



NEWS

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McCaleb Approves Reconsidered Final Determination To Recognize The Cowlitz Indian Tribe of Washington

(WASHINGTON, D.C.) – Interior Assistant Secretary – Indian Affairs Neal A. McCaleb today announced his approval of the reconsidered final determination in favor of Federal acknowledgment for the Cowlitz Indian Tribe of Washington. The reconsidered final determination, which McCaleb signed on December 31, 2001, affirms the final determination signed by his predecessor, Assistant Secretary – Indian Affairs Kevin Gover, on February 14, 2000 acknowledging that the Cowlitz Indian Tribe exists as an Indian tribe within the meaning of Federal law.

The 1,482-member tribe, which is located in southwestern Washington State, submitted a request for Federal acknowledgment to the Bureau of Indian Affairs on September 17, 1975. After the Federal Acknowledgment Project (now the Branch of Acknowledgment and Research, or BAR) was established in 1978, the tribe's petition was transferred to the new office for evaluation under 25 CFR Part 83, the Federal acknowledgment regulations.

The Quinault Indian Nation, a Federally recognized tribe located in western Washington, filed a request for reconsideration of the February 14 final determination with the Interior Board of Indian Appeals (IBIA). In an opinion issued on May 29, 2001, the IBIA affirmed the final determination while at the same time referring three issues to Interior Secretary Gale Norton as outside of its jurisdiction. After receiving comments from the BAR, the Quinault Indian Nation and the Cowlitz Indian Tribe, Secretary Norton on September 4, 2001 referred one issue and part of a second issue to Assistant Secretary McCaleb as grounds for reconsideration of the final determination.

The first issue dealt with whether two misstatements contained in the final determination technical report concerning Cowlitz "metis" or "mixed-bloods" with French Canadian heritage appearing on 1878 and 1880 Indian censuses had an effect on the BIA's analysis and, ultimately, on the Assistant Secretary's decision. Assistant Secretary McCaleb found that the misstatements did not impact the result of the final determination.

The second issue considered by Assistant Secretary McCaleb concerned whether the BIA misapplied the burden of proof under 25 CFR 83.6(d). The Secretary had limited her referral of this issue to "the portion

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that pertains to the application of the burden of proof in the context of unambiguous previous federal recognition.” The Assistant Secretary determined the Cowlitz Indian Tribe demonstrated by substantial evidence that the Lower Cowlitz tribe and the Upper Cowlitz tribe had been recognized separately at different times during the 1800s, and that the government had amalgamated these two bands by 1880. He also determined that there was a reasonable likelihood that the Cowlitz Indian Tribe had evolved from these previously acknowledged tribes.

The Cowlitz Indian Tribe is an amalgamated tribe descended from two historically amalgamated bands of Cowlitz: the Salish-speaking Lower Cowlitz Indians and the Sahaptin-speaking Upper Cowlitz, or Taidnapam, Indians. Cowlitz Indian Tribe villages ranged a distance of 60 miles from the source to the mouth of the Cowlitz River with an important center at the well-known landmark of the Cowlitz Indian Mission.

In 1855, Cowlitz representatives took part in the Chehalis River Treaty negotiations with Governor Isaac Ingalls Stephens, but refused to sign the proposed treaty because the Cowlitz Indians did not consent to be transferred away from their traditional territory to a Federally established reservation. In subsequent years, agents of the Office of Indian Affairs, the forerunner of the BIA, recorded the tribe’s members on census and other records, but the tribe continued to refuse placement on a reservation. Between 1855 and 1900, the tribe had several well-known leaders.

In 1904, the surviving traditional chiefs and younger members of the tribe began the process of filing a claim against the Federal government for compensation for the taking of the tribe’s land. The claim was resolved in 1973 by an Indian Claims Commission judgment award, which has not yet been disbursed pending determination of the tribe’s acknowledgment status.

In 1910, the tribe reorganized itself along modern lines with elected officers and a board of directors. This structure was formalized in 1912. For many years thereafter the chairman was chosen alternately from descendants of the Lower Cowlitz and the Upper Cowlitz. Known as the Cowlitz Indian Tribe since 1973, the tribe was previously called the Cowlitz Tribal Organization and the Cowlitz Tribe of Indians.

The reconsidered final determination supplements the original final determination and supersedes it to the extent the original is inconsistent with the reconsidered final determination. In conjunction with the original final determination, the reconsidered final determination is an amended final determination for the Cowlitz Indian Tribe and is effective upon publication of the notice of the reconsidered determination in the *Federal Register*.

The Assistant Secretary - Indian Affairs has responsibility for fulfilling the Department’s trust responsibilities and promoting self-determination on behalf of tribal governments, American Indians and Alaska Natives. The Assistant Secretary is also responsible for providing services to approximately 1.4 million American Indians and Alaska Natives who are members of the now 559 Federally recognized tribes.