



June 11, 2024

Hon. Brian Schatz
Chairman
Senate Committee on Indian Affairs
838 Hart Senate Office Building
Washington, D.C. 20510

Hon. Lisa Murkowski
Vice Chairwoman
Senate Committee on Indian Affairs
838 Hart Senate Office Building
Washington, D.C. 20510

Hon. Bruce Westerman
Chairman
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Hon. Raul Grijalva
Ranking Member
House Committee on Natural Resources
1332 Longworth House Office Building
Washington, D.C. 20515

Re: Request for Congressional Oversight re Extra-Territorial Tribal Casino Development Proposals

Dear Chairman Schatz, Chairman Westerman, Vice Chairwoman Murkowski, and Ranking Member Grijalva,

We write on behalf of the Confederated Tribes and Bands of the Yakama Nation (“Yakama Nation”) and the Confederated Tribes of the Umatilla Indian Reservation (“CTUIR”) to request that the Senate Committee on Indian Affairs and House Committee on Natural Resources exercise your oversight authority over the Department of the Interior’s (“Interior”) consideration of off-reservation Tribal gaming projects. Our Nations are concerned about the growing number of Tribes attempting to establish and operate gaming facilities in other Tribes’ Treaty and traditional territories. While we support all tribal nations’ rights to self-determination and economic independence, a Tribe should not be allowed to operate a gaming facility in another Tribe’s territory without the affected Tribe’s prior consent. Interior’s consideration of these extra-territorial gaming applications while denying affected Tribes’ information requests and ignoring their government-to-government consultation requests is deeply disturbing and should be the subject of your Committees’ scrutiny.

Specific to the Yakama Nation and CTUIR, the Confederated Tribes of the Colville Reservation (“Colville”) has an active application for Interior to take land into trust and allow gaming within the City of Pasco, Washington. Pasco is located wholly within the Yakama Nation’s Treaty Territory and is immediately adjacent to CTUIR’s Treaty Territory. Congress recognized our respective Treaty Territories when it ratified the Treaty with the Yakamas of June 9, 1855, 12 Stat. 951, and the Treaty with the Walla Walla, Cayuse, and Umatilla of June 9, 1855, 12 Stat. 945.

Colville, in contrast, did not sign a Treaty and generally does not have off-Reservation rights of any kind beyond their Executive Order Reservation located 160 miles north of Pasco. Colville has attempted for decades to assert the Yakama Nation’s rights under the Treaty of 1855, claiming certain Yakama Nation-constituent tribes and bands as their own, but those efforts have consistently and resoundingly been rejected by federal courts. See *United States v. Confederated Tribes of the Colville Indian Reservation*, 606 F.3d 698 (9th Cir. 2010); *United States v. Oregon*, 470 F.3d 809 (9th Cir. 2006); *United States v. Oregon*, 29 F.3d 481 (9th Cir. 1994). Colville has no economic development rights to the Yakama Nation’s Treaty Territory, including Pasco, and Interior should not be considering Colville’s application that encroaches upon the Yakama Nation’s Treaty Territory.

This is no small concern. The Yakama Nation and CTUIR use the proceeds from our on-reservation gaming operations to provide essential governmental services to our enrolled Members on our rural reservations. Our respective Treaty Territories represent the markets from which we draw customers who fund those essential governmental services. Colville’s extra-territorial attempt at developing a gaming facility within the Yakama Nation’s Treaty Territory would devastate both of our governments’ ability to serve the needs of our People. It will frustrate our ability to fully realize our sovereignty and self-determination. Our position is consistent with the traditional practices of our respective peoples throughout the Pacific Northwest. When entering another Tribe’s territory, there were ceremonies, offerings of gifts, and ultimately a request for entry and access to resources that would be either approved or denied. Anything less was treated as an act of hostility and is still perceived that way today. Colville already has three casinos; this would be their fourth. Interior should not be considering Colville’s application.

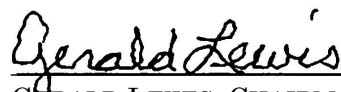
We have repeatedly attempted to express our concerns to Interior but to no avail. We provided numerous written comments to Interior that detail the relevant historical record, the above-noted case law, and our position regarding Colville extending beyond its Reservation boundaries to build a fourth casino 160 miles away within the legally recognized territory of another Tribe. While some Tribes can justify the need for additional land, Colville’s claim of “need” relative to more than 80% of other Tribes throughout the United States is disingenuous—Colville’s trust land base includes 887,832 acres of tribal trust lands and 267,000 acres of individual trust lands across its 1.4-million-acre Reservation.

Colville does not lack a reservation, adequate trust lands, or attractive siting opportunities within its own territory to build yet another casino. Accordingly, we have made request after request to Interior for additional information regarding the underlying basis and

justification for Colville's application and its choice of project siting. Unfortunately, at every turn, Interior has laid roadblocks that have restricted us from receiving information about the substance and scope of Coville's proposed project. The Bureau of Indian Affairs Regional Office did not include the CTUIR in the notice and opportunity to comment on the Colville fee to trust application for the Pasco site. Interior has demanded that we submit Freedom of Information Act ("FOIA") requests to receive project information about an incredible federal undertaking on lands of significant importance to us. Yet when we have submitted FOIA requests, Interior has responded with incomplete or heavily redacted documents that largely eliminate our ability to meaningfully engage in the available comment processes. Further, our many demands for government-to-government consultation sent to the Secretary, the Assistant Secretary, and the Bureau of Indian Affairs' Northwest Regional Director have gone unanswered. We have exhausted our administrative avenues and are left with little recourse but to now reach out to your respective Committees and ask for your assistance and intervention.

We are aware that numerous other Tribes have contacted you to express similar concerns. We strongly urge that your Committees exercise your oversight authority to conduct hearings on Interior's consideration of Tribal gaming applications in another Tribe's territory without the affected Tribe's prior consent. We respectfully request that your Committees conduct hearings to determine why Interior is acting on a request from a Tribe with three existing casinos to develop an off-reservation casino 160 miles from its reservation that will have a devastating effect for the on-reservation gaming operations and economies of two Tribes that have a Treaty-recognized connection to the proposed casino site. It is our hope that with your oversight, Interior will recommit itself to facilitating Tribal gaming in a manner that respects the legal rights of Tribes to their Treaty and traditional territories, to the exclusion of those that would invade and colonize those territories for their own benefit. We thank you for considering this request and welcome any questions you may have on this important matter.

Respectfully,


GERALD LEWIS, CHAIRMAN
YAKAMA NATION TRIBAL COUNCIL


GARY I. BURKE, CHAIRMAN
CTUIR BOARD OF TRUSTEES

CC: Hon. Patty Murray, United States Senator
Hon. Maria Cantwell, United States Senator
Hon. Dan Newhouse, United States Congressman
Hon. Ron Wyden, United States Senator
Hon. Jeff Merkley, United States Senator
Hon. Cliff Bentz, United States Congressman