

Testimony Before the House Rural Communities, Land Use & Water Committee
On Senate Bill 548
For the Confederated Tribes of Siletz Indians
Delores Pigsley, Tribal Chairman
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Good afternoon, Chair Clem and members of the Committee, my name is Delores Pigsley and I am the Chairman of the Confederated Tribes of Siletz Indians. Thank you for the opportunity to comment on Senate Bill 548. The bill makes a change to ORS 275.070, which provides authority for Oregon counties to sell, convey or donate land to the United States, the State of Oregon, or a corporation under majority control of the United States. The amendment proposed by SB 548 would add any eligible tribe as defined by ORS 307.181 to the list of eligible recipients. Eligible tribes as defined by ORS 307.181 are the nine federally-recognized tribes headquartered within the boundaries of the State of Oregon.

The Confederated Tribes of Siletz Indians appreciates the intent of SB 548 to allow Indian tribes in the State to potentially acquire additional lands under the statute. Tribes like Siletz, which lost a 1.2 million acre reservation without compensation and which has only been able to restore a modest land base of approximately 4000 acres, are always looking for opportunities to reacquire some of our original homelands. It is possible that SB 548 will allow one of Oregon's Tribes to reacquire a piece of their original reservation so that tribe can use the reacquired land to continue to restore its economy for the benefit of its members and the surrounding communities.

Before I comment on the specific amendment to the bill, I also want to note that this bill was created outside of Oregon's government to government process, which is puzzling. Over the past dozen years or so, the State of Oregon has become a leader nationally in working through a process of consultation with Oregon tribal governments on important legislative efforts either through discussion at the Commission on Indian Services or through the government to government cluster process so that Tribes and the government entities have an opportunity to discuss the proposal and work through these types of issues. Oddly, SB 548 did not go through this process which left eight out of the nine federally recognized tribes out of the discussion until a hearing on the bill was held last month.

While SB 548 is simple on its face, it may result in unintended consequences that can be eliminated with a simple amendment. The purpose of ORS 275.070 is to allow the conveyance of excess county lands to other governmental entities that also have a legal interest – the United States and the State of Oregon. The statute does not allow the conveyance of these lands to other States or to other counties. The current bill does not impose the similar limit on an eligible Tribe. The definition of which tribe is eligible to acquire lands should likewise be limited, so one tribe is not unintentionally allowed to intrude into the area of another tribe. Such an amendment will maintain the practical intent of the bill while avoiding unintended consequences and perhaps creating conflict between two tribes.

The Siletz Tribe therefore proposes that the language of Section 1(d) of SB 548 be amended as follows (added language underlined):

(d) An eligible Indian tribe, as defined in ORS 307.181, *provided*, that if said real property is located within the existing or former reservation of an eligible tribe as defined by federal law or regulation, such eligible tribe shall have a right of first refusal to said real property.

Federal regulations contain a well-understood and accepted definition of Indian reservation at 25 C.F.R. §151.2(f), which states in relevant part: "Unless another definition is required by the act of Congress authorizing a particular trust acquisition, "Indian reservation" means that area of land over which the tribe is recognized by the United States as having governmental jurisdiction, except that . . . where there has been a final judicial determination that a reservation has been disestablished or diminished, "Indian reservation" means that area of land constituting the former reservation of the tribe as defined by the Secretary."

This language will limit the tribe that is eligible to obtain land located within a tribe's existing or former reservation as defined by federal law to the specific tribe which had former ownership of those lands. With this small amendment, SB 548 would have the support of the Confederated Tribes of Siletz Indians.

Thank you again for the opportunity to testify.