest management (administration, site preparation, planting, etc.). I assume the ten percent payment to the BIA is intended to cover some of these costs, but will not suffice to cover all of them. If any of these costs have to be borne by the tribe, net receipts have to be reduced accordingly.

* Douglas-fir site index from McArdle, R. E. and W. H. Meyer. The yield of Douglas-fir in the Pacific Northwest. USDA Tech. Bul. 201. Revised May 1961.

** Log value is usually used to denote the price of logs delivered to a mill; stumpage value designates the net value of standing timber.

In summary, the timber resource analysis provides a reasonable estimate of a short-run harvest level from the Siletz Reservation. However, it is based on a crude analysis which doesn't make evident options for management and forest development which could provide differing harvest levels in the near future and the long-run. The financial analysis likely overestimates the net receipts (in 1978 dollars) because it ignores development and management costs and assumes higher stumpage values than are likely.

Please let me know if you have any questions about this review.

Sincerely yours,

John H. Beuter

APPENDIX B

Tables 1-4

Table 1. Long-Run Sustainable Annual Harvest Levels After Regulation, in millions of board feet, Scribner.

Douglas-fir Site Index ¹	Management Intensity, (MI) Level			
	Base	1	2	3
170	2.8	3.2	3.5	3.8
160	2.5	2.8	3.1	3.4

Assumptions and comments

1. Base level yield includes final harvest only, no regeneration lag, all alder stands converted to Douglas-fir during the conversion period.

2. Yields for management intensities one to three are based on data used in Beuter, *et.al.*, 1976.² Gains are due to the following management practices:

MI. 1 - Commercial thinning

MI. 2 - Early stocking control and commercial thinning

MI. 3 - Improved planting stock, early stocking control and commercial thinning.

3. An 80 year rotation is assumed for all management intensity levels.

4. Yields are for Douglas-fir on 3,588 acres of commercial forest land.

¹ From McArdle and Meyer. 1961. The Yield of Douglas-fir in the Pacific Northwest. USDA Tech. Bul. 201.

² Beuter, John H., K. Norman Johnson and H. Lynn Scheurman. 1976. Timber For Oregon's Tomorrow. Oregon State University Forest Research Laboratory, Research Bulletin 19. 111 p.

Table 2. Three Harvest Flow Trajectories, average annual harvest in each decade, in millions of board feet, Scribner.

Period	Conversion Period (1980-2060)		
	NDEF(200)	NDEF(80)	% Decline
1980-1990	2.3	2.6	3.0
1990-2000	2.3	2.6	2.9
2000-2010	2.7	2.6	2.7
2010-2020	2.7	2.6	2.6
2020-2030	2.7	2.6	2.5
2030-2040	2.7	2.6	2.4
2040-2050	2.7	2.6	2.2
2050-2060	2.8	2.6	2.1
Post-Conversion Period (2060-2180)			
Range of harvest levels:			
HIGH	2.8	4.6	4.8
LOW	2.8	2.1	1.9
LRSY	2.8	2.8	2.8

Assumptions and comments

1. All runs reflect "base level" management intensity.
2. NDEF(200) is non-declining even flow for 200 years.
3. NDEF(80) is non-declining even flow for 80 years.
4. % Decline maximizes the harvest in the first decade, subject to not more than a five percent decline in total harvest from decade to decade over the conversion period.

Table 3. Stumpage Price Schedule, in 1980 dollars per MBF.

Decade	<u>Douglas-fir</u>		<u>Red Alder</u>
	<u>80 years+</u>	<u>50-80 years</u>	
1980-1990	250	165	50
1990-2000	305	200	60
2000-2010	370	245	75
2010-2020	450	300	90
2020-2030	550	365	110
2030+	550	365	110

Assumptions and comments

1. 1980-1990 price for 80 years+ Douglas-fir is a conservative estimate based on a study of BLM timber sales in late 1979, having sale volumes ranging from 500 MBF to 2.9 MMBF. Sample sales were in Benton, Douglas, Lane, Lincoln, and Tillamook Counties.

2. Price for Douglas-fir less than 80 years of age is assumed to be about two-thirds of that for Douglas-fir 80 years+ in each decade.

3. Red alder stumpage price is based on log selling values in late 1979 of \$150. Logging and transportation costs of \$100 were assumed to arrive at \$50 stumpage.

4. A real price increase of two percent per year is assumed for all stumpage.

Table 4. Average Annual Gross Revenues, by decade, 1980-2030, in thousands of 1980 dollars. Figures in () are less 15 percent to reflect net cash flow to the tribe.

<u>Period</u>	<u>NDEF(200)</u>	<u>NDEF(80)</u>	<u>% Decline</u>
1980-1990	583(496)	656(558)	761(647)
1990-2000	691(587)	800(680)	891(758)
2000-2010	959(815)	578(491)	625(531)
2010-2020	1,100(935)	1,180(1,003)	1,175(998)
2020-2030	1,283(1,090)	1,442(1,226)	1,364(1,159)

Assumptions and comments

1. Gross revenues are based on volumes and values by species. Thus, it is possible for revenues to change from decade to decade disproportionately to the total volumes in Table 2 as the mix of Douglas-fir and red alder changes.

2. Figures in () reflect 10 percent of gross revenues to the Bureau of Indian Affairs for forest management, and five percent of gross revenues to Lincoln County in lieu of taxes. Thus, net to the tribe is 85 percent of gross revenues.

3. These estimates reflect "base level" management intensity, commensurate with the volumes in Table 2. Higher cash flows are likely with the higher management intensities shown in Table 1.

Senator MELCHER. How many members of the tribe are there? I judge the rolls have not been completed yet?

Mr. BENSELL. At present, we have about 1,100 members enrolled. As soon as we get the enrollment ready we will open the roll again. We estimate that there will be approximately 2,000 tribal members in the near future.

Senator MELCHER. The letter we received from the Department indicated there had been a series of hearings on which some statements were made and written comments received on the bill.

What written comments have you received, and has the committee seen them? Are they included in the proposal?

Mr. WALDRIP. Yes, sir. I think there is a list in the back of the plan. I believe also that the most recent correspondence was brought in by one of the witnesses from Governor Atiyeh.

Senator MELCHER. Without objection, we will insert in the record at this point, Governor Atiyeh's letter dated January 28 and the letter from the attorney general of the State of Oregon, James Redden, and attachments.

[Testimony resumes on p. 81.]

[The material follows:]

VICTOR ATIYEH
GOVERNOR



OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM 97310

January 28, 1980

Honorable John Melcher, Chairman
Select Committee on Indian Affairs
United States Senate
Washington, D. C. 20510

RE: S. 2055--Siletz Reservation Bill

Dear Senator Melcher and Members of the Select Committee:

I appreciate the invitation to appear before the Senate Select Committee on Indian Affairs to testify on S. 2055, and I wish I could do so in person. Since their restoration in late 1977, the Siletz Tribe has worked diligently to carry out the mandate in Public Law 95-195 that a reservation plan be presented to Congress.

The Siletz Reservation Plan proposes a reservation which can meet the long-range governmental objectives of the Tribe as well as the social and economic needs of its members. It uniquely proposes a reservation of scattered timberlands and Government Hill, rather than one large tract for all tribal endeavors.

S. 2055 will not satisfy everyone to whom it is presented. Some will argue that the Siletz Reservation should be larger, some that there should be none at all. Some will say that it should only address cultural needs, while others will argue for a stronger emphasis on economic development. Some will claim that the Tribe should have set its goals higher so that it could later settle for less.

This legislation represents a realistic appraisal of the needs of the Siletz Tribe in relation to the interests of other citizens of the City of Siletz, Lincoln County, the State of Oregon, and the United States. The Siletz Tribe has not only sought out the opinions of others who could be affected by the proposal, it has heeded their concerns, and their plan recognizes the political, social and economic realities facing the Siletz Tribe and its neighboring communities.

The opportunities for both public and governmental interests to be advised about the plan and to comment on its impact have been

Honorable John Melcher
January 28, 1980
Page 2

unparalleled. I am hopeful the intergovernmental cooperation which has been fostered by this experience will continue as an effective partnership among state, local, tribal and federal interests.

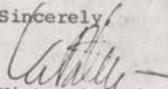
To my knowledge, no other Indian tribe has ever had such an opportunity to propose to the United States its vision for its reservation. This opportunity has also carried with it significant responsibilities. I view the Siletz Tribe's ability to accept this challenge as a particularly noteworthy application of the principles of Indian self-determination. The Siletz Reservation Plan represent the Siletz Tribe's determination about what its reservation should be, and it is one with justifiably widespread support in Oregon.

Oregon Attorney General Jim Redden will be describing for the Select Committee the deliberations of an ad hoc committee whose objective was to identify potential negative impacts on the state, its agencies, and programs from the reservation plan, so I will not elaborate on their findings for you. The outcome of their review, however, was that no significant state interests will be prejudiced by the establishment of a Siletz Reservation as described in the plan.

This conclusion is particularly significant to me because of the concerns of some people that the establishment of a reservation might establish, or enhance the Tribe's claim to, superior hunting and fishing rights. Although preliminary discussions are underway to resolve potential claims for off-reservation hunting and fishing rights the Siletz Tribe may own, this issue is separate from those raised by the Reservation Plan itself. Regardless of the outcome of these discussions, the requirement in the Siletz Restoration Act that no hunting or fishing rights or procedural advantages will be granted by the Tribe's restoration or the creation of a reservation does not change if S. 2055 becomes law.

For these reasons, and drawing from my knowledge and analysis of the Siletz Reservation Plan and its objectives, I endorse S. 2055 and am hopeful that it will be approved by Congress in the near future.

Sincerely,



Victor Atiyeh
Governor

VA:oc

cc: Jim Redden
Attorney General
Bruce Bishop
Commission on Indian Services

JAMES A. REDDEN
ATTORNEY GENERAL



DEPARTMENT OF JUSTICE
STATE OFFICE BUILDING
SALEM, OREGON 97310
TELEPHONE (503) 378-4400

January 25, 1980

The Honorable John Melcher, Chairman
Select Committee on Indian Affairs
United States Senate
Washington, D.C. 20510

Dear Senator Melcher:

This letter is in response to yours of January 7, 1980. You wrote to me advising me of the hearing on S. 2055 which is scheduled for January 30, 1980 at 10:00 a.m. It was my hope that I could be present at that hearing, but that is not possible. I am submitting this letter testimony in lieu of a personal appearance.

As you know, Public Law 95-195, passed in 1977, provided that the Secretary of the Interior or his authorized representative was required to notify and consult with appropriate state officials in the development of a plan for a reservation for the Siletz Tribe. The Secretary was also given the duty to work with local governmental officials.

Governor Atiyeh asked that I chair an ad hoc committee of state officials which committee would constitute the "appropriate officials of the state of Oregon" set forth in Public Law 95-195. I suggested that the members be the heads of those state agencies most closely associated with the issues. As a result, the ad hoc committee consisted of a state legislator, the Director of the Department of Fish and Wildlife, the Director of the Department of Human Resources, the State Superintendent of Public Instruction, the Director of the Division of State Lands, the Director of the Executive Department, the Director of the Commission on Indian Services, the Director of the Oregon Department of Revenue, the Director of the Department of Land Conservation and Development and the State Forester.

Our committee held three meetings. At those meetings, representatives of the Siletz Tribe, acting for the Secretary, advised us of the reservation plan. During the course of and as a result of

The Honorable John Melcher
January 25, 1980
Page two

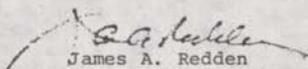
those meetings several changes were made in the original plan. The final plan has been submitted to your Committee.

Public Law 95-195 does not grant to the named state officials any duty of approval or right of rejection of any such plan. We felt that the logical conclusion of these hearings was our letter report to the Governor who suggested the committee.

I am attaching my letter to the Honorable Victor Atiyeh, Governor, under date of December 5, 1979. I would desire that this letter be incorporated into the testimony.

I regret that I am unable to attend the committee meeting but I do wish you to know that appropriate state officials, including the undersigned, were kept advised of the progress of the plan, as well as of the final plan.

Very truly yours,



James A. Redden
Attorney General

JAR:jp
enclosure

JAMES A. REDDEN
ATTORNEY GENERAL



DEPARTMENT OF JUSTICE
STATE OFFICE BUILDING
SALEM, OREGON 97310
—
TELEPHONE (503) 378-4400

December 5, 1979

The Honorable Victor Atiyeh
Governor
254 State Capitol
Salem, Oregon 97310

Dear Governor Atiyeh:

Several months ago, you asked that I chair a committee consisting, generally, of representatives of state agencies with an interest in the Siletz Reservation Plan.

Federal law, relative to the creation of a reservation for the Siletz, requires that state and local officials be advised of the Plan to be submitted.

The Plan, itself, will be submitted in short order and has been discussed before the above-mentioned committee on three separate occasions.

At our most recent meeting, the final report was reviewed, and I asked if any representative of any of the agencies involved had any objections. No objections were raised, although the representative of the Fish and Wildlife Commission stated that the Commission had several concerns but had not yet formally acted on the Plan. Currently they are attempting to work these issues out with the Siletz Tribe through a letter of understanding. Unfortunately any final action by the committee will come after the Plan is submitted. I think it is fair to state that no new objection will be voiced, although the Fish and Wildlife Commission may express some concerns.

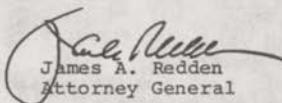
The legislation specifically addresses the question of fishing, hunting and trapping rights. No new rights are created by the legislation or the commencement of the reservation, although any pre-existing rights would continue to exist. It is not known if the Siletz have such rights, and only extensive investigation and litigation can determine that issue. At the present time, none of these rights are of concern to the Siletz, nor do they intend to commence any steps to prove the existence of these rights.

The Honorable Victor Atiyeh
December 5, 1979
Page two

We have not received a response to a rough draft of this letter circulated earlier to Verne Duncan, Wes Kvarsten or Senator Dell Isham. I assume that this means the individuals agree with the tenor of the letter or will respond to you, personally, with their objections.

In summary, I think it is fair to state that the members of your committee, acting on behalf of the various agencies they represent, approve the Reservation Plan.

Very truly yours,


James A. Redden
Attorney General

JAR:jp
CC: Committee to Review the
Siletz Reservation Plan
Bruce Bishop
Arthur S. Bensell
Steve Evered
Tex Shively

Senator MELCHER. Was there any opposition to the plan?

Mr. WALDRIP. Sir, there were what we are viewing as side issues raised regarding the question of fishing, but in the meetings I attended—and being the Bureau and the Department's representative on this, I attended most of the meetings—as Chairman Bensell mentioned, once the plan was understood I heard no opposition to it, except this—what I am again describing because I view this as a neutral—thing on hunting and fishing as a peripheral issue.

Senator MELCHER. What about costs that the BIA might incur in regard to roads, and so forth.

Mr. WALDRIP. Mr. Chairman, in the situation of the 37 tracts, they are situated in an area that has been heavily logged over the years by Georgia Pacific. There is a good network of forest roads there. We have contacted Georgia Pacific about cooperative arrangements, which is very common in that area—utilizing other adjacent landowners' roads. You are responsible for maintenance.

There are, I believe, only two or three tracts that are as far away as one-half mile from any existing logging road. So the matter of access is not a major problem.

Senator MELCHER. Do you have to maintain those roads?

Mr. WALDRIP. Yes, sir, while you are using them. You enter into a use agreement with adjacent owners.

Senator MELCHER. And that will remain an obligation of the Federal Government?

Mr. WALDRIP. No; that will be a part of the stumpage.

Senator MELCHER. In terms of the bill, is that made clear?

Mr. WALDRIP. I think you asked another question about the cost of forest management?

Senator MELCHER. I did not ask about that particularly, but any other costs. I was just generalizing—"other costs."

First of all, is it clear in the bill that the stumpage will pay for the roads—whatever maintenance or construction is necessary?

Mr. WALDRIP. I do not think it is explicit in the bill, but this is a practice in Indian country. The roads that are necessary to get the logs out are part of the stumpage.

By the way, the roads were factored into this projection we used at 205.

Senator MELCHER. The tribe does not have to agree to that, even though that is a Federal practice. Are you saying that the tribe must agree to it or will have to agree to it, or for practical reasons, will have to agree to it? Would the tribe normally follow the same procedure in timber sales as the Federal Government does, whether it is BLM or the Forest Service?

Mr. WALDRIP. Yes; the BIA would actually be the person administering the contract.

Senator MELCHER. What about other Government costs?

Mr. WALDRIP. We estimate that the cost of the regular forestry operation—by that, I mean BIA forestry—to be \$75,000 to \$80,000. We think the Commissioner has enough money in his total budget to cover that for Siletz. By that, I mean we have not requested additional funds from Congress; we think there is enough to do that.

Senator MELCHER. When termination occurred, were there some parcels of land—tribal lands or allotments—which were held for individual members of the tribe?

Mr. HALLETT. Yes, sir.

Senator MELCHER. How much was involved, in acres?

Mr. HALLETT. I think there were about 76 allotments totaling 5,390 acres at the time of termination. Tribal land dwindled down to about 2,958 acres.

Senator MELCHER. Will that become part of the reservation or not?

Mr. HALLETT. No; just the two specified parcels of 37 separate tracts and one tract of 36 acres.

Senator MELCHER. Is it trust land?

Mr. WALDRIP. Sir, it was not trust land. That land was liquidated on termination.

Senator MELCHER. Oh, that was liquidated. So there is no trust status remaining on that land?

Mr. WALDRIP. There are a few individuals who did hang on to their allotments, but not very many.

Senator MELCHER. And the status of that—whatever it is—will not be changed by the bill?

Mr. WALDRIP. No, sir.

Senator MELCHER. All right. These are very scattered pieces of land, and I understand the reason why you have selected that in the proposal. But also, I believe, the part of the bill on criminal would be concurrent jurisdiction with the State.

Ms. AYER. The reservation would be under Public Law 280, under State jurisdiction.

Senator MELCHER. So that is different from concurrent jurisdiction?

Ms. AYER. In the opinion of the Department of the Interior, the tribe under Public Law 280 does have within its powers still, the authority to exercise concurrent criminal and civil jurisdiction.

Senator MELCHER. It would be a nightmare, I think to have some hybrid form of jurisdiction on this land. What would be the status of this if we passed this bill and then we passed, as it is reported to the Senate and signed into law, the recodification of the criminal code?

Ms. AYER. This land is Indian country. And that is what the codification deals with. So the Federal criminal laws would apply, that is, the Major Crimes Act and the General Crimes Act, on this reservation.

Senator MELCHER. Section 165 or 166—

Ms. AYER. Excuse me, Senator; that is not true because Public Law 280 gave back to the States all that jurisdiction. So, to the extent that this is a checkerboard area, the primary jurisdiction, both criminal and civil, would be exercised on the checkerboard reservation and the non-Indian owned lands. So, there will not be a checkerboard problem there.

Senator MELCHER. You mean it would be State jurisdiction?

Ms. AYER. That is right.

Senator MELCHER. What would be the effect if, as reported in the Senate bill, the tribe later chose to assume jurisdiction over their reservation land and the Secretary of the Interior agreed?

Ms. AYER. I think so, Senator, but their concurrent jurisdiction would go to offenses like those between Indians—to the minor kinds of offenses.

I think the important question is what kind of jurisdiction the tribe is planning to exercise. I think they have that fairly well laid out in their plan. I think that is minimal. They are not planning to exercise any.

Senator MELCHER. I gather that. It seems to be pretty clear. But my question is: What would be the outcome if that law were passed, as it has been reported to the House, if the tribe at a later time decided that they did not want State jurisdiction? Would they not just approach the Secretary of the Interior and say, "We want to assume criminal jurisdiction," and ask the Secretary to approve that?

Ms. AYER. The only way the tribe could get rid of State jurisdiction, if it decided to do so, would be if the State retroceded. That is in the control of the State.

Senator MELCHER. Are we talking about the same thing? Are we talking about the section in the recodification that would allow the tribe to assume criminal jurisdiction if the Secretary agreed to it?

Ms. AYER. It has been some time since I reviewed that codification. It does provide for retrocession at the tribe's request.

Senator MELCHER. So, the effect, then, would be that the State would not have anything to say about it, would it?

Ms. AYER. I guess that is right.

Senator MELCHER. I think it is important to point this out. I know what the intention of the tribe is. I think we might as well face this issue now because it is going to be before the Senate very shortly.

As I read that, it means that if the tribe decides to do that and gets the Secretary to agree with them, the State is out of it and has nothing to say about it. It would be a weird arrangement.

Senator HATFIELD. Mr. Chairman, would you yield?

Senator MELCHER. Surely.

Senator HATFIELD. That would be true of any Indian land. All we are doing is classifying Indian land—land which has not previously been Indian land. I would hope that this would not be held in any kind of special category against any other rights that would be bestowed upon Indian lands by future acts of the Congress.

We have other Indian land in Oregon today which has entered into agreement. The Indian tribe of Warm Springs entered into agreement with the local officials for the policing and jurisdiction of that land. But if the Congress of the United States should recodify to bestow upon "Indian land," anywhere it might be in the United States, certain authority that now is vested or is being performed by State and local governments, I would hope that they would not discriminate against the Siletz lands.

I think it would have to be considered along with the general category of what we call "Indian land." And I agree with the chairman that it is an issue which is going to cause some difficulties in the adjustment if that should occur, or it may be that the Siletz would choose not to make that request. But I do not think that should be a right denied the Siletz if it is bestowed upon any other Indian land.

Senator MELCHER. I think there is logic to your statement, Mark. The unusual circumstance about this land, however, is that it is extremely scattered. Nobody, unless the tribe is going to identify all these scattered parcels of land as being reservation, would know when they were on the reservation or when they were off the reservation. Or is there some method to determine that? I assume there will not be.

Senator HATFIELD. I assume, Mr. Chairman, that after they take this forest land under their management, the trees will be so much greater, bigger, and more distinctive—

Senator MELCHER. That we would automatically recognize them. I see.

Mr. WALDRIP. Senator, could I make a comment?

Senator MELCHER. Yes.

Mr. WALDRIP. The area we are talking about—it is very unlikely that it would be used for anything other than growing timber, except the traditional root gathering and this sort of thing.

If I understand the jurisdiction issue, the concern would be a matter of trespass, and I am not sure that that would be affected either way. For instance, on such things as timber trespass, we still use Federal remedies, regardless of whether it is Public Law 280 or where a tribe has jurisdiction.

Senator HATFIELD. Mr. Chairman, if I may interrupt, we have a checkerboard situation under BLM ownership today which we have been hoping and struggling to try to consolidate by land trades and so forth. So that same question of jurisdiction exists now in terms of Federal, State, and local, based on the checkerboard ownership of BLM in our State and other Western States.

Senator MELCHER. I do not think we have any problem with criminal jurisdiction, however.

Senator HATFIELD. We have not had.

Senator MELCHER. No, I do not think there is any problem. The State just has criminal jurisdiction.

Senator HATFIELD. Jurisdiction does separate on the borders of those checkerboard ownerships.

Senator MELCHER. The one example is trespass.

Senator HATFIELD. That is the main one.

Senator MELCHER. I am sure that trespass is a common problem which has to be dealt with. But there are so many things involved with criminal jurisdiction; it is a nightmare. Of course, I know it is not the intention of the tribe to assume criminal jurisdiction, but the problem becomes much more complicated if the tribe does assume it in terms of very scattered parcels of land.

Now, the tribe has no intention, as I understand the tribe's testimony and the bill, of assuming any jurisdiction over fish and game on the land?

Mr. BENSELL. No, sir.

Senator MELCHER. Does the tribe feel it has any rights on lands once occupied by the tribe that have not been extinguished in that regard?

Mr. BENSELL. Mr. Chairman, I think that on the land we are talking about, none of the land we were looking at even bordered the Siletz River. We had one piece that touched the river. In order to not have any fight over that land, we did not include it in our reservation plan. So, at present, we do not intend hunting and fishing.

Senator MELCHER. Senator Hatfield?

Senator HATFIELD. Mr. Chairman, I would ask unanimous consent that my formal statement be placed in the record following the chairman's opening statement.

Senator MELCHER. Certainly. That has been done.

Senator HATFIELD. Mr. Chairman, I would like to make a few observations.

First of all, I think a very significant letter, that has been made a part of the record already,¹ addressed to me from the Mayor of Siletz, is probably the most important piece of evidence indicating the change of attitude of the people of the area, because of the very laborious and careful handling of this whole issue by the tribal leadership and the BIA district officer. I recall very vividly facing the ire of the local citizenry when I introduced the bill initially for the purpose of Federal recognition to the extent that I lost all the precincts in that area in the election of 1978 in my own home county.

So, there has been some rather significant turnaround on the part of the local citizenry because I do not believe any mayor could have signed this letter 2 years ago and stayed as a resident in the community for very long—perhaps at least until nightfall.

I think it is also indicative of the fine counsel which has been received by the Indian tribes from many sources. I think much credit is due the State officials, the local officials, and all.

A certain professor, a very retiring person from the University of Oregon law school, probably deserves as much credit as anyone, with long hours of research, counsel, and wise counsel; he has provided good wisdom.

I would like to again emphasize the point which seemingly has been raised so frequently that it lingers even now in the minds of some. That relates to the question of hunting and fishing rights. There are times when I believe certain sources or certain individuals, particularly the Fish and Game Commission of the State of Oregon, gave so much focus to this misleading misinformation about the initial bill, the bill which related to the restoration and the recognition of the tribe and even to this bill through both their legal counsel and the officials of the commission, the commissioners themselves.

I think it is well to lay to rest once and for all any of that kind of misinformation perpetrated, and designed in some instances. First of all, section 4 of the bill says:

The establishment of the Siletz Reservation shall not grant or restore to the tribe or any member of the tribe any hunting, fishing, or trapping right of any nature, including any indirect or procedural right or advantage on such reservation.

That is about as clear a language as I believe can be produced to convey the idea we had in mind when we stated this, both in the bill on Federal recognition and now in the bill setting up the reservation.

In order to underscore that particular thesis, I asked the Library of Congress, American Law Division, to make an analysis of the bill. Mr. Chairman, I would like to make that analysis a part of the record at this point.

Senator MELCHER. Without objection, it will be made a part of the record at this point.

[The material follows:]

¹ Appears on p. 37.



THE LIBRARY OF CONGRESS
Congressional Research Service

WASHINGTON, D.C. 20540

December 10, 1979

TO : Honorable Mark Hatfield
Attention: Susan Long

FROM : American Law Division

SUBJECT: Siletz Indian Hunting and Fishing Rights

This is in response to your inquiry whether a bill (S. 2055) establishing a reservation for the Confederated tribes of Siletz Indians of Oregon would create or enhance any hunting and fishing rights on behalf of the tribe.

The Confederated tribes of Siletz Indians of Oregon were terminated in 1954.^{1/} Federal recognition and benefits were restored in 1977,^{2/} but creation of a reservation was left for a subsequent Act of Congress. S. 2055 would establish that reservation by setting aside certain lands to be held in trust for the tribe and directing the Secretary of the Interior to accept title to other lands in trust for the tribe.

At the time of the consideration and passage of the restoration legislation, the Interior Department had not yet determined what, if any,

^{1/} 25 U.S.C. 691 *et seq.* (1976).

^{2/} 25 U.S.C. 711, 711e (1977 Supp.).

superior hunting and fishing rights the tribe had reserved to them.^{3/} The restoration statute was, therefore, intended to be "neutral on the issue of hunting and fishing rights, neither extinguishing any rights the tribal members may have nor conferring any new rights."^{4/} The language of the Act explicitly provides that it "shall not grant or restore any hunting, fishing, or trapping right of any nature, including any indirect or procedural right or advantage, to the tribe or any member of the tribe..."^{5/}

S. 2055 repeats the hunting, fishing, and trapping rights disclaimer. Section 4 provides that the "establishment of the Siletz Reservation shall not grant or restore to the tribe or any member of the tribe any hunting, fishing, or trapping right of any nature, including any indirect or procedural right or advantage, on such reservation."

3/ The Siletz and other western Oregon tribes entered into a treaty with the United States in 1855, which was never ratified by Congress. See, S. Rept. 83-1325 (1954). The terms of the treaty, however, were enforced, and in exchange for the cession of large tracts of land, the tribes were resettled on land to be "held and regarded as an Indian reservation" and which "shall be set apart ... for the exclusive use of such Indians as are, or may hereafter be, located thereon." See, S. Doc. No. 25, 53d Cong., 1st Sess. 898. See also, S. Rept. No. 95-386, 95th Cong., 1st Sess. 3 (1977).

4/ S. Rept. No. 95-386, 95th Cong., 1st Sess., 3 (1977). See also, H. Rept. No. 95-623, 95th Cong., 1st Sess. 4 (1977).

5/ 25 U.S.C. 711a(c) (1977 Supp.). See also, 25 U.S.C. 711e(d)(2) (1977 Supp.) (any plan developed for establishment of a reservation "will not grant or restore to the tribe or any member of the tribe any hunting, fishing, or trapping right of any nature, including any indirect or procedural right or advantage, on such reservation.").

Thus, the intent and language of both the restoration act and the reservation bill is neutral with respect to hunting and fishing rights. Whatever rights may have survived the termination act^{6/} were meant to be unimpaired by the restoration act. Conversely, if no rights existed or survived termination, the restoration act did not grant or revive such rights.

The bill establishing a reservation carries forward these provisions.^{7/} In the absence of explicit reservation of hunting and fishing rights, it has been held that language in the instrument creating a reservation nevertheless implicitly reserved such rights.^{8/} However, S. 2055 contains an explicit provision to the contrary, negating any implication which might be drawn from the mere fact of the creation of the reservation itself. Section 5 of the bill does provide for state jurisdiction over the reservation pursuant to Public Law 280 and Public Law 280 specifically provides that its provisions shall not "deprive an Indian or any Indian

6/ The Court in Menominee Tribe of Indians v. United States, 391 U.S. 404 (1968) held that the hunting and fishing rights of the Menominees were not abrogated by a termination act. Cf. Kimball v. Callahan, 590 F.2d 786 (CA 9 1979), cert. denied, 48 USLW 3218 (October 2, 1979).

7/ The restoration bill also provided that no future establishment of a reservation was intended to grant hunting and fishing rights. 25 U.S.C. 711e(d)(2) (1977 Supp.). See, note 5, supra.

8/ In Menominee Tribe, supra, the Court agreed that treaty language establishing a reservation "to be held as Indian lands are held" included the right to hunt and fish. 391 U.S. at 406. Compare the language in the unratified Siletz treaty, note 3, supra.

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tribe, band, or community of any right, privilege, or immunity afforded under Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing or the control, licensing, or regulation thereof."^{9/} However, that provision merely seeks to preserve existing rights and the imposition of Public Law 280 jurisdiction over a reservation is not a granting or restoring of rights.

Therefore, neither the restoration act nor the reservation bill would seem to be a source of Siletz hunting or fishing rights. We express no opinion on the question whether the 1855 unratified treaty reserved hunting and fishing rights. The restoration act and reservation bill do not purport to impair any such rights if they exist. Both pieces of legislation merely state that they by themselves do not grant or restore rights and the language therein would seem to be effective in achieving that purpose.

Richard C. Ehke
Richard C. Ehke
Legislative Attorney

^{9/} See, 28 U.S.C. 1360(b) (1976).

Senator HATFIELD. And I will quote from the last paragraph of that particular analysis by the best legal authority that we could obtain, from the standpoint of the Congress.

Therefore, neither the Restoration Act nor the reservation bill would seem to be a source of Siletz hunting or fishing rights. We express no opinion on the question whether the 1855 unratified treaty reserved hunting and fishing rights. The Restoration Act and reservation bill do not purport to impair any such rights if they exist.

Those are pre-existing rights.

Both pieces of legislation merely state that they, by themselves, do not grant or restore rights, and the language therein would seem to be effective in achieving that purpose.

That is from the American Law Division of the Library of Congress.

In addition to that, the Department of Justice—and I might say in all fairness so did the attorney general of the State of Oregon—take up this misstatement of fact and misinterpretation by his assistant attorney general assigned to the fish and game commission, that is, former attorney general, Mr. Johnson and the present attorney general, Mr. Redden.

In the letter, Mr. Chairman, that is a part of the record, I would like to quote a paragraph. This is dated December 5, 1979, to the Governor of the State of Oregon from the attorney general, Mr. Redden:¹

The legislation specifically addresses the question of fishing, hunting, and trapping rights. No new rights are created by the legislation or the commencement of the reservation, although any pre-existing rights would continue to exist.

Again, that is a very clear statement of both the intent of the bill, and I might say the legislative record is replete with that thesis, that observation, and that confirmation of what I have stated on both the Restoration Act and the reservation bill.

We had hearings which I sat through hour after hour, and, as the author of both bills, I made very clear in those public hearings through public testimony that neither bill in any way provided procedural rights or any new rights to the tribe. The restoration bill was only for the purpose of health and education benefits, and the reservation bill as well, very explicitly states no hunting and fishing rights are bestowed. That is to be negotiated, as is now being done, with outstanding leadership, I might observe, at this point on the part of the fish and game commission, Mr. Jack Donaldson.

I would like to follow through and ask Mr. William Hallett, the Commissioner of BIA: Do you see any ambiguity in the language of the bill regarding hunting and fishing rights? Would you agree with the thesis that I have stated, that this bill does not in any way bestow new rights, or additional rights, or procedural rights, or any kind of rights, or does it encumber pre-existing rights that might be interpreted or might be determined by some other process other than through the restoration and the reservation bills?

Mr. HALLETT. Yes, Senator, I agree. I think the record is clear on that.

Senator HATFIELD. Thank you.

Let me ask the same question of Mr. Art Bensell, tribal chairman. You have publicly before, in the hearings before this committee and

¹ See p. 79.

otherwise, stated this thesis. Do you reaffirm this today as you review the wording, the intention, the implications, and the innuendoes, and nuances of this bill, the reservation bill?

Mr. BENSELL. Senator, I affirm that that is correct.

Senator HATFIELD. Well, as I said, I thought we had put that to rest some time back, but again I noted in the press in Oregon a sports writer just a few weeks ago again raised this old conundrum that somehow we were bestowing some new rights upon his tribe.

I would like to ask Mr. Hallett, too, if you, in your experience and through your very able assistant in the Portland district, in sitting down and plotting out a plan for a reservation, have found this to be a unique challenge? Even though you were not as personally involved in this particular reservation, would you not say that the tribe's acceptance of this task, their work, and their association with your representatives relates to the concept of self-determination which the Congress has set forth and the administration has set as a goal for tribal and Indian relationships?

Mr. HALLETT. Senator, the plan submitted by the Siletz people in cooperation with and working with the Bureau staff, I think, goes beyond self-determination; it addresses the goal of the self-sufficiency of the community. I think the capacity and capability of the people involved are reflected in this plan. It is a model for me to present the Department's position recommending enactment of this particular plan. I think it is a model we could use in the development of existing reservations.

Senator HATFIELD. I appreciate your comments. I wholeheartedly agree that this could serve as a model, perhaps as a challenge to other Indian tribes in pursuing this course of self-determination and in the opportunities to create a new life, a new future, for their nation.

Do you anticipate, Mr. Hallett, any jurisdictional problems on the reservation?

Mr. HALLETT. No, I do not.

Senator HATFIELD. How does the Bureau of Land Management feel about giving up 3,600 acres?

Mr. HALLETT. I am not sure. I would have to refer to Mr. Waldrip.

Mr. WALDRIP. Senator, I happened to be with the tribe when we briefed the Assistant Secretary for Land and Water; he was represented by BLM. They interposed no objections. We got absolutely splendid cooperation from Murl Storms and his staff in the development of this process in Oregon.

Senator HATFIELD. So that you consulted with the BLM all along the way?

Mr. WALDRIP. Yes, and at our briefings with the Department.

Senator HATFIELD. Actually, if we look historically at this situation, I believe the Siletz at one time had jurisdiction over and ownership of about 1,100,000 acres; 3,600 acres is a very small compensation in comparison to the total acreage of land which they once owned.

Have projections been made to provide the seedling stock for reforestation, Mr. Waldrip?

Mr. WALDRIP. Yes, sir, on our other reservations, we have cooperative arrangements with the Forest Service and other people who raise nursery stock. We really do not anticipate a major problem.

On rare occasions, in isolated situations, you might find tree stock not available, but generally there has been no problem, both on the west side of the Cascades and the east side. In the process there, you simply order your tree stock at the time you plan a sale, and have them available at the time you need to plant them.

Senator HATFIELD. May I turn to the assistant solicitor for a moment to ask that same basic question that I asked of the commissioner and the tribal chairman.

Do you see any kind of procedural rights or any other benefits or rights, other than pre-existing rights that have remained undisturbed, given to this tribe in this reservation bill; and if you have studied the restoration bill, would you comment on it as well?

Ms. AYER. Yes, Senator, I have studied the restoration bill and the reservation bill. We have generally, at the Interior Department in the Solicitor's office. It is our opinion that this bill leaves unaffected any rights that the tribe may have, that is, that it neither gives back or returns to them any rights which they may have lost, and it does not operate as an independent grant or conference of any special rights on them in this bill.

Senator HATFIELD. There are no new rights, but it does not disturb any pre-existing rights?

Ms. AYER. Yes, sir, I think we can state that unequivocally.

Senator HATFIELD. I just wanted to make additional record of that. I suppose on that subject we should introduce into the record at this point, Mr. Chairman, the letter from Tex Shively of the Four Corners Rod & Gun Club concerning this subject.

Senator MELCHER. Without objection, it will be made a part of the record at this point.

[The material follows:]



TESTIMONY

Before Senate Committee on Siletz Indian Affairs

I, Tex Shively, do represent the Four Corners Rod and Gun Club of Salem, Oregon, in the matter of the establishment of a reservation for the members of the Siletz Tribe of Oregon. The purpose of this commentary is one of clarification and constructive criticism of ideas promulgated by the Siletz Indian leaders, the Federal Government and Engineering Firm CH2M Hill. The basic concern to be expressed in this discussion is one of equity. Equity in all aspects of the formation of the Siletz Indian Reservation will insure the success of this venture in perpetuity. Without just consideration for all aspects of the establishment of this entity, community and statewide dissatisfaction will mar potentials for the future. That would be tragic and avoidable. The Four Corners Rod and Gun Club sees two main issues as central to the theme of equity in the formation of the aforementioned reservation. First, I propose that the fishing, hunting and trapping rights of the membership of the Siletz Indian Tribe be no greater and no less than any other citizen of the State of Oregon. This is an essential point in the minds of

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sportsmen throughout the state. If the killing of any fish or animal is regulated by the State of Oregon or the Federal Government, then all applicable laws will pertain to all citizens of this state without exception. In establishing the reservation no guarantees should be made concerning additional rights outside of the laws now in force. If such a commitment should be made, the energies of this organization both in a physical and fiscal sense shall be committed in the opposition of the formation of the Siletz Indian Reservation in total.

The second point of issue centers around the establishment of the reservation in a "checkerboard" fashion as opposed to a contiguous acreage. At this time, a number of parcels of land, ranging from 3½ to 40 acres, are proposed. This method of establishing a reservation poses problems in the area of enforcement of hunting and fishing rules and regulations. The area designated as the potential reservation is surrounded by publicly and privately owned land. With enforcement of rules pertaining to hunting and fishing being considered a prerequisite of a stable and coordinated animal population, such a division of lands would make enforcement of laws an unworkable task. The areas of enforcement would defy the letter of the law and promote an almost unavoidable circumstance of creating poachers out of hunters.

To counter our points of opposition, I would like to offer some suggestions. The first again deals with hunting and

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fishing. I propose a statement in the treaty that would specify the process of procurement of both fish and animals for any purpose whatsoever. Outside of the routine hunting and fishing laws permitting specified killing of certain species, a statement must be devised making any additional procurement possible only through commercial means. This is in keeping with the obligation adopted by Oregonians in the creation of certain laws. Those laws should not be abrogated under any circumstance.

Concerning the "checkerboard" shape of the proposed reservation, I recommend a different approach. The establishment of a reservation of approximately five hundred to one thousand contiguous acres would provide a more significant contribution to the Siletz Indian Tribe. The use of that land by the entire tribe would allow the development of a Medical Center, Heritage Center, Tribal Council Chamber and Educational Facility. I see this as a more efficient utilization of land in keeping with the focus of a tribe as rich in heritage and as tragic in history as the Siletz Indian Tribe.

Thank you for the opportunity to address this committee.

Sincerely,

Tex Shively

Tex Shively.

Senator HATFIELD. Mr. Bensell, are you working with the city of Siletz in expanding the water and sewage system on Government Hill?

Mr. BENSELL. Yes, we have a very cooperative arrangement with the city. We had numerous meetings, and it depends on the Siletz City water system and the sewer system which are about at capacity now.

We agree that we will try to assist them in developing and updating the water and sewer systems. We are looking into grants. I think the Indian Health Service has some grants available, and we are looking into the possibility of getting those grants so that we can participate with the city.

Senator HATFIELD. Mr. Bensell, a number of people have criticized this plan, have raised questions as to why you chose a plan, an economic enterprise, that provided so few jobs to tribal members.

Mr. BENSELL. Really, Senator, we thought that was a lot of jobs. A lot of jobs that we do not have at the present time. They were created, and there is a possibility that through enterprises and purchase of land that we will increase that number of jobs.

We anticipated at the beginning that there would be about 30 jobs or more created immediately, and within the next few years maybe 90 jobs. That does not include construction jobs that will be necessary when we begin to develop the Government Hill.

Senator HATFIELD. Would you give an indication of what kind of jobs you are talking about?

You have timber to sell. All you have are some timber cruisers, and this timber is going to be sold to existing sawmills in all probability. There is no Indian mill like there was at Warm Springs.

Mr. BENSELL. Actually, we looked into the possibility of getting a sawmill developed, but the amount of land that was necessary to maintain a mill was not there. But we think that maybe in the future we can buy land and maybe reforest. Looking down the pike maybe a number of years, again, we can create jobs.

With regard to most of the jobs we are looking at, most of our people are not trained people. As Pauline mentioned in her testimony, the dropout rate in the Siletz school is about 44 percent. That is tremendous. But now, since restoration, we have a few people in college, and we are training people for jobs. Not manual labor—important jobs. When they become trained, we hope we will have jobs for those people to return to the Siletz Reservation.

Senator HATFIELD. Describe some of the 30, or 60, or whatever jobs you are counting on with this enterprise.

Mr. BENSELL. Immediately, we are looking at clerks, maintenance, and jobs of that type, and actually maybe some people working out in the timber area. Most of our people are trained in that now. They are very capable loggers. With our own operation, maybe we can provide that kind of job for our people.

Senator HATFIELD. I would like to use this occasion to really push you into realizing that objective.

I recall having worked for many years with Warm Springs, and the idea of setting up the resort was the dream of the leadership—that this would be an opportunity to provide jobs for Indian people. For a long time, the only jobs they had were cleaning out the bedrooms and

the toilets and waiting on tables. They did not have the trained personnel to manage and be supervisors, so they brought in the non-Indians for that purpose. But as that enterprise began to grow, they became dependent upon that kind of leadership, and they tended to lag in their drive to have trained Indian personnel to take over other than the menial tasks.

I am not demeaning the menial tasks; they are as important to perform in making an enterprise successful as the management jobs. But there was quite a bit of discontent in the Indian tribe, as you know, for the simple reason that all you saw were the white faces there in the management, supervisory, and leadership roles for too long a time.

When the dollars are coming in, and you are balancing the books, and you take on that business perspective, there is a tendency to lose the other goal of getting Indian trained personnel in there. I hope this does not happen with the Siletz.

Mr. BENSELL. We hope so, too, Senator.

Senator HATFIELD. I think, frankly, the whole plan is weak on that point. I must say to you I am impressed with the plan generally, and I know you are having to work with existing circumstances. But I think the plan is basically weak as it relates to the jobs now and the jobs down the road that could be created for Indian persons.

I think with innovation, creativity, and leadership, you can create those jobs, but you are going to have to be constantly pressing for that and keep that goal before you because you are going to get into that business operation, and you are going to begin to look at that ledger, and if that ledger is making money you do not like to disturb the status quo; you are doing something and it is working well. But you are still going to find yourself with a preponderance of non-Indian people at the top levels of handling that enterprise.

Mr. BENSELL. We hope that does not happen.

Senator HATFIELD. That is my view. I may be wrong, but I am only raising it to indicate to you my hope and desire to see you constantly press forward to get the Indian personnel into those jobs of leadership and not just leave them at the gate watching the roadway or digging out the trenches along the roadway for drainage.

Mr. BENSELL. We have put that into our management manual, that our tribal people have jobs they are capable of doing, and we are encouraging them. We have people now going to college. Just this past spring we had an attorney graduated from college. We have a person in medical school at Harvard. That will be the first doctor we will have.

Senator, you will recall that it was our purpose when we started restoration to help our people become better citizens and not depend upon welfare but go into jobs that will make them better citizens of our community.

Senator HATFIELD. I know that is your intention, and I just want to encourage you in pursuing it, and move it from the manual to actual reality.

Mr. BENSELL. We will, Senator.

Senator HATFIELD. Why did you choose unrelated, scattered parcels rather than contiguous parcels of land?

Mr. BENSELL. I think Mr. Blosser tried to address that a little. I think it was a political thing to begin with. The amount of revenue

that would be returned to the county was very small from the type of land we selected. We had a process of eliminating O and C lands and Forest Service lands because of the large amount of money going back to the counties.

We anticipated that we would have a lot of political opposition to the plan, so we selected those particular pieces. We had at the beginning thought that we would gradually get those pieces together, but with our consultation with the Governor's task force, they opposed that type of thing immediately because there were so many problems created in getting the lands contiguous. Maybe they will have to someday, but this was the best land and an income piece of property that was very beneficial to the tribe.

Senator HATFIELD. Thank you.

Mr. Chairman, I gave an accolade a while ago, I know, to a man; I described his profession, but I did not indicate his name. Charles Wilkenson is the man I wanted to identify as the counselor on many occasions to this program. I am sure the leadership of the tribe would want to recognize his fine contribution, as well as that of Sharon Gordon, his co-counsel, and Don Miller of the Native American Rights Fund, who has worked with the tribe since restoration.

Mr. BENSELL. We appreciate having them.

Senator HATFIELD. Thank you very much, Mr. Chairman.

Senator MELCHER. The last question that Senator Hatfield asked you dealt with scattered parcels, and you answered, "it was because of less opposition you agreed to the scattered parcels." However, it is apparent that management of those scattered parcels is not going to be as advantageous to the tribe in the future as if the land were contiguous.

Is it not true that there are numerous parcels of the same acreage which would be available on a contiguous basis if O and C lands were used?

Mr. BENSELL. There is a lot of that land, but not really close to the Siletz agency. They are farther away.

Senator MELCHER. The O. & C. lands are?

Mr. BENSELL. Yes, they are farther away. There is a small parcel about 2 miles from our agency now.

Senator MELCHER. But they are fragmented too; you could not get a contiguous piece out of O. & C. lands closeby?

Mr. BENSELL. No, sir.

Senator MELCHER. Thank you very much.

Senator HATFIELD. Mr. Chairman, I have one more question I would like to ask Mr. Beuter.

Do you anticipate any problem of getting seedlings for the restocking of this area?

Mr. BEUTER. No, Senator, I do not, in the sense that under any of the harvest flow situations that we projected, it is unlikely that the tribe would be cutting more than 50 acres in any year. At 400 or 500 trees per acre, we are not talking about that many seedlings. So, I would anticipate very little problem.

Now, on a year-to-year basis, everyone has problems occasionally—if there is a bad seed year or something like that—but nothing unusual. I would not anticipate anything unusual for the tribe.

Senator HATFIELD. Thank you very much. Thank you, Mr. Chairman.

Senator MELCHER. I have one question for Fran Ayer.

In the FLPMA Act of 1976, we tried to preserve the status quo on Federal lands in regard to hunting and fishing rights. I assume we did preserve the status quo, did we not?

Ms. AYER. That is my opinion, Senator. That language and the language that is in the restoration bill is essentially the same.

Senator MELCHER. Is essentially the same as what?

Ms. AYER. That in the reservation bill. That is, it does not grant or restore hunting and fishing rights to the tribe.

Senator MELCHER. Yes, but I am now talking about Public Law 94-579, the so-called FLPMA Act, the Federal Land Management Policy Act of 1976.

Ms. AYER. I am sorry, Senator, but I am not familiar with that. I thought you were referring to the Restoration Act.

Senator MELCHER. No, I was not. You have not reviewed FLPMA on hunting and fishing on Federal land?

Ms. AYER. No, Senator.

Senator MELCHER. Maybe we ought to ask you to do that because it is a very recent act of Congress. What we strived to do in the act was maintain the status quo on Federal lands and the State's right to harvest game, control the fishing season, and control the hunting season, and so on.

Ms. AYER. What I would like to do, Senator, is have our assistant solicitor for lands and minerals take a look at that and submit something for you.

Senator MELCHER. We would like that because, that being the most recent act that was passed concerning the very land we are talking about here—BLM lands being part of the public domain—I think it should be reviewed to see whether changing the status of the land from public domain to Indian land makes any difference. I assume it does not; I am just asking this to be reassured again.

Ms. AYER. We will do that.

Senator MELCHER. Thank you. Thank you all very much.

Mr. BENSELL. Thank you.

Senator MELCHER. Without objection your response will be included in the record at this point.

[The requested material follows:]



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR

FEB 15 1960

REC'D FEB 10 1960

Honorable John Melcher
United State Senate
Washington, D.C. 20510

Dear Senator Melcher:

I am pleased to respond to the question which you asked in the January 30, 1960, hearing on S.2055 before the Senate Select Committee on Indian Affairs.

My review of the Federal Land Policy and Management Act of 1976 disclosed that in that Act Congress preserved the civil and criminal jurisdiction of states over national resource lands.

S.2055 provides in Section 4 that the establishment of the Siletz Reservation shall not grant or restore any hunting, fishing, or trapping right of any nature, including any indirect or procedural right or advantage. It is my opinion that this language has the effect of leaving unaffected the presently existing status of Siletz hunting and fishing rights. The language is sufficient to guarantee the neutrality of this bill as it relates to any possible yet to be established hunting, fishing or trapping rights of the tribe.

An Indian hunting, fishing, or trapping right is both proprietary and jurisdictional. S.2055 is very explicit that no such right of any nature and no indirect or procedural right or advantage accrues to the tribe from the establishment of this reservation. Therefore, the status quo will be maintained on the new reservation lands which were formerly public domain lands in that the state will be able to continue to regulate hunting, fishing or trapping unless and until such rights are established separate and apart from this bill.

Sincerely,

M. Frances Ayer
Assistant Solicitor
Jurisdiction, Taxation
and Civil Rights
Division of Indian Affairs

Senator MELCHER. We have one other witness, Dr. John R. Donaldson, director of the Department of Fish and Wildlife, State of Oregon.

Senator Hatfield will now take over the chair.

Senator HATFIELD (acting chairman). Thank you, Mr. Chairman.

I would like to welcome you to the committee. We would appreciate very much your summarizing your testimony.

STATEMENT OF JOHN R. DONALDSON, DIRECTOR, DEPARTMENT OF FISH AND WILDLIFE, STATE OF OREGON

Mr. DONALDSON. Thank you, Senator Hatfield. It is a pleasure to be before you again, as always.

I come here at the direction of our commission. I have a very short statement. I apologize for not having it to you in advance. I will make these copies available to you and I will begin by reading it very quickly so that you are aware of what its text is, and then I have a few comments that I would like to add at the end, if I may. I will be very brief.

It is addressed to the Honorable John Melcher:

Dear Mr. Chairman: The Oregon Fish and Wildlife Commission has not taken a formal position on S. 2055 to establish a Siletz Indian Reservation in Lincoln County, Oregon. However, the Commission as well as many sportsmen and commercial fishermen are vitally concerned with the bill's effect on the management and allocation of the fish and wildlife resources on the proposed reservation. In addition, the legislation has again raised the critical question of special Indian fishing and hunting rights that may have survived termination of the tribe in 1954.

Our staff is currently discussing with the Siletz tribe two specific issues: (1) the State's authority for continued management of fish and wildlife on the proposed Siletz Reservation, and (2) cultural and subsistence fishing and hunting opportunities for tribal members that would constitute those rights which may have survived termination.

The Commission is hopeful that both of these issues can be resolved satisfactorily by agreement of both parties in the very near future. However, a successful resolution of these points is dependent upon a procedural approach that can assure "finality" and preclude any further contest involving these two issues. We are presently examining the merits of a consent decree in federal district court as one approach to validating an agreement.

We respectfully request that the Senate Select Committee on Indian Affairs allow time for the Commission to review these unresolved questions with the tribe and concerned public so that a satisfactory course of action can be determined.

Sincerely,

HERBERT F. LUNDY,

Chairman, Fish and Wildlife Commission (State of Oregon).

Mr. Chairman, I took to heart very closely the comments you made a little earlier relative to hunting and fishing rights which have been so confused and misunderstood in the State of Oregon by many.

As you remember, at the time of restoration, the commission took a very strong position on the so-called McKeen amendment for the dissolution of any hunting and fishing rights with that restoration. As the bill proceeded, we very definitely recognized that that was not a possibility and that the bill was very clear that it did not give any additional rights or any procedural advantage to the Siletz Indian for the restoration of any rights that may have survived termination.

I can assure you that the director, the staff, the attorneys, and the commission are very, very clear on that. There is no misunderstanding.

We recognize with the reservation that that is going to apply again. Thus, we are not making any attempt to further that sort of an argument at this particular time with this legislation.

The concerns still remain as to what will happen post-reservation. The concerns are coming from the same people again: the sports fishermen and the commercial fishermen to the greatest degree. They are frustrated by this question, as I am sincerely aware the Siletz are frustrated by the same issue. They wish it would go away; we wish it would go away; it does not seem to go away; it is continually exacerbated.

I am personally very pleased that we have entered into this with the Siletz at the present time. I see definite progress and can report to you that as recently as last Friday we had a rather testy meeting. These groups were in attendance. They expressed their views, and Mr. Wilkenson very adequately and sufficiently explained the direction in which we were going. The staff responded to a draft that was available at that time. Our concerns were in it. We made progress.

Most importantly, I think I need to report to you, sir, that many of the user groups that were there understood, and I think were recognizing for the first time, there may be a definite advantage in proceeding with this sort of approach. That is, to my awareness, the first real breakthrough I have seen in this unresolved issue.

The commission's position remains that they are waiting to see the results of staff work, working with the Siletz, as to what the technical details of this agreement would be, and to get the legal input as to what a consent decree really means. I think we are all realistic that nothing is forever in this world and that the best intentions of parties at this time may, at some future date, come into contest—failure of either party to live up to the agreement. Then it becomes an issue before the courts again. That is just how things are.

But the potential is quite great. I commend the Siletz people and the legal leadership of Professor Wilkenson for proposing such a very vigorous and realistic approach to the whole issue.

The position of the Department is that we valiantly want to maintain management authority as, again, a fractured management authority on such a situation as the checkerboard reservation would be chaotic and unregulatable.

We hope there, through a definition of limited hunting and fishing rights, to arrive at a point of realistic control and the continuation of State management. This is very apparent in the drafts we have been reviewing.

The next step will be within 30 days to have the discussions of last Friday shared, written down, and under session. Again let me point out that this is in the full view of the public. It has not been an open hearing yet, but at that time it will be before the commission. We have invited in the leaders of various user groups to develop this plan together.

I would be very willing to try to answer any questions you may have, but that is the position of our commission and the status of the discussions with the Siletz people on hunting and fishing.

Senator HATFIELD. Mr Donaldson, I appreciate the fact that none of us can operate within a vacuum unaffected by events that occur around us.

Do you not agree that some of the concerns expressed by individuals and organizations in Oregon, and perhaps even by the commission, have been influenced to some degree by the events taking place on the Columbia River and to the north of us in the State of Washington, relating to Indian fishing rights, as it affects their viewing and ability to see the Siletz Restoration and Reservation Acts as clearly as they might otherwise?

Mr. DONALDSON. I think that is a very fair statement, Senator Hatfield. We have been considerably tied up in litigation relative to those issues. The Klamath Indian issue is another one where termination took place; the land was sold, and rights were maintained. That is one of the cases that we see.

And it is the opinion of the attorney general of the State of Washington that they could have these rights survive, and that down the line concerns the users.

Senator HATFIELD. Mr. Donaldson, is it not also true that if we had never introduced the Restoration Act or the Reservation Act—if neither one of these bills had ever seen the light of day—you could be faced with this same, precise, exact question based on the 1855 treaty?

Mr. DONALDSON. Absolutely.

Senator HATFIELD. So, do you not agree that the explicit language in both bills and the legislative record, and the independent analysis, and the solicitor's judgment, as well as the author of the bill, have all indicated the bill's legislative intent to be to bestow no new, or any procedural, or any other benefits upon this Indian tribe, at the same time not seeking to extinguish any preexisting rights? Do you agree with that?

Mr. DONALDSON. Absolutely; I indicated that in my statement, I will say this again. I will answer your question by saying, "yes, I understand that to be the case, without any question."

The question that has come up relative to this new approach is that we are looking at a defined right, and this has caused people some great concern. They say, "We understood it said there would be none, and now here you come." Well, this is a separate issue we are bringing up. It is not a part of legislation; it is a part of litigation. We begin to enter a consent decree, a suit, and hope to put these issues to rest in a very positive and constructive fashion.

Senator HATFIELD. I would like to observe that I have sat through and have reviewed other sessions of groups where the personalities, or the biases, or the prejudices of parties have made solutions almost impossible to come by. But I would like to make the observation that, in my opinion, knowing the leadership of the Siletz Tribe, knowing their temperament, their long record of patience and forbearance, knowing of the totally scholarly and outstanding legal counsel of Charles Wilkenson who is counseling them, knowing of your leadership and your outstanding background in this field, knowing the general context of the whole State of Oregon, if we cannot resolve these issues under these best of circumstances, I will give up my faith in humanity.

Mr. DONALDSON. I think that is a very true statement.

Senator HATFIELD. I do not mean it as a challenge, but just as an observation. If people of good will and intelligence and the virtues of

patience and all the other virtues that you people have cannot come up with some kind of hammered out agreement, I do not know of any circumstance in which we could hope to have agreement in these long and tedious areas of Indian rights and Indian treaties.

I expect something outstanding, superb, and model-like for the whole Nation to follow, and I think the procedure is proving that. Now, the results must be the fruits of the procedure.

Mr. DONALDSON. I appreciate your comments, Senator.

The position I have maintained constantly in relationship to the tribe is to try to resolve them as amicably as possible, without going to court. There are always two losers in court; you can have two winners outside. We were trying to work, and still are, under the *Belloni* decision on the Columbia River. We have our agreement there; it has its problems, but it is a major step forward. I think it is an even more exciting opportunity.

Senator HATFIELD. If we had had this procedure, we might never have had the *Belloni* decision. I do not think the courts are always the best equipped to make political determinations and political compromises, whereas I think that in this kind of framework we can make those decisions and make better decisions.

I want to say this too. I have been most pleased by the format and informal support and activity on the part of the Federal agencies. I want to pledge you my continued interest in this in whatever role I can play. But the BIA at the area level and right on through, the BLM, and the private agencies and other resource groups, including the engineering firm at Corvallis and academic people in the forestry area—all these people have really represented some of the finest citizenry we have in the region. Amongst such people I think we can get the answers.

Mr. DONALDSON. Let us hope that we can.

I would like to make a final comment. There is still going to be a rather difficult public relations position to carry forward here. To sell this is going to take some patience and energy. If this is the direction in which the commission decides to go—I can say I personally think this is a very viable way—we will make every effort to do that and possibly use your good offices to help in that.

Senator HATFIELD. I commend all of you for continuing to think with your heads rather than your glands, and I hope that continues on through the process.

Mr. DONALDSON. Thank you.

Senator HATFIELD. The committee will stand adjourned, subject to the call of the Chair.

[Whereupon, at 12:33 p.m., the hearing was adjourned, subject to the call of the Chair.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD



School of Law
UNIVERSITY OF OREGON
Eugene, Oregon 97403

503/686-3837

August 31, 1979

Paul B. Osterlund
Attorney at Law
217 S. Main Street
P.O. Box F
Toledo, OR 97391

Dear Mr. Osterlund:

The Siletz Tribal Council has asked us to reply directly to your letter of August 13th because of the several legal issues that are raised in your letter. We have discussed the contents of this letter at length with the Tribal Council and the answers are authorized by them.

Before answering the specific questions which you have asked, we would like to make a few general comments.

Several people in the town of Siletz, including some members of the Planning Commission, have expressed concern over deterioration of the relationship between tribal members and non-Indian citizens of Siletz. The Tribal Council has asked us to make it clear that the Tribe respects and shares those concerns. Restoration of the Tribe to full federal status is still very recent and new. The manner in which the City and the Tribe, itself a permanent government, relate to one another is just beginning.

The Tribe wants to emphasize that it stands one hundred percent in favor of a close and cooperative working arrangement between the City and the Tribe. There are many different ways in which such cooperation can work to the benefit of both groups. At its most basic level, everyone will benefit by simply being good neighbors.

We appreciate, for example, the prompt manner in which the Planning Commission has acted on the request for the transfer of Government Hill. Such promptness is especially appreciated because of the time pressures which the Tribe faces. The Tribe similarly wants to continue proceeding on a cooperative basis.

One other issue cuts across several of the questions which you have asked of the Tribe. It relates to questions such as

an equal opportunity/affirmative action employer

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whether the City could have joint ownership of Government Hill with the Tribe or whether the City could retain ownership while the Tribe constructs its own buildings on Government Hill.

There are several problems with such an approach, but one is paramount. Most federal funding for reservation development is based on the principle of trust ownership, that is, land owned entirely by an Indian Tribe which is held in trust for the Tribe by the United States. That kind of land ownership is found on virtually every reservation in the country and is the basis for much of federal policy toward Indians. Departures from that kind of title mean that the Department of Interior would oppose the proposal and that Congress would probably not approve the plan. Furthermore, even in the unlikely event that such an approach is acceptable, many of the federal programs and funding sources would inevitably be unavailable to the Tribe because such programs require tribal trust land.

Finally, the Tribal Council has asked us once again to emphasize the importance of Government Hill to the future of the Tribe. As you know, the BLM timber land which is part of the reservation plan is not appropriate for a tribal governmental center; the lands are too remote and are not suitable for such construction. The tribal center is, of course, the heart of the reservation plan. Government Hill has always been the center of tribal operations. It has housed tribal offices, tribal meetings, the health clinic, housing for the elderly, and BIA offices. Tribal members have deep and special feelings about Government Hill, much as non-Indians might have about a homestead that has been in the family for generations. Just as this unique tribal area was transferred without charge to the City when the Tribe was terminated, we hope that the City will return it to the Tribe now that tribal status has been restored.

We will turn to our answers to your questions.

1. Documented history of the legal title and ownership of Government Hill.

The Department of Interior title office has conducted extensive research on this issue. Our answer is based upon the findings it has made.

Government Hill was originally owned by certain aboriginal Indian Tribes that lived on the central Oregon coast. In 1855, along with some 1.1 million acres of land which surround it, Government Hill was set aside as an Indian reservation for a

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large confederation of tribes, mostly from southern Oregon, which became known as the Confederated Tribes of Siletz Indians of Oregon. The reservation was created by the Executive Order of November 9, 1855.

Portions of the large reservation were taken away from the Indians by the government in 1865 and 1875, but that section which contained Government Hill was not affected. In fact, the language of the 1875 act stated that the remaining portion containing Government Hill was "set apart as a permanent reservation for the Indians . . ." Act of March 3, 1875.

In 1887, Congress passed the General Allotment Act. The Act was a scheme designed to destroy the reservation system and the Indian way of life. As a result of its passage, between 1887 and 1934 over 90 million acres of tribal lands throughout the United States were lost to Indian tribes. In 1934, the Indian Reorganization Act was passed which halted the issuance of allotments and the policy.

Under the allotment policy, the federal government made an agreement with the Indians in 1892, and Congress approved the agreement by the Act of August 15, 1894. The agreement provided that allotments would be issued to individual Indians and only five sections of land would remain in tribal ownership. Under the allotment schedule that the federal government issued on October 24, 1894, the allotments were described, the five sections were reserved for tribal use, and certain other lands, including Government Hill, were designated as "Government reserve" for administrative purposes of the federal government. (The remainder of the reservation land was ceded to the federal government under the agreement, and was subsequently opened to homesteading.)

The designation of tribal land as "administrative reserve" was done often during the late nineteenth and early twentieth centuries. It is a technical designation and was done at that time because the Bureau of Indian Affairs had a policy of requiring that federal buildings be built on federal land, not tribal land. Land designated as administrative reserve, at Siletz and elsewhere, continued to be treated as tribal land. At Siletz, for example, there was no significant change in the use of the land after 1894 other than the fact that some additional federal buildings were constructed.

The policy of technically designating land as administrative reserve has now been abandoned. In fact, at many if not most reservations, including Warm Springs, land formerly designated as administrative reserve has now been transferred

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back to the Tribe. This is a recognition that there was no intent to alter or limit tribal use of such land. On Government Hill, for example, tribal members conducted a wide range of activities as discussed in the introduction to this letter.

In the Tribe's new reservation, there will be no land designated as administrative reserve for the reasons discussed above.

Government Hill continued to be owned by the federal government and administered for the use and benefit of the Siletz people until 1956, when it was donated to the City of Siletz under the terms of the Siletz Termination Act, a copy of which is attached. The legislative history relating to the disposition of federally owned lands indicate that the Agency tract, day school tract, and the cemetery tract aggregating 39.23 acres "should be fee patented to the organization composed of members of the present Confederated Tribes of Siletz Indians, as soon as Congress approves enabling legislation therefore and when such members incorporate as a legal body under state laws of Oregon." The act provided the Secretary with discretionary authority to convey the property to the Tribe, or a public or non-profit body. There are no indications of a tribal corporation created under state law and in existence prior to conveyance of the property to the City.

2. A rough plot plan sketch showing how the Tribe conceptually intends to develop Government Hill. Does the Tribe contemplate there being live in residential units as part of its plan for Government Hill?

The engineering/planning firm of CH2M Hill is preparing a rough site plan which will show how the Tribe would like to develop Government Hill. The site plan will not be completed before mid-September. We will supply it to the City of Siletz as soon as it is completed. The facilities that the Tribe would like to construct on the Hill are as follows:

- (1) Community utilities, probably including sewer, water, 1/2 mile road, gravel parking, paved parking. The sewer would be a community septic system or line from Siletz. The water would be supplied by a water tower and distribution close by or a line from Siletz. The site plan and other documentation being prepared by CH2M Hill will give more specific details.
- (2) A community hall, which would include a large meeting room, kitchen, museum area, four class or meeting rooms, and day care center.
- (3) An office and clinic building which would house the tribal office, the BIA office, and a medical and dental clinic.

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- (4) A recreation hall which would include a gymnasium, showers, locker rooms, stage, and kitchen, as well as a social hall/meeting room.
- (5) Outdoor recreation facilities, which would include a children's playground, picnic facilities, a baseball field, football field, and two tennis courts.

The Tribe would like to reconstruct some housing for its elderly on Government Hill at a future time. Whether it would be feasible to do so depends both upon the space demands and utility demands. The CH2M Hill engineers will be able to give us a much more specific answer as to whether this would be possible after the site plan for the above facilities is completed. The Tribe does not want Government Hill to lose its character as an open space with recreation areas, trees, and other outdoors characteristics, so the answer to this question is also dependent upon the space requirements of the facilities envisioned in the short-range goals. Housing would definitely be a long-term planning project. As discussed below, the Tribe will discuss any such project with the City of Siletz at the time planning begins.

3. A financial forecast indicating what kind of funding is necessary for implementing the Tribe's conceptual plan for development of Government Hill.

Over the next ten years the Tribe estimates that the following expenditures will be required to develop the facilities described in Question 2 above. The funding would come from Tribal income, interest, and federal grants, as well as business loans:

Planning and Design	(1980-81):	\$ 200,000
Community Utilities	(1981-82):	3,000,000
Community Hall	(1981-82):	1,345,000
Office and Clinic	(1982-83):	797,000
Recreation Hall	(1985-86):	3,000,000
Outdoor Recreation	(1986-87):	300,000

4. If the City were to transfer Government Hill to the Federal Government in trust for the Tribe, would the Tribe object to the City reserving from that transfer, easements and parcels of property now used for accommodating public facilities and any additional easement or access rights and additional property that would be needed to accommodate future expansion of those facilities?

The Tribe has no objection to a transfer which would reserve to the City the easements and parcels now used for the

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water tower and treatment plant.

The Tribe needs to know specifically what and how much property would be involved in accommodating future expansion of these facilities before it could agree to a transfer reserving additional easements, access rights and additional property beyond that currently used. If the acreage is reasonably small, as we understand it would be, the Tribe would be willing to consider such a proposal.

5. Would the Tribe and/or the Federal Government by agreement or other means agree to a transfer of Government Hill from the City subject to the Planning and Zoning Ordinances of the City of Siletz and to local and state building codes?

As we have discussed above, this kind of provision would be unacceptable to the Department of Interior and Congress. Although the federal government almost always cooperates with local governments, federal land is not technically subject to local zoning ordinances and building codes. Federal regulations do, however, provide strict requirements for construction which exceed all local building codes. In addition, federal policy is to consult closely with local governments.

The Tribe definitely is willing to follow such an approach here. There are many cities in the United States which have Indian land in them, and almost all cities have some federal land in them, if only a post office. As mentioned, we see no problem with building codes because federal regulations fully cover that issue. On the question of zoning, we will be glad to submit plans to the Planning Commission regarding any development of the Government Hill property.

Furthermore, we would be willing to enter into a formal written agreement with the City of Siletz. Such an agreement would provide that the Tribe would (a) meet the standards of the City's building code; (b) meet the standards of the City's planning and zoning ordinances; and (c) include other provisions concerning land use which are mutually acceptable by both the City and the Tribe. Such an agreement would be approved by the Secretary of Interior and would be enforceable by the Secretary of Interior. This kind of approach has been taken in other areas with Indian land within city limits, including the Umatilla Reservation near Pendleton.

We cannot overemphasize the fact that the Tribe is, and always will be, determined to use Government Hill in an environmentally sound manner. The site plan which the Tribe will submit to the Planning Commission will demonstrate that. Gov-

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ernment Hill is a place of great importance to the Tribe and, like the City, the Tribe has every interest in maintaining its environmental quality and compatability with the surrounding area.

6. What assurance would the citizens of the City of Siletz have to insure that the facilities provided on Government Hill by the Tribe would be reasonably available to the community of Siletz for public uses? Does the Tribe anticipate there would be a charge by the Tribe for public use? Would the Tribe object to the concept of jointly owned and operated public recreation facilities in cooperation with the City?

The Tribe is willing to agree that the facilities on Government Hill will be reasonably available to the community of Siletz for public use. Tribal buildings have traditionally been available to local citizens. The Tribe encourages such use and wants to share the facilities with the community.

There would be many, perhaps most, uses by the community which would not involve any charge. Most importantly, we are sure that many young people from the community will want to use the recreational facilities; many will want to attend Indian culture, language, or history classes at the new tribal center. As is the case now, there will undoubtedly be many potlucks and pow-wows to which the community will be cordially invited. The Tribe encourages such uses and there will seldom if ever be any charge for them.

It is probable that the Tribe will want to charge reasonable fees for some community uses which do not involve the Tribe. As the Planning Commission knows, most public bodies do charge reasonable rates for use of their facilities. At this time, the Tribe proposes to charge a reasonable rental for private groups generally. The Tribe will, however, make an exception for governmental bodies such as the City of Siletz; for uses by local governmental units, the Tribe will charge only a fee necessary to cover actual operational expenses.

The last part of your question raised the possibility of a jointly-owned project. This approach is eliminated by the fact that the Department of Interior has extremely strict requirements for accepting Indian land in trust, thus making such an arrangement impossible. As noted above, if the land were not Indian trust land, many federal funding sources would be unavailable. The Tribe would use its trust ownership of the land to obtain certain federal assistance, and will also use its income from tribal enterprise to pay for the costs of

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development.

7. Are there any economic advantages that would accrue to the City of Siletz in transferring Government Hill to the Federal Government in trust for the Tribe? If so, specifically what are those advantages? Advantages to the community of Siletz? If so, what are they?

The immediate advantage to the City government is that public recreation facilities and meeting rooms, day care center, community hall, kitchen, picnic sites, recreation hall, and so forth would be constructed and maintained and made available to the City and its citizens at no cost for such construction and maintenance to the City.

As a federally recognized Indian tribe with trust land, the Tribe will be eligible for studies sponsored by EDA and other federal agencies concerning the provision of municipal services. This would include, for example, studies concerning the City of Siletz's water supply system. We understand that the draft comprehensive plan by the City of Siletz indicates that the existing water supply will be adequate only until 1985; therefore it would appear that such a water supply study would be to the benefit of the City and the Tribe. A joint application for funding for such a study by the Tribe and the City would almost certainly be looked upon favorably by federal agencies, including EDA. Similar joint enterprises, such as for roads and sewers, are also realistic possibilities.

The less apparent but no less important advantage to the City would be the positive economic impact that the undertaking of such projects will have on the local area as a whole. CH2M Hill is finalizing an economic study that we will provide to you immediately upon its completion. It indicates that at the very least there will be 83 permanent new jobs created in Lincoln County over the next decade as a result of the establishment of the reservation, with a corresponding increase in personal income and spending. Many other temporary jobs will also be created, such as those in connection with construction of the tribal facilities.

8. Fire protection, how will the Tribe provide for it?

Fire protection for Indian communities has been worked out on a number of other Indian reservations. The Tribe will contribute its fair share to the volunteer fire department. All facilities will be built up to local, state, and federal stan-

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dards, and will be fully equipped with sprinkler systems and other preventive measures.

9. Are there any economic advantages to the Tribe in acquiring Government Hill as opposed to another piece of land in the immediate vicinity of the City of Siletz? If so, specifically what are those advantages to the Tribe?

No.

10. Will the community of Siletz derive specific moral, cultural and recreational benefits from transferring Government Hill to the Federal Government in trust for the Tribe. If so, what are those benefits?

The cultural and recreational benefits are made fairly clear simply by a listing of the many facilities that will be located on Government Hill, as described above. There is no doubt in our minds but that the people of the City of Siletz, most especially young people, will benefit enormously from the opportunities which the tribal center will offer to Indians and non-Indians alike. Those opportunities cannot be realized unless Government Hill is transferred back to the Tribe. We do not know exactly what is meant by "moral" benefits to the City, except that we presume that the City would feel some moral obligation to return to the Tribe the cornerstone of its former reservation and focal point of its cultural identity which the City received at no cost.

11. At the bottom line what does the Tribe need from the City of Siletz for its plan for Congress short of a conveyance of Government Hill?

Government Hill is the focal point of the reservation plan. The details of the conveyance need not be completed in order to present the plan to Congress on November 18, 1979. The Tribe, however, would be placed at a serious disadvantage if an agreement as to the principle of making the transfer is not reached by early November.

12. As specifically as possible what laws would apply to Government Hill if the City transferred the Hill to the Federal Government in trust for the Tribe?

1. Under "Public Law 280," the criminal laws of the State of Oregon, Lincoln County, and the City of Siletz would apply on Government Hill just as they do elsewhere. These include traffic laws as well as regular criminal laws (burglary, assault, forgery, contempt of court, obstruction of justice, evading an

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officer, etc.). The Hill could not be used as a place for anyone to "hide out" from the law, as officers of the City, County, and State would have the same rights to enter there as they do elsewhere. See generally, "An Analytical Approach to Criminal Jurisdiction in Indian Country," at pages 385-88 of Getches, Rosenfelt and Wilkinson, CASES AND MATERIALS ON FEDERAL INDIAN LAW (1979). A copy of these pages is attached.

2. All of the civil laws of the State of Oregon that have to do with the rights and status of individual persons would apply to people and incidents on Government Hill. These include family law matters (such as divorce and juvenile delinquency), tort matters (such as lawsuits about car accidents), and contract matters (such as collection suits over unpaid bills and lawsuits about broken agreements). Again, the Hill would not be a place where someone could "hide out" from the authorities or their personal obligations to others. The leading case on jurisdiction under Public Law 280 is Bryan v. Itasca County, 426 U.S. 373 (1976).

3. Most local and state civil laws which have to do with regulation of activities would not apply. State or local property taxes would not apply to property on the Hill. (Of course, they do not now apply either, since the Hill is public property.) State and local zoning laws would technically not apply but all of the provisions of those laws would be met fully by means of the agreement between the Tribe, the City, and the Department of Interior. The same is true of local and state building codes. Bryan v. Itasca County also deals with this subject.

* * * *

We will plan to attend the meeting on September 6th and will be pleased to offer any additional information that we have at our disposal at that time. The reacquisition of Government Hill is the number one priority of the Siletz Tribe. We hope very much that the Planning Commission will agree to recommend transfer of the land back to the Tribe.

The Tribe looks forward to a permanent, productive relationship of full cooperation with the City of Siletz and its citizens.

Very truly yours,

Charles F. Wilkinson
Associate Professor of Law


Sharon Gordon
General Counsel, Siletz Tribe

CFW/mc
cc: Arthur Bensell
(continued next page)

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cc: (continued)
Roy Weaver
Leroy Yoder
Richard Bennett
Harvey Haproff
Robert Longyear
James Strebig
Grace Castle

bcc: Pauline Ricks
Delores Pigsley
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Elouise Case
Mary Fisher
Stanley Strong
Lindsey John
Don Miller
Marcy Schwartz
William Blosser
Bruce Bishop
Robert M. Landauer
Dave Sitterson
Doyce Waldrip
Bernard Topash



September 19, 1979

John R. Donaldson, PhD
 Director
 Department of Fish and Wildlife
 Office of the Director
 696 S.W. Mill Street
 P.O. Box 3503
 Portland, Oregon 97208

Dear Jack:

The Siletz Tribal Council has asked me to respond to your letter to Art Bensell, dated September 4, 1979.

You raised nine questions in the letter. Before addressing them specifically, I would like to make a few general observations in order to place the specific answers in context.

You and the Commission have now received the proposed plan. As you can see, the plan is structured around the concept of providing for a permanent, self-sustaining tribal government. The focal point of tribal activities will be approximately 36 acres in the town of Siletz, known as "Government Hill." Government Hill will house tribal headquarters, a new health clinic, a tribal museum, a game room for young people, a day care center, a kitchen, a gymnasium, outdoor athletic fields, and other facilities. The complex will be available for the benefit of the general public. The timberlands east of Siletz, now public domain land administered by the BLM, will provide an area for hiking, camping, root gathering, and other tribal activities. It would also provide timber revenues to maintain the tribal complex on Government Hill.

The future quality of tribal government is directly tied to the proposed reservation. The Siletz Tribe is the only federally recognized Indian tribe in the country without a reservation. Like other tribes, the Siletz need both a homeland, for a tribal center and for tribal activities, and resource lands to provide some sustaining economic support. Thus both Government Hill and the timberlands are essential to establish a viable reservation that will provide for permanent tribal government.

in confidence

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The creation of the reservation is of some considerable importance, from an economic standpoint, to both Indians and non-Indians in the city of Siletz and Lincoln County. The timber operation and the complex on Government Hill would directly create 34 jobs, some of them held by Indians and some by non-Indians. The reservation would indirectly establish another 55 jobs in Lincoln County, making a total of approximately 90 new jobs created by the reservation. In addition, the plan contemplates over \$8 million of construction. That will create additional jobs and, with the multiplier effect so pronounced with construction funds, will produce a significant positive effect on the economy of Lincoln County.

The plan has received widespread support. It has been endorsed by the Portland Oregonian, the Oregon Journal, and the Lincoln County newspapers.

My perception is that there is wide recognition that this bill does not involve hunting or fishing rights. I rather, however, from your letter that there are new members on the Commission who were not involved with the Siletz Restoration Act of 1977. We can appreciate their desire to be briefed on the hunting and fishing issue and will therefore briefly summarize the development of the issue during the passage of the 1977 act.

As originally introduced by Congressman Wyatt, the Siletz Restoration Bill would have fully restored all hunting and fishing rights of tribal members. There was, however, strong opposition by the Commission to that original bill. As a result, the tribe voluntarily agreed to a redrafting of the bill so that it would be completely neutral on hunting and fishing rights; in other words, the bill neither established any new rights nor extinguished any rights that the tribe might possibly have retained after termination. Although the Commission took the position that all fishing rights should be extinguished, the tribe met with the Commission in 1975 before the bill was reintroduced by Congressman AuCoin and Senator Hatfield. The tribe accepted several drafting suggestions of the Commission to make it as clear as possible that the bill was neutral on this issue.

As finally adopted, the act provided that the creation of any reservation would have no effect whatsoever on hunting and fishing rights. The provision, which amounts to a substantial victory for the Commission, provides as follows:

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"The establishment of such a reservation will not grant or restore to the tribe or any member of the tribe any hunting, fishing, or trapping right of any nature, including any indirect or procedural right or advantage, on such reservation." 25 U.S.C. § 711e(d)(2).

This compromise was reached after a long and exhaustive legislative process. In purely political terms, it was the only way that the bill could have passed. Congressman AuCoin and Senator Hatfield were not willing to reestablish all tribal hunting and fishing rights, since they correctly perceived widespread sentiment against such a proposal from sports fishermen, commercial fishermen, and the Commission. On the other hand, the extinguishment of all political rights would also have meant that the bill could not be passed. Many citizens, Indian and non-Indian alike, felt that singling out the Siletz would be unfair and morally wrong. Other Indian tribes would understandably oppose such an unprecedented abrogation of important tribal rights. Perhaps most importantly, the rights (if they exist) are constitutionally vested property rights and would require a payment by the United States if extinguished. No one knows if the rights exist or, if they do, how extensive they are. The Congress, the Office of Management and Budget, and the Department of Interior were all unwilling to agree to any such payment, much less one which is completely undetermined in scope. As a result, the compromise, neutral language was adopted.

Although the provision is straightforward on its face, the fact that the act did not establish hunting or fishing rights was widely documented in the record of the Siletz Restoration Act. Both committee reports stated that the act was "neutral." The Department of Interior testified to the same effect. The Library of Congress, Congressional Research Service, concluded as follows in a memorandum dated June 18, 1976:

"In sum, therefore, it seems clear that neither the cited cases nor the language of S. 2801 provide any basis for an assertion that the creation of a reservation may itself be held to create hunting or fishing rights."

Senator Hatfield and Congressman AuCoin, the two principal authors of the bill, both made unequivocal statements that the act would not grant any hunting or fishing rights. Tribal leaders and tribal attorneys made several statements to

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that effect in the record.

We mentioned earlier that the Siletz Tribe may now have some hunting or fishing rights. Two tribes, the Menominee Tribe of Wisconsin and the Klamath Tribe of Oregon, obtained court rulings that their hunting and fishing rights continued after termination. See, Menominee Tribe of Indians v. United States, 391 U.S. 404 (1968); Kimball v. Callahan, 493 F.2d 564 (9th Cir. 1974). Both of those tribes had negotiated treaties specifically establishing the extent of their rights and both court opinions relied heavily on the individual legislative histories of the Menominee and Klamath termination acts. The Siletz, of course, have different circumstances and were terminated under a separate act. The geographical extent of any Siletz rights is completely unclear, but it would probably be confined to a very small area of land since, as the history in the proposed plan shows, the Siletz reservation was greatly reduced in size at the time of termination. The executive order establishing the Siletz reservation created no off-reservation fishing rights such as those held by the Columbia River tribes and the tribes in western Washington.

The Siletz Restoration Act and the proposed plan, then, make the creation of the reservation completely independent of hunting or fishing rights. Whether or not the rights exist on those specific acres of land, the status quo will be maintained whether or not a reservation is ever established; the creation of a reservation will add nothing. Congress has the power to establish special Indian hunting and fishing rights but the phrase "reservation" has no magic to it. In this case, Congress has made it clear that it is establishing no rights on this reservation. Therefore this is an Indian reservation which has no hunting or fishing rights attached to it unless they survived termination in 1954. The creation of a reservation today is a neutral act and does not establish hunting or fishing rights.

As you are well aware, the tribe has acted in complete cooperation with the Department and the Commission at all times. There has been no assertion of hunting or fishing rights, either by individuals or by the tribe. The tribe has no plans to take action to establish those rights. The state has been regulating tribal members at all relevant times and has been regulating the lands covered by the proposed plan. The state should continue to regulate tribal members and the land covered by the plan after the reservation is established. That will provide a continuity of management and a maintenance of the status quo.

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We very much appreciate your cooperative attitude to date. Although the Commission vigorously opposed the Siletz Restoration Act of 1977, we hope that years of earnest and good faith cooperation have made old antagonisms a thing of the past. Those issues have been resolved. The tribe has no objection to continuing state regulation of the lands in question and we hope that the Commission will come out in strong support of this progressive legislation which is so important to the Siletz Tribe and its members.

1. Would a reservation, if established by Congress, be limited to those lands as described within the reservation bill? Could the Siletz Tribe with approval of the Secretary of the Interior obtain additional reservation lands by purchase, trade, donation, etc.? If so, would those additional lands have the same reservation status as the lands described within the reservation bill? If it is not the desire of the Siletz Tribe to obtain additional lands, what language is required in the reservation bill to assure this tribal policy?

Yes, the reservation would be limited to those lands described in the bill. They would be the only lands that would be Indian country within the meaning of 18 U.S.C. § 1151.

Yes, the Siletz Tribe with approval of the Secretary of Interior could obtain additional land and have it accepted into trust by the Secretary of Interior under the authority of the Indian Reorganization Act, 25 U.S.C. § 467, which gives the Secretary authority to add lands to existing reservations.

Yes, any additional lands added to the reservation would have the same reservation status as the lands described in the reservation bill. This means, among other things, that any lands added to the reservation in the future would not grant or restore any hunting or fishing rights. We intend to make that issue completely clear in the legislative history.

Although the tribe has no specific plans to obtain additional lands in the future, it is possible that the tribe would want to acquire lands by purchase or trade. That is a perfectly proper activity of governments, such as state and local bodies, and of corporations. Indian tribes have the right to acquire lands under the Indian Reorganization Act because they conduct both governmental and business activities. It would be inappropriate to select out the Siletz Tribe and deny it the right to acquire land, when that right is important to all governments and businesses, including Indian tribes.

If the tribe does acquire land in the future and seeks to have it taken into trust by the Secretary of Interior, there

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would be consultation with interested persons, including the Commission. We have indicated to the Northwest Steelheaders that we think it appropriate that such consultation should be specifically mentioned in the legislative history, and continue to hold that view. We repeat that taking of additional land into trust would not establish hunting or fishing rights on such land, since the Siletz Reservation cannot have hunting and fishing rights unless they existed before the reservation was created.

2. Would the State of Oregon, specifically the Department of Fish and Wildlife, retain existing authority for fish and wildlife management, including regulation of harvest by both Siletz Tribal and non-Tribal members on reservation lands?

Since the hunting and fishing rights of the Siletz Tribe have never been litigated, there is technically a question as to whether the Department has authority to regulate harvest by tribal members. The Department is now regulating tribal members and non-tribal members on all areas in question. The tribe has no objection to the Department continuing its present regulation on the area in question, although the tribe cannot waive any rights that it may have. Continuing regulation by the state would mean that the status quo would be preserved.

3. If the response to question 2 is Yes (the State would retain existing management authority, including regulation of harvest), then what language within the reservation bill is required to assure State authority on reservation lands? If the response to question 2 is No (the Siletz Tribe would obtain management authority including regulation of harvest), then what plan does the Siletz Tribe have for management of the fish and wildlife resources on reservation lands? Who would enforce the Tribe's regulations and what court would process violations? What role would this Department have in management of reservation fish and wildlife resources?

Language which would "assure state authority on reservation lands" would be the same as abrogating the tribal rights, because the tribal rights amount to the right to be free of state authority. As mentioned above, and as was established during the passage of the 1977 act, the tribe cannot agree to any language which would abrogate the rights since such language would make the bill unpassable. Since the tribe presumes that the state wishes to continue to manage the fish and wildlife resources on reservation lands, just as it is now, the tribe has no plans to regulate harvest. The tribe is willing to cooperate with the state in facilitating management of the resource.

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4. Does the Siletz Tribe desire a ceremonial and subsistence harvest of fish and wildlife on reservation lands or other nearby lands? If the response is No, what language in the reservation bill is required to assure this tribal policy?

The tribe has no plans to establish a ceremonial and subsistence harvest of fish and wildlife and is not now engaging in such activities. As indicated above, language in the bill in this regard would be inappropriate.

5. Does the Siletz Tribe desire a commercial fishery on reservation land or other nearby lands? If the response is No, what language in the reservation bill is required to assure this tribal policy?

The tribe has no plans to establish a commercial fishery on reservation land or other nearby lands. The Tribal Council believes that the Siletz River cannot now, and never will, support a commercial fishery. As mentioned above, language in the bill on this subject would be inappropriate for the same reasons that it was inappropriate in 1977.

6. Is the existing BLM policy of public access on the public domain lands for fishing, hunting, berry-picking, etc. affected by reservation status? If Yes, how does the Siletz Tribe desire to regulate public uses on reservation lands?

Yes, the tribe intends to continue the existing BLM policy. The tribe has no present plans to regulate these kinds of uses, since we presume that the state will continue to enforce many of its laws on the reservation. If private persons were to abuse the lands and if state enforcement were adequate, it might be necessary to make provision for federal or tribal patrols.

7. Would federal, state or local environmental laws, addressing habitat protection such as the Forest Practices Act, Water Quality Act, Water Rights Law, land use planning and zoning laws including LCDC state goals, etc. apply to the reservation lands? If the response is No, what plan does the Siletz Tribe have to implement similar environmental protection regulations? How would those regulations be adopted and enforced?

These issues are discussed at length in the sections on jurisdiction and timber management in the proposed plan. The Department of Interior will manage the lands on a conservative, environmentally sound rotation of approximately 80 years. The tribe and the Department of Interior will agree to meet or exceed the requirements of the State Forest Practices Act.

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In regard to the Government Hill land in the City of Siletz, the tribe will reach an agreement with the City of Siletz as to the use of the land in question.

Several Indian tribes in the United States conduct timber harvesting operations, as will the Siletz Tribe after the reservation is established. Those timber practices are established and approved by the Department of Interior, and are widely known to be conservative and environmentally sound. As the proposed plan amply demonstrates, the Department of Interior and the Siletz Tribe intend to follow the standards set by Indian tribes nationally and to maintain tribal resources in a conservative and environmentally sound manner.

8. If the Siletz Tribe wishes to construct a resort, campground, private salmon hatchery, etc. would the proposed facility require local and state approval under existing state law if a) the facility were located on reservation lands, b) the facility were located on non-reservation lands?

If such facilities are located on reservation lands they would probably not be subject to state approval but would be subject to approval by the Department of Interior. If the facilities were located on non-reservation lands they would probably be subject to applicable state regulation.

The tribe has studied the possibility of a private salmon hatchery, in large part because of your personal recommendation that such a project should be studied. After study, the tribe concluded that such a capital-intensive project with such minimal and uncertain short-term returns would be unfeasible for the tribe.

9. Congress when enacting the Siletz Restoration Act of 1977 provided that persons of one-fourth blood or more of Siletz Indian descent could qualify for tribal membership and subsequent benefits. Recent action by the Siletz Tribe lowered its membership qualifications to one-eighth blood of Siletz Indian descent. What authority does the Siletz Tribe have to further adjust the qualifications for tribal membership?

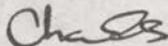
One of an Indian tribe's most basic areas of authority, as a government, is to establish qualifications for tribal membership. See, e.g., Cherokee Intermarriage Cases, 203 U.S. 76 (1906). The determination of membership qualifications is a difficult and highly personal tribal decision. Like all

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other Indian tribes, the Siletz Tribe has authority to increase, lower, or otherwise alter its membership qualifications.

We will look forward to meeting with you and with the Commission on September 24th and discussing these questions further.

Very truly yours,



Charles F. Wilkinson
Associate Professor of Law

CFW/mdc

cc: Representative Les AuCoin
Senator Mark Hatfield
Governor Victor Atiyeh
Governor's Task Force

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Siletz need a home

The Siletz Indian Tribe must have a reservation on the central Oregon Coast. A tribe without land is like a native bird shorn of its nesting area.

The unique status of the Siletz as the only landless, federally recognized tribe among 481 in the nation calls for a remedy. The tribe needs land, as much to nurture its members' spiritual rebirth as to provide a modest income for tribal programs.

The Siletz Tribe is a confederation, formed in the 1850s under U.S. cavalry duress, of four major tribes — the Tillamooks, Chetcos, Tu-too-nay and Alseas — and 17 other tribes and groups. They were assigned a reservation, with agency headquarters at Siletz. The tribe once owned more than a million acres of land along the central Oregon Coast. Some payment was made for much of the land, but at least 600,000 acres were taken without payment.

In 1977, Congress restored its recognition of Siletz tribal status. This had been terminated in 1954, after a request from a council meeting of only 30 Indians, and without a ballot, among the approximately 900 then on the rolls.

Congress also ordered, in the Siletz Restoration Act of 1977, that the Department of Interior develop a plan, in the form of proposed legislation, for a Siletz reservation, and file it with Congress by Nov. 18, 1979, less than three months from now.

Preliminary drafts show the plan's two basic elements to be a 36-acre parcel, known as Government Hill, in the town of Siletz and 3,566 acres of public domain timber land, now administered by the Bureau of Land Management, to provide annual tribal income of approximately \$600,000.

The tribe proposes that Lincoln County continue to receive, for 25 years after establishment of a reservation, the 5 percent of revenues from sale of timber on public land that BLM now pays.

The act would provide that no hunting, fishing or trapping rights would be established on the reservation, and state hunting, fishing and trapping laws would apply there as in the rest of the state. The summary states, "It has not been determined whether the tribe lost its hunting and fishing rights at the time of termination, and the plan does not affect that issue. If the rights were not lost, they would remain in effect; if the rights were terminated, they would not be restored."

During the next two months, the tribal plan must be examined minutely by federal, state and local interests. As a matter of equity, however, the Siletz — with 1,083 certified members and perhaps 60 percent more expected to enroll — should have restored to them land for a tribal home on the central Oregon Coast.

Oregon Journal, Wednesday, Sept. 5, 1979

Oregon

Journal opinion**Siletz should get back part of their homeland**

A century ago the Siletz Indians owned a 1.1 million-acre reservation on the Oregon Coast. Through a federal policy of ineptness, unratified treaties, removal and termination, the reservation was disbanded. The Siletz were victims of a cruel hoax that they probably never understood.

Now the Siletz Indians, whose tribal rights were restored in 1977, are on the verge of receiving a small reservation near the town of Siletz.

The reservation would be minute compared to what the tribe has lost. But it would be a tribal home, a place where culture and tradition could be re-established and eventually a place where health and educational services could be obtained.

The tribe is negotiating with the city of Siletz for 27 acres known as "Government Hill," where agency headquarters once were located but which now is overgrown. But the bigger chunk of land for the reservation is 3,666 federal acres administered by the Bureau of Land Management.

The bill which would create the reservation will be introduced in Congress this fall. It provides that no hunting, fishing or trapping rights would be established on the reservation or by the tribe.

Tribal leaders have negotiated with federal, state and local governments to re-establish the reservation. Lincoln County, for example, now receives 5 percent of the revenues from the public domain lands. The tribe proposes to pay 5 percent of its timber revenues to the county for 25 years.

The tribal roll counts about 1,100 members of tribes which once lived on the reservation or who are descendants. Possibly as many as

2,000 persons could qualify for tribal status. Most of the Indians now are scattered throughout Oregon, mainly the Willamette Valley.

Twenty-five years ago the federal government tried a policy of tribal termination, a doctrine which has since been reversed in favor of revitalizing Indian culture.

The Siletz should have a portion of their homeland returned. The 1977 law directed the secretary of

interior to return to Congress within two years with a plan to create a reservation. It's simple justice that a reservation should be formed.

Restoration of Siletz reservation is long overdue

Who could really imagine that a people who once owned 1.1 million acres of land in western Oregon are homeless or landless? Such is the case of the Siletz Indians.

Native Americans in the United States have been treated as a vanishing people for a long time. They have endured genocide, resettlement, ostracism and termination. It has not been any different for the Siletz Indians.

The Siletz tribe was subjected to each of the most unfortunate Indian policies of the United States government, including unratified and broken treaties, taking of executive order reservation lands, removal and allotment. The final blow in 1954 was termination, a formal denial of the existence of the tribe by the federal government. All of these policies have been repudiated by the government now. But the result of the Siletz tribe was the loss of all of its land, and at least 600,000 acres they never received any compensation at all.

IN 1978, A PORTLAND official of the Bureau of Indian Affairs stated that when an Indian reservation was closed, the Indians were told that they were white. This was in line with the policy of ending their trust status with the government and designating them as first class citizens.



Through the work of Sen. Mark Hatfield and Rep. Les AuCoin, the Siletz Restoration Act of 1977 was passed. This act established once again the Siletz as a federally recognized Indian tribe.

The Siletz Restoration Act was another recognition that United States is not a melting pot, but a salad bowl. That all groups of people contribute to the character of this country. And it won't be any less true for the Siletz Indians in western Oregon.

Of the 431 federally recognized tribes, only the Siletz has no land base. Perhaps this will change very soon, if the progress to establish the reservation plan is not held up by the city of Siletz, Ore.

THE SECRETARY OF THE INTERIOR is required by the Siletz Restoration Act to develop a plan to establish a reservation for the tribe. This plan should be submitted to Congress by Nov. 18. But it might be delayed by the city of Siletz.

The plan is modest at most, but calculative in its approach to Congress to ask

just for what is really needed. It is another first for Oregon in the way it is being set up. The state of Oregon would continue to have control over many civil matters and over all criminal matters on the reservation. All state laws regarding hunting, fishing and trapping would be in full force. Most reservations retain these jurisdictions.

And Confederated Tribes of Siletz Indians, as it is now known, has done its political homework as well. According to Arthur Benseil, the tribal chairman, they have had many reservation plan meetings with state and federal agencies. Meetings have been held with the Lincoln County Commission and the Siletz City Council. Private corporations like Georgia Pacific have been involved. All of these entities except the city of Siletz have given their blessings to the plan.

THE PLAN CALLS FOR the reservation to be made up of 3,666 acres of public domain land now being administered by the Bureau of Land Management. These acres are in scattered parcels near Siletz. And a 25-acre parcel of land, known as Government Hill, is in the city of Siletz and is an issue of contention.

Government Hill, from late the 1800s until termination, was the headquarters of the Siletz Reservation. When the reservation was terminated, it was donated to

the city by the federal government. It contains the burial grounds of the Siletz. And the reservation plan reflects that it is to be the headquarters of the tribe. Other needed facilities will be located there.

The tribe and its attorneys worked closely with the Siletz Planning Commission while it studied the proposal to transfer Government Hill back to its original owners. This commission voted unanimously in favor of the plan. The Siletz City Council was expected to approve it too, but a petition from 80 residents demanded a public vote, which will take place Nov. 1. To get around the state election laws, the city is calling it an information poll.

BENSEIL IS HOPING that the people of Siletz will vote in favor of the transfer of Government Hill. He doesn't know how the failure of Siletz to approve the plan will affect Congress' action on the plan Nov. 18. Maybe there won't be a need to know.

Perhaps this is only a small compensation to pay for what has happened to a people in western Oregon. And the renewed contributions of the Siletz Indians to the area are just beginning.

Calvin Henry, a Corvallis resident, writes a Sunday column for the Siletzman Journal.

RESOLUTION NO. 80 - 13

SILETZ TRIBE RESERVATION STATUS

- WHEREAS, the Siletz Restoration Act of 1977 (P.L. 95-195) restored federal recognition to the Siletz Tribe and required the Secretary of the Interior to prepare and present to Congress a plan for the establishment of a reservation for the Tribe, said plan to be presented by November 18, 1979; and
- WHEREAS, the Siletz Tribe once had a reservation which included more than 1.1 million acres of prime timberland on the Oregon coast, but now is fully federally recognized tribe to have no reservation at all; and
- WHEREAS, the members of the Siletz Tribe have urgent needs which only Tribal government can fully address, namely, severe unemployment, health problems, alcoholism, poverty, substandard housing, and educational deficiencies; and
- WHEREAS, the establishment of a reservation will assure the Tribe's government of a permanent and independent existence, so it will be able to work for the common good of its members and culture forever; and
- WHEREAS, the Siletz Tribe has proposed the establishment of a modest reservation that will enable it to meet the minimum needs of its members, retain its Tribal identity, and be a homeland for its members forever.
- NOW, THEREFORE, BE IT RESOLVED, that the National Congress of American Indians fully supports and endorses the Siletz Tribe's proposal that "Government Hill" and the approximate 3,666 acres of public domain land in Lincoln County, Oregon, be taken into trust and designated as the Reservation of the Confederated Tribes of Siletz Indians of Oregon.

Affiliated Tribes of Northwest Indians

RESOLUTION NO. 20

RESOLUTION

WHEREAS, The Siletz Restoration Act of 1977 (P.L. 95-195) restored federal recognition to the Siletz Tribe and required the Secretary of the Interior to prepare and present to Congress a plan for the establishment of a reservation for the Tribe, said plan to be presented by November 18, 1979; and

WHEREAS, The Siletz Tribe once had a reservation which included more than 1.1 million acres of prime timberland on the Oregon coast, but now is the only fully federally recognized tribe to have no land base at all; and

WHEREAS, The members of the Siletz Tribe have urgent needs which only Tribal government can fully address, namely, severe unemployment, health problems, alcoholism, poverty, substandard housing, and educational deficiencies; and the establishment of a reservation will in a small way compensate the Tribe for its enormous and unparalleled loss of land; and

WHEREAS, The establishment of a reservation will assure the Tribe's government of a permanent and independent existence so it will be able to work for the common good of its members and culture forever; and

WHEREAS, The Siletz Tribe has proposed the establishment of a modest reservation that will enable it to meet the minimum needs of its members, retain its Tribal identity, and be a homeland for its members forever,

NOW, THEREFORE, BE IT RESOLVED, that the Affiliated Tribes of Northwest Indians fully supports and endorses the Tribe's proposal that "Government Hill" and the identified 3,666 acres of public domain land in Lincoln County, Oregon, be taken into trust and designated as the Reservation of the Confederated Tribes of Siletz Indians of Oregon.

Ship Skene
Executive Director

Joe McLaughlin
President

CONFEDERATED TRIBES OF SILETZ INDIANS
P.O. Box 549
SILETZ, OREGON 97380

PROPOSED SILETZ RESERVATION PLAN: SUMMARY

10 August 1979

PROPOSED SILETZ RESERVATION PLAN: SUMMARYINTRODUCTION

The Siletz Restoration Act of 1977, 25 U.S.C. §§ 711-711(e) requires the Department of Interior to develop a plan to establish a reservation for the Siletz Tribe of Oregon. The Act is attached as Appendix A. The plan will be in the form of proposed legislation and must be filed with Congress no later than November 18, 1979. The following is a summary of the Tribe's proposed plan. The attached documents will provide further background information.

During the last six months the Tribe, the Bureau of Indian Affairs, and tribal consultants have engaged in a thorough study of tribal needs, economic issues, revenue flows, and other factors relevant to the proposed reservation. Much of the economic and land-use analysis has been done by CH2M HILL, a leading international engineering firm. The State Director of the Bureau of Land Management, Murl Storms, and his staff have been very cooperative in providing access to public land data. The Tribe has consulted extensively with numerous state and local officials who have been briefed on the outline of the plan as set forth here. This planning process has resulted in a realistic and fully supportable plan that can be implemented without adverse impact on any affected parties.

HISTORICAL OVERVIEW

The Siletz Tribe once owned a reservation of 1.1 million acres along the scenic and timber-rich Oregon coast. Today, however, the Tribe is landless. This virtually unprecedented loss of land occurred because the Tribe was subjected to each of the most unfortunate Federal Indian policies, all now discredited: unratified treaties, abrogation of executive order reservations, removal, and allotment. Finally, the Tribe was selected out for termination in 1954. In the 1970's the Tribe reorganized and, after a long legislative campaign, became the second Indian Tribe to have its Federal recognition restored. A summary of the Tribe's history is attached as Appendix B.

The Tribe was never compensated for 600,000 acres that were taken from its former reservation. The Siletz Tribe is one of the few tribes to have suffered such an enormous land loss without any compensation whatsoever.

TRIBAL NEEDS

Today unemployment among tribal members remains at 37 percent. Family income is less than half of their non-Indian neighbors. In addition, although restoration has brought badly needed basic programs to the Tribe and its

members, many needs of the Tribe and its government are still unmet. A study of tribal needs is attached as Appendix C.

THE PLAN'S PURPOSE

A central purpose of the plan is to assure self-sufficiency of the tribal government. The plan is designed to provide tribal headquarters and sufficient revenue so that the tribal government will be assured of a permanent and independent existence. To do this, the Tribe is seeking the return of a very small part of its former reservation.

In addition, the plan reflects the fact that Indian people have a unique and special relationship to the land. The long term survival of tribalism hinges on the establishment of a reservation sufficient to serve as the focal point for tribal culture. The implementation of this reservation plan will permit the continuation and revitalization of important traditional activities such as camas root gathering and basketry, as well as provide a place for social and community activities, housing for the elderly and burial of the dead.

THE PLAN'S BASIC ELEMENTS

Although a great amount of research and analysis have gone into this plan, the proposed legislation is in fact very brief. The legislation will have only the following components:

1. Establishment of a Federal Indian reservation comprised of:
 - A. A 36-acre parcel in the town of Siletz, known as "Government Hill."
 - B. 3,666 acres of public domain land, now administered by the BLM.
2. The act would expressly provide that no hunting, fishing or trapping rights would be established on the reservation.
3. The act would also provide that jurisdiction would be governed by the terms of Public Law 280.

SPECIFIC ISSUES

Government Hill

Government Hill is a 36-acre site on the eastern edge of the City of Siletz. From the late 1800's until termination, it was the headquarters of the former Siletz Coast

Reservation. At the time of termination, in 1956, it was donated to the City of Siletz by the Federal government.

In 1975, the City transferred the 9 acres which make up the tribal cemetery to the Paul Washington Cemetery Association, an Oregon non-profit corporation made up of tribal members. The Tribe is in the process of negotiating with the City for a voluntary transfer of the remaining 27 acres back to the Tribe. Further background on Government Hill is in Appendix D.

Public Domain Land

It is necessary that the reservation provide an economic base so that there will always be a funding source for tribal government operations and programs. The Tribe and BIA personnel have constructed a 10-year phasing plan for building tribal facilities, providing governmental services, and developing tribal enterprise. To accomplish these goals, an annual tribal income of approximately \$600,000 will be required. The phasing plan is detailed in Appendix E.

The 3,666 acres of public domain lands are located near Siletz, and consist of scattered parcels in a very rural area. These lands are forested and are suitable for timber sales and recreation as well as traditional tribal activities such as gathering fern, camas root and materials for basketry. Based on an 80-year rotation schedule and 1978 log values, it is projected that these lands can produce revenues of approximately \$610,000 per year. The location of the lands is shown in Appendix F, and the timber revenue information is contained in Appendix G.

Annual Cost to the Federal Government

There will be costs to the Federal government resulting from the transfer of the lands and establishment of the reservation. The loss of timber revenues would be \$644,000 annually, and the projected cost of new reservation services would be \$198,000 annually. These figures are detailed in Appendix H.

Impact on State and Local Governments

The Tribe does not foresee any additional costs of services being provided by the state and local governments; rather, there will be a lesser burden on state and local programs due to the provision of Federal services to tribal members and their families. It is estimated that \$1,249,900 per year will be spent in the area through various Federal programs as a result of having a federally recognized tribe and reservation located in Lincoln County, as detailed in Appendix I. Equally important will be the role of the

economic activities of the Tribe itself in stimulating the economy of the area by construction of facilities, providing employment, and delivering services. Lincoln County currently receives 5 percent of the revenues derived from the sale of timber on public domain lands. The Tribe proposes that it will pay 5 percent of the revenues it receives from timber sales from the reservation lands to the County for 25 years. At this time, it is anticipated that the County will have developed an alternate revenue source.

The state-federal relationship will be affected only slightly by the creation of the reservation because public domain lands are not now subject to most state laws, a situation that will continue after the transfer. State land-use planning laws and timber management provisions will not apply to the reservation, just as they do not now apply. The Tribe has, however, agreed to comply with the minimum requirements for timber harvesting established by the State Board of Forestry. The BLM presently has a similar letter agreement with the state. The Land Conservation and Development Commission has not yet raised any land-use issues concerning management of the land by the Tribe, but the Tribe will continue to discuss this issue with that state agency. It is unlikely that environmental issues will be raised because the Tribal Council is determined to conserve this land by managing it on a conservative, sustained-yield basis with a rotation period of 80-100 years.

State hunting and fishing laws will receive special treatment. Normally state hunting and fishing laws do not apply to tribal lands. In this case, however, the act will specifically provide that the creation of a reservation "shall not grant or restore to the Tribe or any member of the Tribe any hunting, fishing or trapping rights of any nature, including any indirect or procedural right or advantage, on such reservation." It has not been determined whether the Tribe lost its hunting and fishing rights at the time of termination, and the plan does not affect that issue. If the rights were not lost, they would remain in effect; if the rights were terminated, they would not be restored. In any case, the Tribe has no intention of raising this issue after the reservation is established and wishes to work cooperatively with the State Department of Fish and Wildlife.

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For further information, contact Arthur Bensell, Tribal Chairman, Confederated Tribes of Siletz, P.O. Box 549, Siletz, Oregon 97380; (503) 444-2528.

SILETZ INDIAN TRIBE: RESTORATION OF
FEDERAL SUPERVISION [NEW]

§ 711. Definitions

For the purposes of sections 711 to 711f of this title—

(1) the term "tribe" means the Confederated Tribes of Siletz Indians of Oregon;

(2) the term "Secretary" means the Secretary of the Interior or his authorized representative;

(3) the term "Interim Council" means the council elected pursuant to section 711c of this title;

(4) the term "member", when used with respect to the tribe, means a person enrolled on the membership roll of the tribe, as provided in section 711b of this title; and

(5) the term "final membership roll" means the final membership roll of the tribe published on July 20, 1956, on pages 5454-5462 of volume 21 of the Federal Register.

Pub.L. 95-195, § 2, Nov. 18, 1977, 91 Stat. 1415.

Short Title. Section 1 of Pub.L. 95-195 provides: "That this Act (enacting sections 711 to 711f of this title) may be cited as the 'Siletz Indian Tribe Restoration Act'." *Legislative History.* For legislative history and purpose of Pub.L. 95-195, see 1977 U.S. Code Cong. and Adm. News, p. 3700.

§ 711a. Federal recognition—Extension; laws applicable; eligibility for Federal services and benefits

(a) Federal recognition is hereby extended to the tribe, and the provisions of sections 461, 462, 463, 464, 465, 466 to 470, 471 to 473, 474, 475, 476 to 478, and 479 of this title, except as inconsistent with specific provisions of sections 711 to 711f of this title, are made applicable to the tribe and the members of the tribe. The tribe and the members of the tribe shall be eligible for all Federal services and benefits furnished to federally recognized Indian tribes. Notwithstanding any provision to the contrary in any law establishing such services or benefits, eligibility of the tribe and its members for such Federal services and benefits shall become effective upon November 18, 1977, without regard to the existence of a reservation for the tribe or the residence of members of the tribe on a reservation.

Restoration of rights and privileges

(b) Except as provided in subsection (c) of this section, all rights and privileges of the tribe and of members of the tribe under any Federal treaty, Executive order, agreement, or statute, or under any other authority, which were diminished or lost under sections 691 to 708 of this title, are hereby restored, and such sections 691 to 708 of this title, shall be inapplicable to the tribe and to members of the tribe after November 18, 1977.

Hunting, fishing or trapping rights and tribal reservations not restored

(c) Sections 711 to 711f of this title shall not grant or restore any hunting, fishing, or trapping right of any nature, including any indirect or procedural right or advantage, to the tribe or any member of the tribe, nor shall it be construed as granting, establishing, or restoring a reservation for the tribe.

Effect on property rights or obligations, contractual rights or obligations, or obligations for taxes

(d) Except as specifically provided in sections 711 to 711f of this title, nothing in sections 711 to 711f of this title shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes already levied.

Pub.L. 95-195, § 3, Nov. 18, 1977, 91 Stat. 1415.

Legislative History. For legislative history and purpose of Pub.L. 95-195, see 3700.

§ 711b. Membership roll—Opening; duty of Secretary, Interim Council, and tribal officials

(a) The final membership roll is declared open. The Secretary, the Interim Council, and tribal officials under the tribal constitution and bylaws shall take such measures as will insure the continuing accuracy of the membership roll.

Prerequisites for inclusion

(b)(1) Until after the initial election of tribal officers under the tribal constitution and bylaws, a person shall be a member of the tribe and his name shall be placed on the membership roll if he is living and if—

(A) his name is listed on the final membership roll;

(B) he was entitled on August 13, 1954, to be on the final membership roll but his name was not listed on that roll; or

(C) he is a descendant of a person specified in subparagraph (A) or (B) and possesses at least one-fourth degree of blood of members of the tribe or their Siletz Indian ancestors.

(2) After the initial election of tribal officials under the tribal constitution and bylaws, the provisions of the tribal constitution and bylaws shall govern membership in the tribe.

Verification of descendancy, age, and blood; appeal; finality of determination; possession of enrollment records and materials

(c)(1) Before election of the Interim Council, verification of descendancy, age, and blood shall be made upon oath before the Secretary and his determination thereon shall be final.

(2) After election of the Interim Council and before the initial election of the tribal officials, verification of descendancy, age, and blood shall be made upon oath before the Interim Council, or its authorized representative. A member of the tribe, with respect to the inclusion of any name, and any person, with respect to the exclusion of his name, may appeal to the Secretary, who shall make a final determination of each such appeal within ninety days after an appeal has been filed with him. The determination of the Secretary with respect to an appeal under this paragraph shall be final.

(3) After the initial election of tribal officials, the provisions of the tribal constitution and bylaws shall govern the verification of any requirements for membership in the tribe, and the Secretary and the Interim Council shall deliver their records and files, and any other material relating to enrollment matters, to the tribal governing body.

Franchisement

(d) For purposes of sections 711c and 711d of this title, a member who is eighteen years of age or older is entitled and eligible to be given notice of, attend, participate in, and vote at, general council meetings and to nominate candidates for, to run for any office in, and to vote in, elections of members to the Interim Council and to other tribal councils. Pub.L. 95-195, § 4, Nov. 18, 1977, 91 Stat. 1416.

Legislative History. For legislative history, see 1977 U.S. Code Cong. and Adm. News, p. 3700. history and purpose of Pub.L. 95-195, see 3700.

§ 711c. Interim Council—Nomination and election of members; notice; meetings; ballot requirements; approval by Secretary

(a) Within forty-five days after November 18, 1977, the Secretary shall announce the date of a general council meeting of the tribe to nominate candidates for election to the Interim Council. Such general council meeting shall be held within sixty days after November 18, 1977. Within forty-five days after such general council meeting the Secretary shall hold an election by secret ballot, absentee balloting to be permitted, to elect nine members of the tribe to the Interim Council from among the nominees submitted to him from such general council meeting. The Secretary shall assure that notice of the time, place, and purpose of such meeting and election shall be provided to members described in section 711b(d) of this title at least fifteen days before such general meeting and election. The ballot shall provide for write-in votes. The Secretary shall approve the Interim Council elected pursuant to this section if he is satisfied that the requirements of this section relating to the

nominating and election process have been met. If he is not so satisfied, he shall hold another election under this section, with the general council meeting to nominate candidates for election to the Interim Council to be held within sixty days after such election.

Powers of Council

(b) The Interim Council shall represent the tribe and its members in the implementation of sections 711 to 711f of this title and shall be the acting tribal governing body until tribal officials are elected pursuant to section 711d(c) of this title and shall have no powers other than those given to it in accordance with sections 711 to 711f of this title. The Interim Council shall have full authority and capacity to receive grants from and to make contracts with the Secretary and the Secretary of Health, Education, and Welfare with respect to Federal services and benefits for the tribe and its members and to bind the tribal governing body as the successor in interest to the Interim Council for a period extending not more than six months after the date on which the tribal governing body takes office. Except as provided in the preceding sentence, the Interim Council shall have no power or authority after the time when the duly-elected tribal governing body takes office: *Provided*, That no authority to make payments under sections 711 to 711f of this title shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

Council vacancies; notice; meeting; election

(c) Within thirty days after receiving notice of a vacancy on the Interim Council, the Interim Council shall hold a general council meeting for the purpose of electing a person to fill such vacancy. The Interim Council shall provide notice of the time, place, and purpose of such meeting and election to members described in section 711b(d) of this title, at least ten days before such general meeting and election. The person nominated to fill such vacancy at the general council meeting who received the highest number of votes in the election shall fill such vacancy.

Pub.L. 95-195, § 5, Nov. 18, 1977, 91 Stat. 1416.

Legislative History. For legislative 1977 U.S.Code Cong. and Adm.News, p. history and purpose of Pub.L. 95-195, see 3700.

§ 711d. Tribal constitution and bylaws—Election; time and procedure

(a) Upon the written request of the Interim Council, the Secretary shall conduct an election by secret ballot, pursuant to the provisions of section 476 of this title, for the purpose of adopting a constitution and bylaws for the tribes. The election shall be held within sixty days after the Secretary has—

- (1) reviewed and updated the final membership roll for accuracy, in accordance with section 711b(a), (b)(1), and (c)(1) of this title,
- (2) made a final determination of all appeals filed under section 711b(c)(2) of this title, and
- (3) published in the Federal Register a certification copy of the membership roll of the tribe.

Pre-election distribution of proposed constitution and bylaws and brief impartial description; consultation by Interim Council with members of tribe

(b) The Interim Council shall draft and distribute to each member described in section 711b(d) of this title, no later than thirty days before the election under subsection (a) of this section, a copy of the proposed constitution and bylaws of the tribe, as drafted by the Interim Council, along with a brief, impartial description of the proposed constitution and bylaws. The members of the Interim Council may freely consult with members of the tribe concerning the text and description of the constitution and bylaws, except that such consultation may not

be carried on within fifty feet of the polling places on the date of the election.

Majority vote necessary for adoption of constitution and bylaws

(c) In any election held pursuant to subsection (a) of this section, the vote of a majority of those actually voting shall be necessary and sufficient for the adoption of a tribal constitution and bylaws.

**Election of tribal officials provided for in constitution and bylaws;
ballot requirements**

(d) Not later than one hundred and twenty days after the tribe adopts a constitution and bylaws, the Interim Council shall conduct an election by secret ballot for the purpose of electing the individuals who will serve as tribal officials as provided in the tribal constitution and bylaws. For the purpose of this election and notwithstanding any provision in the tribal constitution and bylaws to the contrary, absentee balloting shall be permitted.

Pub.L. 95-195, § 6, Nov. 18, 1977, 91 Stat. 1417.

Legislative History. For legislative 1977 U.S.Code Cong. and Adm.News, p. history and purpose of Pub.L. 95-193, see 3700.

§ 711e. Reservation—Establishment

(a) Any reservation for the tribe shall be established by an Act of Congress enacted after November 18, 1977.

**Plan; negotiation with tribe; approval by tribal officials;
submittal to Congress**

(b) Inasmuch as the reservation of the tribe has been terminated, the Secretary shall negotiate with the tribe, or with representatives of the tribe chosen by the tribe, concerning the establishment of a reservation for the tribe and shall, in accordance with subsections (c) and (d) and within two years after November 18, 1977, develop a plan for the establishment of a reservation for the tribe. Upon approval of such plan by the tribal officials elected under the tribal constitution and bylaws adopted pursuant to section 711d of this title, the Secretary shall submit such plan, in the form of proposed legislation, to the Congress.

Notification and consultation

(c) To assure that legitimate State and local interests are not prejudiced by the creation of a reservation for the tribe, the Secretary, in developing a plan under subsection (b) of this section for the establishment of a reservation, shall notify and consult with all appropriate officials of the State of Oregon, all appropriate local governmental officials in the State of Oregon and any other interested parties. Such consultation shall include the following subjects:

- (1) the size and location of the reservation;
- (2) the effect the establishment of the reservation would have on State and local tax revenues;
- (3) the criminal and civil jurisdiction of the State of Oregon with respect to the reservation and persons on the reservation;
- (4) hunting, fishing, and trapping rights of the tribe and members of the tribe, on the reservation;
- (5) the provision of State and local services to the reservation and to the tribe and members of the tribe on the reservation; and
- (6) the provision of Federal services to the reservation and to the tribe and members of the tribe and the provision of services by the tribe to members of the tribe.

Provisions of plan

(d) Any plan developed under this section for the establishment of a reservation for the tribe shall provide that—

- (1) any real property transferred by the tribe or members of the tribe to the Secretary shall be taken in the name of the United States in trust for the benefit of the tribe and shall be the reservation for the tribe;

(2) the establishment of such a reservation will not grant or restore to the tribe or any member of the tribe any hunting, fishing, or trapping right of any nature, including any indirect or procedural right or advantage, on such reservation;

(3) the Secretary shall not accept any real property in trust for the benefit of the tribe or its members unless such real property is located within Lincoln County, State of Oregon;

(4) any real property taken in trust by the Secretary for the benefit of the tribe or its members shall be subject to all rights existing at the time such property is taken in trust, including liens, outstanding Federal, State, and local taxes, mortgages, outstanding indebtedness of any kind, easements, and all other obligations, and shall be subject to foreclosure and sale in accordance with the laws of the State of Oregon;

(5) the transfer of any real property to the Secretary in trust for the benefit of the tribe or its members shall be exempt from all Federal, State, and local taxation, and all such real property shall, as of the date of such transfer, be exempt from Federal, State, and local taxation; and

(6) the State of Oregon shall have civil and criminal jurisdiction with respect to the reservation and persons on the reservation in accordance with section 1360 of Title 28 and section 1162 of Title 18.

Statement

(e) The Secretary shall append to the plan a detailed statement describing the manner in which the notification and consultation prescribed by subsection (c) of this section was carried out and shall include any written comments with respect to the establishment of a reservation for the tribe submitted to the Secretary by State and local officials and other interested parties in the course of such consultation. Pub.L. 95-195, § 7, Nov. 18, 1977, 91 Stat. 1413.

Legislative History. For legislative 1977 U.S.Code Cong. and Adm.News, p. history and purpose of Pub.L. 95-195, see 3700.

§ 711f. Rules and regulations

The Secretary may make such rules and regulations as are necessary to carry out the purposes of sections 711 to 711f of this title. Pub.L. 95-195, § 8, Nov. 18, 1977, 91 Stat. 1419.

Legislative History. For legislative 1977 U.S.Code Cong. and Adm.News, p. history and purpose of Pub.L. 95-195, see 3700.

HISTORICAL PERSPECTIVE

INTRODUCTION

Recent archaeological finds on the Oregon coast have confirmed that native American people were living here thousands of years ago. The tribes and bands which lived along the coast at the time of the Lewis and Clark expedition were the direct descendents of these ancient and original inhabitants. They had lived in the same places and in the same ways since time immemorial.

In the 1850's, the United States government treated some of these people as one group, moving them to live together on one stretch of coastland. They became known as the Confederated Tribes of Siletz Indians of Oregon (the Siletz Tribe).

Today the Siletz Tribe is landless. As such, it is unique among the 481 federally recognized Indian tribes.

But the Siletz Tribe once owned 1.1 million acres of prime timber and recreation land. Their 120 mile long, 20 mile wide strip of coastal land encompassed over thirty percent of the Oregon coast. The Coast Reservation included some of Oregon's greatest and most famous natural assets: Otter Rock, Yaquina Bay, Seal Rock, Cape Perpetua, most of the drainage of the Siletz and Alsea Rivers, and the sites on which are now located the Inn at Otter Crest, the Embarcadero, the Inn at Spanish Head, and Salishan (which is itself named after one of the Siletz tribes).

One question has repeatedly been asked: How did the Tribe ever lose such a large and valuable resource? The short answer, explained in more detail below, is that by chance alone the Siletz Tribe was subjected to each of the most unfortunate and ill-advised Indian policies adopted by Congress during different eras.

These policies - unratified treaties, executive order reservations, removal, allotment, and termination - are all now discredited by those who deal with Indian affairs. But the wisdom of hindsight is of little help to the Siletz. Each of these policies was imposed upon the Tribe, and each of them meant that huge chunks of land were lost to the Tribe. The Tribe received minimal payment for some of this land, but at least 600,000 acres were taken without any payment at all.

UNRATIFIED TREATIES

In the early 19th century, the main non-Indian presence in Oregon was the British Hudson's Bay Company. The relations between the Indians and the Company were uniformly peaceful.

But in the 1840's, a massive migration of Americans began coming into the Indian lands of the Oregon territory. By the Oregon Treaty of 1846, the British withdrew their claims to the area, and American sovereignty was established. The Indian way of life would never be the same.

The Organic Act which established the Oregon Territory in 1848 confirmed and guaranteed Indian title to their property "so long as such rights shall remain unextinguished by treaty between the U.S. and such Indians." But in 1850, the Oregon Donation Land Act was passed which allowed white settlers to take vast areas of the Indians' lands, despite the fact that no treaty had been signed with any Oregon Indians.

During the 1850's, first Anson Dart and then General Joel Palmer were appointed by the President to be superintendent of Indian affairs in Oregon. The two men negotiated many treaties with various tribes and bands in western Oregon.

It was General Palmer who negotiated and signed the treaty of August 11, 1855, which first described the tract of some 1,100,000 acres known as the Coast Reservation. The chiefs and headmen of many bands agreed by the terms of the treaty that their people would, within one year, move from the lands of their ancestors to the most rugged portion of the Oregon Coast (that which was in General Palmer's view the most undesirable to the white settlers). In return, the 1.1 million acres would be designated as an Indian reservation for the exclusive use of the Indians. Additionally, the U.S. would provide substantial sums to assist the Indians in developing farms, sawmills, schools, blacksmith shops and the like on the new reservation; to pay for doctors and teachers and other employees; and, perhaps most importantly, to provide food and clothing and shelter to the Indians on the reservation until they could become self-sustaining. The treaty was signed by General Joel Palmer, as duly authorized by the President of the United States.

Neither General Palmer nor any of the chiefs who signed the treaty knew that it would never be ratified by the Senate; indeed, the Indians had no way of knowing what ratification was. The treaty did not automatically become law when signed by a representative of the President; rather, the United States Senate had to "advise and consent" to it before it could become law. Almost all Indian treaties were promptly approved by the Senate. Many of those approved had been sent to the Senate by General Palmer and Anson Dart.

History tells us that the failure of the Senate committee to report the treaty of August 11, 1855, out to the Senate was "accidental and unintentional." But the consequences to the Siletz Tribe were nothing short of devastating.

REMOVAL

Most Indian reservations are located on the aboriginal lands of the tribes, that is, the lands on which the tribes had always lived. Some tribes were not so lucky. They were forcibly "removed" to lands more convenient to the United States. Many tribes, for example, were removed from their own lands to what is now the State of Oklahoma. These forced removals were described by later historians by such names as "the trail of tears" and "the long walk." The leading scholar on Indian history referred to removal as a "tragic phase of American history."

The treaty of August 11, 1855, gave the Indian people who were to become the Siletz Tribe one year to move to the reservation. But the bloody "extermination" policy of the Oregon settlers cut that time short. Uneven battles, ambushes, and outright massacres of Indians by settlers forced General Palmer to order the removal of the Indians to the reservation in February, 1856. There was much loss of life along the way due to exhaustion, disease, and attacks by settlers. There was also loss of hope, and the will to live.

A present-day Siletz tribal member knows the story of the "trail of tears," as taught to her by her grandmother:

Ki-Ya-Na-Ha remembered how they were told to take only the clothes they had on their backs because when they got to Siletz new clothes and much food would be given them. She began to cry for she saw her people gathered up like herds of sheep. Some families were even broken up, maybe a mother in one bunch and her children in another bunch. Many fled to the mountains, for they did not want to leave their homes. But they were hunted down by the white soldiers and shot. They learned very quickly that if they wanted to live that they dared not protest.

Our trail of tears began. Ki-Ya-Na-Ha was not one of the ones that rode on the ship or wagon, for she remembers walking most of the way. She told of women being abused, misused, and even kicked around by the white soldiers, especially if a mother tried to protect her young daughters. If men came to the rescue of their families, they were badly beaten and in

some cases shot and left, for they were not allowed to stop and bury anyone that died along the way. She also remembered little children being kicked around if they fell too far behind.

The Siletz people fared little better when they reached the Coast Reservation. Because there was no treaty, the Indians were not entitled to receive any subsistence annuity from the federal government. The Indian agents' pleas for assistance went unanswered. Because the terrain and countryside were different from their homelands, the Indians could not gather the acorns, camas root, and other native plants they had lived on for so many centuries. The rugged and harsh timberland of the reservation was unsuited for agriculture. The reservation became a death camp. The story goes on:

When they got to Siletz, she told of how hungry, how tired and weary, and yes, how heartsick, for here they were on the most rugged part of the coast. Lands were not cleared. The climate was different, it was like going to a foreign country. She remembered a lot of people dying from many different diseases unknown to her, probably chicken pox, tuberculosis, she didn't know. For she always believed most of them died of depression, heartbreak, and mistreatment.

EXECUTIVE ORDER RESERVATION

After sending the treaty off to Washington for ratification, General Palmer persuaded the Secretary of the Interior to request that the President immediately set aside the same lands described in the treaty as a reservation for the Indians. This could be done by executive order, and would protect the lands from settlement pending ratification of the treaty. The President so ordered, on November 9, 1855. Since the treaty was never ratified, it was the executive order which became the legal basis for the reservation.

The tribal people could not know the important legal differences between the executive order and the treaty it "replaced." Indian treaties are the "supreme law of the land" and assure that treaty land and rights will be constitutionally protected. Executive orders, to the contrary, guarantee no "vested" property rights. Executive order land can be - and, in the case of the Siletz Tribe, was - taken without the payment of full value.

The Coast Reservation was designated by reference to a map drafted at the direction of General Palmer. The map showed

the boundaries of the reservation to be a strip of land about 120 miles north and south by 20 miles east and west, containing about 1,100,000 acres between the summit of the Coast Range and the Oregon coast.

The land which in General Palmer's view had offered "so few attractions to the whites," was not to be exclusively Indian country for long. Upon the insistent demand of white settlers, who saw the attractive possibilities of a major harbor at Yaquina Bay and development of an oyster business there, on December 21, 1865, the President signed an executive order which cut the Coast Reservation into two parts. Thereafter, the southern section was called the Alsea Reservation and the northern section the Siletz Reservation. Out of the middle, the President opened to white settlement a tract about twenty-two miles north and south by eighteen miles east and west.

By a stroke of the pen, some 240,000 acres were lost to the Siletz Tribe forever, without their consent, and with no compensation.

General Palmer urged that the Indians be given time to move off the area to be withdrawn from the reservation, and insisted that proper arrangements be made to compensate the Indians. Neither request was honored. The government gave no compensation to the Indians for this massive loss of land, village sites, or resources. Nor was their consent sought or obtained.

The Oregon settlers became even more eager for Indian lands as a result of this action. In 1870, the state legislature passed a memorial requesting that the federal government abolish the entire Coast Reservation and move the surviving Indians east of the Cascades. This and other pressure was again successful in causing a reduction of the Reservation.

On March 3, 1875, Congress passed an act which provided that the Alsea Reservation would be closed, and also reduced the Siletz Reservation substantially. But the act required "That these Indians shall not be removed from their present reservation without their consent previously had." And it did designate the Siletz Reservation as a "permanent reserve."

The transcript of the meeting between the Indians living on the Alsea Reservation and the Indian agents on June 17, 1875, to discuss the provisions of the new act reveal that not one Indian gave consent to the removal; in fact, all present insisted that they would not move. Their resistance did them no good. The land was immediately opened to white settlement. The Indians were removed to Siletz, or sadly attempted to retreat to former homelands. The fifteen years

of labor spent clearing Yachats Prairie, building fences, houses, and barns went uncompensated.

Again, by action taken thousands of miles away, some 360,000 acres were lost to the Siletz Tribe forever, without their consent, and with no compensation.

ALLOTMENT

In the 1880's, Congress adopted the policy of allotment and assimilation, exemplified by the Dawes Act of 1887. Those tribes selected for the experiment would no longer hold land in the way they had since time immemorial, with the tribe owning all the land for the use of all its people.

In spite of the fact that individual ownership was unknown among Indians, tribal land would be transferred from the tribe to individual members. It was thought that they would benefit from the capitalistic system.

But the real attraction to many white people of the policy was that the allotment policy dictated that Indian land not so allotted would be declared "surplus." This meant that the tribe would be stripped of its title and that the land would be opened for homesteading by white settlers.

Ninety million acres of Indian land throughout the United States were lost through the allotment policy. Many Indians sold their allotments or lost them at tax sales because allotments, unlike tribal land, became taxable.

Teddy Roosevelt best described the allotment process; "The General Allotment Act is a mighty pulverizing machine to break up the tribal mass. It acts directly upon the family and the individuals."

The remaining Siletz Reservation was greatly diminished by the issuance of individual allotments and declaration of land as "surplus." The era was one of corruption, land grabs, and looting. By now, timber was recognized as a valuable resource. Dishonorable whites would file "homesteads" only to be paid for their claims by corrupt timber companies and land speculators. Such claims were filed to surplus lands and even parcels that had been allotted to Indians.

By the end of 1892, 536 allotments had been filed by or on behalf of Indians. Before allotment, the Siletz Reservation contained 225,580 acres; after allotment the Indians held only about 46,000 acres. All the unallotted lands passed into the "public domain."

This time there was an agreement negotiated between the Indians and the government to compensate them for this taking of tribal lands. Under its terms, the Indians gave up 191,798 acres in exchange for \$142,600. They were thus paid 74 cents an acre for some of the finest virgin timberlands on the Oregon coast. As a result of a 1955 court case, however, tribal members received an additional \$2 per acre for the lands, still substantially less than its worth at the time of the taking. Only five sections of timberland and nine acres for a sawmill and lumber-yard were reserved for the Tribe.

In 1910, Congress passed an act authorizing the sale of the lands reserved under the 1892 agreement. And, as time went by, the trust status of many of the allotments was lost, meaning that they passed into non-Indian hands. Exactly how these remnants of the once magnificent reservation were lost is in many cases an unanswered question, since land records are muddled and incomplete.

By 1954, total tribal lands had dwindled to 2,598 acres. There were 76 individual allotments which still had trust status, containing 5,390 acres.

TERMINATION

In the 1950's, Congress turned to the most extreme policy in all of the history of Indian affairs. "Termination" would become the ultimate "end to the Indian problem." The essence of the termination policy was the severing of the trust relationship between the federal government and the various Indian tribes. Tribes would be cut off from all federal benefits whatsoever. Much needed health and education services would be discontinued. Federal economic support would be cut off. Finally, all tribal land would be sold to the highest bidder.

When it became apparent that termination had almost completely destroyed tribal life among terminated tribes, the policy was dramatically rejected and reversed. Presidents Kennedy and Johnson denounced it. President Nixon called it "wrong." Bipartisan leadership in both parties agreed. In 1974, Congress acted to repudiate the policy once and for all by enacting the Indian Self-Determination Act.

Termination was imposed on only three percent of all Indian tribes. The Siletz Tribe was within this unlucky group.

Known as Public Law 588, the termination act for western Oregon Indians resulted in the sale of the remaining tribal lands. One exception was the 39 acres known as Government Hill which was donated to the City of Siletz.

The termination act also had a serious impact on allotment lands. For the first time, these lands were subject to property taxes. The Indians had never paid taxes and few had the means to do so. By 1960, many of the last lands that had belonged to Indians for centuries passed out of Indian ownership due to non-payment of taxes.

The effect of termination upon the Siletz Tribe was pronounced and devastating. As Stephen Dow Beckham has related in his history, The Indians of Western Oregon:

Hundreds of Indians in western Oregon were simply cast loose in 1956 and were set adrift in a sea which they did not know. They could find neither direction or food. And, above all else, they had no place to which to go home. Always, in the past, when an Indian left the reservation or the allotment, there was the security of knowing that there was a place to come back to. With termination that security was gone forever.

SILETZ RESTORATION ACT

Recognizing the severe effects of termination on their people, leaders of the Siletz Tribe worked to reorganize it in the late 1960's. They filed as a non-profit corporation under state law in 1973. The Tribe worked to restore the Tribal cemetery, to develop alcohol rehabilitation and manpower programs, and to provide other social services to its people. It became apparent to the tribal leadership, however, that the only way to succeed in reversing the trends of poverty, alcoholism, and despair was to re-establish federal recognition of the Siletz Tribe.

Four years of intensive efforts resulted in passage of the Siletz Restoration Act, which was signed into effect by President Carter on November 18, 1977. The Act provides that once again the Tribe and its enrolled members are eligible for the assistance and benefits that the federal government extends to all federally-recognized tribes. The Tribe has regained its position as a sovereign people whose own government also is able to provide services to its people and to provide a proud sense of unity and identity for its members.

THE RESERVATION PLAN

The Tribe did not regain any part of its former lands by the 1977 Act. Instead, the Act provided that within two years of its passage (by November 18, 1979), the Secretary of the Interior must report back to Congress with a plan for the creation of a reservation for the Tribe. According to the

Act, the reservation must be located within Lincoln County, Oregon (all of which was once within the Coast Reservation).

The reservation will consist of land legally owned by the federal government and held in trust for the use and benefit of the Tribe. The federal government thus has a continuing obligation to oversee and help the Tribe to manage and utilize the land's resources in the best way possible. It also means that the land will never be lost for non-payment of taxes and that it belongs to the Tribe as a whole.

The creation of a reservation for the Siletz Tribe will in some small measure compensate these western Oregon Indians for the taking of their homelands over the years. More importantly, it will serve as a positive force in the present and the future: forever guaranteeing that there will be a place to come home to.

NOTE

Two excellent histories of the coastal Indians have been written by Stephen Dow Beckham. They are The Indians of Western Oregon (1977) and Requiem for a People (1971). The former discusses the history of the Coast Reservation in detail in chapters 9-11. The cases of Alsea Band of Tillamooks v. U.S. (59 F. Supp. 934) and Tillamook Band of Tillamooks v U.S. (3 Ind. Cl. Comm. 526) both contain extensive historical findings of fact. The legislative histories of both the termination act and the Siletz Restoration Act are also helpful. In general, federal-tribal policy is reviewed and proposals for reform are made in the congressional study, Final Report of the American Indian Policy Review Commission (1977).

SOCIO-ECONOMIC PROFILE OF THE TRIBEINTRODUCTION

The purpose of this report is to analyze the current socio-economic condition of the members of the Confederated Tribes of the Siletz Indians. Data on tribal members and their families was drawn primarily from a 1978 survey of tribal members conducted by Social and Environmental Research Associates (SERA). This survey was divided into two sections, one relating to tribal members living within the Tribe's 8-county service area (Figure 1); the other for those living outside the service area. While the same survey questions were used for both groups, the data gathering methods differed.

For the tribal members within the 8-county service area, SERA interviewers contacted each tribal household and conducted an in-depth interview to assess the family's housing, economic, educational and health needs. Ninety percent of the tribal members' households were interviewed. The remaining 10 percent either chose not to participate, were not located at the address recorded, were temporarily out of the area, or were in an extended care facility. Outside the 8-county area, the SERA survey was conducted by mail. Fifty-seven percent of the mailed surveys were returned.

The information on tribal members and their families included in the report is divided into two groupings - those living inside the service area and those living outside. This was done for easier comparison of tribal data with other county and state data. Additionally, the two survey methodologies used by SERA were likely to have produced results of varying accuracy. On one hand, personal interviews were conducted with nearly all of the first group's households and care was taken to ensure that the respondents understood the questions being asked. This tended to increase the reliability of the information received. The direct mail survey, on the other hand, had a lower level of response (although well above the level usually experienced) and because the questionnaire was complicated, probably received a higher response rate from the well-educated, higher income families. Nonetheless, the mailed questionnaire is the best information available on this group of people.

For both groups of data, the percentage of responses recorded for each question was applied to the tribal membership as a whole. For example, if 66 percent of the survey respondents indicated an "in town" residence location, it was assumed that 66 percent of all of the tribal households in the 8-county area were located in towns.

Data on Lincoln County and the State of Oregon were obtained from numerous social service agencies through their state, regional, and local offices. Specific data sources are indicated on each table. Data are not available by tribe, so this information may include non-Siletz Indians as well. In Lincoln County, however, these figures are fairly representative of the Siletz Tribe since Siletz Indians constitute 75 percent of all Lincoln County Indians. This percentage is based upon the current Siletz Tribal roll and the 1975 survey of Indians in Lincoln County conducted by the Siletz Comprehensive Employment and Training Act (CETA) program.

Some information was only available for a category of minority groups called "other races" that included American Indians, Oriental, and other races. Again, in Lincoln County, these figures are representative of the Siletz Indian population since the American Indian portion of the "other races" category is 75 percent of the total. This percentage is based upon the State Employment Division's Lincoln County Labor Market information for 1979 Affirmative Action programs.

Because of the blood quantum requirements associated with eligibility for various Federal programs and for tribal membership, it is sometimes necessary to differentiate between tribal members, and their spouses and children who are not members of the Tribe. For the purposes of this study, however, such distinctions were not drawn since the Siletz Tribal needs encompass the needs of its members as well as their families. For this reason, the terms "Siletz Indian population" and "Siletz Indian people" as used in this report include tribal members as well as their families.

POPULATION

Number and Location of Families

There are currently 613 Siletz Indian families. Of these, 291 (48 percent) live within the 8-county service area and 321 (52 percent) live outside the service area. These households include a total population of approximately 2,005 people. At this time, 1,083 (54 percent) are certified tribal members.

Over three-quarters of the Siletz Indian families are town dwellers, residing either in or near towns or suburbs. Table 1 presents detailed information on the types of areas in which tribal families live.

The largest concentration of Siletz Indian families is in Lincoln County. These families represent 44 percent of the families in the service area and 21 percent of the total number of Siletz Indian families. Marion County follows,

with 25 percent of the service area families residing in Salem. Of all Siletz families, 457 (49 percent) live in Oregon and 576 (62 percent) of all Siletz Indian families live in the Western United States (Oregon, California, Idaho and Washington). More detailed information on household locations is presented in Tables 2 and 3.

TABLE 1
GENERAL LOCATION OF
TRIBAL HOUSEHOLDS, 1978

	8-COUNTY SERVICE AREA		OUTSIDE SERVICE AREA	
	NUMBER	(%)	NUMBER	(%)
TOWN/SUBURBS	192	66.0	222	69.2
NEAR TOWN	65	22.3	52	16.1
RURAL	34	11.7	36	11.2
ISOLATED	0	—	11	3.5
TOTAL	291	100.0	321	100.0

SOURCE: SERA SURVEY, 1978

Age

The Siletz Indian population is relatively young, with an average age of 25 years. The average age in the United States in 1974 was 31.¹⁾ The lower average age of the Siletz Indian people may indicate a lower-than-average life expectancy, an above-average birth rate, or a combination of the two. A summary of information on the age of the Siletz Indian population is included in Table 4.

Family Size

Within the 8-county service area, the average Siletz Indian family size is 3.1 persons. Outside the service area, the average family size is slightly larger - 3.4 persons. This is substantially larger than the 1978 average household size in Lincoln County, 2.3 persons per household, as determined by the Lincoln County Housing Study conducted by Richard L. Ragatz Associates, Inc. It is also larger than the average household size for the United States in 1973, recorded at 3.0. (The 1978 United States average household size is probably lower than 3.0 but no 1978 data is available.) This is probably related to the larger percentage of the Siletz Indian population under the age of 18 (that live at home and tend to swell the size of families), and the relatively small percentage of Siletz Indian people above the age of 65 (that often live in single-family households and therefore lower the average family size).

¹⁾ Indian Health Trends and Services, United States Department of Health, Education and Welfare, Public Health Service, Health Services Administration, 1976, p. 4.

TABLE 2
LOCATION OF SILETZ INDIAN FAMILIES IN
8-COUNTY SERVICE AREA, 1978

COUNTY	NUMBER OF FAMILIES	FAMILIES IN SERVICE AREA [291] (%)	TOTAL FAMILIES [612] (%)	NUMBER OF PEOPLE [3.1 PERSONS/ FAMILY]	PEOPLE IN SERVICE AREA [902] (%)	TOTAL PEOPLE [2,005] (%)
BENTON	8	2.7	1.3	25	2.8	1.2
LANE	30	10.3	4.9	93	10.3	4.6
EUGENE-SPRINGFIELD	25	8.6	4.1	77	8.5	3.8
LINCOLN	127	43.6	20.8	394	43.7	19.7
SILETZ	65	22.3	10.7	202	22.4	10.1
TOLEDO	23	7.9	3.8	71	7.9	3.5
NEWPORT	10	3.4	1.6	31	3.4	1.6
OTHER	29	10.0	4.7	90	10.0	4.5
LINN	11	3.8	1.8	34	3.8	1.7
MARION	77	26.5	12.6	239	26.5	11.9
SALEM	74	25.4	12.1	230	25.5	11.5
POLK	16	5.5	2.6	50	5.5	2.5
TILLAMOOK	5	1.7	0.8	15	1.6	0.7
YAMHILL	4	1.4	0.7	13	1.4	0.7
NOT AVAILABLE	13	4.5	2.1	40	4.4	2.0
TOTAL	291	100.0	47.6	902	100.0	45.0

SOURCE: SERA SURVEY, 1978

TABLE 3
LOCATION OF SILETZ INDIAN FAMILIES
OUTSIDE SERVICE AREA, 1978

STATE	FAMILIES OUTSIDE SERVICE AREA			PEOPLE OUTSIDE SERVICE AREA		
	NUMBER	AREA [321] (%)	TOTAL [612] (%)	NUMBER	AREA [1103] (%)	TOTAL [2,005] (%)
ALASKA	6	1.9	.9	15	1.4	.7
ALABAMA	6	1.9	.9	23	2.1	1.2
ARIZONA	2	.7	.3	8	.7	.4
CALIFORNIA	48	15.0	7.8	151	13.7	7.5
COLORADO	3	.9	.5	6	.5	.3
FLORIDA	1	.3	.2	5	.4	.2
HAWAII	1	.3	.2	4	.4	.2
IDAHO	6	1.9	.9	24	2.2	1.2
KANSAS	1	.3	.2	4	.4	.2
LOUISIANA	1	.3	.2	4	.4	.2
MARYLAND	1	.3	.2	4	.4	.2
MASSACHUSETTS	1	.3	.2	3	.3	.1
MONTANA	2	.7	.3	6	.5	.3
NEW MEXICO	1	.3	.2	3	.3	.2
NEW YORK	1	.3	.2	3	.3	.2
OKLAHOMA	2	.7	.3	7	.6	.3
OREGON	166	51.8	27.1	545	49.3	27.2
PORTLAND	38	11.8	6.2	115	10.4	5.7
TENNESSEE	1	.3	.2	1	.1	.1
TEXAS	2	.7	.3	4	.4	.2
UTAH	1	.3	.2	4	.4	.2
VIRGINIA	3	.4	.5	6	.5	.3
WASHINGTON	65	20.4	10.6	273	24.7	13.6
TOTAL	321	100.0	52.4	1,103	100.0	55.0

SOURCES:
SILETZ TRIBAL ROLL, 1979
SERA SURVEY, 1978

TABLE 4
AGE OF THE SILETZ INDIAN POPULATION
AND THE GENERAL POPULATION, 1978

AGES	SILETZ INDIAN POPULATION		GENERAL POPULATION		
	8-COUNTY SERVICE AREA (%)	OUTSIDE SERVICE AREA (%)	LINCOLN COUNTY (%)	OREGON* (%)	U.S.* (%)
<4	13.3	9.7	26.4	29.2	8.4
5-17	25.3	31.6			
18-64	58.4	55.5	57.1	59.9	56.1
65+	3.0	3.2	16.5	10.9	9.8

* OREGON AND UNITED STATES AGE INFORMATION IS BASED ON 1970 DATA.

SOURCES:
SERA SURVEY, 1978.

SOCIAL ACCOUNTING FOR OREGON: SOCIO-ECONOMIC INDICATORS 1978, STATE DEPARTMENT OF HUMAN RESOURCES, COMMUNITY SERVICES PROGRAM, PP. 38 AND 254.

1970 CENSUS OF POPULATION, GENERAL SOCIAL AND ECONOMIC CHARACTERISTICS FOR OREGON, UNITED STATES DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS

POPULATION OF THE UNITED STATES, TRENDS AND PROSPECTS 1950-1990, CURRENT POPULATION REPORTS, UNITED STATES DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS, P. 60.

HEALTH

Information regarding the health status of the Siletz Indians is currently available for only those families residing within the 8-county service area and is based upon data gathered in the SERA survey and analyzed in the Tribe's 1979 Tribal Specific Health Plan.

Major Health Problems

A comparison of the ranked order of health problems requiring immediate attention with the ranked order of reported family histories of health problems, shows that the first four health problems listed in each category are the same. These are dental, vision, cardiovascular, and ear/hearing problems. Other problems with a high incidence of occurrence are stomach problems/ulcer, injuries, cancer, diabetes, allergies, arthritis/rheumatism/bursitis, and obesity. Of all the problems mentioned, cardiovascular problems are by far the most serious threat to the lives of Siletz Indians.

High incidence of serious health problems among the Siletz Indians has been directly correlated to factors of economic deprivation, environmental and employment health hazards, poor nutrition and lack of primary health care in the 1979 Tribal Specific Health Plan.

Primary Health Care

Health problems of the Siletz Indians are compounded because many of the Siletz families cannot afford routine medical care, routine dental care, and major health care such as hospitalization. Hospitalization data indicate that the average length of stay for the Siletz Indians (11.5 days) is more than double the service area average of 5.4 days.¹⁾ Furthermore, the admission rate of Siletz Indians is 92 admissions per thousand individuals as compared with an Indian Health Service established average of 181 admissions per thousand Indians across the United States. These data suggest that the Siletz Indians are not going to the hospital until their health problems become serious, which accounts for the low admission rate. Once in the hospital, the severity of their problems requires extensive care which accounts for the longer than average length of stay.

Birth and Death Rates

Birth and death rates for the Siletz Indian population are presented in Table 5. The birth rate presented for the Siletz Indian population is actually a survival rate. The figure was derived from a count of the individuals between the ages of 0 and 4 years old. The total number of individuals under the age of 5 years old was divided by 5 to determine the average number of surviving children born each year. This average was then divided by the total number of individuals in the population and multiplied by 1,000 to get the survival rate per thousand individuals. The birth rate for the Siletz Indians is approximately midway between that of the U.S. general population at the low end and that of the general Native American population at the high end of the range.

The death rate used in this table is a "crude death rate." The total number of deaths that occurred in a 1-year period was divided by the total population and multiplied by 100,000 to obtain the death rate per 100,000 individuals. The death rate per 100,000 for the Siletz Indians is more than double the death rate per 100,000 Indians from the general Indian population.

Leading Causes of Death

Cardiovascular problems, injuries, diabetes, cancer, and ulcers were all reported as causes of death among the Siletz Indians during the period from 1976-1978. The percentages of deaths due to accidents (8 percent) and diabetes (4 percent) are higher for the Siletz Indians than for the Western

¹⁾ "Tribal Specific Health Plan, Confederated Tribes of the Siletz Indians," Social and Environmental Research Associates, Inc., June 1979, p. 45.

TABLE 5
BIRTH AND DEATH RATES AMONG SILETZ INDIANS, ALL NATIVE AMERICANS, AND THE GENERAL POPULATION, 1978

	SILETZ INDIANS	ALL NATIVE AMERICANS*	U.S. GENERAL POPULATION*
BIRTHS PER 1,000	26.66	32.90	17.30
DEATHS PER 100,000	1,551	696	—
CARDIOVASCULAR DEATHS	44.00%	26.84%	—

*THESE FIGURES ARE FROM 1974 RATHER THAN 1978.

SOURCES:
SERA SURVEY, 1978.

*INDIAN HEALTH TRENDS AND SERVICES," 1978 EDITION (1974 DATA), U.S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE.

Oregon population as a whole (6.7 percent and 1.6 percent, respectively).¹⁾ Cardiovascular problems account for 44 percent of all the deaths among Siletz Indians reported for this 2-year period and are by far the leading cause of death for the Siletz Indian people.

SOCIAL PROBLEMS

While there are many social problems that affect the Siletz Indians, just as there are for any group within the larger society, this section of the report attempts to highlight those social problems that have the greatest impact on the lives of young children and their families. These problems tend to have the most influence on the life opportunities of future Siletz generations. They include alcohol and drug abuse, arrangements for the care of children away from their families, and mental health.

Alcohol and Drug Abuse

The excessive use of alcohol often underlies a variety of social and medical problems. It is now considered both as an illness and as a contributing factor to conditions resulting in death. Deaths attributed to alcoholism increased 71 percent from 1966 to 1973 among American Indians as compared with a rise of 25 percent in the United States population as a whole.²⁾ Fatal accidents, the leading cause of death among American Indians, most often occur in connection with the

1) Health Systems Plan, Western Oregon Health Agency, 1977.

2) Alcoholism Deaths and Death Rates, Vital Events Branch, Office of Program Statistics, Division of Research Coordination, Indian Health Service, February 1975.

excessive use of alcohol. Cirrhosis of the liver, which accounts for half of the alcoholism deaths, is the fourth leading cause of death among American Indians, while it ranks tenth in the general United States population.¹⁾

While "hard" statistical data is not available on alcohol abuse among the Siletz people, there is no question that it presents a problem for the integrity of Siletz families and the Siletz community as a whole. Without exception, the social service agency staffs serving Siletz Indians who were interviewed for this study indicated alcoholism as a major social problem affecting tribal members and their families.

In its 1978 State Plan for Alcohol Problems, the Oregon State Office of Programs for Alcohol and Drug Problems estimated that in the 8 counties included in the Siletz service area, an average of 36 percent of American Indians over the age of 18 have alcohol problems. In Lincoln County, approximately 53 percent of this group are estimated to have problems with alcohol abuse. These figures represent the primary persons with alcohol problems, and do not reflect the indirect problems experienced by other family members. The State Alcohol Program staff members also report that more of the American Indians with alcohol problems have severe problems than would be indicated by similar statistics for the general population.

The magnitude of the alcoholism problem in the Siletz Tribe has also been emphasized by the Oregon Indian Commission on Alcohol and Drug Abuse in its 1975 State Plan.²⁾ The Indian Health Service expenditures related to the treatment and prevention of alcoholism among the Siletz people from November 1977 to June 1979 totals about \$9,400. This represents about 8 percent of the total expenditure for the Siletz health services during this period.

In relation to total tribal needs, the critical significance of excessive drinking lies in its impact on family life; it negatively affects not only the drinker, but also the members of his or her family. It is a major precondition for child neglect and a primary rationale for the separation of Siletz Indian children from their families. The Siletz Indian Alcohol and Drug Abuse Program staff estimates that 70 percent of all situations where Indian children are "adopted out" from Indian families are directly related to alcohol problems.

1) Indian Health Trends and Services, 1974 Edition, op.cit., p. 31.

2) 1975 State Plan, Oregon Indian Commission on Alcohol and Drug Abuse, pp. 44-45.

Separation of Children From Families

Federal or state agencies intervene in family life when normal family and community support systems fail. Families are assumed to be responsible for rearing their children and this right of the family is respected by law unless a child is abandoned, orphaned, neglected, abused or has committed a crime. Government intervention is aimed at securing the "best interests" of the child. Yet, in the past few years there has been a growing uneasiness among Indians about the ways in which this principle has been interpreted and the biases of some interpretations.¹⁾ For this reason, the provision of foster care and arrangements for adoption of American Indian children is an extremely volatile issue among the American Indian population.

Twenty-five percent of all Indian children are either in foster homes, adoptive homes, or boarding schools and are removed from homes at a rate 5 to 25 times higher than non-Indian children.²⁾

The general situation described above that exists at the national level also appears to exist in Oregon. The Oregon Children's Services Division (the agency which administers substitute care services) reports that in 1978 it served approximately 1,227 Indian adults and children out of a total case load of 57,000. Services to Indian people thus constitute 2.2 of the total while the American Indian population constitutes only .6 percent of the Oregon population. The Indian population was served at a rate of 3.6 times that of the general population. Approximately 30 percent of the children's services provided to Indian families were those related to family foster care services as compared with 17 percent of the services provided to the general population as a whole. In Lincoln County, 16 percent of the children in foster homes in 1978 were Indian children, although American Indians constitute only 1.3 percent of the total county population.

Mental Health

The BIA Needs Assessment report states that until a "definitive epidemiological study long sought by mental health specialists who work with Native Americans is undertaken, information regarding the nature and distribution of mental illness among Native Americans will be fragmentary and unreliable."³⁾

1) "Young Native Americans and Their Families: Education Needs Assessment and Recommendations," United States Bureau of Indian Affairs, Office of Indian Educational Programs, 1976, pp. 71-73 (referred to as BIA Report).

2) Ibid., p. 72.

3) BIA Report, op.cit., p. 90.

Of the 28,000 patients served annually in the Indian Health Services Mental Health programs, approximately 20 percent are under 15 years old. Drug abuse, running away from school, suicide attempts and threats, unwanted pregnancies, and alcoholism were the major problems faced by this group. In the opinion of an IHS psychologist, few of these problems are culturally specific -these are problems similar to those found among all youth.¹⁾

Cultural conflict is viewed as the primary cause of emotional disorders and a major obstacle to effective treatment in most examinations concerning the mental health of American Indians. May and Dizmang speak of the social disorganization brought about by forced change and the breakdown of traditional sociocultural systems.²⁾ They speculate that the pressure to "be like everyone else" and to remain an Indian at the same time creates cultural conflict so intense that it may lead to self-destruction. Meyer speaks of the disorientation experienced by Indian people moving from the rigid conservatism of traditional values and lifestyles to the dominant culture. These factors affect all American Indians, regardless of their specific location. They may have particular significance for the Siletz Tribe which is in the process of reestablishing its cultural identity.

The Community Mental Health Program at the State of Oregon and the Lincoln County level serve very few American Indians. In 1978, a total of 270 American Indians were served in all of Oregon's Community Mental Health programs. Mental health workers interviewed for this study indicated that the lack of Indian participation in the programs does not reflect a lack of need for services. The clinical supervisor of the Lincoln County Mental Health Clinic states that, for the most part, local area people do not understand what mental health services are and, even if they did, the services are often located too far away for people to take advantage of them.

This interpretation of the low participation of Indian people in community mental health programs is substantiated by the experience in the Umatilla County Mental Health Program. The use of the program by Indian people grew only when its administration was taken over by IHS and when its facilities were moved to the reservation.³⁾

1) BIA Report, *op.cit.*, p. 95.

2) P.A. May and L.H. Dizmang, "Suicide and the American Indian," *Psychiatric Annals*, 1974, 4, pp. 22-27.

3) Lincoln County Mental Health Clinic, interview with clinical supervisor, May, 1979.

Social Service Program Participation

Although the three major categories of social problems have been discussed above, it also seems important to include a brief mention of the overall American Indian participation in a variety of other social service programs. In a general way, these participation rates can serve as an indicator of the needs of the Indian population in relation to the needs of the general population. These data are presented in Table 6. With only one exception (employment applicants), it indicates that American Indians participate in county- and state-level social service programs at a rate of 1.5 to 10 times their proportion in the population as a whole. Especially striking are the statistics on public assistance. In Lincoln County, 106 American Indians of a total of 525 (20.2 percent) received some form of public assistance payments in April 1979. Ninety-eight of these are "aid to dependent children," "single-parent," or "incapacitated fathers" funds. This "overrepresentation" in social service caseloads can be viewed as a gauge of need among the Siletz Tribe for a broad range of special programs.

TABLE 6
INDIAN PARTICIPATION RATES IN
SOCIAL SERVICE PROGRAMS, 1978

PROGRAM	LINCOLN COUNTY PARTICIPATION			OREGON PARTICIPATION		
	TOTAL	INDIAN	PERCENT INDIAN (%)	TOTAL	INDIAN	PERCENT INDIAN (%)
COMMUNITY MENTAL HEALTH	648	12	1.9	25,536	270	1.1
ALCOHOLISM PROGRAM	—	—	—	14,675	954	6.5
EMPLOYMENT APPLICANTS	4,681	38	.8	271,233	2,652	1.0
PUBLIC HOUSING	60 Units	4 Units	6.7	—	—	—
SECTION 8 HOUSING ASSISTANCE	100 Units	5 Units	5.0	—	—	—
CHILDREN'S SERVICES	—	—	—	57,000	1,227	2.2
PUBLIC ASSISTANCE	1,713	106	6.2	136,536	3,158	2.3
CORRECTIONS	145	4	2.8	—	—	—

NOTE:
AMERICAN INDIANS ARE 1.3% OF THE LINCOLN COUNTY POPULATION AND .6% OF THE OREGON POPULATION.

SOURCES:
OREGON DEPARTMENT OF HUMAN RESOURCES STATISTICS ON PROGRAM PARTICIPATION, 1978.

STATE OF OREGON LABOR MARKET INFORMATION FOR 1979 AFFIRMATIVE ACTION PROGRAMS, STATE OF OREGON AND LINCOLN COUNTY, STATE DEPARTMENT OF HUMAN RESOURCES, EMPLOYMENT DIVISION.

HOUSINGTenure and Type of Structure

Among Siletz Indian families, approximately the same percentage own their homes as rent their homes. Within the 8-county service area there is a slightly higher percentage who rent; outside the service area is a higher percentage who own. Within the service area, where families were personally interviewed, over 8 percent shared homes with another family. The specific relationship between the two groups in terms of payment for shelter was not recorded. Table 7 presents this information as well as comparisons with Lincoln County and Western United States tenure statistics.

Over two-thirds of Siletz Indian families live in single-family structures. This is comparable to the general housing pattern in Lincoln County and the Western United States. A higher percentage of Siletz Indian families live in mobile homes than households of the general population. Detailed data on type of housing structure is also presented in Table 7.

TABLE 7
HOUSING PATTERNS AMONG SILETZ INDIAN FAMILIES
AND THE GENERAL POPULATION HOUSEHOLDS, 1978

	SILETZ INDIAN FAMILIES		GENERAL POPULATION HOUSEHOLDS	
	SERVICE AREA (%)	OUTSIDE SERVICE AREA (%)	LINCOLN COUNTY (%)	WESTERN U.S.* (%)
TENURE				
OWN HOME	43.5	56.4	20.4	38.9
RENT HOME	47.3	43.6	79.6	61.1
SHARE HOME	8.8	N.A.	N.A.	N.A.
TYPE OF STRUCTURE				
SINGLE FAMILY	66.8	73.9	77.1	63.0
MULTIPLE FAMILY	17.9	11.6	8.5	31.4
MOBILE HOME	14.5	13.0	11.7	5.6
CAMPER, CABIN, OTHER	.8	1.5	2.5	N.A.

* THIS DATA IS FROM 1975 RATHER THAN 1978.

SOURCES:

SERA SURVEY, 1978

HOUSING DATA BASE FOR LINCOLN COUNTY, RICHARD L. RAGATZ ASSOCIATES, INC., 1978

ANNUAL HOUSING SURVEY: 1975, UNITED STATES AND REGIONS, GENERAL HOUSING CHARACTERISTICS, UNITED STATES DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS, CURRENT HOUSING REPORTS, SERIES H-150-75A.

Housing Condition

The Indian Health Service (IHS) is currently conducting a survey of housing conditions among Siletz Indian families as a part of its sanitation facilities program. The purpose of the survey is to document the need for capital improvements that will provide a potable water supply and a safe means of waste disposal for homes with substandard facilities. In addition to inspecting the water supply and sanitary sewer facilities, the IHS sanitarian is also surveying the structural condition of the homes.

The survey sample was limited to those homes not receiving both city sewer and city water services, since it was assumed that such services would be standard. Of the Siletz Indian families living within the service area, 27.1 percent do not receive city water services and 33.6 percent do not receive city sewer services, as compared with 30.3 percent and 37.6 percent respectively outside the service area. The survey sample thus includes approximately one-third of the families living within the service area.

Although the survey is only partially completed, the preliminary results show a high degree of substandard housing conditions among Siletz Indian families. Even if all housing units not included in the study sample were standard (which is unlikely), 18 percent of the Siletz housing within the service area would have either substandard water facilities, septic facilities, or both.

For the homes surveyed, 8.4 percent of the units are substandard and beyond feasible rehabilitation, 19.3 percent are in marginal but rehabilitatable condition, and 5.9 percent are in standard or good condition. These data and comparable data for Lincoln County and Oregon are included in Table 8.

The comparison shows that even disregarding the conditions in two-thirds of the Siletz Indian housing stock within the service area, the percentage of substandard housing units and units in need of repair is greater than that of the housing units of the general population - 27.7 percent for the Siletz Indians, 23.8 percent for Lincoln County, and 10.0 percent for Oregon.

FAMILY INCOMEMedian and Mean Family Income

The most general measure of a group's overall economic position is income. A number of studies have been completed in recent years that compare the income of Indian people with

TABLE 8
HOUSING CONDITIONS AMONG SILETZ INDIAN
FAMILIES AND GENERAL POPULATION
HOUSEHOLDS, 1978

CONDITION	SILETZ INDIAN HOUSING UNITS		GENERAL POPULATION HOUSING UNITS	
	SERVICE AREA ¹ (%)		LINCOLN COUNTY ² (%)	OREGON ³ (%)
STRUCTURAL CONDITION				
STANDARD*	5.9		76.2	90.0
REHABILITABLE*	19.3	} 27.7	18.6	5.0
SUBSTANDARD*	8.4		5.2	5.0
UNKNOWN	66.4		0	0
WATER AND SEPTIC FACILITIES				
STANDARD	18.0		N.A.	N.A.
SUBSTANDARD	82.0			

DEFINITIONS:

STANDARD — MEETS STATE BUILDING CODE REGULATIONS.

REHABILITABLE — REPAIRS NEEDED TO ACHIEVE "STANDARD" RATING
WOULD COST LESS THAN HALF THE VALUE OF THE STRUCTURE.SUBSTANDARD — REPAIRS NEEDED TO ACHIEVE "STANDARD" RATING WOULD COST
HALF OR MORE THAN HALF THE VALUE OF THE STRUCTURE.

SOURCES:

1. INDIAN HEALTH SERVICE SANITARY FACILITIES PROGRAM SURVEY, MAY, 1979.

2. HOUSING DATA BASE FOR LINCOLN COUNTY, RICHARD L. RAGATZ ASSOCIATED,
INC., 1978.3. OREGON STATE HOUSING DIVISION UPDATE OF 1970 CENSUS OF POPULATION DATA,
INTERVIEW WITH STAFF SENIOR PLANNER, MAY, 1979.

that of the general population and other ethnic groups. In 1975, Levitan and Johnston reported that the "overall Indian average income is ... the lowest among any ethnic group."¹⁾

This national trend is also exemplified in the case of the Siletz Indians. The 1978 Siletz Indian median household income within the service area (\$7,820) represents only 55 percent of the 1977 Lincoln County figure (\$14,118) and 47 percent of the 1977 state figure (\$16,768). This income discrepancy is even more pronounced with regard to per capita income. The 1978 Siletz Indian per capita for the service area (\$2,640) represents only 38 percent of the 1977 Oregon per capita income (\$7,007) and the United States average per capita income (\$7,019). These percentages would undoubtedly drop further if 1978 county, state, and national income data were available. A detailed breakdown of Siletz family income is presented in Table 9.

¹⁾ Levitan and Johnston, Indian Giving: Federal Programs for Native Americans, John Hopkins University Press, 1975, p. 11.

TABLE 9
SILETZ INDIAN FAMILY INCOME AND
GENERAL POPULATION HOUSEHOLD INCOME, 1978

INCOME	SILETZ INDIAN FAMILIES		GENERAL POPULATION	
	8-COUNTY SERVICE AREA (%)	OUTSIDE SERVICE AREA (%)	LINCOLN COUNTY (%)	
<\$2,000	23.4	10.8	20.9	18.7
\$2,000-3,999	6.4	2.9		
\$4,000-5,999	9.6	7.2	28.0	33.7
\$6,000-7,999	12.1	8.6		
\$8,000-9,999	8.4	9.3	51.1	47.6
\$10,000-11,999	5.6	10.1		
\$12,000-13,999	6.0	6.5		
\$14,000 +	28.5	44.6		

SOURCES:
SERA SURVEY, 1978
HOUSING DATA BASE FOR LINCOLN COUNTY, RICHARD L. RAGATZ ASSOCIATES,
INC. 1978

Income Sources

Approximately two-thirds of the families inside the service area as well as outside the service area derive their income primarily from wages. The remaining one-third of the families receive income from a combination of disability compensation, public assistance, retirement or social security, and self-employment. This latter group has the lowest income. About 10 percent of the families receive unemployment compensation, an income source available only to wage earners. A more detailed summary of income source information is presented in Table 10.

TABLE 10
INCOME SOURCES FOR
SILETZ INDIAN FAMILIES, 1978

INCOME SOURCES	SILETZ INDIAN FAMILIES	
	8-COUNTY SERVICE AREA (%)	OUTSIDE SERVICE AREA (%)
WAGES	67.0	67.0
SELF-EMPLOYMENT	10.0	11.0
UNEMPLOYMENT COMPENSATION	10.0	10.0
DISABILITY COMPENSATION	11.0	5.0
PUBLIC ASSISTANCE	14.0	9.0
RETIREMENT/SOCIAL SECURITY	14.0	9.0
SALES/INVESTMENTS*	3.0	6.0

* THIS CATEGORY REFERS PRIMARILY TO THE SALE OF PERSONAL OR REAL PROPERTY SUCH AS HOMES OR BOATS.

NOTE:
THE PERCENTAGES IN THIS TABLE DO NOT ADD TO 100% BECAUSE A SINGLE FAMILY COULD RECEIVE INCOME FROM A VARIETY OF SOURCES. IN MOST CASES, THOSE FAMILIES DERIVING INCOME FROM WAGES DID NOT RECORD A SECOND SOURCE.

SOURCES:
SERA SURVEY 1978

Adequacy of Income

Over one-third (35.5 percent) of the Siletz Indian families living inside the service area and 18 percent of those living outside the service area had incomes below the official United States 1978 poverty level. The poverty level was established at \$5,180 for 3-person nonfarm families by the Community Services Administration as a method for updating 1970 census data. The most recent comparable figures are 1975 figures which indicate that 8.9 percent and 11.4 percent of Oregon and United States families, respectively, had incomes below the poverty level.¹⁾

When asked about the adequacy of their income to provide food, clothing, and shelter, nearly 40 percent of the families inside the service area and over 30 percent of the families outside the service area reported a "marginal," "inadequate" or "very inadequate" income. An even greater percentage of families have difficulty meeting their medical and dental care needs. Specific information on income shortages and the poverty level information discussed above are summarized in Table 11.

TABLE 11
POVERTY LEVEL AND INCOME SHORTAGES
AMONG SILETZ INDIAN FAMILIES, 1978,
AND GENERAL POPULATION HOUSEHOLD, 1975

	SILETZ INDIAN FAMILIES		GENERAL POPULATION*	
	8-COUNTY SERVICE AREA (%)	OUTSIDE SERVICE AREA (%)	OREGON (%)	U.S. (%)
% BELOW POVERTY LEVEL	35.5	18.0	8.9	11.4
INCOME SHORTAGES				
FOOD	34.0	26.0		
CLOTHING	37.0	37.0		
HOUSING	23.0	28.0		
MEDICAL	42.0	43.0		
DENTAL	60.0	48.0		

* THESE FIGURES ARE FROM 1975 RATHER THAN 1978. IT IS LIKELY THAT 1978 FIGURES WOULD INDICATE A LOWER PERCENTAGE OF HOUSEHOLDS BELOW THE POVERTY LEVEL SINCE THE TREND FROM 1970 TO 1975 WAS DOWNWARD.

SOURCES:

SERA SURVEY, 1978

SOCIAL ACCOUNTING FOR OREGON, SOCIO-ECONOMIC INDICATORS,

OREGON DEPARTMENT OF HUMAN RESOURCES, STATE COMMUNITY SERVICES PROGRAM, 1978, p. 38.

¹⁾ Social Accounting for Oregon, Socio-Economic Indicators
Oregon Department of Human Resources, State Community Services Program, 1978, pp. 8 and 38.

EMPLOYMENTUnemployment Rate

The problem of high unemployment among American Indians is documented in the 1976 BIA Needs Assessment report. It states that the 1973 unemployment rate for reservation Indians was 37 percent and that, in the same year, the unemployment rate for the country as a whole was 4.9 percent. For black workers, it was 8.9 percent.¹⁾

These high national rates of American Indian unemployment are reflective of the Lincoln County American Indian population as well. The Oregon Indian Commission on Alcohol and Drug Abuse 1975 State Plan cited a statewide unemployment rate of 34 percent for American Indians, and the Siletz Title III Manpower Program (CETA) estimated a 44-percent unemployment rate in the Lincoln County Indian work force. The CETA estimate was based on a survey of the Indian population in the county as well as local school enrollment and labor force participation data.²⁾

Labor Force Participation

HEW reports that groups which have poor prospects for obtaining well-paying jobs tend to "drop out" of the labor force and stop seeking employment.³⁾ American Indians are an example of this. Census data for 1970 show that American Indians had the lowest labor force participation rate of any group in the United States. Only 63 percent of men 16 years old or older were in the labor force as compared with 77 percent in the United States.⁴⁾ The situation was similar at the Oregon State and Lincoln County levels. The 1970 "other races" labor force participation rate for men 16 years old or older was 53.8 percent in Oregon and 63.6 percent in Lincoln County, as compared to 74.6 percent and 67.2 percent for the total population in these two areas, respectively.

The HEW report states that the "low participation rate is not a product of an absence of desire for work. Given the excessively high unemployment rate, the low participation rate is probably only an acceptance of reality. Knowing that jobs are unavailable, persons simply give up trying."⁵⁾

1) BIA Report, op.cit., p. 24.

2) A detailed methodology for this unemployment rate estimate is presented in A Profile of the Confederated Tribes of Siletz Indians of Oregon, Planning Support Group, Bureau of Indian Affairs, 1978, pp. 12-14.

3) A Study of Selected Socioeconomic Characteristics of Ethnic Minorities Based on the 1970 Census, Vol. III: American Indians, HEW Publication No. (05) 75-122, p. 13 (referred to as HEW Report).

4) 1970 Census of Population General Social and Economic Characteristics, United States Department of Commerce, Bureau of the Census.

5) HEW Report, op.cit., p. 49.

Occupation

Table 12 shows the occupational distribution of the total United States population and the American Indian population as presented in a United States Department of Health, Education, and Welfare (HEW) report on socioeconomic characteristics of minorities.¹⁾ The occupational groups have been ranked from 1 to 9 on the basis of the median incomes of each group that prevailed for the United States population as a whole. The broken line separates the occupations above and below the national median. For males, 4 occupations were above and 7 below the median; for females, 3 occupations were above and 8 below the median.

As can be seen from Table 12, Indians are overrepresented in the lower ranked occupations and under represented in the higher ranked occupations compared to the total United States population.

The degree of overrepresentation in the lower ranked occupations as shown in Table 12 may understate the actual situation because major occupational groups are a composite of many suboccupations. For example, the category of Professional and Technical Workers includes high-salaried neurosurgeons and lower paid social workers and teachers. This is true for other categories as well. The lowest paying suboccupations in some high-ranked groups actually pay less than some suboccupations in lower ranked groups. Since Indians tend to have the lower paying suboccupations in each general category, the distributions shown in Table 12 probably underestimate the extent to which American Indians work at lower paying jobs compared to the total United States population.²⁾

These findings are supported by recent Oregon data (see Table 13). Information on the occupations of employed persons in 1978 was compiled by the Oregon State Employment Division for the state and for each county. While separate data for American Indian workers are not available, data for the "other races" category include American Indians.

In Lincoln County, where American Indians constitute 75 percent of the "other races" category, it was reported that over half of the employed persons in this group were either laborers or service workers. The "other races" group had 3 times the percent of service workers, about 1-1/2 times the percent of service workers, and about 1-1/2 times the percent of agricultural workers as the Lincoln County population as a whole. This "other races" group also had a significantly

1) A Study of Selected Socioeconomic Characteristics of Ethnic Minorities Based on the 1970 Census Vol. III: American Indians, HEW Publication No. (05) 75-122 (referred to as HEW report).

2) This discussion is taken from BIA Report, op.cit., pp. 22-24.

TABLE 12
 MAJOR OCCUPATIONS OF MALES AND FEMALES
 IN THE UNITED STATES AND
 AMERICAN INDIANS, 1970

RANK	U.S. TOTAL (%)	INDIAN TOTAL (%)
OCCUPATIONS: MALE		
1. PROFESSIONAL AND TECHNICAL WORKERS	14.3	9.0
2. MANAGERS AND ADMINISTRATORS	11.2	5.0
3. SALES WORKERS	6.9	2.4
4. CRAFTSMEN, FOREMEN AND KINDRED WORKERS	21.0	22.0
TOTAL: 1-4	53.4	33.4

5. CLERICAL WORKERS	7.6	5.7
6. OPERATIVES	20.0	24.0
7. SERVICE WORKERS	8.0	10.0
8. LABORERS, EXCEPT FARM	6.6	13.0
9. FARM MANAGERS AND LABORERS	4.5	8.0
TOTAL: 5-9	46.7	60.1
OCCUPATIONS: FEMALES		
1. PROFESSIONAL AND TECHNICAL WORKERS	16.0	11.0
2. MANAGERS AND ADMINISTRATORS	3.6	2.4
3. CLERICAL WORKERS	35.0	25.0
TOTAL: 1-3	54.6	38.4

4. CRAFTSMEN, FOREMEN, AND KINDRED WORKERS	1.8	2.1
5. OPERATIVES	14.0	19.0
6. LABORERS, EXCEPT FARM	1.0	1.3
7. SALES WORKERS	7.4	4.0
8. SERVICE WORKERS	20.0	33.0
9. FARM MANAGERS AND LABORERS	.8	2.3
TOTAL: 4-9	45.0	61.7

SOURCE:
 A STUDY OF SELECTED SOCIOECONOMIC CHARACTERISTICS OF ETHNIC MINORITIES
 BASED ON THE 1970 CENSUS, VOL. III: AMERICAN INDIANS, HEW PUBLICATION NO. (05)
 75-122, P. 13.

greater percentage of workers in the professional and technical occupations than did the population of Lincoln County as a whole. However, in the more detailed breakdown of specific jobs within the professional and technical occupations, all "other races" category persons were included as "other professional workers." None were medical or health workers, teachers, or special technicians. Many of these people may be employed as administrators of Siletz Tribal programs.

The "other races" workers were employed at about one-third the rate of the Lincoln County population as a whole in clerical, foreman and craftsmen occupations, and at about one-half the rate as operatives. No "other races" people were employed as managers although managerial workers comprised almost 12 percent of the total number of workers in Lincoln County.

Table 13 summarizes the information on occupations of employed persons in Lincoln County. Data for the state are provided for comparison, although they have limited value for this study since only 40 percent of the "other races" represents American Indians and only a small number of those are Siletz Indians.

Job Applicants

The State Employment Division compiles information on minority job applicants. The March 1979 file of minority job applicants in Lincoln County confirms the occupation data presented in the previous section. Of the 24 minority persons with experience in the "current" file, 14 (58 percent) applied for work in service, sales and agricultural occupations. The remainder applied primarily in building trades and miscellaneous job categories.

TABLE 13
OCCUPATIONS OF EMPLOYED PERSONS, 1978

OCCUPATIONS	LINCOLN COUNTY				OREGON			
	TOTAL (#)	(%)	OTHER RACES (#)	(%)	TOTAL (#)	(%)	OTHER RACES (#)	(%)
PROFESSIONAL, TECHNICAL	1,352	9.38	37	15.15	161,351	14.60	2,259	15.70
MANAGERS	1,726	11.97	0	0	103,824	9.39	934	6.49
SALES	1,096	7.60	18	7.38	83,506	7.55	418	2.91
CLERICAL	1,887	13.09	11	4.50	194,150	17.56	2,330	16.20
CRAFTSMEN, FOREMEN	1,668	11.57	10	4.10	138,868	12.56	972	6.76
OPERATIVES	1,748	12.12	16	6.56	115,671	10.46	1,735	12.06
TRANSPORT	501	3.47	0	0	46,173	4.18	277	1.93
LABORERS	1,352	9.38	77	31.56	64,825	5.86	1,037	7.21
SERVICE	283	19.63	68	27.87	154,598	13.98	3,401	23.63
AGRICULTURAL	258	1.79	7	2.87	42,635	3.86	1,023	7.11
TOTAL	14,420	100.00	244	100.00	1,105,599	100.00	14,386	100.00

SOURCE:
STATE OF OREGON LABOR MARKET INFORMATION FOR 1979 AFFIRMATIVE ACTION PROGRAMS, STATE OF OREGON AND LINCOLN COUNTY, STATE DEPARTMENT OF HUMAN RESOURCES, EMPLOYMENT DIVISION.

EDUCATION

Although the direct determinants of income are occupation and employment status, the basic underlying determinant is education. There are striking differences between the educational profiles of American Indians and the general population.

As of 1970, the median number of school years completed by the United States general population was 12.1 as compared with 10.4 for all American Indian males and 10.5 for American Indian females.¹⁾ While both rural and urban Indians have shown improvement at all educational levels since 1970, disparities still are believed to exist.

These disparities are well illustrated in the educational data available for the Siletz Tribe. In 1970, 62.2 percent of all persons 18 years of age or older in Oregon had graduated from high school. In 1978, only 55.3 percent of Siletz Indians 18 years old or older within the 8-county service area have graduated from high school. The Siletz people have not yet reached the average educational level that the rest of the state population had achieved by 1970.

The Siletz people in 1978 had completed college at a rate of less than half of that of the general population in Lincoln County and the State of Oregon in 1970. Detailed information on college attendance is included in Table 14.

TABLE 14
SCHOOL YEARS COMPLETED BY
SILETZ INDIANS, 1978 AND
THE GENERAL POPULATION, 1970

SCHOOL YEARS	SILETZ INDIANS		GENERAL POPULATION		
	SERVICE AREA (%)	OUTSIDE SERVICE AREA (%)	LINCOLN COUNTY (%)	OREGON (%)	U.S. (%)
1-3 YEARS COLLEGE	6.3	9.7	11.5	13.3	17.1
4+ YEARS COLLEGE	4.5	10.1	7.4	11.8	34.0

NOTE: THIS TABLE INCLUDES DATA FOR PERSONS 25 YEARS OF AGE OR OLDER.

* GENERAL POPULATION DATA IS FOR 1970 RATHER THAN 1978.

SOURCES:
SERA SURVEY, 1978

1970 CENSUS OF POPULATION, GENERAL SOCIAL AND ECONOMIC CHARACTERISTICS, UNITED STATES AND OREGON SUMMARIES, UNITED STATES DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS.

POPULATION OF THE UNITED STATES: TRENDS AND PROSPECTS 1950-1990, CURRENT POPULATION REPORTS, UNITED STATES DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS, p. 186.

¹⁾ HEW Report, op.cit., p. 40.

The high school dropout rate is high among Siletz children. Nearly 20 percent of all of the American Indian students in Lincoln County attend the Siletz School, so it provides an excellent case study of the dropout problem. A summary of dropout rates for the total high school population and the Indian population is presented in Table 15. It shows that over a period of 5 school years (1975-1979), Indian students have dropped out at almost twice the rate of non-Indian students (17.7 percent to 9.6 percent, respectively).

Of the 19 students who dropped out during the 1975-1979 period, only 3 are employed, despite the fact that there are relatively well-paying jobs in the Siletz area that require no formal education (logging, mill work, seafood processing). Of the 12 women dropouts, 3 are employed and 9 have small children. One of these women is married. Of the 7 men dropouts: 1 is in the military service, 1 is dead, 1 is in prison, and 1 has been placed by the court system into an alcohol and drug abuse program. Twelve of the 19 dropouts still live in the Siletz area and, according to the Siletz School Indian counselor, all but 1 are involved with alcohol and drugs. While these statistics represent only a small percent of all Siletz dropouts, they reflect the problems endemic to American Indian youth that are considered in the "Social Problems" section of this report.

TABLE 15
INDIAN AND NON-INDIAN DROPOUT RATES,
SILETZ HIGH SCHOOL, 1975-1979

YEAR	TOTAL	INDIAN		NON-INDIAN		NON-INDIAN DROPOUTS			INDIAN DROPOUTS		
		(#)	(%)	(#)	(%)	(#)	ALL DROPOUTS (%)	NON-INDIAN ENROLLMENT (%)	(#)	ALL DROPOUTS (%)	INDIAN ENROLLMENT (%)
1974-75	128	25	19.5	103	80.5	13	65.0	12.6	7	35.0	28.0
1975-76	129	22	17.1	107	82.9	11	68.7	10.3	5	31.3	23.6
1976-77	129	18	14.0	111	86.0	10	90.9	9.0	1	9.1	5.5
1977-78	117	18	15.4	99	84.6	15	75.0	15.2	5	25.0	27.7
1978-79	135	24	17.8	111	82.2	2	66.7	1.8	1*	33.3	4.2
TOTAL	638	107	16.8	531	83.2	51	72.9	9.6	19	27.1	17.7

*IN ADDITION TO THIS DROPOUT, TWO EIGHTH GRADE (JUNIOR HIGH SCHOOL) BOYS ALSO DROPPED OUT.

NOTE:

THE YEARS WITH THE SIGNIFICANTLY LOWER INDIAN DROPOUT RATES (1976-77 AND 1978-79) ARE YEARS IN WHICH THE SAME INDIAN COUNSELOR HAD BEEN ON STAFF FOR TWO CONSECUTIVE YEARS.

SOURCE:

SILETZ HIGH SCHOOL INDIAN COUNSELOR.

APPENDIX D

GOVERNMENT HILL

Government Hill is a 36 acre site on the eastern edge of the City of Siletz. From the late 1800's until 1956, it was the focal point of the former Siletz Reservation. The government buildings were located there, including the agency headquarters, health clinic, housing for the elderly, tribal cannery, recreation area, tribal cemetery, and school. Today the buildings are gone, the Hill is overgrown, and only the tribal cemetery remains.

The members of the Siletz Tribe feel strongly about their historical and cultural ties to the Hill, as expressed by tribal officials:

Government Hill has a very special meaning to our tribal members. When we think of Siletz, it means home and Government Hill.

All the good times center around Government Hill. We remember our tribal buildings where our Council meetings were held, the Indian Womens Club . . . all of our traditional and social functions.

We had a Cannery where the Indian women canned fruit and vegetables for winter use, as well as wild blackberry jam which was sold commercially. There was a part for barbecueing and an outdoor platform for our Indian dancing. There were homes for our elderly. Going even farther back, there was a boarding school.

Our burial grounds are there. Government Hill is a sacred place to us, a place where tribal members can come together as Indian people, and carry on our traditions.

These traditions take the form of potlucks, Pow-Wows, spiritual encampments, and social events. As Indian people, we need this to survive. We gain strength from one another.

Many memories are buried deep in our hearts! This is why Government Hill should be returned to its rightful owners - the Confederated Tribes of Siletz Indians of Oregon.

Government Hill was donated to the City of Siletz in 1956 by the federal government under the authority of the Siletz termination act. The deed conveying the property contained

the restriction that the property be used for a public use "from which members of the tribe will derive benefits." At the time of the transfer, the members of the Siletz Tribe understood that the City would maintain the road to the cemetery, create a park, keep up the picnic grounds and barbecue pit, and maintain the health clinic, council hall, cottages, and historic log cabin which once housed the Bureau of Indian Affairs.

In 1975, the City transferred the 9 acres which make up the tribal cemetery to the Paul Washington Cemetery Association, an Oregon non-profit corporation made up of tribal members. The remaining 27 acres are still held by the City. There is a City water tower on the property, and the old health clinic which is in advanced disrepair. None of the other buildings remain.

The Tribe is in the process of negotiating with the City of Siletz for a voluntary transfer of the land back to the Tribe. The City would be able to retain the use of the water tower.

The Tribe would like to reconstruct its tribal headquarters on the Hill, along with community facilities and recreation center. The Tribe will be able to use this land as its required contribution for certain federal agency grants that will assist in facility construction. These functions will serve as resources for the community as a whole.

APPENDIX E

SILETZ RESERVATION PLAN: 10-YEAR ECONOMIC PROJECTIONS

	1979-80	1980-81	1981-82	1982-83	1983-84	1984-85	1985-86	1986-87	1987-88	1988-89	1989-90
TRIBAL EXPENSES											
TRIBAL GOVERNMENT											
TRIBAL OFFICE STAFF	\$79,000	\$79,000	\$95,000	\$95,000	\$85,000	\$85,000	\$95,000	\$95,000	\$85,000	\$95,000	\$95,000
OFFICE OPERATIONS	29,000	29,000	29,000	29,000	29,000	29,000	29,000	29,000	29,000	29,000	29,000
COUNCIL EXPENDITURES	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
FACILITY OPERATIONS AND MAINTENANCE	10,000	10,000	77,000	98,000	98,000	98,000	98,000	222,000	234,000	234,000	234,000
TOTAL	\$193,000	\$193,000	\$276,000	\$297,000	\$297,000	\$297,000	\$297,000	\$421,000	\$433,000	\$433,000	\$433,000
TRIBAL FACILITIES											
PLANNING AND DESIGN	\$200,000	\$200,000	\$3,000,000								
COMMUNITY UTILITIES			1,345,000								
COMMUNITY HALL				\$797,000			\$3,000,000				
OFFICE AND CLINIC											
RECREATION HALL											
OUTDOOR RECREATION FACILITIES											
TRIBAL ENTERPRISES											
CAMPGROUND					\$575,000						
BUSINESS LOAN PROGRAM											
TRIBAL BUDGET											
SOURCES OF FUNDS											
TIMBER SALES	\$610,000	\$610,000	\$610,000	\$610,000	\$610,000	\$610,000	\$610,000	\$610,000	\$610,000	\$610,000	\$610,000
INTEREST		58,000	82,000	41,000	48,000	57,000	78,000	48,000	48,000	57,000	70,000
BORROWING			869,000	159,000	115,000		600,000	60,000			
GRANTS			2,997,000	478,000	345,000		1,800,000	180,000			
TRIBAL ENTERPRISES					26,000		58,000	84,000	117,000	155,000	194,000
RESERVE FUND		576,000	817,000	413,000	480,000	557,000	781,000	459,000	315,000	249,000	290,000
FACILITY RENTAL					12,000	12,000	12,000	12,000	12,000	12,000	12,000
TOTAL	\$610,000	\$1,244,000	\$4,985,000	\$1,701,000	\$1,610,000	\$1,282,000	\$3,937,000	\$1,448,000	\$1,102,000	\$1,083,000	\$1,116,000
USES OF FUNDS											
AMORTIZATION OF DEBT				\$114,000	\$135,000	\$150,000	\$150,000	\$228,000	\$236,000	\$236,000	\$236,000
TRIBAL GOVERNMENT		\$193,000	\$276,000	\$276,000	\$297,000	\$297,000	\$297,000	\$421,000	\$433,000	\$433,000	\$433,000
TRIBAL FACILITIES		200,000	\$4,345,000	\$797,000			\$3,000,000				
TRIBAL ENTERPRISES				\$575,000							
RESERVE FUND	\$76,000	817,000	413,000	480,000	569,000	781,000	456,000	315,000	249,000	230,000	263,000
PAYMENT FOR LINCOLN COUNTY	34,000	34,000	34,000	34,000	34,000	34,000	34,000	34,000	34,000	34,000	34,000
TOTAL	\$810,000	\$1,244,000	\$4,985,000	\$1,701,000	\$1,610,000	\$1,282,000	\$3,937,000	\$1,448,000	\$1,102,000	\$1,083,000	\$1,116,000
		* Tribal Funds	\$589,000	\$180,000	\$115,000	\$262,000	\$600,000	\$60,000	\$60,000	\$60,000	\$60,000
		Borrowed	869,000	159,000	115,000		800,000				
		Grants	2,607,000	478,000	345,000		1,800,000				
			\$4,345,000	\$797,000	\$575,000		\$3,000,000				

NOTE:
All figures are indicated in constant 1979 dollars and are rounded to the nearest \$1,000.

SILETZ RESERVATION PLAN
Assumptions Used in Developing 10-Year Economic Projections

1. The Tribe's income should be adequate to support tribal government and service program expenses not fundable through grants, and should enable the Tribe to build facilities and invest in business enterprises.
2. Projections reflect goals and priorities adopted by the Tribe. While timing, items to be funded, and costs could vary considerably, the projections attempt to provide a realistic scenario for accomplishing these goals.
3. Tribal government expenses are based upon estimates provided by the BIA of administrative staff, office operation and maintenance costs. Only those costs that cannot be funded through grants are included.
4. Facility costs are based upon building square footages provided by BIA and construction cost estimates prepared by CH2M HILL architects and estimators. It is assumed that the facilities will be constructed on Government Hill in Siletz. Utility costs are adequate to fund connections to the city sewer and water systems or development of a community septic system, water tower and water distribution system.
5. Various possibilities for tribal enterprises were reviewed by CH2M HILL. The campground enterprise has a reasonable chance of success if a site with access to Highway 101 can be purchased; the other possible enterprises were found to be infeasible and are not included in the projections. The figures for campground expenditures and income are based on a 10-year cash flow analysis of a KOA-type operation prepared by CH2M HILL.
6. The business loan program is to be administered by the Tribe and will provide low-interest loans to private businesses owned by tribal members. These loans are projected at an interest rate of 7 percent and returns are projected at 6.5 percent. The remaining .5 percent is reserved to fund program administration. Returns from loans made by the Tribe are reflected in the "interest" category of "sources of funds" in the attached table.
7. Timber sale revenues are based upon the BIA's estimate of the number of board feet of timber on the BLM public domain lands in T9SR9W, T10SR9W, T10SR9W, and T10SR10W (from current BLM data), the Kemp formula for allowable

cut, an 80-year rotation and 1978 log values. It is also assumed that 10 percent of the gross timber sale revenue will be paid to BIA for management.

8. Timber sales alone do not provide enough income to support tribal government and development of tribal facilities and enterprises. In order to provide additional income it is assumed that tribal facilities and the campground will be financed according to the following formula:

Tribal Funds:	20%
Borrowing:	20%
Grant(s):	60%

This is not unrealistic since the Tribe is eligible for a variety of grants from EDA, HUD, and FmHA. Some of the grant programs fund 100 percent of project costs, others 50 percent and others a lesser percent. The 60 percent figure projects an overall average of grant funds to be obtained rather than an assumption that 60 percent of every project will be funded by grants.

9. It is assumed that the borrowed portion of facility and campground financing will be at a 10 percent interest rate over a 15 year period. Interest on "reserve fund" savings are also projected at 10 percent.
10. Facility rental is estimated at \$8 per square foot. This income represents rent to be paid by the BIA to the Tribe for use of office space. While use of the facilities by the Siletz community is expected, no income is projected from this use.
11. The Tribe will make annual payments to Lincoln County of 5 percent of the value of timber sales so that these revenues are not lost to the County when the land is transferred from BLM ownership to be held in trust for the Tribe. These are reflected in the "payments to Lincoln County" category of "uses of funds" in the attached table.

SILETZ RESERVATION PLAN
ESTIMATED TRIBAL EXPENDITURES (1979 DOLLARS)

TRIBAL GOVERNMENT EXPENSES

Tribal Office Staff

1	Certified Public Accountant	20,000
1	Bookkeeper	10,000
2	Bookkeepers (to be added in 1982-83)	20,000
	Fringe benefits (12.5%)	6,250
	Legal services	30,000
	Planning services	<u>15,000</u>
	Subtotal	95,250

Office Operations

	Paper	3,000
	Telephone (1,000 per month)	12,000
	Postage (500 per month)	6,000
	Printing	1,000
	Miscellaneous supplies	2,000
	Newsletter	<u>5,000</u>
	Subtotal	29,000

Tribal Council

1	Tribal Chairman	12,000
1	Secretary	13,500
	Fringe benefits (12.5%)	3,187
	Per diem expenses (\$30 per meeting/ 68 meetings per year/8 council members)	16,320
	Travel reimbursements (17¢/mile)	<u>30,000</u>
	Subtotal	75,007

Facility Maintenance and Operation

	1979-80 Office	10,000
	Community hall 16,720 sq. ft. at \$4 per sq. ft.	66,880
	New office and clinic 7,760 sq. ft. at \$4 per sq. ft. (to replace 1979-1980 office)	31,040
	Outdoor recreation facilities Lights, groundskeeping, repair, insurance	12,000

Recreation hall

30,900 sq. ft. at \$4 per sq. ft.	123,600
Subtotal	233,520

TOTAL TRIBAL GOVERNMENT EXPENSES	432,777
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TRIBAL FACILITIES

Preliminary planning and design	200,000
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Community utilities

Sewer	*1,243,000
Water	**400,000
1/2 mile road	127,000
Gravel parking	120,000
Paved parking	60,000
Contingency (35%)	1,050,000
Subtotal	3,000,000

* Community septic system or line from Siletz. Payment for treatment would be additional.

** Water tower and distribution close by or line from Siletz.

Community hall - 16,720 sq. ft. including large meeting room, kitchen, museum, four class or meeting rooms, day care center

Engineering and site preparation	75,000
Construction	746,000
Landscaping	75,000
Furnishing	100,000
Contingency (35%)	349,000
Subtotal	1,345,000

Office and Clinic - 7,760 sq. ft. including 4,320 sq. ft. tribal office, 1,440 sq. ft. BIA office, 2,000 sq. ft. medical and dental clinic

Engineering and site preparation	45,000
Construction	450,000
Landscaping	45,000
Furnishing	50,000
Contingency (35%)	206,500
Subtotal	796,500

Outdoor recreation facilities - including 2 tennis courts,
baseball field, football field

Engineering and site preparation	20,000
Construction	203,500
Contingency (35%)	78,000

Subtotal	301,000
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Recreation hall - 30,900 sq. ft. including gymnasium,
stage, kitchen, meeting room/social hall, four class
or meeting rooms, showers, locker rooms

Engineering and site preparation	169,000
Construction	1,668,500
Landscaping	170,000
Furnishing	225,000
Contingency (35%)	781,500

Subtotal	3,014,000
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TOTAL TRIBAL FACILITY COSTS	8,456,500
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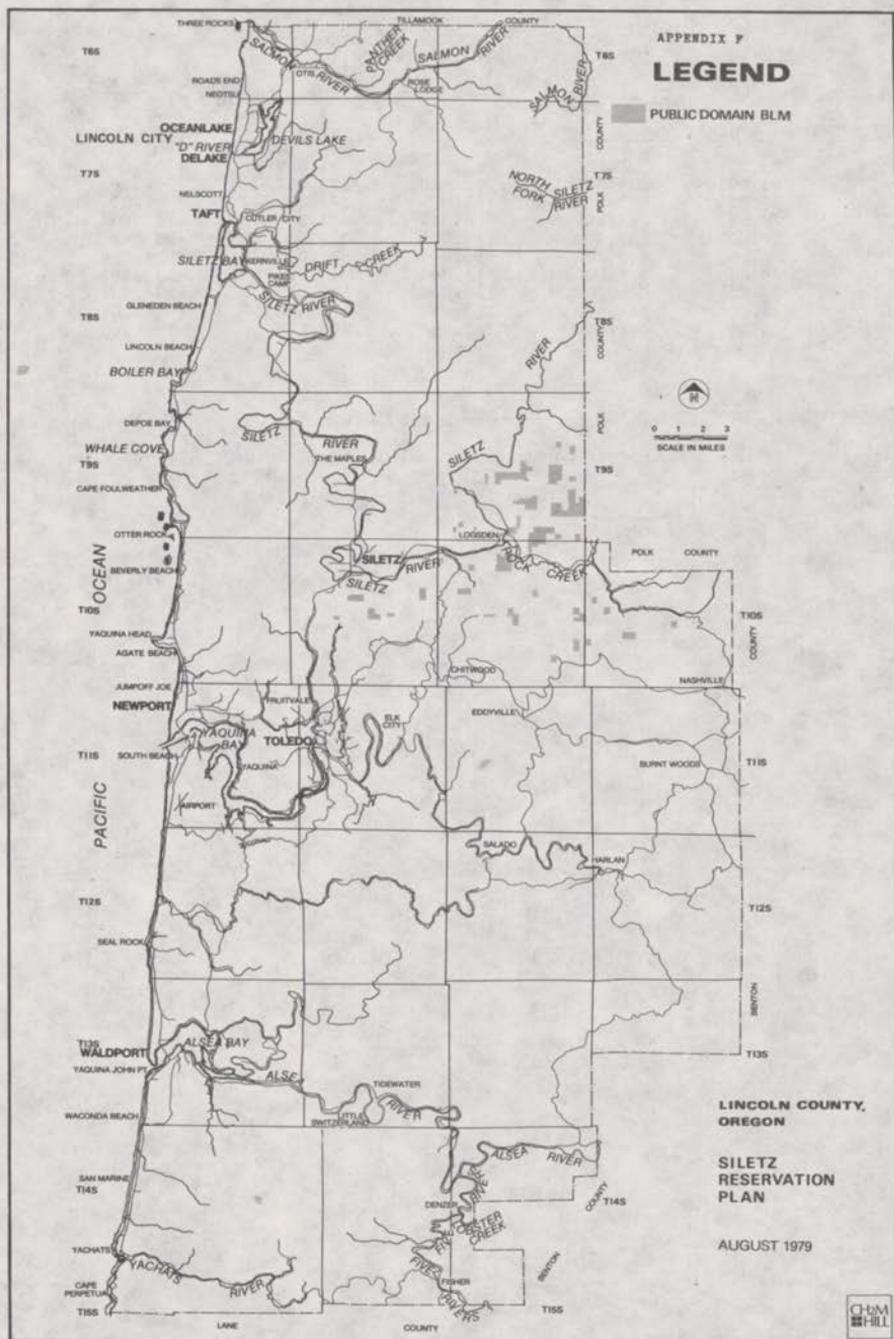
SILETZ RESERVATION PLAN
SCHEDULE OF NET INCOME FOR
A 150-SITE CAMPGROUND

Year	Total Costs ¹		Total Revenue		Cumulative Income
	Annual	Cumulative	Annual	Cumulative	
1	67,000	67,000	\$ 93,000	\$ 93,000	+ 26,000
2	66,000	134,000	97,000	190,000	+ 56,000
3	76,000	209,000	103,000	293,000	+ 84,000
4	76,000	285,000	109,000	402,000	+117,000
5	76,000	361,000	114,000	516,000	+155,000
6	76,000	432,000	115,000	631,000	+194,000
7	76,000	513,000	116,000	747,000	+235,000
8	76,000	589,000	116,000	863,000	+274,000
9	76,000	665,000	116,000	979,000	+314,000
10	76,000	741,000	117,000	1,096,000	+355,000

NOTE: Figures are rounded to the nearest \$1,000.

¹ Includes amortization of borrowed capital in equal annual payments.

Source: CH2M HILL



SILETZ RESERVATION PLAN

Timber Revenues

Average annual timber revenues from the 3,666 acres of BLM timberland in T9SR9W, T10SR8W, T10SR9W, and T10ST10W were calculated on the basis of the estimated number of board feet of timber on those particular acres, the Kemp formula for allowable cut, an 80-year rotation and 1978 log values.

Total timber revenues:	\$677,888
Total loss to Federal government (95%):	643,994
Total loss to Lincoln County (5%):	33,894

Timber revenue per acre (\$677,888/3,666 acres): \$184.91/acre

The BLM owns 27 percent of all land in the State of Oregon. The Salem District of the BLM manages over 400,000 acres of land. The loss of 3,666 acres will amount to less than a 1 percent reduction in its total land area.

The Tribe's annual net timber revenues were calculated on the assumption that BIA receives 10 percent of the gross revenue.

Total revenue:	\$678,000
Less BIA fee:	67,800
Net to tribe:	\$610,200

SILETZ RESERVATION PLAN

Cost to Federal Government for Re-Establishing
Reservation for Siletz IndiansAnnual Expenses or Loss of Revenue

Loss of timber revenues from BLM land	\$644,000
Cost of new services to be provided on the Reservation:	
Medical Social Worker	30,000
Mental Health (increases to \$100,000 in 1982-1984)	15,000
Community Health Representative	45,000
Community Health Nutrition (increases to \$90,000 in 1983-84)	8,000
Youth Camp	100,000
TOTAL ANNUAL EXPENSE	\$842,000

APPENDIX I

SILETZ RESERVATION PLAN
Expected Expenditures for Services to Siletz Indians¹
(Eight-County Service Area)

	1980-1981	1981-1982	1982-1983	1983-1984 ²
Alcoholism				
State	\$ 34,000	\$ 34,000	\$ 34,000	\$ 34,000
Indian Health Service	34,000	34,000	34,000	34,000
Education	225,000	225,000	225,000	225,000
Housing	100,000	100,000	100,000	100,000
Enrollment	25,000	25,000	25,000	25,000
FmHA	3,300	3,300	3,300	3,300
Vocational Education	94,000	94,000	94,000	94,000
BIA Administration	102,000	102,000	102,000	102,000
Health				
Dental	120,000	120,000	120,000	120,000
Medical	192,500	192,500	192,500	192,500
Medical Social Worker	30,000	30,000	30,000	30,000
Mental Health	15,000	15,000	100,000	100,000
Community Health Representative	45,000	45,000	45,000	45,000
Community Health/Nutrition	8,000	8,000	8,000	8,000
Youth Camp	100,000	100,000	100,000	100,000
CETA	99,000	99,000	99,000	99,000
STOWN	19,800	19,800	19,800	19,800
Community Food Nutrition	3,300	3,300	3,300	3,300
TOTAL	\$1,249,900	\$1,249,900	\$1,334,900	\$1,416,900

¹1979 dollars²For years 1984 through 1990, the figures are the same as shown for 1983-1984.

SOURCE: Bureau of Indian Affairs

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