

**Confederated Tribes of the
Umatilla Indian Reservation**
Board of Trustees & General Council



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May 21, 2010

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Via Facsimile

Senator Ron Wyden
United States Senate
Washington, DC 20510

Congressman Greg Walden
House of Representatives
Washington, DC 20515

Congressman Earl Blumenauer
House of Representatives
Washington, DC 20515

Senator Jeff Merkley
United States Senate
Washington, DC 20510

Congressman Peter DeFazio
House of Representatives
Washington, DC 20515

Congressman David Wu
House of Representatives
Washington, DC 20515

Congressman Kurt Schrader
House of Representatives
Washington, DC 20515

Re: *Congressional Approval of Cobell Class Action Settlement*

Dear Senators and Congressmen,

I write on behalf of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) to request your support for the *Cobell* Settlement that would fully and finally resolve the *Cobell v. Salazar* class action lawsuit. The Administration announced the Settlement of the 14 year old suit on December 8, 2009, and it has been awaiting Congressional approval ever since. The current approval deadline is May 31, 2010 (the two previous deadlines were extended). We request that the *Cobell* Settlement be brought up for a vote before the deadline passes and that you vote in support of it.

The *Cobell* suit sought an accounting of the Individual Indian Money (IIM) accounts managed by the Department of Interior. The IIM accounts hold the lease, timber, minerals royalties and other income derived from trust allotments owned by individual Indians. The Courts that heard this case concluded that the Interior Department has failed in its fiduciary obligation to Tribal members and the management of the IIM accounts and trust resources. The settlement of the *Cobell* case and the wrongs it identified is long overdue.

The *Cobell* Settlement not only pays damages to IIM accountholders, it also seeks to address the land fraction problem that is a direct consequence of misguided federal allotment policy of the 1880s. The Umatilla Indian Reservation was allotted by the Umatilla Allotment Act enacted in 1885. Under this law, the Reservation reserved in our Treaty of 1855 was opted to non-Indian settlement and Reservation lands were allotted to individual Tribal members.

Treaty June 9, 1855 - Cayuse, Umatilla and Walla Walla Tribes

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Ownership of the allotments have fractionated over time as they have been passed down from generation to generation. Our Reservation has allotments with hundreds of landowners and 307 allotments with twenty or more owners. This fractionated land ownership has made land management and use very difficult – and impossible in too many cases.

The *Cobell* Settlement addresses this problem by allocating \$2 billion to purchase fractionated interests in trust allotments. This important element of the Settlement would benefit the Federal Government, Tribal governments and individual Indian landowners. The Federal Government benefits because it will not have to manage the IIM accounts for, or probate, the fractionated interests that are purchased. The purchase of these fractionated interests will greatly reduce the current number of four million individual land ownerships that the BIA must manage resulting in significant cost savings. Tribes benefit because they will receive title to the fractionated interest purchased – restoring to Tribal ownership reservation lands that were set aside as their Tribal homeland. Tribal landowners with highly fractionated interests will benefit because they will be paid fair market value for their interests that in most cases produce little or no income. Finally, with more concentrated ownership of the trust allotments, Tribes will be able to more efficiently manage and use reservation lands.

The *Cobell* Settlement will also produce a \$60 million scholarship fund for Indian students. We strongly support this element of the Settlement Agreement and believe it will be a valuable supplement to our own Tribal scholarship program which is critical to the education and future of our Tribal students.

We also support the settlement of the *Cobell* suit because of the impact of that litigation on our working relationship with the Bureau of Indian Affairs (BIA), the Federal agency with which we have the most contact. We need a BIA that is proactive and a full partner in the protection of our Treaty rights and trust resources. In the past 14 years while the *Cobell* suit has been active, our relationship with the BIA, which has always been a problematic relationship, got worse. It appeared to us that too frequently that the BIA was focused on defending the *Cobell* class action claims rather than carrying out its trust obligations to Tribes and individual members. This needs to change. We are hopeful that settlement of the *Cobell* litigation and the Secretarial Commission on Trust Reform, which will be funded by settlement proceeds, will improve the effectiveness of the BIA in providing trust services to Indian Country.

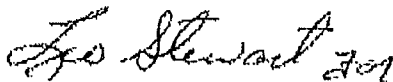
Our support for the *Cobell* Settlement is not unqualified. We believe that the Settlement Agreement is far from perfect. That said, we recognize the difficulty in settling large class action lawsuits and we find that the benefits of the settlement outweigh its defects.

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Thank you for your consideration of our views on this important matter. If we can be of any assistance in moving this matter forward, or if you have any questions of us, feel free to contact me or our Tribal Attorney, Daniel Hester at 303-815-1700.

Respectfully submitted,



Elwood H. Patawa
Chairman, Board of Trustees
Confederated Tribes of the Umatilla Indian Reservation

cc: Congresswoman Nancy Pelosi, Speaker of the House
Congressman John Boehner, House Minority Leader
Congressman Nick Rahall, Chairman, House Natural Resources Committee
Congressman Doc Hastings, Vice Chairman, House Natural Resources Committee
Senator Harry Reid, Senate Majority Leader
Senator Mitch McConnell, Senate Minority Leader
Senator Byron Dorgan, Chairman, Senate Indian Affairs Committee
Senator John Barrasso, Vice Chairman, Senate Indian Affairs Committee
Mark Phillips, CUIR Washington, DC Governmental Representative
Lisa Ganuelas, Tribal Legislative Coordinator
Daniel Hester, Tribal Attorney