

In Brief

July 2004

VOLUME ONE, NUMBER FOUR



UPCOMING EVENTS

- **COMMISSION MEETING**
August 12 9:00AM
NARA NW, Portland, Oregon
- **NESIKA ILLAHEE POW-WOW**
August 13-15
Siletz
- **ANNUAL CONTEST POW-WOW**
August 20-22
Grande Ronde

DID YOU KNOW?

- * From July 9-23, *Umatilla's* Tamastlikt Cultural Institute will host a photographic exhibition entitled *Wildhorse Round Ups*, featuring personal photos from the event. For more information call 541-966-9748.
- * *Klamath Tribes* have a world-renowned basket collection on display in their two year old Tribal administration building.
- * Congratulations to *Grand Ronde*. "A Journey of Tradition" won the Sweepstakes Award for Most Outstanding Float at this year's Rose Festival Grand Floral Parade.

Legislative Commission on Indian Services

State Capitol, Room 167
(503) 986-1067

www.leg.state.or.us/cis

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Pow-wow Season Underway

Oregon's nine federally recognized Tribes each host pow-wows. Pow-wows are commonly social events that celebrate Indian traditions through native song, drumming, and dance. They may also be held to honor an individual or a special occasion. While ceremonial pow-wows are only open to Tribes, both native and non-natives are invited to attend annual and publicized pow-wows. Summer is the season for most Tribes' annual pow-wows. Keep up-to-date by checking the upcoming events column in each newsletter.

Oregon Department of Transportation Public Transit Division 2003 Highlights

Note: the subsequent article is an excerpt taken from the ODOT 2003 Government to Government Agency Report required by ORS 182.162. To view the report or the 25 other State Agency Government to Government Reports for 2002 and 2003, visit the CIS website at: <http://www.leg.state.or.us/cis>

The Public Transit Division has many programs that may affect or be of interest to the Tribes. The Special Transportation Fund Program (STF) provides state funds to governing bodies which contract with providers to deliver transportation services to the elderly and disabled. Seventy-five percent of the funds are distributed as formula grants based on population. The other 25 percent are distributed as discretionary grants along with the FTA (Federal Transit Administration) Section 5310 funds described below. Tribes are eligible to receive formula and discretionary funds through the governing body in their geographic areas. The FTA Section 5310 program provides funds for capital purchases that benefit elderly and disabled people. The funds are distributed through a competitive discretionary grant program. Tribes are eligible to apply for vehicle purchases or other capital needs that benefit the elderly and disabled. The FTA Section 5311 program provides grant assistance to public and private not-for-profit entities delivering transportation services to the public in communities of fewer than 50,000 people. Funds may be used for planning, operations, and capital purchases or technology improvements. Tribes are eligible to apply for these funds to develop general public transportation programs. The Intercity Program provides funding to develop intercity passenger services connecting rural communities of 2,500 or more with the next larger market economy. Tribes that fit the program guidelines are eligible to participate in the program, either as recipient of funding or in a partnership with another agency. The Transportation Demand Management (TDM) program encourages development of services and facilities to help ODOT manage transportation system capacity and pollution control. Rideshare programs, park and ride lots, telecommuting, and incentive programs to encourage the use of alternatives to driving alone are some of the project types funded under this program. There are opportunities for Tribes and other entities to work with each ODOT Region to identify and develop Transportation Demand Management (TDM) projects.

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ODOT Public Transit Division Highlights *continued*

Public Transit Division provides information on state and federal funding opportunities to all eligible agencies and entities in the state, including Tribes. Public Transit Division staff provide technical assistance to Tribes who want to submit applications for discretionary grants, including information about the program and how to apply for funding. Public Transit Division staff provide technical assistance to governing bodies who have Tribes residing within their geographic boundaries, to ensure that Tribes are aware of the availability of state funds for transportation and given the opportunity to apply for funding.

Senate Bill 180 was sponsored by ODOT, and passed by the 2003 Oregon Legislature. The effect of SB 180 was to amend ORS 391.800 through 391.830, Elderly and Disabled Transportation. To summarize the effect of SB 180, the Indian tribes were added as entities designated to receive an allocation of Elderly and Disabled Special Transportation Funds, which are to be used for transportation services and programs for the elderly and disabled. Elderly and Disabled Transportation is a state-funded program. Once SB 180 is fully implemented, the Indian Tribes will enjoy the same opportunity as the other designated recipients (counties and transportation districts) to work directly with ODOT for the purpose of financing transportation services and programs for the elderly and disabled.

SB 180 requires that the Oregon Transportation Commission to adopt rules. The rule writing will concern the distribution of funds to the Tribes. SB 180 defines "Indian tribe" as "federally recognized Indian Tribes in Oregon that has members residing on a reservation or tribal trust lands in Oregon". The share of the Elderly and Disabled Special Transportation Fund (STF) that each of the Tribes will receive will be based on the population of each Tribe residing in Oregon as the Tribe's population bears to the total population of the state. However, the law also specifies that the population of the Indian tribes is to be determined by the Oregon Transportation Commission pursuant to rules to be adopted. In addition to identifying the population of Indian Tribes for the purpose of their share of the STF, the rule revision will require that the "minimum allocation" of funds for the Indian Tribes be identified. Ms. Jean Palmateer is the designated staff person for Public Transit Division to develop and implement the changes associated with SB 180.

Martin Loring is Division Manager of ODOT's Public Transit Division

From the desk of the Executive Director...

I recently received an e-mail request for information about Tribes in Oregon--the question was whether all Oregon Tribes had *reservations, constitutions, tribal courts, tribal councils* (an elected body which functions in a joint legislative/executive capacity), and *general councils* (all members who meet that particular Tribe's enrollment or "citizenship" requirements and are eligible to vote in tribal elections). Good question and one I often get from state agencies. This time, however, the inquiry was from a department manager of one of Oregon's Tribal governments. This e-mail request illustrates why an understanding that Oregon Tribes are separate and distinct sovereigns is crucial for effective state/tribal government-to-government relations. While there are some individual Indians who may have knowledge of another Tribe, for example, because they have worked as a Tribal Manager for a Tribe other than their own or have lived on another Tribe's reservation, a state agency should not assume that members of one Oregon Tribe know about other Tribes. It follows that one Tribe's representative cannot speak for any other Tribe. As with federal-state agency discussions, both Tribes and state agencies need to insure they are working with individuals with the expertise and authority to represent their respective agencies/governments on the topic at hand.

ODOT
PUBLIC TRANSIT DIVISION ACTIVITIES

2003

- Staff met with Karen Quigley, Legislative Commission on Indian Services, to discuss issues and concerns related to tribal interests and rulemaking.
- Staff met with the tribal liaison from Department of Human Services to consult regarding tribal communication opportunities.
- Staff met with the Warm Springs Tribes and the Warm Springs Transportation Focus Group, as part of an ongoing Oregon tribal transportation forum, for a one-day workshop on "Transportation Funding Opportunities for Tribes in Oregon." Jean Palmateer was a presenter at this meeting. The Tribes in attendance were Warm Springs, Klamath and Burns Paiute. Bob Bryant, Manager of ODOT Region 4, also attended this event.
- Identification of the technical advisory committee for the rulemaking is in progress.
- Staff attended rulemaking workshop hosted by Oregon Department of Justice.
- Staff attended the recent brown bag lunch hosted by ODOT Human Resources at which a Siletz Tribal member discussed the culture of his Tribe and discussed some of the issues of communications between his Tribe and ODOT.
- Staff has begun to work with ODOT tribal liaison, Matt Garrett, and ODOT Civil Rights Program Manager, Marie McHone, about ODOT policy and appropriate communication with the Tribes.
- Staff is researching the issues related to tribal population. Research requires contact with BIA and others.
- Staff is researching other state programs that distribute funds to the tribes.

2004

- The target date for completing the rulemaking process is July 2004.
- A series of meetings and seminars will be hosted by ODOT for the purpose of gathering information and gaining consensus of the draft rules.
- ODOT will host workshops for communicating about the Special Transportation Fund program (STF) with the Tribes and providing technical assistance for establishing STF programs. For Tribes that do not currently have transportation programs, ODOT will provide opportunity for technical assistance for service delivery and design.
- Tribes will be notified and encouraged to fully participate in other Public Transit Division services and funding, as these resources are available.

