

# Klamath Tribes seek 385 acres near Wilsonville

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The Klamath Tribes have revived a controversial plan to acquire 385 acres along Interstate 5 near Wilsonville -- one of the largest available tracts in the Portland area -- for undisclosed commercial development.

Tribal leaders say they have no plans for a casino but could use the site for manufacturing, retail or services, while providing jobs for the 500 Klamaths who live in the Willamette Valley.

"Those Klamath peoples who live in the Willamette Valley today have just as much a right as anyone else to a sustainable livelihood and a sustainable homeland," Chairman Joseph Kirk wrote in a letter to tribal members.

The proposal, which could face years of administrative scrutiny and possible court challenges, already is drawing withering blasts from other Oregon tribes.

"This is a prime example of reservation shopping gone overboard," said Siobhan Taylor, public affairs director for the Confederated Tribes of the Grand Ronde, headquartered about 25 miles west of Salem. "If you look at the history of the Klamaths, they have traditionally been located in Southern Oregon. It's really a stretch for them to come up to the Wilsonville area."

The proposed venture also is eliciting complaints from land-use advocates, who say allowing significant commercial activity in the so-called French Prairie near Aurora would open the flood gates for non-stop development south to Salem.

The Klamath Tribes brush aside the criticism, saying that tribes all over the country are trying to buy land closer to metropolitan areas, hoping to launch successful economic development ventures.

"This is a complicated legal issue, but we believe we are well within our rights to proceed there," Kirk said. "We want to look at something that will provide economic benefits for the tribe and help the greater community, as well."

Asked whether the project amounts to an end-run of a metro-wide planning process, which recently declared areas south of the Willamette River as off-limits to urban development, Kirk said, "Yes, but it gets into a situation where business is business. We all look at rules of what we can and can't do and what we might do. Right now, we're looking at what we might do."

Kirk said the Klamath Tribes have no intention of building a casino on the land, an idea which had been floated in the past. In a recent letter to tribe members, he talked of working with the Siletz and Grand Ronde tribes to provide services to tribal members living in the upper Willamette Valley.

Additional uses for the property, he wrote, could include a centralized food services facility, a village shopping center, sustainable manufacturing and commercial projects and an outpatient medical clinic.

The targeted land has long been owned by brothers Chris and Tom Maletis. Their Langdon Farms Golf Club sits at the center of the proposed development.

Chris Maletis confirmed that he and his brother are talking with the Klamath Tribes, but he declined to say where negotiations stand.

He defended the need for commercial development south of the river, despite Clackamas County's recent decision to reserve lands in the area for rural purposes.

"Currently, we do not have large parcels of employment land that are strategically located to accommodate future growth," he said. "This is and always has been a piece of property that meets the region's needs for significant employment lands."

Ben Williams, president of Friends of French Prairie land-use group, disputed Maletis' assertion that I-5, the golf course and nearby Aurora State Airport already make lands south of the river effectively urban.

"From the outset, the Maletis' have had one thing in mind and that's to make as much money through development on this land as possible," he said. "If this isn't an end-run around Oregon's land use laws, I've never seen one in my life."

Kirk said the next step entails preparing a detailed business plan for the property. The federal Bureau of Indian Affairs requires such a plan before determining whether to take lands into trust for qualifying tribes.

Tribes nationwide have had difficulty in recent years taking off-reservation lands into trust, said Matthew L.M. Fletcher, an associate professor of indigenous law at the Michigan State University College of Law. During the eight years of the Bush administration, he said, only one tribe managed to accomplish the feat.

In the Klamaths' case, the tribe may eventually prevail, due to language in its restoration act stating that the federal Interior secretary "shall" accept real property in trust for the benefit of the Tribes, he said.

That language is different from restoration acts applying to other Oregon tribes, which must go through more complicated "fee to trust" transfers.

But given recent case histories around the country, Fletcher said, the Klamaths may still need nearly a decade to clear the many procedural and legal hurdles in the way.

"If they have a mandatory trust acquisition statute, it will get done," he said. "But even though I don't know all the politics there, it's amazing what you can do to slow things down."

### **What are trust lands?**

Native American trust lands are areas that the United States holds title in trust for the benefit of a federally recognized Native American tribe. The land might be located on or off a reservation. Off-reservation activities require an express federal exemption to deny state taxing power. Native American-law experts say the Klamath Tribes face a high bar in persuading the federal government to take the Wilsonville-area land into trust, considering the distance from the tribe's reservation in southern Oregon.