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Judge Pechman

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHINOOK INDIAN NATION, an Indian Tribe
and as successor-in-interest to The Lower Band
of Chinook Indians; ANTHONY A.
JOHNSON, individually and in his capacity as
Chairman of the Chinook Indian Nation; and
CONFEDERATED LOWER CHINOOK
TRIBES AND BANDS, a Washington
nonprofit corporation,

Plaintiffs,

v.
DEB HAALAND, in her capacity as Secretary
of the U.S. Department of Interior; U.S.
DEPARTMENT OF INTERIOR; BUREAU OF
INDIAN AFFAIRS, OFFICE OF FEDERAL
ACKNOWLEDGMENT; UNITED STATES
OF AMERICA; and BRYAN NEWLAND, in
his capacity as Assistant Secretary – Indian
Affairs,

Defendants.

CASE NO. C17-5668MJP

**FOURTH QUARTERLY JOINT
STATUS REPORT PURSUANT TO
JANUARY 21, 2021 ORDER
(DKT. # 133)**

The parties hereby submit their fourth quarterly joint status report as to the status of
administrative proceedings pursuant to 25 U.S.C. §§ 1401, *et seq.* and 25 C.F.R. §§ 87.1, *et seq.*, for
the development of a plan of use or distribution for funds held in trust by the Department for the
Lower Band of Chinook and Clatsop Indians, as ordered by the Court on January 21, 2021
(Dkt. # 133).

FOURTH QUARTERLY JOINT STATUS REPORT PURSUANT TO
JANUARY 21, 2021 ORDER - 1
(Case No. C17-5668MJP)

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1 As the Court may recall from the Third Joint Status Report, filed on October 20, 2021, BIA
 2 planned to conduct a virtual public hearing in order to receive testimony on a proposed use or
 3 distribution plan and was in the process of sending out notices of the hearing to Plaintiffs and all
 4 Northwest Region Tribes. Following the public hearing, it was anticipated that by December 31,
 5 2021, BIA would have completed work on a proposed use or distribution plan for internal review
 6 and approval by leadership within the Department of the Interior. Thereafter, once approval had
 7 been obtained, it anticipated forwarding the proposed plan to Congress for approval pursuant to
 8 25 U.S.C. § 1402.

9 On December 2, 2021 the Bureau of Indian Affairs (BIA) held a virtual public Hearing of
 10 Record to receive oral testimony regarding a plan it proposed for distribution of the Chinook
 11 Judgment Fund. Additionally, written testimony was accepted through December 15, 2021.

12 The BIA provided notice of the Hearing through a ‘Dear Tribal Leader’ letter sent to the
 13 forty-five (45) tribes within the Northwest Region on October 28, 2021. Public notice of the
 14 meeting was also published on multiple days in six regional and local newspapers in Oregon and
 15 Washington, and northern California. Further notification was posted at www.bia.gov.

16 The plan BIA presented at the Hearing would have been to establish a six-member board
 17 consisting of two members each selected by the Grand Ronde, Chinook and Siletz to oversee an
 18 educational scholarship program for descendants of the 1914 Lower Chinook and Clatsop Payment
 19 Rolls.

20 Thirty (30) individuals testified at the hearing, including members of the Grand Ronde Tribal
 21 Council, Plaintiff Chinook Indian Nation, and individuals with Chinook ancestry, many of whom
 22 were enrolled in another tribe. Enrolled members of the Siletz also presented testimony supporting
 23 dialogue with Plaintiff Chinook Indian Nation. Siletz elected representatives were not represented.
 24 In addition to oral testimony, twenty-three (23) letters and emails were received. No one supported
 25 the proposed plan. An overwhelming majority urged BIA to work with Plaintiff Chinook Indian
 26 Nation in developing a plan benefitting the Chinook people.

27 Given the testimony and written comments received in response to its proposed use or
 28 distribution plan, BIA has decided to engage in discussions concerning the plan with Plaintiff

1 Chinook Indian Nation. Accordingly, BIA did not meet its anticipated December 31, 2021 date for
2 completion of work on a proposed use or distribution plan for internal review and approval by
3 agency leadership. BIA expects to update the Court on its new anticipated date for completion of the
4 proposed plan in its next quarterly report

5 DATED this 20th day of January 2022.

6
7 NICHOLAS W. BROWN
United States Attorney

8
9 s/ Brian C. Kipnis
10 BRIAN C. KIPNIS
11 Assistant United States Attorney
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19 Attorneys for Defendants

20
21 DATED this 20th day of January 2022.

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