

United States Senate

WASHINGTON, DC 20510

April 9, 2010

Tim Knapp, Mayor
City of Wilsonville
29799 SW Town Center Loop E
Wilsonville OR 97070

*Rec'd 4/13/10
AK*

Dear Mayor Knapp,

Thank you for your inquiry regarding a potential request to the Bureau of Indian Affairs that land located in Clackamas County be taken into trust for the Klamath Tribe. I share many of your concerns about land at such a distance from the tribe's ancestral land moving into trust.

My office has received a number of questions about this process. In recent weeks I have taken the opportunity to meet with local residents and leaders and with representatives of both the developer and tribal leaders, in an effort to understand the issues and perspectives involved.

Although I have great interest in aiding the Klamath Tribe's economic development efforts and understand their desire to meet the challenges facing tribal members who are living in the Portland Metropolitan area, I believe that using the conversion-to-trust process to achieve a zone change for development in Clackamas County would be a serious mistake.

My commitment to Oregon's legacy of locally developed land use plans, building from the passage of Senate Bill 100 in 1973, is strong. As Speaker of the House in the 2007 Legislative session, I fought hard to take the necessary steps to protect Oregon's statewide land use system by reforming the processes that had been under challenge.

From the research that I have done, the issue of converting to trust lands that are distant from the ancestral lands of a tribe is a somewhat unique one, which in our system of laws means there may not be an absolute answer as to whether such a conversion would be legal.

What is clear is that allowing transfer like that proposed, particularly in partnership with investors who have previously been denied similar land use approvals, would set a terrible precedent and create a significant loophole in the state's land use system. The proposal for the development of the Langdon Farms area, for instance, would effectively undo the determination made by Clackamas County and Metro that certain lands be designated as rural reserve. If the land were put into trust, it does not appear that LCDC or the local governments involved would have any further say.

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I would be very much opposed to such an outcome. I have expressed concerns regarding that potential outcome to the relevant parties and encouraged them to find a different path for meeting their economic goals.

At this time I do not know whether a proposal to the BIA will move forward. Should it do so, I am prepared to enter the discussion with the Department of the Interior and explain my concerns. Again, thank you for your concern and your request.

All My Best,

A handwritten signature in black ink that reads "Jeff A. Merkley". The signature is written in a cursive style with a horizontal line underneath the name.

Jeff Merkley
United States Senator