Duwamish Resolution Briefing Paper

Problem Statement

On October 12, the School Board will consider a resolution that memorializes the District’s support of federal recognition of the Duwamish Nation and calls for increasing the emphasis on Native education within our schools. The resolution also urges other public officials to support the push for federal recognition of the Duwamish. While supported by some members of the local Native community, federal recognition of the Duwamish has been opposed by other tribes in the area, including the Muckleshoot, Puyallup, Suquamish, and Tulalip. Seattle Public Schools recognizes that much of the land upon which we serve students was once inhabited primarily by the Duwamish tribe. We want to honor the first inhabitants and the recognized tribes whose children we serve.

Background

The efforts of the Duwamish Tribal Organization to seek federal recognition span decades, but have been consistently denied. In 2001, it was denied under recognition standards established in 1978. Attempts to seek recognition by an act of Congress have also failed. After a lengthy court process initiated in 2008, the U.S. District Court ordered a review under a modified set of recognition standards put in place in 1994. In 2015, the Department of the Interior issued a ruling saying the Duwamish do not meet the 1994 standards.

The Duwamish are currently appealing that ruling to the Interior Board of Indian Appeals (IBIA). The Duwamish also argue that they should be considered under the most recent revised recognition standards released in 2015, although it appears the 2015 standards do not contain major substantive revisions that would improve the standing of the Duwamish’s case. The other tribes dispute both the jurisdiction of the IBIA to hear an appeal and the relevance of the 2015 regulations. It is my understanding that an overturning of past rulings is without precedent at this stage.

A July 3, 2015 story in the Seattle Times describes the 2015 denial:

Benefits of federal recognition include funding for housing, education and health care, and the possibility of land for a reservation and the ability to run a casino. ...

Specifically, the department [of the Interior] said in its decision, there was insufficient evidence to demonstrate, during certain periods, that the Duwamish had been identified as an “Indian entity.” It also said there was a “lack of evidence concerning the continuous existence of a “distinct American-Indian community” and “tribal political influence or authority,” as required by the 1978 and 1994 rules.

In its letter to Hansen, the department said the Duwamish would be informed of alternative ways to achieve the status of federally recognized tribes, or other ways that tribe members can become eligible for services and benefits as Indians, including by enrolling in other federally recognized tribes. (Some Duwamish Tribe members have already done this in order to receive federal health-care and other services.)
The Duwamish contest that they never received land promised under the 1855 Treaty of Point Elliott, which made it difficult for them to maintain a continued distinct tribal identity in the following decades before reforming as an organization in 1925. The Muckleshoot, Puyallup, Suquamish and Tulalip Tribes believe that the United States did establish all of the reservations promised in five treaties signed in the 1850s and that many Duwamish people live as members of these other tribes. These tribes support the Department of the Interior’s conclusions and believe watering down recognition standards threatens of the legitimacy of all sovereign, recognized tribes.

Shared Values

As part of our work to build racial equity and reduce opportunity gaps, Seattle Public Schools wants all members of the various tribal communities to feel welcomed in its schools. The District also continues to work on ways it can improve its Native education programs.

Options

**Option A: Approve the resolution as introduced, calling for federal recognition of the Duwamish.**

Pros:
- Helps members of the Duwamish community feel supported and welcomed by the District.

Cons:
- Upsets relations with other tribal entities that have been supportive of Seattle Public Schools’ Native education programs.
- Could antagonize students who come from these other tribes.
- Is unlikely to influence the Federal government’s recognition process, which is a legally complex process focused on historical criteria more than contemporary support.

Pro or Con, depending on your perspective:
- Would be the first elected governing body, as far as I can tell, to take this position.

**Option B: Approve a substitute resolution that recognizes the Duwamish as one of groups of the original inhabitants of the land, acknowledges the treaty rights of other sovereign tribes, affirms the presence of Native students in our classrooms, and emphasizes the importance of Native education programs.**

Pros:
- Avoids entanglement in a political issue not fully understood and appreciated by those outside of the specific tribes involved.
- Makes a positive statement about the presence of the Duwamish (and other tribes) in the community.

Cons:
- Disappoints members of the Duwamish Tribal Organization and their allies who would like a stronger statement.
- Requires a nuanced explanation of why the Board is pursuing an alternate course.

Attachments: May 2016 Duwamish Tribal Organization Appeal Letter  
September 2009 Position Paper from Muckleshoot, Puyallup and Tulalip  
March 2016 Petition from Muckleshoot, Suquamish and Tulalip
May 9, 2016

Via E-mail and U.S. Mail

The Honorable Sally Jewell  
Secretary of the Interior  
Department of the Interior  
1849 C Street N.W.  
Washington, DC 20240  
Email: secretary_jewell@ios.doi.gov

Re: In Re Federal Acknowledgment of the Duwamish Tribal Organization, IBIA No. 16-008 Muckleshoot, Suquamish, and Tulalip Indian Tribes' Request Seeking Assumption of Jurisdiction Pursuant to 43 CFR § 4.5

Dear Secretary Jewell,

The Duwamish Tribal Organization ("Duwamish Tribe" or "Tribe") respectfully requests that you decline the invitation to short-circuit ongoing administrative review by the Interior Board of Indian Appeals ("IBIA" or "Board"). In this case, the U.S. District Court for the Western District of Washington vacated the prior Final Determination and directed the Assistant Secretary-Indian Affairs ("Assistant Secretary" or "AS-IA") to apply the 1994 regulations or explain why it had treated the Duwamish Tribe differently than other petitioners. The AS-IA decided to apply the 1994 regulations and issued a new Final Determination that, among other things, addressed newly discovered evidence. The AS-IA's newly issued Final Determination spans 80 pages (it also includes 20 pages of appendices and refers to 114 exhibits encompassing numerous documents), and it has never been subject to the Board Review that the 1994 regulations explicitly specify.

The Muckleshoot Indian Tribe, Suquamish Tribe of the Port Madison Reservation, and Tulalip Tribe (collectively, "Objecting Tribes") had a full and fair opportunity to convince the Board that it lacked jurisdiction, but the Board properly held that the plain language of governing DOI regulations, and the Court's remand order, explicitly provide the Board authority to review the new Final Determination. We respectfully ask that you decline the Objecting Tribes' request to disrupt the Board's ongoing review and that you preserve the procedural protections guaranteed by the DOI's acknowledgment process. The IBIA properly found that the Board has jurisdiction to review the new Final Determination, and secretarial action is improper where there is no error to correct.

If you are inclined to personally address the Duwamish Tribe's painful history, the only secretarial action that would be appropriate at this time is to ensure that the Duwamish Tribe
receives fair treatment under the law on the path to its long-sought and well-deserved recognition from the federal government.

I. Introduction

The Objecting Tribes have collectively petitioned you to reverse the IBIA's jurisdictional order dated March 7, 2016 (IBIA Jurisdictional Order). In that order, the Board properly found that the AS-IA's decision refusing to acknowledge the Duwamish Tribe—the Final Decision on Remand ("FDR")—is subject to review by the Board under 25 C.F.R. § 83.1 (1994). At present, there is no basis for disrupting the IBIA's review. The Board is proceeding with its review pursuant to DOI regulations.

Federal recognition is a crucial ingredient for the survival of any Indian tribe. Indian tribes that are "acknowledged" by the federal government enjoy numerous rights and privileges that are unavailable to other Indian groups. Hansen v. Salazar, No. C08-0717-JCC, 2013 WL 1192607, at *1 (W.D. Wash. Mar. 22, 2013). As Judge Coughenour recounted in the Hansen decision, "the Department [of Interior]'s decision not to acknowledge the Duwamish is an extremely weighty one for the Duwamish people," because federal acknowledgment is a prerequisite for the rights and privileges reserved for federally acknowledged tribes. Id. at *11. Those rights and privileges include limited sovereign immunity, powers of self-government, and the right to apply for federal benefits and services. Id. at *1. Intrusion on such matters should not be done lightly or without substantial justification. None exists here.

Ironically, the three tribes who now ask you to intercede in this matter are the very tribes who, under the Treaty of Point Elliott, received reservation lands from the federal government. Possession of these lands was and is essential to the rights and privileges flowing from federal recognition that those tribes enjoy. In contrast, the Duwamish Tribe—a principal signatory to the Treaty of Point Elliott—never received the reservation promised under the treaty. And, compounding that injustice, the Bureau of Indian Affairs (BIA) has consistently cited the absence of a Duwamish land base as an impediment to granting the Tribe's petition for federal recognition. The result reveals the inequity: the Duwamish Tribe remains without redress for the deprivation of its historic homelands along Elliott Bay, the Duwamish River, and Lake Washington, and the Duwamish people—who were at ground zero for settlement in Seattle—still struggle for basic federal rights; meanwhile the Objecting Tribes, who received protected tribal lands outside Seattle, have become wealthy and politically influential, and now seek to use their significant power to exclude the Duwamish Tribe from federal protection.

1 Order Determining that the "Final Decision on Remand" Is Subject to Review by the Board (IBIA Jurisdictional Order), IBIA 16-006 (Mar. 7, 2016).
3 See Treaty of Point Elliott, Duwamish Tribe (and affiliated tribes)—U.S., art. 3, 7 (1855) (provisions for a general reservation).
The Duwamish Tribe does not speculate whether the Objecting Tribes are motivated by the same historical misogyny exhibited in the FDR concerning the Tribe’s ancestry. As shown in the Duwamish Tribe’s Request for Reconsideration, the BIA’s past discussion of “Pioneer Marriages” in the Duwamish Tribe denigrates the Tribe’s membership because they descend in part from Duwamish women—in many cases the daughters of Chief Seattle. The Tribe’s members are no less Indian because they descend from Duwamish women rather than Duwamish men, and the Tribe’s Request for Reconsideration exposes this thinly veiled sexism for what it is. The BIA’s nineteenth-century policy of disinheriting Indian women who married outside the tribe—in many cases under duress—has no place in the twenty-first century; just as it had no place then. Whatever the Objecting Tribes’ intentions in seeking to kill the Duwamish acknowledgment petition, those intentions are misguided if they rest on the same outmoded assumptions about gender roles and women as marital property.

II. Argument

A. Governing regulations give the IBIA authority to review the new Final Determination.

The Objecting Tribes argue that the Board was without jurisdiction to review and overturn the AS-IA’s decision because the AS-IA incorrectly labeled the FDR “final” for the Department. They claim the AS-IA’s unilateral conclusion that the FDR is final ends the matter and trumps the section 83 regulations that give the Board authority to review the decision. Those arguments are incorrect.

The Assistant Secretary does not have power to abrogate the Board’s authority under section 83 to review final determinations. As the IBIA correctly noted, nothing in section 83 “grant[s] the Assistant Secretary discretionary authority generally to decide whether final determinations issued on judicial remand should be subject to further review within the Department.” IBIA Jurisdictional Order at 4. To the contrary, governing regulations explicitly permit review. See 25 C.F.R. § 83.11(e) (recounting the Board’s authority to review determinations of the Assistant Secretary). Thus, the IBIA properly turned aside the Assistant Secretary’s overreach. The Assistant Secretary has no free-standing power to contravene section 83 procedures and to declare his determination to be final agency action. Finality is determined by the DOI’s section 83 regulations, not the AS-IA.

Moreover, and contrary to the Objecting Tribe’s argument, the IBIA did not exceed its jurisdiction by addressing the Assistant Secretary’s finality determination. The Board simply analyzed the section 83 regulations to determine whether it had jurisdiction to proceed, and properly determined that the FDR is reviewable. Under section 83, DOI acknowledgment decisions become final 90 days after publication in the Federal Register. 25 C.F.R. §83.10(f)(4). But, as the IBIA correctly recognized, the Duwamish Tribe filed a timely request with the Board for reconsideration within the 90 day window pursuant to 25 C.F.R. § 83.11. IBIA Jurisdictional Order at 2. The FDR thus never became a final agency action. See 25 C.F.R.
§83.11(a)(2)(providing timely appeal rights). Because the FDR never became final, it is subject to the Board's review under the DOI's regulations.

B. The Board correctly concluded that the Federal district court's remand order is not equivalent to a remand by the IBIA.

The Objecting Tribes argue that IBIA erred in granting review of the Duwamish Tribe's appeal because the Federal district court's order vacating and remanding the Duwamish petition is "similar in form" to remand orders issued by the Board under section 83. Relying on the preamble to section 83, the Objecting Tribes assert that a petitioner has no right to Board review following judicial remand by a Federal district court because such review is not available after Board remand. The Board correctly rejected this argument.

Unlike the Board's powers, the powers of a Federal district court are not limited by the section 83 regulations. The Objecting Tribes' attempted analogy—based solely on the fact that both Article III district courts and BIA administrative law judges issue remand orders—is misplaced. The Objecting Tribes ignore the fact that judicial remand by an Article III district court is categorically different than remand by the Board. IBIA review is a creature of the section 83 regulations, and the Board's remand order may be limited by those regulations. A Federal district court stands outside the section 83 regulations, and when (as here) the court vacates a prior ruling and instructs the AS-IA to perform a new analysis, the court's remand order is not governed by the regulations prohibiting the Board from re-reviewing an issue after the Board has already remanded the issue to the BIA.

The Objecting Tribes rely on the section 83 preamble to support their argument, but the preamble actually supports the Board's conclusion. As suggested in the preamble, administrative procedures following judicial remand are not contained in section 83 because the IBIA must look to the judicial remand order itself. That is precisely what the IBIA did here. The IBIA expressly stated that the Board must look to a Federal court's remand order to "determine how or to what extent the administrative review process applies." IBIA Jurisdictional Order at 4. Here, the Hansen court vacated the 2001 final determination and remanded the Tribe's petition to the DOI for adjudication. As the IBIA rightly held, the Hansen court's remand order required the BIA to revisit the section 83 acknowledgment process using the correct legal standard; the BIA did so, addressing evidence not considered in prior proceedings. As discussed in more detail below, the remand order required full review under the 1994 regulations, which includes the right to proceedings before the Board. Id. The preamble therefore supports the Board's ruling because the Board adhered precisely to the controlling court order regarding the scope of the remand.
The remand order was crystal clear that, on remand, the BIA was to follow the 1994 acknowledgment regulations contained in section 83.4 As the Board properly found, once the Hansen court vacated the BIA's acknowledgment decision and remanded the Tribe's petition, the 2001 final determination was a legal nullity. The BIA therefore issued a new final determination under the 1994 regulations. FDR at 3. The 1994 regulations provide petitioners the right to Board review of final determinations. 25 C.F.R. § 83.11. The Duwamish Tribe thus has a right to that review, so long as it seeks such review timely, which it did. In sum, the Board reached the correct result: The FDR is "a new final determination under § 83.10," and the Duwamish Tribe has a "right to seek reconsideration under § 83.11(a)." IBIA Jurisdictional Order at 4. This conclusion is inescapable under the DOI's 1994 acknowledgment regulations, which the Federal court ordered the BIA to apply on judicial remand.

C. The Objecting Tribes' claim that the new 2015 acknowledgment regulations do not apply to the Duwamish Tribe is incorrect because the Duwamish petition was pending when the new regulations came into effect.

The Board has not yet determined what substantive regulations apply to its review. The Objecting Tribes nonetheless ask you to decide—preemptively and without any developed record—which regulations the Board should apply. In particular, they argue that the Board may not apply the 2015 regulations because the Duwamish Tribe received a final agency decision in 2002 when Secretary Norton declined to direct the reconsideration of the 2001 final determination. Ignoring that the Federal court vacated and nullified this 2001 final determination, the Objecting Tribes argue that the Duwamish petition—which is subject to a newly issued final determination that is not yet final—may not be considered under the new 2015 acknowledgment regulations. The Objecting Tribes admit, however, that all petitions that have "not yet received a final agency decision" prior to the effective date of the 2015 regulations may be considered under this new acknowledgment regime. 25 C.F.R §83.7(b) (2015). Under this language, it seems clear that the substantive components of the 2015 regulations will guide the Board's review. You need not reach this issue now, however, and prudence dictates allowing the Board to consider and decide this issue in the first instance.

As noted above, a final agency decision that was found unlawful and vacated by a court order is a legal nullity. The 2001 final determination, including Secretary Norton's decision, was vacated by the Hansen court. Thus, the Duwamish Tribe has not received a final agency decision on their petition. Because that 2001 determination was vacated and annulled by the court's order, the BIA began its review anew under the 1994 regulations after judicial remand. See IBIA Jurisdictional Order at 4 ("however it is styled, the Assistant Secretary's decision constituted a new final determination under § 83.10, and Petitioner had a right to seek reconsideration under § 83.11(a).") (emphasis added). The Duwamish petition was pending as of July 2015 and

---

4 The court's order mandated that the BIA "either consider the Duwamish petition under the 1994 acknowledgment regulations, or explain why it declines to do so." Hansen, 2013 WL 1192607 at *11. The BIA chose to apply the 1994 regulations.
has "not yet received a final agency decision" under the section 83 regulations. Accordingly, the recognition rules in the 2015 regulations apply.

Moreover, to deny the Duwamish the benefit of the 2015 regulations would compound the error that caused the Federal court to remand in Hansen. It singles out the Duwamish Tribe for unfavorable treatment. The 2015 regulations state that they apply to all pending petitions, and depriving the Duwamish Tribe of their benefits without an adequate explanation would be arbitrary, capricious, and unlawful agency action, as the Hansen court held. See Hansen, 2013 WL 1192607 at *9, 11 (treating the Duwamish differently than other petitioners without explanation is arbitrary and capricious).

As mentioned, however, you need not resolve this issue now. The Duwamish Tribe does, however, reserve the right to argue—including to the Secretary—that the recognition standards set forth in the 2015 regulations apply.

III. Conclusion

For the above reasons, the Tribe respectfully asks you to allow the Board to continue its work and decline the Objecting Tribe’s request to upend the ongoing proceedings. If you determine that your intervention is appropriate, then the Duwamish Tribe asks that you intervene to ensure that the Duwamish petition receives a full and fair assessment under the law.

Sincerely,

Bart J. Freidman
Theodore J. Angelis
Benjamin A. Mayer
William H. Smith

cc: See attached distribution list.
Distribution List: IBIA 16-008

Governor Jay Inslee
P.O. Box 40002
Olympia, WA 98504-0002

Lummi Indian Business Council
2565 Kwina Road
Bellingham, WA 98226

Port Gamble S'Klallam Tribe
101 31912 Little Boston Road, N.E.
Kingston, WA 98346

Samish Indian Tribe
2918 Commercial Avenue
Anacortes, WA 98221

Suquamish Tribal Council
P.O. Box 498
Suquamish, WA 98392

R. Lee Fleming
Director, Office of Federal Acknowledgment
1951 Constitution Avenue, N.W.
MS-34B SIB
Washington, DC 20240

Office of the Solicitor
MS 6513 – MIB
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dr. Stephen Dow Beckham
1389 SW Hood View Drive
Lake Oswego, OR 97034

Dr. Kenneth Tollefson
Seattle Pacific University
Seattle, WA 98119

Attorney General Bob Ferguson
P.O. Box 40100
Olympia, WA 98504-0100

Richard Reich, Tribal Attorney
Muckleshoot Indian Tribe
39015 172nd Avenue Southeast
Auburn, WA 98092

Quinault Indian Nation
Fawn Sharp, Chairman
P.O. Box 189
Taholah, WA 98587

Snoqualmie Tribal Council
8130 Railroad Avenue
Snoqualmie, WA 98065

The Tulalip Tribes of Washington
6406 Marine Drive
Tulalip, WA 98271

Honorable Lawrence Roberts
Acting Assistant Secretary for Indian Affairs
MS-3642-MIB
1849 C Street, N.W.
Washington, DC 20240

Timothy Brewer
Office of Reservation Attorney
Tulalip Tribes
6406 Marine Dr.
Tulalip, WA 98271

Dr. Michael D. Roe
Seattle Pacific University
Seattle, WA 98119

Mr. Mark Tilden
Tilden McCoy & Dilweg LLP
2500 30th Street, Suite 207
Boulder, CO 80301
Mr. Russel Barsh  
4401 University Drive  
Lethbridge, AB T1K3M4  
CANADA

Senator Patty Murray  
511 Hart Senate Office Building  
Washington, DC 20510

Senator Maria Cantwell  
154 Russell Senate Office Building  
Washington, DC 20515

Representative Jim McDermott  
1035 Longworth House Office Building  
Washington, DC 20515

Representative Derek Kilmer  
1520 Longworth House Office Building  
Washington, DC 20515

Bureau of Indian Affairs  
Puget Sound Agency  
Superintendent William Black  
2707 Colby Avenue  
Everett, WA 98201-3528

Mr. William Matheson  
144 Railroad Avenue, Suite 201  
Edmonds, WA 98020

Mr. James R. Berghsma  
23302 135th Avenue SE  
Kent, WA 98042

Mr. Mitch Daily  
P.O. Box 68202  
Seattle, WA 98168

Mr. Jim Jones  
Bell & Ingram  
P.O. Box 1769  
Everett, WA 98206

Mike Evans, Chairman or the Board  
Small Tribes Organization of Western WA.  
3040 96th Street, South  
Lakewood, WA 98409

Representative Rick Larsen  
2113 Rayburn House Office Building  
Washington, DC 20515

Representative Adam Smith  
2264 Rayburn House Office Building  
Washington, DC 20515

Bureau of Indian Affairs  
Northwest Regional Office  
Regional Director Stanley M. Speaks  
911 NE 11th Avenue  
Portland, OR 97232-4169

Sally Jewell, Secretary of the Interior  
Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240

Sen. Jamie Pedersen  
235 Cherberg Building  
Olympia, WA 98504

Mr. Rob Costello  
Office of Attorney General  
P.O. Box 40100  
Olympia, WA 98504-0100

Mayor Edward B. Murray  
City of Seattle  
PO Box 94749  
Seattle, WA 98124-4749
Muckleshoot, Puyallup, and Tulalip Tribes’ Position Paper on H.R. 2678

Duwamish Tribal Recognition Act

September 22, 2009

The Muckleshoot Indian Tribe, the Puyallup Tribe of Indians, and the Tulalip Tribes, three federally recognized Indian tribes, oppose H.R. 2678, the Duwamish Tribal Recognition Act.

Federal recognition of a tribe is more than acknowledgment of Indian heritage. It is recognition that a group possesses and retains sovereign political authority predating the United States, including the governmental authority to regulate the conduct of its members and control activities of both Indians and non-Indians within its territory. Retention of community structure and political authority from the time of first contact with non-Indians are core requirements that justify federal recognition of groups of Indian descent as tribal political entities with sovereign governmental authority over their members and territory.

Granting federal recognition to a group that has failed to maintain a real community that exercises some measure of political control over its membership devalues and undermines the status of all Indian tribes, as sovereign political entities with significant governmental authority. The internal conflicts that are apparent among some newly recognized groups reflect the problems that arise when the federal government recognizes marginal groups that have not maintained a self-governing community through time, and therefore do not have a strong sense of their own identity.

In the mid-1850s the United States negotiated five treaties with the Indians of Western Washington, including the Treaty of Point Elliott with the Duwamish, Suquamish, and allied tribes. The United States established all of the reservations that it promised in these Treaties. Following the negotiation of the Treaties, an additional reservation was established at Muckleshoot in the Duwamish River drainage. Many Duwamish moved to these reservations where they were allotted land and exercise treaty rights as members of the reservation communities at Muckleshoot, Suquamish, Puyallup, Tulalip, and Lummi. Some Duwamish failed to relocate to the reservations, married non-Indian pioneers, and assimilated into non-Indian society. It is primarily descendants of these pioneer marriages that remained off the reservations, dispersed and assimilated into non-Indian society that are now attempting to reclaim their Indian heritage by seeking recognition as the Duwamish Tribe.

The Duwamish group’s claim to be a tribe and a successor to the historic Duwamish Tribe that signed the Treaty of Point Elliott has been rejected by both the Courts and the Department of the Interior which, after careful review of the evidence presented by the group, independently reached the conclusion that the group’s claims are without merit. Both the Courts and Interior Department found that the Duwamish group had not maintained a community or exercised political authority over its membership, essential requirements for tribal recognition. In May 2008, the Duwamish group filed a lawsuit challenging the Interior Department’s rejection of
their claim to tribal status. The lawsuit pending in the United States District Court in Seattle provides an appropriate forum for the Duwamish group’s claims and should be allowed to run its course.

In 1975, following a trial before a Special Master in United States v. Washington, the seminal Northwest Indian fishing rights case, District Judge George Boldt, concluded that the Duwamish group is not a successor to the historic Duwamish Tribe that signed the Treaty of Point Elliott. He specifically found that that the “Duwamish … do not and have not lived as continuous separate, distinct and cohesive Indian cultural or political community … [and] have not maintained an organized tribal structure in a political sense.” United States v. Washington, 476 F.Supp. 1101, 1105 (W.D.Wash. 1979).

The Court of Appeals for the Ninth Circuit affirmed the District Court’s ruling.

The [Duwamish and other] appellants point to their management of interim fisheries, pursuit of individual members' treaty claims, and social activities as evidence of tribal organization. But the district court specifically found that the appellants had not functioned since treaty times as “continuous separate, distinct and cohesive Indian cultural or political communit(ies).”

After close scrutiny, we conclude that the evidence supports this finding of fact. Although the appellants now have constitutions and formal governments, the governments have not controlled the lives of the members. Nor have the appellants clearly established the continuous informal cultural influence they concede is required. United States v. Washington, 641 F.2d 1368, 1373-74 (9th Cir. 1981), cert denied, 454 U.S. 1143 (1982). (Citations omitted).

After their claim to tribal status was rejected by the Courts, the Duwamish group continued to seek recognition from the Department of the Interior through the federal acknowledgment process outlined in 25 CFR part 83. In 1996 during the Clinton Administration, the Assistant Secretary – Indian Affairs issued a proposed finding against acknowledgment of the Duwamish group. 61 F.R. 33762 (June 28, 1996). The Assistant Secretary’s detailed proposed finding rejecting the Duwamish group’s claim to tribal status was supported by 300 pages of exhaustive technical reports. In 2001, following lengthy review of additional submissions by the Duwamish group, the Assistant Secretary – Indian Affairs for the Department of the Interior affirmed the proposed finding against acknowledgment and issued a final determination that the Duwamish group is not an Indian tribe within the meaning of federal law. 66 F.R. 49966 (Oct. 1, 2001).

The Department of the Interior concluded, as did the Courts, that the Duwamish group had not maintained the minimal elements of community structure and political authority essential to a finding of tribal status. Instead, the Duwamish group was found to be an association of Duwamish descendants formed for the principal purpose of pursuing monetary claims against the United States, who had little contact with one another outside of the pursuit of these claims. The Department of the Interior found that many important Duwamish families moved to Western Washington reservations where they and their descendants became part of reservation based
tribal communities, and that the Duwamish group seeking recognition is a fraction of Duwamish descendants whose ancestors remained off reservation where they had little contact with one another and assimilated into the larger society.

The Interior Department’s 2001 Final Determination concluded:

A significant portion of the evidence submitted by the group refers to Duwamish people who are not ancestors of the group seeking recognition.

The Duwamish group seeking recognition “is not the historical Duwamish tribe or a modern reorganization of the historical Duwamish tribe. . . . [T]he petitioner formed in 1925 when eight men announced their "intention of forming" an organization. The membership, leadership and activities were substantially different than the Duwamish tribe identified in earlier documents.

“[B]efore 1925, when the DTO [Duwamish Tribal Organization] was first established, the petitioner's ancestors had little or no interaction either with the Indians of the historical Duwamish settlements in the southern Puget Sound area or with Duwamish who had already moved to reservations. . . . [A]fter 1925, the petitioner's members, outside of the annual meetings, interacted only with individuals from their own family lines. . . . [T]he petitioner's current members do not maintain a community that is distinct from the surrounding non-Indian population.”

“Evidence about the DTO was limited mostly to the years after 1935 during claims initiatives. The major reasons for the petitioner's failure to meet criterion 83 7(c) for the years after 1925 were findings that: (1) the DTO organization had played only a very limited claims role in the lives of its members; (2) members were not involved in the organization and in making decisions for the organization; and (3) no instrumental political relationship or political interaction existed between the organization's small set of leaders and its members. . . . In short, there was insufficient evidence that the petitioner's members or ancestors existed as a group with a functioning bilateral political process, as has been required in acknowledgment cases.”

The Duwamish were not recognized on January 19, 2001, and subsequently denied recognition due to a “clerical error,” as they claim. An Interior Inspector General’s Report on the matter makes clear that the Duwamish decision document was not completed and signed before the change of administration on January 20, 2001. Moreover, the September 2001 final decision against federal recognition of the Duwamish by newly appointed Assistant Secretary Neil McCaleb was consistent with prior decisions by the Courts, and based on the 1996 proposed finding by Assistant Secretary Deer during the Clinton Administration and the BIA staff recommendation prepared for Acting Assistant Secretary Anderson prior to his unsuccessful eleventh hour effort to recognize the Duwamish.

In their pending lawsuit and in their testimony in support of H.R. 2678, the Duwamish complain that they have not been accorded an evidentiary hearing before an impartial decision maker on their claim to tribal status, with the right to present live testimony and cross examine witnesses.
The Duwamish ignore the 1975 trial on their tribal status in United States v. Washington, and fail to disclose that the regulations governing review of the Duwamish recognition petition provided a procedure for the Duwamish group to request an evidentiary hearing before an impartial administrative law judge which the Duwamish group neglected to request. Moreover, while now decrying the injustice of being “denied” a hearing, in the past the Duwamish have been dismissive of the need for an evidentiary hearing. In 2002, Cecile Hansen testified before the Senate Indian Affairs Committee that the Duwamish were not convinced that formal hearings were either a necessary or appropriate part of the federal acknowledgement process. Statement of Cecile Maxwell-Hansen on Behalf of the Duwamish Tribe before the Senate Committee on Indian Affairs, Hearing on S. 1392, September 17, 2002.

In their written testimony on H.R 2678, the Duwamish point to a list of Washington State tribes proposed for termination prepared by the BIA in 1950, and a 1966 list of tribes prepared by the BIA as evidence of prior federal recognition. These references are taken out of context and were fully considered and addressed by the Department of the Interior in its decision making process. See, BAR Historical Technical Report at 66-72. Moreover, contemporaneous BIA documents make clear that the BIA view was that the Duwamish Tribal Organization was not a tribe organized for the purpose of self-government, but was an organization formed for the limited purpose of pursuing claims against the government on behalf of Duwamish descendants.

Aside from the basic concern that the bill extends federal recognition to a group that is not an Indian tribe, H.R. 2678 suffers from a number of defects. These include:

Erroneous Findings;

Exclusion of Duwamish descendants enrolled in recognized Tribes;

An overbroad 5 county service area; and,

A requirement that Interior accept land into trust for the group anywhere in the 5 county service area for 10 years without NEPA review or review under fee to trust regulations applicable to all other tribes.

The Duwamish group’s claims have been independently considered by the Courts and the Department of the Interior and found to be without merit. The lawsuit which is now pending in the United States District Court at Seattle affords the Duwamish one more opportunity to prove their claim that they are a tribe that deserves federal recognition. The pending litigation is the appropriate forum for consideration and resolution of the Duwamish claim.
March 31, 2016

Via Email and First Class Mail

The Honorable Sally Jewell  
Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240  
Email: Secretary_Jewell@ios.doi.gov

Re: In Re Federal Acknowledgment of the Duwamish Tribal Organization, IBIA No. 16-008  
Muckleshoot, Suquamish, and Tulalip Indian Tribes’ Request Seeking Assumption of Jurisdiction Pursuant to 43 CFR §4.5

Dear Secretary Jewell:

The Muckleshoot Indian Tribe, Suquamish Tribe of the Port Madison Reservation, and Tulalip Tribes (Tribes) respectfully request that you exercise the authority reserved in 43 CFR §4.5 to assume jurisdiction over this matter. Your assumption of jurisdiction is warranted because the Interior Board of Indian Appeals (IBIA or Board) exceeded its delegated authority under 25 CFR §83.11 (1994) in reviewing the Assistant Secretary - Indian Affair’s (AS-IA) determination that his July 2015 Final Decision on Judicial Remand declining to acknowledge the Duwamish Tribal Organization (DTO), was final for the Department. The Tribes further request that you reverse the Interior Board of Indian Appeals March 7, 2016, Order Determining that the “Final Decision on Remand” Is Subject to Review by the Board (IBIA Jurisdictional Order), affirm the AS-IA’s determinations regarding finality and the inapplicability of the 2015 acknowledgment regulations, and dismiss the Duwamish Petition for Reconsideration.
Despite the AS-IA’s final decision, the IBIA has opened the door for further review. Not only does the IBIA lack jurisdiction to do so; a lack of finality also harms the economy, certainty, and reliance expectations of administrative decision making. Public policy favors finality not just for the United States, but also for the public and affected Indian Tribes like the Muckleshoot, Suquamish, and Tulalip Tribes.

I. Introduction

On July 2, 2015, the Assistant Secretary - Indian Affairs (AS-IA) issued what he intended to be a final Departmental decision declining to acknowledge the DTO is an Indian tribe within the meaning of federal law. Summary under the Criteria and Evidence for Final Decision on Judicial Remand, July 2, 2015 (Final Decision on Remand or FDR). On July 24, 2015, the AS-IA issued a corrected FDR (Corrected Final Decision on Remand or Corrected FDR). Notice of the FDR was published in the Federal Register on July 8, 2015 and notice of the Corrected FDR was published on July 29, 2015. 80 FR 39142; 80 FR 45230. In both Federal Register notices, the AS-IA explicitly stated that the FDR and Corrected FDR were final for the Department on publication of notice in the Federal Register. Id. The notification letters transmitting the FDR and Corrected FDR to the DTO acknowledgment petitioner similarly notified the petitioner of the AS-IA’s determination that the FDR and Corrected FDR constituted final agency action. The letters state:

This decision is final and will become effective immediately on the publication of the Federal Register notice. Because this Final Decision is done under Judicial Remand after your group had exhausted the appeals provided under the acknowledgment regulations (§83.11), we will not direct you to further appeal under the Interior Board of Indian Appeals. This decision is final for the Department.


The Final Decision on Remand was posted on the Department’s website, but it was incomplete. It omitted language that the Assistant Secretary-Indian Affairs determined should have been included in the final decision and it omitted an appendix referenced in the text. The enclosed “Summary under the Criteria and Evidence for Final Decision on Judicial Remand” corrects these omissions and

---

1 The administrative history of the DTO acknowledgment petition from 1977 – 2008 is summarized in the Corrected FDR at 5-8. The history of proceedings from the date of judicial remand March 22, 2013, through the issuance of the Corrected FRD is described in the Corrected FDR at 1-4.
was approved by the AS-IA on July 23, 2015. The Final Decision on Remand is final on publication of notice in the Federal Register.


The AS-IA issued the FDR and Corrected FDR prior to the July 31, 2015 effective date of revised acknowledgment regulations to comply with the District Court’s remand order directing review under the 1994 regulations. The AS-IA also sought to avoid the potential necessity of expending limited Departmental resources and continued uncertainty on further processing of the petition under the 2015 regulations, after concluding that the DTO petition would face the same fundamental obstacles to acknowledgment under the 2015 regulations as it does under the 1994 regulations. Corrected FDR at 3.

Rejecting a request by the DTO petitioner that further review on remand “be put on hold” pending adoption of then proposed revised regulations, the AS-IA explained:

The Court remanded the decision to the Department of the Interior (Department), ordering it to “consider the Duwamish petition under the 1994 acknowledgment regulations or explain why it declines to do so.”

Corrected FDR at 1.

A fundamental problem identified in the PF and FD was the DTO formed in 1925 and was not a continuation of the D’Wamish and other allied tribes. A second fundamental problem was that the DTO did not provide sufficient evidence of community or political influence and authority at any time, even after it formed in 1925. The DTO would still face these fundamental problems under the revisions to Part 83.

The DTO petitioner is not similarly situated to other petitioners “on hold” pending the issuance of revised regulations. It has exhausted the Part 83 process, including review by the Secretary following IBIA proceedings. Its decision was final and effective, subject to judicial review. The fact that the FD was vacated on the procedural issues, does not justify another review based on yet to be final regulations. The DTO is the only petitioner on remand, and no other petitioner before the Department is similarly situated. It has the benefit of a PF, FD, IBIA, and Secretarial review, and now a FD on remand, all of which reach the same ultimate conclusion. The Department has also determined that its resources are
better allocated to petitioners who have yet to receive a final agency decision. The DTO has been reviewed under both the 1978 and 1994 regulations.

Corrected FDR at 3.

In spite of the AS-IA’s determination that the FDR became effective upon publication of notice in the Federal Register and that no appeal to IBIA was available under 25 CFR §83.11, the DTO filed a Petition for Reconsideration with the IBIA. On November 10, 2015 the IBIA found that the DTO Petition for Reconsideration was timely and ordered briefing on whether the FDR is subject to Board review under §83.11 (1994). Following briefing by the AS-IA and Muckleshoot Indian Tribe arguing that the Corrected FDR was final and not subject to Board review,2 the Board rejected the AS-IA and the Muckleshoot Tribe’s arguments. Instead, the IBIA ruled that the FDR did not become final and effective upon its publication in the Federal Register. IBIA Jurisdictional Order at 4.

II. Argument

A. The IBIA Lacks Jurisdiction to Review the AS-IA’s Finality Determination.

It is well established that “[t]he Board lacks jurisdiction to review decisions made by the Assistant Secretary - Indian Affairs, except where a matter is specially referred to the Board by the Secretary or the Assistant Secretary or where a right of review is established by regulation. E.g., Scotts Valley Band of Pomo Indians v. Assistant Secretary - Indian Affairs, 35 IBIA 89 (2000), and cases cited therein.” Sanchez v. Assistant Secretary – Indian Affairs, 35 IBIA 218, 218 (2000). The applicable 1994 regulation, 25 CFR §83.11, comprehensively addresses appeals and requests for reconsideration of decisions of the AS-IA with respect to federal acknowledgment. In Re Federal Acknowledgment of the Golden Hill Paugesssett Tribe, 34 IBIA 55 (1999).

The Board does not have authority to review acknowledgment decisions that are not “the precise type for which appeal procedures are provided in 25 CFR § 83.11.” In Re Federal Acknowledgment of the Eastern Pequot Indians, 42 IBIA 133, 134 (2006); Golden Hill, supra. “25 C.F.R. § 83.11(d) describes the Board’s jurisdiction over a request for reconsideration of an acknowledgment determination.” In Re Federal Acknowledgment of the Duwamish Tribal Organization, 37 IBIA 95 (2002). Under 25 CFR §83.11(f), issues raised by a petitioner outside of the limited scope of the IBIA’s jurisdiction described in 25 CFR §83.11(d)(1)-(4) must be

---

2 The Muckleshoot Tribe concurrently filed a Motion for Leave to Participate as an Interested Party before the Board.
referred to the Secretary. *Id.* at 96. Thus, the IBIA in its 2002 DTO decision, held that whether “action taken by the Acting Assistant Secretary was a final determination” is not “within the Board’s jurisdiction” and referred the issue to the Secretary. *Id.*

Similarly, the IBIA was without jurisdiction to review and reverse the AS-IA’s 2015 decision that the Corrected FDR was final for the Department. Had the DTO Petition for Reconsideration explicitly raised the issue of the AS-IA’s finality determination as one for review it would have clearly been identified as falling outside of the IBIA’s jurisdiction and appropriate for referral to the Secretary. *See, id.* The fact that the issue was implicitly raised by the filing of the DTO petition, rather than explicitly raised by the DTO as an issue stated in their petition does not expand the IBIA’s jurisdiction under the 1994 regulations. Whatever jurisdiction the IBIA may have to determine its own jurisdiction, it does not have the authority under §§83.11 (1994), to expand its jurisdiction beyond the limits of §§83.11(d) to review and reverse the AS-IA’s express finality determination. Instead, under the 1994 regulations further departmental review of the AS-IA’s finality determination, if any, is reserved to the Secretary.

**B. The IBIA Erred in Overturning the AS-IA’s Finality Determination.**

The IBIA ruling that the FDR was not final and effective and that it is subject to review under §83.11 of the 1994 acknowledgment regulations is in error and should be reversed for the reasons stated in this Request and by the AS-IA and the Muckleshoot Tribe in their briefs to the IBIA. Moreover, if sustained, the IBIA’s ruling that the FDR was not final and effective raises the questions regarding the applicability of the 2015 acknowledgment regulations to the DTO petition. The Secretary should assume jurisdiction pursuant to 43 CFR §4.5 to address these questions before further IBIA review.

As IBIA acknowledged in its ruling, the preamble to the 1994 regulations clearly states that the 1994 regulations do not provide general provisions for IBIA review of acknowledgment decisions following judicial remand “[b]ecause a court would be expected to provide guidance for each case of this type.” IBIA Jurisdictional Order at 3, *quoting*, 59 FR 9280, 9285 (Feb. 25, 1994). The preamble clearly demonstrates the Department’s intent to strictly limit IBIA jurisdiction and removes ambiguity that the IBIA now incorrectly relies upon to assert jurisdiction. IBIA jurisdiction on judicial remand, if it exists at all, must be found in guidance to be found in the court’s remand order. The IBIA found such guidance in the fact that the Court’s order *vacated* the FDR when it remanded the matter to the Department, presumptively, according

---

3 The IBIA’s prior rulings narrowly construing its jurisdiction under the 1994 acknowledgment regulations are well founded given that other than 25 CFR §83.11 (1994), there are no instances in which the AS-IA’s decisions are subject to IBIA review. Indeed, the general lack of IBIA authority to review decisions of the AS-IA served as the rationale for the complete elimination of IBIA review in the 2015 acknowledgment regulations. *See, 80 FR 83862. 37880 (July 1, 2015).*
to the IBIA, resulting in a new final determination under §83.10 (1994), subject to review under §83.11(a) (1994). IBIA Jurisdictional Order at 3.

The IBIA’s reliance upon the fact that the Court vacated and remanded the Department’s 2002 DTO Final Determination is misplaced. The form of the Court’s order vacating and remanding the matter to the AS-IA for further work is similar in form to orders issued by the Board under §83.11 vacating final acknowledgment determinations and remanding to the AS-IA. Such orders when issued by the IBIA do not presume additional administrative review by the Board following remand. See, In Re Federal Acknowledgment of the Eastern Pequot Indians, 42 IBIA 133 (2006) (holding no further Board review available after Board vacated and remanded a final determination to the AS-IA).

In the absence of specific direction from the Court on the procedures to be followed on remand, the Assistant Secretary properly concluded that the Corrected FDR was final, consistent with the general limitations on the IBIA’s review authority, see Cherokee Nation v. Acting Eastern Oklahoma Regional Director, 58 IBIA 153, 161 (2014), and the express limitations on the IBIA’s authority to review reconsidered determinations under §83.11(h)(3). See, AS-IA’s Opening Brief on Finality at 3-7; Assistant Secretary’s Response Brief on Finality at 1-4 Muckleshoot Memorandum on Board’s Jurisdiction at 1-3. The IBIA erred when it ruled all that is required for further IBIA review is an order vacating and remanding an acknowledgment determination and that such an order constitutes the type of specific judicial guidance on remand procedures contemplated by the 1994 regulation. If that were the case, most if not all remands would be subject to further IBIA review, an outcome contrary to the intent of the 1994 regulations as explained in the preamble.

C. Whether or Not the Corrected FDR Was Final Agency Action the New 2015 Acknowledgment Regulations Are Not Applicable to the DTO.

New regulations governing federal acknowledgment of Indian tribes were published on July 1, 2015 and became effective on July 31, 2015. 80 FR 37862 (July 1, 2015). The 2015 acknowledgement regulations provide that documented petitions which had not received a final agency decision as of the regulation’s effective date proceed under the new regulations unless the petitioner elects to proceed under the previous regulations promulgated in 1994. 25 CFR §83.7(b) (2015), 80 FR 37862, 37889. Clearly, the AS-IA issued his DTO decision to achieve finality regarding DTO recognition under the 1994 regulations. In light of the DTO October 2014 request that the AS-IA stay consideration of the DTO petition pending the adoption of proposed new regulations, it seems likely that the DTO will at some point renew their argument that the DTO is entitled to consideration under the 2015 regulations. This question should be resolved now by the Secretary, rather than after or through further IBIA review. The new
regulations do not contemplate consideration of pending petitions under both the 1994 regulations and the 2015 regulations. See, 25 CFR §83.7 (2015). Moreover, it is questionable that the IBIA has authority to address this question. See, In Re Acknowledgment of Chinook Indian Tribe, 36 IBIA 245, 251-52 (2001), (referring to the Secretary the issue of the propriety of the application of 1994 regulations on the ground that the issue falls outside of the Board’s jurisdiction under 25 CFR §83.11(d)(1)-(4) (1994)).

The Duwamish are not entitled to consideration under the 2015 regulations, whether or not the Corrected FDR was final agency action. Assuming, arguendo, that the Corrected FDR was not final and effective on publication, 25 CFR §83.7(b) (2015) provides for consideration of documented petitions under the new regulations that have “not yet received a final agency decision” prior to the effective date of the new regulations. The DTO did receive a final agency decision in 2002 when Secretary Norton “concluded that further review [was] not likely to change the Department’s determination against acknowledging the DTO as an Indian tribe,” and declined to direct reconsideration of the September 25, 2001, Final Determination Against Acknowledgment of the Duwamish Tribal Organization. http://www.bia.gov/cs/groups/xofa/documents/text/idc-001383.pdf. Thus, under the plain unambiguous language of the 2015 regulations, the DTO does not qualify for consideration under the new regulations. Additional reasons for declining to apply the 2015 regulations are noted by the AS-IA in the excerpts of the Corrected FDR quoted above. They include: the Court’s remand order directing further consideration under the 1994 regulations, rather than some then unknown future regulations; the futility of further review in light of the fundamental obstacles to DTO acknowledgment identified by the AS-IA under all three sets of regulations; and the AS-IA’s determination that the Department’s limited resources would be better expended in reviewing petitions that have not had the benefit of a final agency decision. See, Corrected FDR at 1-3.

There are good policy reasons for according finality to the AS-IA’s Corrected FDR and directing the Department’s limited resources to petitioners who have not yet received a final determination. The issue of DTO acknowledgment has been addressed by both the courts and the Department multiple times since 1979 when the District Court found that the members of DTO petitioner and their ancestors “have not lived as a continuous separate, distinct and cohesive Indian cultural or political community,” DTO “is not an entity that is descended from any of the tribal entities that were signatory to the Treaty of Point Elliott,” and DTO has “not maintained an organized tribal structure in a political sense.” United States v. Washington, 476 F.Supp. 1101, 1105 (W.D.Wash. 1979), affirmed, 641 F.2d 1368, 1373 (9th Cir. 1981), cert. denied, 454 U.S. 1143 (1982).
The Honorable Sally Jewell  
March 31, 2016
Page 8

Perhaps more importantly, as the AS-IA noted in the Corrected FDR, three AS-IAs in three different administrations have all reached the same conclusion, and the petition has been the subject of both IBIA and Secretarial review. See, Corrected FDR at 3; http://www.bia.gov/WhoWeAre/AS-IA/OFA/DecidedCases/Petition25/index.htm. After almost 40 years of consideration in the courts and by the Department, DTO’s claims have received sufficient consideration. As the AS-IA concluded the Department should allocate its resources to consideration of petitioners who have not yet received a decision.

III. Conclusion

For the foregoing reasons the Muckleshoot, Suquamish, and Tulalip Tribes respectfully request that you assume jurisdiction over this matter, reverse the IBIA’s jurisdictional order, affirm that the AS-IA’s Corrected FDR was final and effective upon its publication and that the DTO petition is not subject to consideration under the 2015 acknowledgment regulations, and dismiss the DTO Petition for Reconsideration.

Sincerely,

Richard Reich
Office of the Tribal Attorney
Muckleshoot Indian Tribe
39015-172nd Avenue SE
Auburn, WA 98092
(253) 876-3123
rreich@muckleshoot.nsn.us

Timothy Brewer
Office of Reservation Attorney
Tulalip Tribes
6406 Marine Dr.
Tulalip, WA 98271
(360) 716-4530
tbrewer@tulaliptribes-nsn.gov

Timothy Woolsey
Legal Department
Suquamish Indian Tribe
18490 Suquamish Way
Suquamish, WA 98392
(360) 598-3311
twoolsey@suquamish.nsn.us

cc: Bart J. Freedman via Email and First Class Mail
Barbara Coen via Email and First Class Mail
Interior Board of Indian Appeals via First Class Mail
Distribution List IBIA No. 16-008 via First Class Mail
Distribution: IBIA 16-008

Bart J. Freedman, Esq.
for Petitioner Duwamish Tribe
K&L Gates LLP
925 Fourth Avenue, Suite 2900
Seattle, WA 98104-1158

Suquamish Tribal Council
P.O. Box 498
Suquamish, WA 98392

Governor Jay Inslee
P.O. Box 40002
Olympia, WA 98504-0002

The Tulalip Tribes of Washington
6406 Marine Drive
Tulalip, WA 98271

Attorney General Bob Ferguson
P.O. Box 40100
Olympia, WA 98504-0100

Dr. Stephen Dow Beckham
1389 SW Hood View Drive
Lake Oswego, OR 97034

Lummi Indian Business Council
2565 Kwina Road
Bellingham, WA 98226

Dr. Kenneth Tollefson
Seattle Pacific University
Seattle, WA 98119

Richard Reich, Tribal Attorney
for Muckleshoot Indian Tribe
39015 - 172nd Avenue SE
Auburn, WA 98092

Dr. Michael D. Roe
Seattle Pacific University
Seattle, WA 98119

Port Gamble S’Klallam Tribe
101 31912 Little Boston Road, NE
Kingston, WA 98346

Linda Dombrowski
STOWW
3040 96th Street, South
Lakewood, WA 98409

Quinault Indian Nation
Fawn Sharp, Chairman
P.O. Box 189
Taholah, WA 98587

Mark Tilden
Tilden McCoy + Dilwig LLP
2500 30th Street, Suite 207
Boulder, CO 80301

Samish Indian Tribe
2918 Commercial Avenue
Anacortes, WA 98221

Russel Barsh
2108 Fisherman Bay Road, Apt. G
Lopez Island, WA 98261-8519

Snoqualmie Tribal Council
P.O. Box 969
Snoqualmie, WA 98065

Senator Patty Murray
511 Hart Senate Office Building
Washington, DC 20510
Distribution: Continued – page 2

Senator Maria Cantwell
154 Russell Senate Office Building
Washington, DC 20515

Representative Rick Larsen
2113 Rayburn House Office Building
Washington, DC 20515

Representative Jim McDermott
1035 Longworth House Office Building
Washington, DC 20515

Representative Adam Smith
2264 Rayburn House Office Building
Washington, DC 20515

Superintendent
Puget Sound Agency
Bureau of Indian Affairs
2707 Colby Avenue
Everett, WA 98201-3528

Northwest Regional Director
Bureau of Indian Affairs
911 NE 11th Avenue
Portland, OR 97232

R. Lee Fleming, Director
Office of Federal Acknowledgment
U.S. Department of the Interior
MS-34B-SIB
1951 Constitution Avenue, NW
Washington, DC 20240

Barbara N. Coen, Esq.
Office of the Solicitor
MS 6513 - MIB
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Assistant Secretary - Indian Affairs
U.S. Department of the Interior
MS 3642 - MIB
1849 C Street, NW
Washington, DC 20240