UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

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
I, Carol Logan, do hereby declare, under the penalty of perjury and the laws of the United States of America:

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

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

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

4. I am a lineal descendant of the Clackamas People, one of the signatory Tribes of the 1855 Treaty With the Kalapuya. Our Clackamas People inhabited and traveled through the areas of Mount Hood, included the region that includes the area now known as the A.J. Dwyer Scenic Area.
5. I am an Elder within the Confederated Tribes of Grande Ronde. My indigenous
grandmothers and grandfathers were forced marched to Fort Yamhill, a military reserve,
which was then and is now on the Grande Ronde Reservation.

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

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

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

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

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

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

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

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

14. Our People use many of these in our ceremonies. We do not want them
contaminated.
15. I used the area of the A.J. Dwyer Scenic Area for prayer and meditation. I followed the traditional practice of my people regarding memorial ceremonies and services for people who have passed, in order to keep the memories of them ongoing for future generations. This would involve saying prayers, meditating, leaving offerings, and singing songs.

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

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

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

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

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

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

22. These sacred sites are a very sensitive issue, and giving out their exact location would probably cause them to be destroyed.
23. I worked with Michael P. Jones, telling how important these sites are to our
People, and about their historical value.

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

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

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

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

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

29. I joined the Mount Hood Sacred Lands Preservation Alliance, the group that
emerged out of the Enola Hill organizing efforts. Enola Hill is a vision quest site, and was
desecrated by cutting down the trees there and destroying sacred elements surrounding
the area. Two sweat lodges were also destroyed.
30. A few of us tribal people gathered at Enola Hill and offered the Forest Service a sacred pipe to smoke with us in peace, to help them to understand the importance of this sacred place. They refused.

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

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

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

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

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

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

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

38. Through Mr. Jones, I expressed my interest in and concerns over the U.S. 26: Wildwood-Wemme Highway Widening Project directly to the Oregon Department of
Transportation and the Federal Highway Administration, prior to the finalization of the
Environmental Assessment for this project.

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

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

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

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

43. My concerns went unaddressed in the Section 106 process undertaken by ODOT
and FHWA. At some point, I decided that I needed to contact these agencies directly to
express my concerns about the impact of the U.S. 26: Wildwood-Wemme Highway
Widening Project on the Native American cultural resources within the A.J. Dwyer
Scenic Area.
44. On about February 5, 2008, I placed a call to Mr. Wayne Statler, Project Manager for Region 1 within the Portland office ODOT to express my concerns. I identified myself as what I am: a direct lineal descendant of the Clackamas People.

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

46. There are references to these calls in the administrative record of this case.

FHWA 5466, 5469-5470.

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

FHWA 5474 to 5483.

48. On or about February 15, 2008, Mr. Jones and I prepared a supplemental faxed memo to Mr. Graham. This memo reported recent vandalism to Native American cultural resources in the A.J. Dwyer Scenic Area. The fax memo included the deposition from January 24, 1991 of Yakama Tribal Chairman Wilferd Yallup regarding burials along U.S. 26. It also included a February 8th, 1991 Cultural Resources report prepared by
Cascade Geographic Society. This memo and the attachments are included in the administrative record of this case at FHWA 5559-5638.

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

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

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

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

We did this Ceremony so that the Creator would not overlook these burials when it was time to call their bodies home. We wanted our ancestors to know that we have not forgotten them, and how important such ceremonies are to us.
54. Shortly after that, I went to the site with Michael Jones, Hereditary Chief Johnny
Jackson, and Hereditary Chief Wilbur Slockish to mourn the desecration of the site and to
record on video the meaning of the cultural resources on the site.

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

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

57. Resting places are never to be disturbed!

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

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

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

61. The construction of the new guard rail, the blocking off of Wemme Trail, and the
burial of the historic campground and burial grounds under an earthen berm has
prevented me from undertaken the religious activities I undertook prior to March of 2008.
62. I am concerned that if I try to enter the area that has been blocked off and buried I will be arrested.

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

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

Executed on this 7th Day of May, 2012.

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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