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11  
12 **UNITED STATES DISTRICT COURT**  
13  
14 **DISTRICT OF OREGON**  
15

**HEREDITARY CHIEF WILBUR  
SLOCKISH, a resident of Washington,  
and an enrolled member of the  
Confederated Tribes and Bands of the  
Yakama Nation,**

**HEREDITARY CHIEF JOHNNY  
JACKSON, a resident of Washington, and  
an enrolled member of the Confederated  
Tribes and Bands of the Yakama Nation,**

**CAROL LOGAN, a resident of Oregon,  
and an enrolled member of the  
Confederated Tribes of Grande Ronde,**

**CASCADE GEOGRAPHIC SOCIETY,  
an Oregon nonprofit corporation,**

**and**

**MOUNT HOOD SACRED LANDS  
PRESERVATION ALLIANCE, an  
unincorporated nonprofit association,**

**Plaintiffs,**

**v.**

**UNITED STATES FEDERAL  
HIGHWAY ADMINISTRATION, an  
Agency of the Federal Government,**

**Case No. 3:08-cv-1169-ST**

**DECLARATION OF CAROL  
LOGAN IN SUPPORT OF  
STANDING**

**UNITED STATES BUREAU OF LAND  
MANAGEMENT, an Agency of the  
Federal Government,**

**ADVISORY COUNCIL ON HISTORIC  
PRESERVATION, an Agency of the  
Federal Government,**

**and**

**MATTHEW GARRET, in his official  
capacity as Director of the OREGON  
DEPARTMENT OF  
TRANSPORTATION, an Agency of the  
State of Oregon,**

**Defendants.**

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2 I, Carol Logan, do hereby declare, under the penalty of perjury and the laws of the

3 United States of America:

4 1. My name is Carol Logan. I am 68 years old. I reside at 696 North River Bend  
5 Road, in Otis, Oregon. I have personal knowledge of all of the contents of this  
6 declaration.

7 2. I am an enrolled member of the Confederated Tribes of Grande Ronde.

8 3. The ceded lands of the Confederated Tribes of Grande Ronde, as described in the  
9 1855 Treaty With the Kalapuya, include the Mount Hood area, and therefore include the  
10 area now known as the A.J. Dwyer Scenic Area.

11 4. I am a lineal descendant of the Clackamas People, one of the signatory Tribes of  
12 the 1855 Treaty With the Kalapuya. Our Clackamas People inhabited and traveled  
13 through the areas of Mount Hood, included the region that includes the area now known  
14 as the A.J. Dwyer Scenic Area.

1           5. I am an Elder within the Confederated Tribes of Grande Ronde. My indigenous  
2 grandmothers and grandfathers were forced marched to Fort Yamhill, a military reserve,  
3 which was then and is now on the Grande Ronde Reservation.

4           6. They were given numbers to keep track of them. We are still assigned numbers to  
5 keep track of who we are and where we are.

6           7. My father and mother and mother have walked on, and due to my age, I am now  
7 considered an Elder.

8           8. This means to teach and help keep our traditional ways alive and passing them on  
9 to future generations.

10          9. I organize and participate in religious ceremonies for my people, including water  
11 ceremonies. As visitors here on Earth, we have responsibilities to fulfill. We go to the  
12 water and give thanks for keeping all Life in continuance.

13          10. Without water, we all would die. We apologize for all of the disrespect that is  
14 occurring to all of the waters. We acknowledge the water, as we never want it to leave.

15          11. These ceremonies are part of my religion. As a spritual practitioner, I use the  
16 sweat lodge for my teachings, and to keep my mind, body, and spirit in balance.

17          12. Mount Hood is sacred to Native peoples. Our water is sacred. It comes from the  
18 pure clean snow, and as it travels down the mountain, it keeps all Life healthy and well.

19          13. We do not go on the sacred Mountain and play in the snow and pollute it. The  
20 trees, plants, animals, birds, fish, and other leaving beings have a right to clean water.

21          14. Our People use many of these in our ceremonies. We do not want them  
22 contaminated.

1 15. I used the area of the A.J. Dwyer Scenic Area for prayer and meditation. I  
2 followed the traditional practice of my people regarding memorial ceremonies and  
3 services for people who have passed, in order to keep the memories of them ongoing for  
4 future generations. This would involve would saying prayers, meditating, leaving  
5 offerings, and singing songs.

6 16. The Creator will come one day and call upon those who are resting in peace, and  
7 they will rise and go to another place.

8 17. It is going to be very difficult for those ancestors to rise and go with the Creator  
9 when their resting place has been violated.

10 18. The campground at what is now called. the A.J. Dwyer Scenic Area was sent  
11 there for prayer and gathering and connection to sacred Mount Hood, Enola Hood, Indian  
12 Meadows, Bear Creek, the ancient Indian Trail for travel, Celilo Falls, camas fields, as  
13 well as a big trading area at what is now Rhododendron.

14 19. I am talking about millions of indigenous people who have used this place in  
15 Dwyer Forest throughout History. People have used this place since time immemorial.

16 20. I am also a member of the Mount Hood Sacred Lands Preservation Alliance and  
17 Cascade Geographic Society.

18 21. I worked with Cascade Geographic Society and Citizens for a Suitable Highway  
19 beginning in 1987 in order to preserve and protect sacred sites along Highway 26 from  
20 Brightwood to Rhododendron.

21 22. These sacred sites are a very sensitive issue, and giving out their exact location  
22 would probably cause them to be destroyed.

1           23. I worked with Michael P. Jones, telling how important these sites are to our  
2 People, and about their historical value.

3           24. These sacred places are our usual and accustomed places, and it has been difficult  
4 to get government agencies to listen to tribal people or to let us exercise our rights of  
5 passage for gathering, ceremonies, hunting, fishing, and other traditional practices in  
6 these areas.

7           25. I asked Michael P. Jones if he would be my interpreter, about my inherent rights  
8 and interests: protecting burial grounds, campgrounds, plants and trees at Dwyer Forest;  
9 and The Stone Pillars west of Dwyer Forest, as we put prayer offerings on the top of  
10 them; large rocks at Wildwood; fishing grounds at Zigzag; not disturbing Indian  
11 Meadow, Bear Creek, and sacred sites at Rhododendron.

12           26. I was looking for ways to help preserve and protect these sacred sites.

13           27. At the same time, in the early 1990s, I became active in the organizing efforts to  
14 protect the Native American cultural resources and site in the area of Mount Hood, which  
15 my people consider to be sacred.

16           28. I participated in the organizing and legal effort to prevent logging on Enola Hill, a  
17 sacred site near not far from the A.J. Dwyer Scenic Area, and the site of vision quests.

18           29. I joined the Mount Hood Sacred Lands Preservation Alliance, the group that  
19 emerged out of the Enola Hill organizing efforts. Enola Hill is a vision quest site, and was  
20 desecrated by cutting down the trees there and destroying sacred elements surrounding  
21 the area. Two sweat lodges were also destroyed.

1           30. A few of us tribal people gathered at Enola Hill and offered the Forest Service a  
2 sacred pipe to smoke with us in peace, to help them to understand the importance of this  
3 sacred place. They refused.

4           31. I worked with Rip Lone Wolf, and Umatilla and Nez Perce descendant. Rip was a  
5 descendant of Chief Joseph. His wisdom about our Native rights and preserving and  
6 protecting our sacred places, is highly honored my many, including myself. He has since  
7 passed.

8           32. I am very honored to have worked along side him. I helped him looking for laws  
9 that pertain to protecting burials and sacred sites.

10          33. For some reason, the Forest Service, courts, and others involved said these laws  
11 did not apply to this sacred place.

12          34. Elders came to testify, but no one would give them a chance to testify.

13          35. We in MHSLPA have educated many through television, video, radio, colleges,  
14 newspapers, telephones, and internet, about respecting, preserving, and protecting our  
15 sacred places, as we are still doing this through MHSLPA.

16          36. We are trying to preserve and protect our sacred places through the legal  
17 channels. My trust in legal laws have been damaged morally and ethically. I pray one day  
18 that it can be peaceably repaired.

19          37. I have developed a relationship of trust with the Curator and Historian with the  
20 Cascade Geographic Society, Michael P. Jones. I have authorized him orally to speak on  
21 my behalf.

22          38. Through Mr. Jones, I expressed my interest in and concerns over the U.S. 26:  
23 Wildwood-Wemme Highway Widening Project directly to the Oregon Department of

1 Transportation and the Federal Highway Administration, prior to the finalization of the  
2 Environmental Assessment for this project.

3 39. I was reluctant to speak publicly about the Native American cultural resources  
4 along U.S. 26, including within the A.J. Dwyer Scenic Area, for fear that public  
5 knowledge of these resources would lead to their vandalism and desecration.

6 40. Instead, I demonstrated by interest and concern for the potential impacts of the  
7 widening of U.S. 26 on these Native American cultural resources discreetly and directly  
8 with the Oregon Department of Transportation.

9 41. As a result of the interest I demonstrated through the years, both in the 1980s  
10 when the initial widening took place, and in the 2000s when the U.S. 26: Wildwood  
11 Wemme Highway Widening Project was being planned, I expected to be invited to  
12 participate as an interested party or “other consulting party,” for the Section 106 review  
13 for this project.

14 42. I never received an invitation to participate in the Section 106 review for this  
15 project. Therefore, after the Environmental Assessment came out in 2007, I began to  
16 contact directly the Oregon Department of Transportation and the Federal Highway  
17 Administration regarding my concerns.

18 43. My concerns went unaddressed in the Section 106 process undertaken by ODOT  
19 and FHWA. At some point, I decided that I needed to contact these agencies directly to  
20 express my concerns about the impact of the U.S. 26: Wildwood-Wemme Highway  
21 Widening Project on the Native American cultural resources within the A.J. Dwyer  
22 Scenic Area.

1 44. On about February 5, 2008, I placed a call to Mr. Wayne Statler, Project Manager  
2 for Region 1 within the Portland office ODOT to express my concerns. I identified  
3 myself as what I am: a direct lineal descendant of the Clackamas People.

4 45. On February 14, 2008, I spoke with Mr. Tobin Bottman of ODOT. During this  
5 conversation we discussed the possibility of a meeting in the field with him, and I asked  
6 if Michael P. Jones of Cascade Geographic Society could accompany us. Ultimately, Mr.  
7 Bottman did not agree to the meeting in the field he initially proposed.

8 46. There are references to these calls in the administrative record of this case.  
9 FHWA 5466, 5469-5470.

10 47. Also, on February 14, 2008, Mr. Jones and I prepared a written request to Mr.  
11 Jeffrey Graham of FHWA for a new and adequate Section 106 review for the U.S. 26:  
12 Wildwood-Wemme Highway Widening Project. In this letter, I described my direct  
13 written and oral communications with ODOT and FHWA regarding my concerns about  
14 the potential impacts of widening U.S. 26 on the Native American cultural resources both  
15 in the Mount Hood Area and specifically in the A.J. Dwyer Scenic Area, going back 25  
16 years, into the mid to late 1980s. This letter is in the administrative record of this case,  
17 FHWA 5474 to 5483.

18 48. On or about February 15, 2008, Mr. Jones and I prepared a supplemental faxed  
19 memo to Mr. Graham. This memo reported recent vandalism to Native American cultural  
20 resources in the A.J. Dwyer Scenic Area. The fax memo included the deposition from  
21 January 24, 1991 of Yakama Tribal Chairman Wilferd Yallup regarding burials along  
22 U.S. 26. It also included a February 8<sup>th</sup>, 1991 Cultural Resources report prepared by



1 Cascade Geographic Society. This memo and the attachments are included in the  
2 administrative record of this case at FHWA 5559-5638.

3 49. Towards the end of February or the beginning of March 2008, I received a letter  
4 from Mr. Graham dated February 26, 2008. He declined our request for an adequate  
5 Section 106 review. This letter and its attachments are in the administrative record of this  
6 case, FHWA 5943-5967.

7 50. My religious activities continued up through the tree removal that the Oregon  
8 Department of Transportation's contractors started in March of 2008 as part of the U.S.  
9 26: Wildwood-Wemme Highway Widening Project.

10 51. This tree removal project desecrated the historic campground and burial grounds  
11 of my people. It destroyed a stone monument to surrounding burials. The heavy  
12 machinery and backhoes with steel tracks disturbed the ground over the campgrounds and  
13 burial grounds.

14 52. After the tree removal was completed in 2008, I attended a ceremony to mark the  
15 desecration of the Native American cultural resources within the A.J. Dwyer Scenic  
16 Area. Looking at the large-scale destruction was heartbreaking. We put drumming and  
17 singing and prayers there, along with three small limbs erected to mark this place as  
18 sacred.

19 53. We did this Ceremony so that the Creator would not overlook these burials when  
20 it was time to call their bodies home. We wanted our ancestors to know that we have not  
21 forgotten them, and how important such ceremonies are to us.

1 54. Shortly after that, I went to the site with Michael Jones, Hereditary Chief Johnny  
2 Jackson, and Hereditary Chief Wilbur Slockish to mourn the desecration of the site and to  
3 record on video the meaning of the cultural resources on the site.

4 55. The desecration continued with the tree stump removal and burial of the  
5 campground and burial grounds underneath a berm constructed beyond a new guardrail  
6 for the U.S. 26: Wildwood-Wemme Highway Widening Project.

7 56. This desecration caused me intense spiritual pain and emotional distress. I am a  
8 lineal descendant of the ancient people of this country. The stories, ceremonies, and  
9 living practices come from time immemorial. Keeping me out of the A.J. Dwyer Scenic  
10 Area is like saying to me, “forget your people, culture, song, prayers, gatherings, and stop  
11 respecting the last resting place of those who have walked on.”

12 57. Resting places are never to be disturbed!

13 58. I am very devastated over the destruction of my race of peoples’ identity. The  
14 destruction of the burial grounds in the A.J. Dwyer Scenic Area are just the latest part of  
15 this historical process.

16 59. What a slap in the face. How do we explain this to our children, relatives, and  
17 other interested people. How do we remain peaceful with such mental anguish.

18 60. The construction of the new guardrail as part of the highway widening project did  
19 not include an opening from U.S. 26 into the historic campground and burial grounds in  
20 the A.J. Dwyer Scenic Area.

21 61. The construction of the new guard rail, the blocking off of Wemme Trail, and the  
22 burial of the historic campground and burial grounds under an earthen berm has  
23 prevented me from undertaken the religious activities I undertook prior to March of 2008.

1           62. I am concerned that if I try to enter the area that has been blocked off and buried I  
2 will be arrested.

3           63. If the Court orders the Federal Highway Administration and the Bureau of Land  
4 Management to restore my access to the site and unearth the historic campground and  
5 burial grounds, I will return to my prior religious activities.

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8           Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the  
9 foregoing is true and correct.

10          Executed on this 7<sup>th</sup> Day of May, 2012.

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Respectfully Submitted,

/s/ Carol Logan  
CAROL LOGAN

CERTIFICATE OF SERVICE

I certify that on May 7, 2012, I filed electronically the foregoing *Declaration of Carol Logan in Support of Standing*, and served the same electronically upon the counsel of record via the Court's electronic case filing system:

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DATED May 7, 2012

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