

Confederated Tribes *of the*
Umatilla Indian Reservation

Board of Trustees & General Council



46411 Timine Way • Pendleton, OR 97801
(541) 429-7030 • fax (541) 276-3095
info@ctuir.org • www.umatilla.nsn.us

**Testimony of the Confederated Tribes of the Umatilla Indian Reservation
on HB 2034, Relating to Oregon Emergency Management cooperating with the Oregon Tribes
for use of federal funds for emergency program management
Before the Senate Veterans' Services and Emergency Preparedness Committee**

April 25, 2013

Three Tribes make up the Confederated Tribes of the Umatilla Indian Reservation (CTUIR): the Cayuse, Umatilla and Walla Walla. The CTUIR is a federally recognized tribal government pursuant to our 1855 Treaty with the United States. We are governed by a Constitution and by-laws and an elected nine-member Board of Trustees, entrusted to protect, promote and enhance the Treaty reserved rights and sovereign interests of our government. The CTUIR engages regularly with Oregon through the Governor's Office, the State Legislature and Oregon Departments and Agencies, on a government-to-government basis.

The Umatilla Indian Reservation is approximately 172,000 acres, located in northeast Oregon. Our aboriginal title (ceded) lands encompass 6.4 million acres in northeast Oregon and southeast Washington. We provide essential governmental services to all Reservation residents, Indian and non-Indian, including police and fire protection, water/sewer, solid waste disposal, zoning and land-use planning, and other services, without a major tax base like cities or counties.

The CTUIR established an independent emergency management program in 2003, covering tribal members and the general public living and working within the reservation. We continually seek funding to comply with ongoing federal National Incident Management System requirements for preparedness and training of CTUIR employees and the public, amongst other emergency management needs. Initial funding for our Emergency Management funding came from the federal government through the Chemical Stockpile Emergency Preparedness Program (CSEPP) associated with the Umatilla Chemical Depot, a facility located entirely within the aboriginal title lands of the CTUIR. CSEPP funding has been discontinued with the completion of weapons disposal at the Depot.

Working through the State/Tribal Public Safety Cluster, we brought to the attention of the Office of Emergency Management (OEM) our need to be able to apply for the federal Emergency Management Performance Grant (EMPG) funds for the purposes of the federal program – *“to sustain and enhance all-hazards emergency management capabilities.”*

In 2003 the Department of Homeland Security (DHS) defined Tribes as local governments, (42 USC 5121 et seq.). While federally recognized tribes maintain a unique federal/tribe government-to-government relationship they do not receive direct EMPG funding from the DHS. An Oregon Attorney General opinion determined Tribes are not listed as eligible entities under ORS 401.305. Therefore, under current state statute, the OEM negotiated funds for emergency management are allocated by the State to counties and municipalities for Emergency Management Program operations; tribal governments are not eligible to apply.

Working through the State/Tribal Public Safety Cluster, which includes OEM, Tribes advocated that the DHS definition facilitates Oregon's consideration to include tribal governments as eligible entities to apply for this federal funding source in Oregon law.

HB 2034 authorizes amendments to:

- ORS 401.096 – Allowing tribal governments to apply for state negotiated US Department of Homeland Security emergency management funds; and
- ORS 401.305 – Include federally recognized Indian tribes to the list of governments eligible to receive Emergency Management Performance Grant funds to conduct emergency management programs.

OEM has informed us that through their Funding Formula Committee, a projection for FY 2013 EMPG funds OEM receives has been developed based on the FY 2012 state allocation of \$5,043,236 (which is subject to change in the federal budget process). OEM has included a 3.4% tribal set-aside based on the population of the nine federally recognized tribes located in Oregon. The 3.4% set aside would come out of the States' 20% allocation of the EMPG funds. The 20% allocation is based on the national average for administration, training, and execution of funds at the state level. Therefore, the funds allocated for counties and cities (over 85,000 population) would not be impacted except for the final budget that is approved by the federal government for disbursement to states.

The CTUIR appreciates Governor Kitzhaber and OEM's introduction of this legislation in recognition of tribal government emergency management planning needs. The CTUIR is pleased the Oregon House recommended the passage of HB 2034 by unanimous vote. We urge the Senate Veterans' Services and Emergency Preparedness Committee and the Oregon Legislatures' favorable consideration of HB 2034. Doing so would continue the path of positive government-to-government relations between the State of Oregon and federally recognized tribes within Oregon.