December 13, 2021

TO: Patrick Flanagan, Executive Director, Legislative Commission on Indian Services

FROM: David A. Stuckey, Deputy Director, Oregon Military Department


This report identifies activities of the Oregon Military Department (OMD) and the Office of Emergency Management (OEM) during the year 2021 regarding compliance with ORS 182.162-168 and Government-to-Government relationships with the Native American tribes in Oregon.

EVENTS, PLANNING, CONSULTATION, AND TECHNICAL ASSISTANCE:

As part of OMD’s federally delegated responsibilities through the National Historic Preservation Act Section 106 process, regular consultation regarding OMD and National Guard Bureau (NGB) projects occurred with Oregon’s Tribes. The 2021 projects varied in scope and complexity, including the archaeological survey of an additional 12 acres at Camp Rilea used for the DoD StarBase program as well as an archaeological survey supporting the planned Linn County Readiness Center in Tangent, Oregon.

The OMD continued partnership with the Confederated Tribes of the Umatilla Indian Reservation through an Inter-Agency Governmental agreement. The intent of this agreement is to support habitat improvement and rehabilitation at the Naval Weapons Systems Training Facility near Boardman, Oregon. OMD is required to mitigate approximately 400 acres to offset range construction impacts. This is primarily to conserve habitat for the Washington Ground Squirrel. Planting the initial 160 acres in both big sagebrush and native grasses is set to begin November 18, 2021.

OMD staff members offered technical assistance to all nine federally recognized tribes in several areas, including: emergency management program development, natural hazard mitigation plans and project work, exercise participation, training delivery, auxiliary communications technology, public education and outreach materials, as well as grant applications and reports.

OMD staff provided direct communication to all nine tribes in the form of status checks, damage assessments, and technical assistance during the numerous disaster events in 2021, including winter storms, fires, and other crises. Specific events impacting tribes in 2021 that resulted in close coordination included: the Bootleg Fire - affecting the Klamath Tribes, the S-503 Fire-affecting the Confederated Tribes of the Warm Springs, and the Skyline Ridge Complex Fire-affecting the Cow Creek Band of Umpqua Tribe of Indians. Additionally, the
2021 summer heat events, drought and potential chlorine shortage resulted in regular status checks between OEM and Oregon’s Tribes.

Throughout the response to the COVID-19 pandemic, OEM staff have maintained close communication and cooperation with the Oregon Health Authority, the Department of Administrative Services, and other state agencies to deliver consistent and equitable services to tribal governments.

A particular example of the consultation process during the COVID-19 response was the development of a conference call for tribal representatives to address state agency directors and incident management staff directly. This call complemented meetings that tribal emergency managers already participated in with OEM, as well as meetings that tribal leaders participated in with the Governor’s Office. The meetings and calls afforded the opportunity for work of mutual interest to be coordinated through effective government-to-government relationships.

**GRANT ADMINISTRATION:**

All nine federally recognized tribes were invited to apply for Emergency Management Performance Grant funds, which is a 50/50 match grant to support emergency management staff and preparedness activities. Six tribes applied and were granted funds, maintaining participation from the last several years. Below is a list of Tribes and their awards from 2021:

- Coquille Indian Tribe - $62,500
- Cow Creek Band of Umpqua Tribe of Indians - $62,500
- Confederated Tribes of Grand Ronde - $62,500
- Klamath Tribes - $38,094 (Eligible for $62,500 - opted for lesser amount, due to match requirement)
- Confederated Tribes of Siletz Indians - $62,500
- Confederated Tribes of Warm Springs - $62,500

All nine federally recognized tribes were invited to apply for State Homeland Security Grant Program funds to support state homeland security grant investment priorities. The State Homeland Security Grant Program does not require matching funds for most investment priorities. Against the heavy load of disaster activity, only one tribe, the Confederated Tribes of Grand Ronde, applied for and was awarded grant funds totaling $25,407.

All nine federally recognized tribes were invited to apply for the State Preparedness and Incident Response Equipment (SPIRE) Grant Program in 2021. Using 2018 SPIRE funds, two tribes were awarded priority one projects for emergency preparedness equipment in 2019. Coquille Indian Tribe received a fuel trailer in 2021 with 2018 funds, and Confederated Tribes of Warm Springs will receive a mobile (trailer) water purification system in the coming months. Purchase and delivery of equipment to all grant recipients is still in progress. In addition, the Confederated Tribes of the Warm Springs Indian Reservation, through an agreement with Deschutes County, has been borrowing a SPIRE generator to provide emergency power for its public safety building, which includes the 911 dispatch center.
MEETINGS AND PUBLIC EVENTS:

OMD and OEM staff participated in the State-sponsored LCIS Annual Tribal State Government-to-Government Summit December 1-2, 2021, which will be held virtually due to COVID-19 restrictions. OMD cultural and natural resources staff continued to enjoy longstanding relationships with their tribal peers by participating in the Natural and Cultural Resource Cluster Group meetings in February, March, August, October and December 2021 as well as the Intergovernmental Cultural Resource Council meetings in March, June and November 2021. Many of OMD’s proposed construction and training projects were discussed and reviewed with tribal representatives through these meetings.

On July 21, 2021, OEM’s director and tribal liaison attended a roundtable discussion hosted by the Confederated Tribes of Grand Ronde. This meeting was joined by all nine federally recognized tribes, FEMA Region 10 staff and the FEMA Administrator.

OEM staff, along with other state and federal agency representatives, attended Oregon Tribal-Public Health-Emergency Management coalition meetings in Bend during June 2021, as well as weekly and monthly by phone throughout the year.

OEM staff also participated in several LCIS cluster meetings, particularly natural and cultural resource cluster meetings supported by hazard mitigation staff.

POLICIES AND AGREEMENTS:

The OMD’s Statement of Policy for State/Tribal Government-to-Government Relations, revised in late 2017, was developed in accordance with ORS 182.164 and clearly reiterates the Department’s commitment to sound Government-to-Government relations with the federally-recognized tribes of Oregon (see attached). Based on discussions with tribal emergency managers, the Oregon Resource Coordination Assistance Agreement created in ORS 402 in 2017 allows tribal governments to opt-in to being a member of the mutual aid agreement. Two tribes have chosen to participate in this agreement thus far:

1. Cow Creek Band of Umpqua Indians
2. Confederated Tribes of Umatilla

The other tribes can opt-in at their own discretion.

With regard to the policy required by ORS 182.164, OEM’s inclusion in and adoption of the OMD policy is still applicable.

- That policy identifies individuals in OMD and OEM who are responsible for developing and implementing programs that affect tribes.
- The process to identify those programs is conducted by OMD and OEM program staff, their section managers, and the identified key contacts below.
- The Adjutant General represents both OMD and OEM for formal Government-to-Government consultation with tribal Chairpersons.
• Informal consultation between OMD or OEM staff and tribal staff is conducted via face-to-face meetings, conference invitations and presentations, phone calls, incident response communications as well as grant program announcements to designated key contacts.

• Positive Government-to-Government relationships are promoted by OMD and OEM through attendance of LCIS annual events and cluster meetings, inclusion of tribes in notices to apply for grant programs as well as regular travel to tribal service areas by program staff.

• Education of OMD and OEM employees about State-Tribal Government-to-Government law takes place through all-staff meetings, periodic training, targeted information requests and individual conversations about program activities.

Based on discussions with tribal emergency managers, the Oregon Resource Coordination Assistance Agreement created in ORS 402 in 2017 allows tribal governments to opt-in to being a member of the mutual aid agreement. As previously noted, the Cow Creek Band of Umpqua Tribe of Indians and the Confederated Tribes of Umatilla Indian Reservation have chosen to participate in this agreement. The other tribes are able to opt-in if they choose to as well.

SUMMARY:

OMD and OEM continue to encourage an open dialogue with the tribes on all potential issues and especially where cultural or natural resource concerns may exist.

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