



Cowlitz Indian Tribe

September 25, 2013

Ms. Elizabeth Appel
Acting Director
Office of Regulatory Affairs & Collaborative Action - Indian Affairs
U.S. Department of the Interior
1849 C Street NW, MS 4141-MIB
Washington, D.C. 20240

Re: 1076-AF18 - Comments on 25 C.F.R. Part 83 Regulations

Dear Acting Director Appel:

I write to you today on behalf of the Cowlitz Indian Tribe ("Cowlitz"). Thank you for this opportunity to submit comments on the Department of the Interior's ("Department") proposed revisions to the "Procedures for Establishing that an American Indian Group exists as an Indian Tribe," 25 C.F.R. Part 83 ("Part 83 Process"). The Cowlitz's experience navigating the Part 83 Process provides it with a unique perspective on the Department's current procedures. The Cowlitz applaud the Department's decision to revisit and revise the Part 83 Process so that it works more efficiently while producing fair and consistent results.

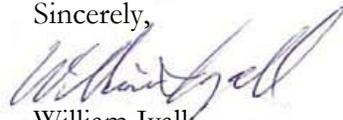
The Cowlitz first petitioned for federal recognition in September of 1975. In February 1983, it submitted a petition under the Part 83 Process, the regulations for which had been promulgated after Cowlitz's initial 1975 submission. It took almost twenty-seven years for the Department to finally formally acknowledge federal recognition of the Cowlitz. We are sorry to see that some petitioners are having had to wait even longer than did we.

It is no secret that the substantial administrative, financial, and time burdens of petitioning for federal acknowledgment under the Part 83 Process have steadily increased over time as the demands placed on petitioners by the Office of Federal Acknowledgment have become increasingly unrealistic since the regulations were first promulgated. As a result of these constantly increasing burdens, even petitioners with strong cases simply are unable to participate in the process because the resources required to navigate the current process are so substantial (and indeed many petitioners are entirely dependent on pro bono assistance). We believe any effort to make the Part 83 Process more accessible to legitimate petitioners is a positive development and consistent with the Department's trust responsibility to Indian tribes. The Department's proposed revisions to the Part 83 Process appear to achieve these objectives.

Finally, the Cowlitz would like to take this opportunity to again highlight the obstacle that awaits the tribes who successfully complete the Part 83 process: the very difficult challenge of acquiring land for a reservation. As with all tribal nations that emerged successfully from the federal acknowledgment process, the Cowlitz are landless, with no reservation lands. After waiting for 27 years to have its recognition restored, Cowlitz now has waited more than twelve years to gain a reservation. This is in no small part because the Supreme Court's 2009 decision in *Carcieri v. Salazar*, 129 S. Ct. 1058, has further complicated, and made even more onerous and expensive, newly acknowledged tribes' struggles to reestablish their status and their homelands. The Cowlitz Tribe is grateful to the Department for the leadership it has shown to address *Carciere* administratively, but we also urge the Department to continue to make a clean *Carciere* legislative fix a top priority. Only a clean legislative fix will ensure that all federally recognized tribes can be treated equally under the law.

Again, the Cowlitz appreciate the Department's commitment to addressing the unnecessary administrative obstacles that have prevented worthy tribal petitioners from achieving the federal acknowledgment they deserve. The Department's proposed revisions to the Part 83 Process will assist it in carrying out this solemn commitment in a more effective manner.

Sincerely,

A handwritten signature in blue ink, appearing to read "William Iyall", written in a cursive style.

William Iyall

Chairman, Cowlitz Indian Tribe