

Update to Board of County Commissioners

From: Public & Government Affairs

RE: S. 3126 – Grand Ronde Reservation Act Amendment

Date: 03-10-2022

<p>Summary</p>	<p>The Confederated Tribes of Grand Ronde (CTGR) is requesting Clackamas County’s support of S. 3126, which would amend federal statutes to allow CTGR and the State of Oregon the ability to navigate policies around ancestral hunting and fishing rights. The bill is sponsored by Sen. Jeff Merkley and cosponsored by Sen. Ron Wyden.</p> <p>These hunting and fishing rights were withheld by the State of Oregon by consent decree in exchange for Oregon to support the Grand Ronde Reservation Act, which restored the Tribe’s federal status in the 1980’s. This clause that withheld ancestral hunting and fishing rights was written to be in effect into perpetuity.</p> <p>S. 3126 changes the law to allow CTGR the ability to work with the State of Oregon on identifying where tribal hunting and fishing can occur. It does not take any action beyond giving the Tribe and the State the ability to have this process restored. For example, it does not create new or designate specific hunting and fishing rights.</p> <p>Grand Ronde tribal members were forcibly removed from their ancestral lands in the 1850s, and their tribal status was terminated by the federal government in 1954. The subsequent process to restore Grand Ronde’s tribal status was a major step in correcting historical injustice, yet conditioned this element of tribal heritage, which limits where tribal members can hunt and fish.</p> <p>Only one other tribe in the United States has a similar limitation conditioned over their tribal status: the Confederated Tribes of the Siletz Indians.</p>
<p>Department Support</p>	<p>PGA – Government Affairs has consulted with Summit Strategies to understand potential impacts of the bill. No negative impacts were identified, and we were made aware that the Confederated Tribes of the Siletz Indians have separate legislation asking for identical allowances.</p> <p>Additionally, while the county’s federal legislative agenda does not speak to the rights and sovereignty of indigenous peoples, we do advocate for legislation that does not restrict local government rights. In this case, S. 3126 restores the rights of a partner agency and sovereign nation. Additionally, the county’s legislative principles give priority consideration to policies that advance equity and inclusion, and the principles also generally support legislation that honors, utilizes, promotes, and invests in our natural resources.</p>

Staff Recommendation	Support S. 3126
Timeline	This bill was introduced in the U.S. Senate on November 1, 2021 and heard in the Senate Committee on Indian Affairs on February 16, 2022. No additional actions have been taken or scheduled.



March **DRAFT**, 2022

Cheryle Kennedy, Chairwoman
Confederated Tribes of Grand Ronde
9615 Grand Ronde Rd.
Grand Ronde, OR 97247

Dear Chairwoman Kennedy:

Clackamas County supports passage of the Grand Ronde Reservation Act Amendment (S. 3126), introduced by Senators Wyden and Merkley, and we applaud your perseverance to correct the injustices of the past and to restore the ancestral hunting and fishing rights of the Confederated Tribes of Grand Ronde.

We recognize the conditions to approve the Grand Ronde Reservation Act in the 1980's were unjust, and perpetuated by historical and ongoing systemic power imbalances. Through our partnership and many projects working alongside Grand Ronde, we have full confidence in your good will and intent to steward the land we all share in today's Oregon. Further, we trust in your expertise and ability to steward the natural resources we share and to which you have ancestral claim, as indigenous peoples have done for generations before the western colonization of the United States.

Passage of S. 3126 will allow you to once again work with the State of Oregon to begin restoring those ancestral hunting and fishing rights which belonged to the peoples of Grand Ronde from time immemorial. Clackamas County is proud to bear the name of the Clackamas people, and honored to support your effort to restore these sacred rights.

Sincerely,

DRAFT

Tootie Smith, Chair
On behalf of the Clackamas County Board of Commissioners

117TH CONGRESS
1ST SESSION

S. 3126

To amend the Grand Ronde Reservation Act to address the hunting, fishing, trapping, and animal gathering rights of the Confederated Tribes of the Grand Ronde Community, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1, 2021

Mr. MERKLEY (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To amend the Grand Ronde Reservation Act to address the hunting, fishing, trapping, and animal gathering rights of the Confederated Tribes of the Grand Ronde Community, and for other purposes.

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

SECTION 1. GRAND RONDE RESERVATION ACT AMENDMENT.

Section 2 of Public Law 100–425 (commonly known as the “Grand Ronde Reservation Act”) (102 Stat. 1595) is amended to read as follows:

“SEC. 2. HUNTING, FISHING, TRAPPING, AND ANIMAL GATHERING.

“(a) DEFINITIONS.—In this section:

“(1) CONSENT DECREE.—The term ‘Consent Decree’ means the final judgment and decree of the United States District Court for the District of Oregon, in the action entitled ‘Confederated Tribes of the Grand Ronde Community of Oregon against the State of Oregon’, entered on January 12, 1987.

“(2) GRAND RONDE HUNTING AND FISHING AGREEMENT.—The term ‘Grand Ronde Hunting and Fishing Agreement’ means the agreement entitled ‘Agreement Among the State of Oregon, the United States of America and the Confederated Tribes of the Grand Ronde Community of Oregon to Permanently Define Tribal Hunting, Fishing, Trapping, and Animal Gathering Rights of the Tribe and its Members’ and entered into by the United States on December 2, 1986.

“(3) INDIAN TRIBE.—The term ‘Indian Tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act ([25 U.S.C. 5304](#)).

“(b) HUNTING, FISHING, TRAPPING, AND ANIMAL GATHERING AGREEMENTS.—

“(1) IN GENERAL.—The Grand Ronde Hunting and Fishing Agreement shall remain in effect until and unless replaced, amended, or otherwise modified by 1 or more successor government-to-government agreements between the Confederated Tribes of the Grand Ronde Community and the State of Oregon relating to the hunting, fishing, trapping, and animal gathering rights of the Confederated Tribes of the Grand Ronde Community.

“(2) AMENDMENTS.—The Grand Ronde Hunting and Fishing Agreement or any successor agreement entered into under paragraph (1) may be amended from time to time by mutual consent of the Confederated Tribes of the Grand Ronde Community and the State of Oregon.

“(c) JUDICIAL REVIEW.—In any action brought in the United States District Court for the District of Oregon to rescind, overturn, modify, or provide relief under Federal law from the Consent Decree, the United States District Court for the District of Oregon shall review the application of the parties on the merits without regard to the defense of res judicata or collateral estoppel.

“(d) EFFECT.—Nothing in this section enlarges, confirms, adjudicates, affects, or modifies any treaty or other right of an Indian Tribe.”.