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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 PAUL GRONDAL, a Washington) Case No. 2:09-CV-00018-RMP
8 Resident; and THE MILL BAY)
MEMBERS ASSOCIATION, INC., a)
9 Washington Non-Profit Corporation,)
Plaintiffs,)

10 vs.)

DECLARATION OF CHAIRMAN
RODNEY CAWSTON

11 THE UNITED STATES OF)
AMERICA, *et al.*,)

12 *Defendants.*)
13

14 I, RODNEY CAWSTON, hereby declare as follows:

15 1. I am in my third year as the Chairman of the Business Council of the
16 Confederated Tribes of the Colville Reservation (Colville Tribes). I descend from
17 the Nez Perce, Lakes and Okanogan Tribes, which represent three of the Colville
18 Tribes' 12 constituent tribes. My Indian name is tipyelene cicqn, or Eagle
19 Blanket, which is a Nez Perce ancestral name that I received from my mother's
20 side of his family. I grew up on the Colville Reservation in Nespelem.

1 2. I have over 20 years of work experience with the Colville Tribes,
2 which includes managing the Archives & Records Program, the Museum & Gift
3 Shop, and the Language Program as well as serving as the Tribes' Contract
4 Officer. I have been a member of the Business Council since 2017. I am toward
5 the end of pursuing a PhD in the School of Environmental and Forest Sciences at
6 the University of Washington, having completed all the required coursework.

7 3. Based on information I have learned from elders of the Colville
8 Tribes and my own experiences and studies, I am very knowledgeable about the
9 history and prehistory of the Colville Tribes. I am familiar with and practice the
10 ways of life of my ancestors. For example, I am a traditional artist in weaving
11 and beadwork. My family and I harvest and preserve as many of the traditional
12 foods and plant materials of our Plateau people as possible. We also participate
13 in the dancing at local pow-wows and are active members in the Nez Perce
14 Longhouse.

15 4. While our 12 constituent Tribes were forcibly moved onto the
16 present-day Reservation, they each have their own unique history and culture. But
17 for all 12 Tribes, land is extraordinarily important. It is our identity. It is the
18 foundation of our culture, spirituality and way of life. Our elders have taught us
19 to both protect and utilize our lands. This continues to the present day in many
20 important ways.

1 5. Through our land, we connect to our Creator and ancestors. The
2 lands, waters and their resources were placed there by our Creator, and we learn
3 from a young age to deeply respect that. Part of that respect comes from
4 practicing the rituals, ceremonies, and lifeways of our ancestors. We understand
5 and learn where and how our ancestors lived, hunted, fished, gathered plants,
6 berries and roots, and held ceremonies. We understand and learn about how our
7 plants and animals can be used as to better ourselves. As a Tribe, we work hard to
8 instill this connection, knowledge and respect to our younger members. The only
9 effective way to engage the youth of the Colville Tribes in those practices is for
10 them to spend time on the land, which requires that we have control of the lands
11 and the ability to access them freely.

12 6. If land is taken from us, we lose a part of our being. We cannot carry
13 on important aspects of our traditions, culture, and society without it. Even
14 seemingly minor ground disturbance activity can have adverse effects on our vital
15 connection to the land, so we actively monitor and comment on proposed projects
16 that may impact our lands.

17 7. Maintaining our culture has been particularly challenging over the
18 years. For example, our children were taken to boarding schools far from home at
19 which they were not allowed to speak our language and were denied our rights to
20 practice our religion and culture. In fact, it was not until 1978 that our religious

1 rights were recognized in the American Indian Religious Freedom Act, and it was
2 not until 1990 that our burials were protected by the Native American Graves
3 Protection and Repatriation Act. Slowly, we are recovering and revitalizing our
4 culture. Access to and unencumbered use of our cultural sites and lands are vital
5 parts of that ongoing and necessary effort.

6 8. As the original inhabitants of the area that includes Moses Allotment
7 8, the Colville Tribes and the constituent Chelan Tribe have been able to maintain
8 their close connection to the Lake Chelan area by securing allotments and handing
9 down those land rights through the generations. We have buried our people there,
10 consistently used those lands for ceremonies, gathered there with our children, and
11 taught them about the past and our way of life. Through our places, we learn
12 about our history. I do not want our people to ever forget where they came from
13 and how their ancestors flourished on our lands.

14 9. The continued presence of the RV park on the shore of Lake Chelan
15 impairs our ability as a people to connect with our lands, for elders and others to
16 be present on our lands, and to share those experiences and teachings about the
17 land with our children. We do not have unfettered access to this part of MA-8,
18 which is particularly important as it lies where the land meets the water.

19 10. While we will always continue to honor, teach, and practice our
20 traditional lifeways, modern-day economic development is a reality that the

1 Colville Tribes are continually adapting to and incorporating into our operations.
2 Practical considerations require us to participate in the economy that surrounds us.
3 Ferry and Okanogan County, where the Colville Reservation is situated, are
4 challenged economically and have high unemployment rates. Our reservation has
5 even more challenges and higher unemployment rates than the off-reservation
6 parts of those counties. It is the Colville Tribes' responsibility to provide for the
7 needs of our community. A significant part of this means finding resources to
8 provide or fund health, education, broadband and other public services just like
9 any other government. We explore economic opportunities because we cannot
10 rely on federal and state contracts alone, which do not meet our needs and have
11 declined throughout Indian Country.

12 11. Our Mill Bay Casino on MA-8 is vital to the success of the Colville
13 Tribes since it opened around 2004. It is a very significant revenue source, funds
14 important governmental services, and provides important employment
15 opportunities. For many years, we have not had the ability to develop MA-8
16 further because of the pending litigation over the RV Park's occupancy of MA-8
17 and the continued presence of the RV park on the property. To move forward
18 with development plans, we need the RV Park to vacate so that surveys and other
19 planning activities can occur.

CERTIFICATE OF SERVICE

I hereby certify that on July 29, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which caused the following CM/ECF Participants to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

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I hereby certify that at the earliest possible date, I will cause to have mailed by U.S. Postal Service first class postage prepaid the foregoing document to the following non-CM/ECF participants:

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1 Dated this 29th day of July, 2020

2 s/ Brian C. Gruber

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