

# Is Your Tribal Land Secure?<sup>1</sup>

By

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*Abstract: This case tells the story of a longstanding land dispute between the Quileute Tribe and the Olympic National Park. The Tribe's search for a just solution is examined in the context of changing political and environmental circumstances. Emergency preparedness is an important dimension of this case which also highlights the ways in which disputes are negotiated and the various considerations at play.*

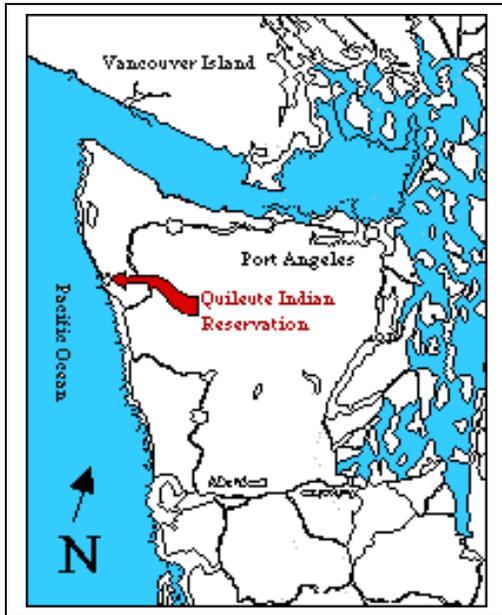
Located on the Pacific Ocean and surrounded by Olympic National Park, the Quileute Indian Reservation is home to 450 of the 706 members of the Quileute Tribe. While their original territories extended from Cape Alava to Destruction Island, the current Quileute Reservation is much smaller. In 1856 the Tribe signed the *Treaty of Olympia* with Governor Isaac Stevens of Washington Territory after the chief negotiator for the Tribe, Chief Howeattl, was assured that they would be allowed to stay in La Push and retain fishing rights in the river that had long sustained their people. In exchange the Quileute gave up large tracts of land. In an apparent turnaround, the US government subsequently designated the reservation of the Quinault people, their traditional enemy, as the new home of the Quileute.

Many Quileute were removed to Quinault never to return. Others resisted and never left their homelands. Some who had walked to Quinault lands were lonely for their homeland and later returned. Still a number of Quileutes and their sub-bands reside on the Quinault Reservation which consists of seven different tribes: Quinault Tribe, Quileute Tribe, Quileute sub-band - the Hoh Tribe, and Quinault sub-band - the Queets Tribe, Lower Chehalis Tribe, Cowlitz Tribe, and the Chinook Tribe.

Finally, in 1889 President Grover Cleveland upheld the original oral agreement and signed an executive order establishing the current Quileute one-square mile reservation for the 252 remaining inhabitants. Quileute people who left Quinault lands lost their treaty rights temporarily, until President Grover Cleveland reestablished them by proclamation. Under the terms of the agreement, a number of privately held inholdings remained outside of Tribal control.

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Both nature and the federal government have long threatened the tiny reservation located at the mouth of the Quileute River. Land disputes have been a continuing theme in the history of the Quileute people. Lush rainforests and massive old growth timber characterize this area of the western Olympic Peninsula. The Quileute River, like others on Washington's western Olympic Peninsula, receives more than 12 feet of rain and floods every winter. Fishing is the heart of this small community. A fishermen's memorial stone on the bank above the harbor records the names of Native fishermen, sports fishermen, and Coast Guardsmen who lost their lives here.

### **The Circle Again Becoming Whole**

Like many of the Washington tribes, the Quileute have been increasingly assertive in charting their own destiny in the last twenty-five years. Empowered first by the 1974 Boldt Decision (*United States v Washington*) which recognized the sovereign right of tribes to harvest half of the salmon catch and a series of subsequent court decisions and policies recognizing tribal sovereignty, the Quileute moved to build a first-rate Tribal infrastructure and staff. The Boldt decision had the effect of making tribes stronger and wiser than ever before, according to James Jaime Executive Director of the Quileute Tribe, and "the Centennial Accord established a framework for negotiating government-to-government within the state."

As Charles Wilkinson notes in his recent book on contemporary Indian politics, "by the mid 1970s...tribal action on many different fronts had fundamentally reshaped the circumstances that held sway just a generation before. Congress jettisoned termination, advanced a new policy of self-determination, and began to give relief to terminated tribes" (Wilkinson, 205). The Quileute and many other Washington tribes seized self-governance and stepped up their community-building efforts.

A photo display at the Quileute Tribal Administration Building proclaims that the Tribe strives to "meld tradition and technology, teaching modern survival skills while retaining and remembering the language, culture, and tradition which reach far back into the mists of the past." The Tribe has an award-winning "cultural education program in which elders teach the Quileute language and carving and basket-making skills" (Halliday & Chehak, 123).

For the Quileute, July 1989 is an important turning point as the Tribe moved aggressively to revitalize its cultural traditions. On that date, two Quileute 56 foot cedar canoes were

launched and began a traditional canoe journey from La Push to Seattle. The event was heralded by the Quileute as “the return of the dream, with the circle again becoming whole.” The following year the canoes made a 1200 mile round-trip journey “through the Inside Passage, crossing the Queen Charlotte Strait...and continuing up the coast of mainland British Columbia to Bella Bella. The route had not been traveled by Native canoes in more than a century” (Halliday & Chehak, 123). The Canoe Paddle is now a major annual event for many Tribes in Washington and British Columbia and a centerpiece of the cultural revival that has become widespread in this region.

### **The Changing Status of Olympic National Park**

The Olympic National Park is the Quileute Tribe’s closest neighbor and an important influence on its future. Olympic National Park is located in Washington State in the far northwestern part of the state known as the Olympic Peninsula. The 922,651 acre park includes three regions: the Pacific coastline, the Olympic Mountains, and the temperate rainforest. Three of the major Olympic National Park beach access trails to the Pacific Ocean (First Beach, Second Beach, and Rialto Beach) pass through the Quileute Reservation.

Over the years the area has gone through a number of re-designations which influence how it can be used. President Teddy Roosevelt designated “Mt Olympus National Monument” in 1909 under the Antiquities Act seven years before the creation of the National Park Service in 1916. (See Carsten Lien for a good history of the Park).

Over the ensuing years a battle between the Forest Service and the National Park Service over control of the Monument raged. Finally, after a tour of the area in 1937 where he was shocked by the devastation caused by clearcutting, Franklin Delano Roosevelt convinced Congress to move the Monument into the National Park system in 1938. It was then only then designated as Olympic National Park.

This change implemented a tighter regulatory environment in a number of ways and gave Roosevelt the authority to expand its boundaries. The President then succeeded in stripping 187,000 acres from the Forest Service to expand Olympic National Park. Eventually, National Park status stopped logging in the Olympic National Park. Historically, land transfers and exchanges in the National Park Service have remained exceedingly rare and require Congressional legislation. Gathering plants and berries and removing anything from a National Park is strictly prohibited in most instances, while the Stevens Treaties ensured these rights to Tribes. The new regulatory environment created a significant amount of confusion.

In 1988, Congress designated 95% of the park as Wilderness under the Wilderness Act. This greatly increased conservation regulation by banning structures, the use of vehicles and bikes, and limiting access to other activities like hunting and gathering. In addition, powerful environmental lobbies worked to prevent any changes in lands designated under the Wilderness Act and often supported NPS’s objectives for expanding its boundaries.

Much of the Olympic National Park is surrounded by Olympic National Forest, which operates under different rules and management approaches aimed at multiple use.<sup>2</sup>

There is also international interest in this rich region. In 1976, Olympic National Park became an International Biosphere Reserve, and in 1981 it was designated a World Heritage Site. A UNESCO World Heritage Site is a specific site (such as a forest, mountain, lake, desert, monument, building, complex or city) that has been nominated and confirmed for inclusion on the list maintained by the international World Heritage Program administered by the [UNESCO](#) World Heritage Committee. As of 2007, a total of 851 sites are listed: 660 cultural, 166 natural, and 25 mixed properties, in 142 States Parties (*Wikipedia*, World Heritage Site). Each World Heritage Site is the property of the country on whose territory the site is located, but it is considered in the interest of the international community to preserve each site for future generations of humanity.

Many inholdings already existed in this area when the Olympic National Monument was first created. In addition to the large tracts of land held by timber companies, the State of Washington, and private landowners, treaties had been signed and reservations created with many of the Indian tribes including the Quileute, the Hoh, the Makah, the Lower Elwha Klallam, the Jamestown S’Klallam, the Quinault, and the Skokomish Tribes.

Many years after the treaties were signed the shifting sands of federal Indian policy turned towards allotment under the Dawes Act which allowed for the fragmentation of land ownership and the sale of tribal lands. As a result, many reservations are checker boarded in terms of land ownership. Many tribes are now trying to buy up land to consolidate and better manage the reservation land base. As a consequence, land disputes and discussions about how these areas should be managed have been frequent over the years. At the same, the National Park Service (NPS) has been moving to acquire the privately held property to consolidate and better manage its land base, and the fish and wildlife stocks in the Olympic National Park.

In May 2006 Olympic National Park (ONP) published a *Draft General Management Plan/Environmental Impact Statement* and invited public comments (*Olympic National Park, Draft General Management Plan*). The Draft Proposal includes four alternatives in addition to a “no action” alternative. Their preferred alternative would adjust the boundaries of the Olympic National Park and add 16,000 acres concentrated in the Queets (2,300), Lake Crescent (1,640) and Ozette area (12,000 acres + 44,000 for the establishment of an area to be managed as a Legacy Forest).

Hundreds of people as well the timber companies and many of the tribes have responded with various concerns including the loss of jobs, the cost which they believed was radically under-estimated, and the perceived inability of the Park Service to manage its existing holdings and to fix urgent problems with limited resources. Merrill and Ring, a timber company holding 8800 of the proposed acres to be annexed, cited records of a “backlog reported to be about \$43 million (over ten times the annual maintenance appropriations) as evidence that the Park could not take care of its existing properties

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<sup>2</sup> Olympic National Forest has five designated Wilderness areas, totaling 88,481 acres.

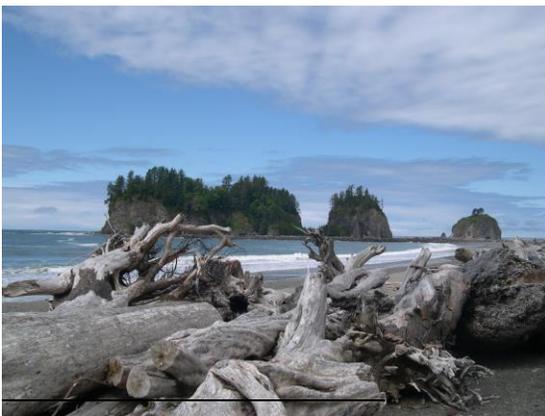
(Merrill and Ring, August 7, 2006 letter commenting on *Draft General Management Plan for the Olympic National Park*). During the consultation process, the Makah and Quinault Tribes filed detailed letters with special concerns about the possible loss of access to traditional hunting territories. In their comments, the Quileute said the Park needed to resolve the existing boundary dispute with them before moving ahead on larger boundary adjustments. The comments from the public consultation phase of the policymaking process are now being reviewed by the ONP.

### **Shifting Rivers and Global Climate Change**

Both nature and human error played a role in defining the boundaries of the Quileute Reservation. The same year the Quileute Reservation was established the northern boundary of the Quillayute<sup>3</sup> River was north of its present location and marked on the 1881 survey, the first official US Land Office Survey. Forty years later a sudden storm caused the mouth of the river to close and the river to move southward. Under well-established property laws, however, the Tribe contends that the Reservation boundary would remain in its original 1889 location (*Harper v Holston*, 119 Wash. 436, 205 Pac. 1062 (1922) holding that property boundaries do not change when the channel of a river moves suddenly due to avulsion). Nonetheless, the 1910 storm shrunk the Quileute Reservation when the flood cut off an eight acre parcel as the river changed course.

The Quileute claim that a 1953 Presidential proclamation, that they were not consulted or informed of, passed the eight acre parcel from the 1910 storm to the Olympic National Park. The Park Service subsequently built a parking lot and a restroom on the disputed property and has resisted claims that the area be restored to the Tribe.

In 1916 another official survey was done of the area which contained several key errors excluding certain privately held lands from the Reservation. Many years later, in a 1975 decision the US Department of Interior Solicitor General's Office confirmed these errors in the 1916 survey and stated that these lands should be returned to the Quileute people, and Congress adjusted some but not all of the disputed parcels and boundaries. Rialto Beach remained one of the major points of contention. While an independent survey conducted by the Tribe confirmed that much of Rialto belongs to the Tribe, Olympic National Park has remained unwilling to discuss this issue.



In addition to the political issues surrounding its longstanding land disputes, the potential impact of nature on their small land base is a major concern for the Tribe. Native legends and stories told of earlier geological events including major earthquakes and tsunamis, dating back to A.D. 900 and including the major Cascadia Earthquake in the 1700s (See Ruth Ludwin's work for more information, Native stories,

<sup>3</sup> Quileute is spelled various ways in the written literature.

and the incidence of major geologic events). The most recent major tsunami in 1964 followed the Alaska earthquake. But even in calmer times, the harsh winter storms regularly throw large logs and debris on the beach near the low-lying Tribal school and other buildings on the floodplain. According to Japanese legend, a tsunami is a “harbor wave” that sloshes back and forth. More recently, the Indonesia tsunami reminded everybody, that a “harbor wave” is not a single event. In fact, a tsunami is a series of “harbor waves” that slosh back and forth for up to 8 hours in duration. So, the first wave took out the unsuspecting victims. But the second and third waves, and so on, took out the rescuers, and the curious.



Tsunamis are a special concern because half of the Quileute reservation is in the floodplain. The road into La Push is well marked with evacuation signs, and brochures about tsunamis and the evacuation plan for La Push are at the entrance of the Tribal Administration building.

The Community Center, the Senior Center, the Tribal school, the Tribal Administration Center, High Tide Seafood’s Packing plant, and the Tribal Department of Natural Resources as well as the resort, the marina and numerous homes all lie within the floodplain, barely 15 feet above sea level. Winter flooding regularly tosses large logs upon the beach and brings water to their doorsteps. James Island and other stunning rock formations form a picturesque ocean landscape but the narrow jetty in the harbor offers little protection from the big storms.

Global warming and climate change is another threat since it is likely to trigger weather shifts and temperature increases that will lead to excessive rainfall and rising oceans. The glaciers in the Olympic mountains and the Cascade Mountains are already showing considerable loss and most are expected to be gone in the next 30 - 100 years with the loss of terrestrial freshwater raising ocean sea levels. Storms are also expected to increase in frequency and severity and lead to erosion. (Williams and Hardison)

### **New Approaches to Old Negotiations**

Throughout the 1980s and 1990s the Tribe continued to press the Olympic National Park for a just and equitable solution to the boundary dispute with no tangible results. The long simmering land dispute reached major proportions in 2005 when two Tribal members were issued trespass citations for collecting firewood on the disputed property and threatened with criminal penalties. Tribal Chairman Russell Woodruff, Sr. explained, “We have always tried to be good neighbors with the Park. But now they want to stop us from using our own lands.”

While the Park eventually dropped the charges and talks resumed, it soon became clear they were going nowhere. After decades of negotiations, the Tribe decided it could not just be good neighbors anymore. “Our Children and our old people are playing and living in the tsunami zone while we talk and talk. We don’t need talk anymore,” said Chairman

Woodruff when announcing the Quileute's decision to close a trail which crossed reservation lands to one of the Park's most beautiful beaches, Second Beach. The Tribe had long allowed Park visitors to use this trail in a spirit of mutual respect and cooperation. With its boundary issues going unresolved, however, the Council felt it had no option but to close the trail while it considered what other actions might be necessary to bring this long injustice to a fair resolution. (James Jaime, 2007 Quileute Fact Sheet)

The Tribe also hired a publicist to help the public and the federal government better understand the Tribal claims. Quileute children dramatized the tsunami danger by holding a memorial service for people killed a year earlier in Indonesia along with a news release and the dispute received major coverage from the *New York Times* (Kowal, 2006). At the same time, the Tribe regularly engaged in evacuation planning reducing the time it took to take the children to high ground to 9 minutes.

By 2005 the Tribe had come to see that settling the boundary dispute was a necessary part of its long range plans to secure the Reservation land base for future generations. James Jaime, Executive Director, said

“The safety of the people and developing a land base suitable to accommodate Tribal growth for the next 50 years are the main Tribal concerns at this point,”

Previous negotiations focused more on monetary compensation. The tsunami danger was the cusp issue for us now. The Indonesian earthquake and the New Orleans disaster made the danger here very real to people. They created a sense of urgency about resolving this situation. There are now many groups supporting the Tribe's aspirations including churches and various humanitarian groups. Still, there are also many supporters of the Park who would like to see it expand and are generally opposed to 'giving away the parklands.' Other players include the timber companies, various agencies within the federal government, the state, and marine resource agencies to mention just a few. You have to constantly stay alert to shifting situations with multiple players.

### **Options for the Quileute**

Closing one of the popular beach access points quickly gained the attention of the Park Service as well as U.S. Congressman Norm Dicks<sup>4</sup> who subsequently became a key player in the negotiations to settle the dispute.

In 2007 the Tribe offered to reopen the beach and settle the dispute if the National Park Service agreed to an acceptable land swap that gave the Tribe higher ground to move to. Any “deal” would also require Congressional approval. Congressman Dicks clearly wanted the Tribe and Olympic National Park to reach an agreement in advance that he could present to Congress. Litigation was another possibility but the Tribe felt that route

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<sup>4</sup> A Democrat representing the 6<sup>th</sup> Congressional District which encompasses most of the Olympic Peninsula.

was pretty risky. Which court would consider a law suit and what were the costs and benefits of pursuing that avenue? Tribes throughout the United States had learned firsthand that lawsuits set precedents, sometimes very damaging, so this needed to be thought about as well. A land swap vs a law suit –big stakes!

The Quileute also have an interest in a purchasing a nearby tract of forestland held by Rayonier Timber Company so questions were being raised about whether this could be part of a proposed settlement with the Park Service?

In the meantime, Olympic National Park is going through its first comprehensive long range planning process since the mid 1970s which requires extensive consultation with all the neighboring tribes and a public comment period.<sup>5</sup> Should the Quileute hitch their land interests to the Management Plan discussion with Olympic National Park?

What is the bottom line on what the Quileute need to secure their future interests? Should they seek the return of the disputed 8 acres or try to get additional land? What considerations matter most in this negotiation? Who can support them in their struggle for a just solution? What role might the Bureau of Indian Affairs (BIA), Congressman Dicks' office, and the Department of Interior (the parent agency of the BIA and the NPS) itself play in this negotiation? What strategy makes the most sense?

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Quileute Fact Sheet, 2007, unpublished documents produced by the Quileute Tribe.

*Run to High Ground*. A Native American Story about tsunamis and earthquakes. Hoh Emergency Preparedness Video. 14 minutes. For K-6 grade level. Washington State/Local Tsunami Work group. [www.emd.wa.gov](http://www.emd.wa.gov)

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<sup>5</sup> See Appendix 1 for a description of the consultation process with the tribes.

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## Appendix 1

Olympic National Park, *Draft General Management Plan/Environmental Impact Statement*. (May, 2006) Chapter 5, "Consultation and Coordination," p. 355.

### **Native American Tribes**

There is a special relationship between Federally Recognized Indian Tribes and the Federal Government. The federal government, including federal agencies such as the National Park Service, has a trust responsibility to protect Indian's rights and advance their interests.

The National Park Service recognizes that indigenous peoples may have traditional interests and rights in lands within the park. The need for government-to-government consultations stems from the historic power of Congress to make treaties with American Indian tribes as sovereign nations. Consultations with American Indians and other Native Americans, such as Native Hawaiians and Alaska Natives, are required by various federal laws, executive orders, regulations, and policies.

Letters were sent to the following Native American groups on May 21, 2001, to invite their participation in the planning process:

- Lower Elwha Klallam Tribe
- Hoh Tribe
- Jamestown S'Klallam Tribe
- Makah Tribe
- Quileute Tribe
- Quinault Indian Tribe
- Skokomish Tribe
- Port Gamble S'Klallam Tribe

Meetings were held with the tribal councils and representatives to identify issues of importance to the tribe. The tribes were briefed on the scope of the planning project. Some tribe representatives commented that existing treaty rights should continue to be protected and that interpretation in the park should include the Native American viewpoint.

After the meetings in 2001, the tribes were sent the four newsletters related to the general management plan. The May 2003 newsletter outlined three preliminary draft alternatives for the plan.

In April 2004, the park contacted the eight tribes by mail requesting more meetings on a Government-to-Government basis to discuss the general management plan schedule, to seek tribal input about the direction of the plan, and to discuss any questions or concerns that have developed during the planning process. Meetings were held between September 2004 and July 2005 with the Quileute Tribe (September 28), Jamestown S'Klallam Tribe (September 28) Skokomish Tribe (November 10), Hoh Tribe, (November 12), Lower

Elwha Klallam Tribe (November 23), Makah Tribe (December 13), and the Quinault Tribe (July 15, 2005). The tribes will have an opportunity to review and comment on this draft plan.

## Appendix 2 Quileute Fact Sheet

**- Fact Sheet -  
Boundary Dispute Between the Quileute Indian Tribe and  
Olympic National Park.**

Date	Event
<b>Before The Treaty</b>	Thousands of winters before the arrival of the White Drifting-House people (Ho-kwats), the Quileute Indians and the ghosts of their ancestors lived and hunted on the Olympic Peninsula. For as long as the ageless memory of legend recalls, the Quileutes flourished in the territory which originally stretched from their isle-strewn Pacific beaches along the rain forest rivers to the glaciers of Mt. Olympus. "Our lands were vast and rich and covered much of what is now called the Olympic National Park. The Tribe has always been good stewards of our lands," said Russell Woodruff, Sr., Chairman of the Quileute Tribal Council.
<b>Treaty Negotiation August 30, 1854</b>	In 1854, looking for peace in the Western territories, the Acting Commissioner of Indian Affairs wrote to Isaac I. Stevens, Governor of the Washington Territory, directing him to negotiate treaties with the Tribes of Washington on behalf of the United States. To assist him in his efforts, Governor Stevens appointed M.T. Simmons as a Special Indian Agent.
<b>Treaty of Olympia 1856</b>	After Governor Stevens had overlooked the Quileute in the first treaty negotiations, in 1855 Mr. Simmons was able to convince the Quileute to become signatories to what became known as the Treaty of Olympia. According to Chief Howeattl, the main negotiator for the Quileute, the Tribe made clear its requirement that it be allowed to stay in La Push and that it would not give up rights to the river that fed its people. The Quileute, however, agreed to cede large tracts of their lands to the United States in exchange for a handful of promises including one very important promise found in Article 2:  "There shall, however, be reserved, for the use and occupation of the tribes and bands aforesaid, a tract or tracts of land sufficient for their wants . . ."
<b>Quileute Reservation 1889</b>	After originally trying to designate the Quinault reservation as the new home for the Quileute, the United States finally made good on its promise not to remove the Tribe from its ancestral lands. In 1889, President Grover Cleveland signed an Executive Order creating the Quileute Indian Reservation. At the time the Executive Order was written, some of the lands that were to be included in the reservation were privately owned and were not immediately turned over to the Tribe.
<b>Changes In The Mouth Of The River</b>	The year the Quileute Reservation was created, the mouth of the Quillayute River was located north of its present location. This location was memorialized in 1881 on the first official United States Land Office survey of the area. Almost forty years later, in 1910, a sudden storm swept the northern coast, causing the river's mouth to close and the river to move southward. Under well-established property laws, however, the boundary to the reservation remained in its original 1889 location. <i>Harper v. Holston, 119 Wash. 436, 205 Pac. 1062 (1922)</i> (holding that property boundaries do not change when the channel of a river moves suddenly due to avulsion).
<b>1916 Survey</b>	In 1914, the General Land Office conducted another official survey of the reservation which was officially approved in 1916. This surveyor, however, made several key errors in the boundary, not the least of which was to exclude from the reservation certain privately held lands.
<b>1946 Court Rules That The Quileute Own The Riverbed</b>	By the mid-40s the Quileute people began to suffer from malnutrition and even starvation. Clashes with white fisherman and the State of Washington kept the Quileute from accessing the abundant marine resources in the Quillayute river and at its mouth. To protect the Quileute from perishing, the United States sued the Washington State Fisheries Department in <i>Moore v. United States, 157 F.2d 760 (1946)</i> contending that when the reservation was created, the Tribe had been granted title to the riverbed. The United States argued President Cleveland had given the Quileute jurisdiction over the river and the tidelands in order to provide them a permanent source of subsistence. The Court agreed concluding that the 1889 Executive Order encompassed the riverbed, up to the north shore of Quillayute River.

Date	Event
<b>Olympic National Park</b>  <b>1953</b>	<p>Olympic National Park was created in 1953 by Presidential Proclamation. That document listed all the tracts to be included in the Park. However, after each section which encompassed Quileute lands, the President added the phrase <b>"excluding the Quileute Indian Reservation."</b></p>
<b>United States Acknowledges Prior Survey Errors</b>  <b>1975</b>	<p>The Park soon drew maps depicting its boundaries based on the erroneous 1916 survey. In the decades to follow, the Quileute repeatedly voiced their concerns as the Park's intrusion on their lands became more blatant. Eventually, the issue came to a head over some specific parcels. This prompted the United States Department of the Interior, Office of the Solicitor to issue a legal opinion weighing in on the dispute. In that 1975 opinion, the Solicitor agreed with the Tribe that there were indeed errors in the 1916 survey and the surveyor had failed to include in the reservation privately held parcels that were part of the original land grant. Relying on the phrase "excluding the Quileute Indian Reservation" in the proclamation that created the Park, the Solicitor concluded that private lands that were part of the Executive Order belonged to the Tribe and should be rightfully restored to the Quileute people.</p>
<b>Congress Revises Boundary</b>  <b>1976</b>	<p>Congress revised the reservation boundary to return some land to the Quileute Tribe. However, since the Park and the Tribe had only been able to agree on some parcels that were the center of an immediate dispute, the 1976 legislation did not address all the disputed lands along the boundary.</p>
<b>Surveyor Concludes Much of Rialto Belongs To The Tribe</b>	<p>One of the areas of greatest concern to the Tribe was the Park's occupation of Rialto Beach. The Park, however, had shown itself unwilling to discuss the issue so the Tribe commissioned an independent surveyor to resurvey the mouth of the river and the northern boundary of the reservation. This surveyor identified critical errors in the 1916 survey and was able to establish the correct boundary based on the location of the river in 1889, the legally significant moment when the reservation was created. According to this survey, much of Rialto belongs to the Tribe.</p>
<b>Negotiations With No Results</b>	<p>Throughout the 1980s and 1990s, the Tribe continued to press the Park for a just and equitable solution to the boundary dispute with no tangible results.</p>
<b>Closing of Second Beach</b>	<p>In 2005, however, the issue came to a head again when Park rangers tried to prevent Quileute Tribal members from using their own lands threatening them with criminal penalties. As Chairman Woodruff has explained "We have always tried to be good neighbors with the Park. But now they want to stop us from using our own lands."</p> <p>When the Tribe complained, the Park eventually dropped the criminal citation against tribal members and talks about the boundary began again. However, it didn't take long for the Tribe to realize that they were once again on the endless path of talks with no resolution. After decades of negotiations, the Tribe decided it could not just be good neighbors anymore. "Our children and our old people are playing and living in the tsunami zone while we talk and talk. We don't need talk anymore" said Chairman Woodruff when announcing the Quileute's decision to close a trail which crossed reservation lands to one of the Park's most beautiful beaches, Second Beach. The Tribe had long allowed Park visitors to use this trail in the spirit of mutual respect and cooperation. With its boundary issues going unresolved, however, the Council felt it had no option but to close the trail while it considers what other actions may be necessary to bring this long injustice to a fair resolution.</p>