



COW CREEK BAND OF UMPQUA TRIBE OF INDIANS  
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February 14, 2023

To: The Oregon House Committee on Emergency Management, General  
Government, and Veterans

From: Carla Keene, Tribal Chairman  
Cow Creek Band of Umpqua Tribe of Indians

Re: Written Testimony on House Bill 3173

Chair Grayber, Vice Chairs Lewis and Tran, and members of the Committee: For the record, my name is Carla Keene; I am submitting this testimony on behalf of the Cow Creek Band of Umpqua Tribe of Indians, one of Oregon's nine federally recognized tribes.

We appreciate the leadership of Representative Sanchez for recognizing that Tribal consultation with our sovereign nations, as required by ORS 182.162, has been misunderstood or, in many instances, entirely dismissed by our government counterparts in the state. Introducing House Bill 3173 is a good step toward clarifying the state's obligations.

The legislature passed Senate Bill 770 (SB 770) in 2001. It marked one of the most important pieces of legislation to advance government-to-government relations between state and tribal governments. This legislation served as a model for how a state should honor the sovereignty of tribes.

For newer members of the legislature, SB 770 established in law that all state agencies must develop and implement a policy that identifies who and how agencies must work with tribes to implement programs that affect tribes. Most importantly, it required agencies to cooperate with tribes (more than merely consult) when tribes may be affected by state policy.

However, the critical missing component of this law is any accountability to the state to comply with these requirements.

Specifically, the statute states:

*Nothing in...this Act creates a right of action against a state agency or a right to review an action of a state agency.*

This language guts the impact of the law. This clause makes SB 770 aspirational and performative. It explicitly strips tribes of any legal path for review when the State of Oregon breaks its promises. This is happening too frequently.

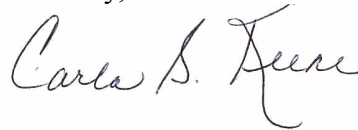
The result has been broken trust between tribal governments and the state.

Now the bill that was once a model for the country is only symbolic of what we hope the state-tribal government-to-government relationship could be.

It is time to correct this injustice. We hope that the Task Force created through House Bill 3173 will make clear to state agencies how to comply with the spirit of ORS 182.164 and prioritize accountability to Oregon's nine federally recognized tribes.

Thank you for your time.

Sincerely,

A handwritten signature in cursive script that reads "Carla S. Keene". The signature is written in black ink and is positioned below the word "Sincerely,".

Carla Keene, Tribal Chairman  
Cow Creek Band of Umpqua Tribe of Indians