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FEDERAL COURT ORDERS THAT UTE INDIAN TRIBE'S CLAIMS TO UNCOMPAHGRE RESERVATION CAN PROCEED

Ft. Duchesne, UT (December 21, 2021) — On December 16, 2021, the United States District Court for the District of Columbia held that the Ute Indian Tribe of the Uintah and Ouray Reservation can proceed with its claims to more than 1,500,000 acres of land on the Uncompahgre Reservation. In its primary arguments against the Ute Indian Tribe, the United States did not dispute that it had violated the 1880 Act and Executive Order establishing the Uncompahgre Reservation and instead sought to dismiss the case with technical arguments. The Ute Indian Tribe plans to respond to these technical issues and proceed with its case. Before 1880, the Uncompahgre Utes lived peacefully on a reservation in western Colorado. But seeking to extract gold and silver on the Uncompahgre Band's Reservation in Colorado, and in response to racist journalism in the Colorado press proclaiming that "The Utes Must Go!," Congress passed a law in 1880 which took the Uncompahgre Reservation in Colorado and ordered the President to find a new reservation for the Band to the west. Soon after, President Arthur issued an Executive Order establishing the Uncompahgre Reservation on land in Utah that had been roundly characterized as "utterly worthless."

Under the 1880 Act, the United States holds title to the Uncompahgre Reservation in trust for the Ute Indian Tribe. However, while the Uncompahgre Band developed successful stock raising operations, the United States allowed non-Indian stockmen to crowd out the Band's herds and also sought development of substantial oil and other valuable minerals on the Uncompahgre Reservation in Utah. To accomplish its goals, the Department of the Interior, *without approval from Congress*, transferred management of Uncompahgre Reservation lands and minerals to the Bureau of Land Management taking land and minerals from the Tribe in violation of its obligations as the Tribe's trustee. The United States has made hundreds of millions of dollars of profit from this unlawful taking of Uncompahgre lands.

In 2018, the Tribe filed suit against the United States on five counts. While the legal theory for each count is somewhat different, each of the five counts seeks to force the Executive Branch to abide by the 1880 Act of Congress that authorized federal reservation of the Uncompahgre Reservation—each count seeks to require the United States to hold the land in trust for the Tribe and seeks to require the United States to honor its statutory and trust obligations to the Ute Indian Tribe. The United States responded with a motion to dismiss four of the five counts in the Tribe's complaint.

The United States' primary arguments for dismissal did not dispute that the President and Executive Branch are openly violating the 1880 Act of Congress. Instead, the United States argued that because the Federal government has been violating the 1880 Act for more than six or twelve years, the federal courts cannot require the Federal government to begin complying with the federal statute now.

Significantly, the United States did not even move to dismiss the Tribe's complaint on one of the five counts, and a decision on that count alone will ultimately determine whether the United States is required to start complying with the 1880 Act. The United States District Court also

denied the United States' motion to dismiss the Tribe's claim based upon trespass. The Court ruling enables the Tribe to amend two of its five counts.

While the Court dismissed the Tribe's claim under the Federal Quiet Title Act, the Court acknowledged that legal ownership of most of the Uncompahgre Reservation's lands is, at the very least, unsettled and in dispute. Although the Court ruled the Tribe can resolve that dispute through its other remaining claims, the Court held that the statute of limitations for the Tribe to bring a Quiet Title Act claim expired at least twenty years ago. Under the cases cited by the Court, the United States is now the only party that can bring a Quiet Title Act claim.

Ute Indian Tribe Business Committee Chairman and Uncompahgre Band Representative Shaun Champoos stated, "The Court's order allowing our claims to proceed against the United States is long overdue. The United States promised us a new homeland in Colorado or Utah. Almost as soon as our Uncompahgre Reservation was established, the Federal government violated its trust responsibility by letting others use our lands and then took our lands and resources without Congressional approval. Secretary Haaland and the Biden Administration must take action to resolve this injustice. The Ute Indian Tribe will always fight to protect our Uintah and Ouray Reservation homelands."

***About the Ute Indian Tribe** — The Ute Indian Tribe resides on the Uintah and Ouray Reservation in northeastern Utah. Three bands of Utes comprise the Ute Indian Tribe: the Whiteriver Band, the Uncompahgre Band and the Uintah Band. The Tribe has a membership of more than three thousand individuals, with over half living on the Uintah and Ouray Reservation. The Ute Indian Tribe operates its own tribal government and oversees approximately 1.3 million acres of trust land which contains significant oil and gas deposits. The Tribal Business Committee is the governing council of the Tribe.*