PREPARED STATEMENT OF THE HONORABLE RONDA METCALF

SECRETARY, SAUK-SUIATTLE INDIAN TRIBAL COUNCIL

U.S. SENATE COMMITTEE ON INDIAN AFFAIRS

Oversight Hearing on “When Catastrophe Strikes: Responses to Natural Disasters in Indian Country”

July 30, 2014

Good afternoon, Chairman Tester, Vice Chairman Barrasso, and members of the Committee. My name is Ronda Metcalf and I am pleased to provide this testimony on behalf of the Sauk-Suiattle Indian Tribe (“Tribe” or “SSIT”) on responses to natural disasters in Indian country. I serve as the Tribal Council Secretary elect, and General Manager of the governmental administrative offices of the Tribe.

On behalf of the Honorable Norma A. Joseph, Chairwoman of the Tribe, I would like to express our appreciation to the Committee for holding this important hearing. We believe our Tribe’s experience dealing with aftermath of the catastrophic mudslide in Oso, Washington, this past spring will be valuable to the Committee as it considers solutions to these issues.

As explained below, the Tribe has three main observations from its recent experiences. The first is the need for FEMA to clarify its requirements for tribal emergency declarations. Secondly, FEMA must improve its coordination with tribes and charitable organizations like the Red Cross to provide affected tribes with accurate information and reliable assistance. Finally, the Bureau of Indian Affairs (“BIA”) and the Indian Health Service (“IHS”) should formalize disaster response protocols and make emergency resources available when tribes are affected by major natural disasters like the Oso mudslide.

**Background on the SSIT**

The Tribe was a signatory to the Point Elliot Treaty of 1855 as the Sah-ku-mehu. Our Homelands are located in the North Cascades, including the entire drainage area of the Stillaguamish, Sauk, Suiattle and Cascade Rivers. We have lands and businesses located within the Stillaguamish valley corridor. All the basic utilities that serve these areas come up through the Stillaguamish Valley. The Tribe’s reservation was established in 1985 and is located about two miles into Skagit County along State Route 530 (“SR 530”), just outside the town of Darrington. There are approximately 20 homes, the tribal administrative offices, Health and Social Services and Tribal Police on the reservation. In our community all emergency services are provided on a cooperative basis by Snohomish County Fire District 24. Our Tribal Council Vice-Chair, Kevin Lenon, is a volunteer with the fire department and is ordinarily designated as the lead person in connection with any emergency.

Currently, the Tribe has over 225 members who reside on, off, or near the Tribe’s reservation lands, as well as numerous members of other tribes. The Sauk-Suiattle Tribal Council is comprised of seven elected officials who make up the governing body of the Tribe. Including its reservation, the Tribe currently owns or is the beneficial owner of approximately 100 acres of land. We were canoe people, plying the swift waters of the Sauk, Suiattle, Stillaguamish, Cascade, and Skagit Rivers, and the Salish Sea. Hunting, fishing and gathering at usual and accustomed places we have utilized since time immemorial have been the Tribe’s traditional sources of revenue, subsistence, and ceremonial needs.

**The Oso Mudlside**

On the morning of March 22, 2014, the deadliest mudslide disaster in United States history occurred in Oso, Washington. This landslide engulfed 49 homes, was responsible for the deaths of 43 people and destroyed utility infrastructure. It also dammed a river, causing extensive flooding upstream as well as blocking SR 530, which is the main thoroughfare into and out of the town of Darrington. The town of Darrington is approximately 11 miles east of the mudslide epicenter and has a population of approximately 1,300.

With SR 530 being closed for an indefinite time, the socio-economic impact of the Oso mudslide to the Tribe and its members was severe and devastating in various ways. Please note that all socio-economic activities of the Tribe are tied to and conducted in the cities of Arlington, Marysville and Everett, Washington. This mudslide destroyed the vital communication infrastructure of the Tribe such as land and cell phones, and internet service. Without phone or internet service, tribal government operations largely came to a standstill and made the process of initiating emergency services nearly impossible.

From March 22, 2014, through June 1, 2014, the Tribe and its tribal members had to commute 92 miles each way to the town of Arlington using an alternate route. With high gasoline prices at nearly $4.00 dollars per gallon, the additional commute for tribal members to work or receive medical services in Arlington, Marysville and Everett was an extreme, day-to-day financial burden. Many of these household incomes are already under 200% below the poverty level.

In the immediate aftermath of the Oso mudslide, the Tribe requested assistance from many different federal agencies, including the BIA. The only immediate response we received was from the BIA’s Puget Sound Agency. The acting agency superintendent and his staff came to the reservation first thing the following Monday to evaluate the Tribe’s needs. All of our operating costs for the Tribe’s governmental programs increased during the months of March, April, May, June. Those increases continue to affect the Tribe’s budget today.

 1. FEMA Must Clarify its Requirements for Tribal Emergency Declarations

Generally, tribes and states can make two types of declarations for FEMA assistance. The first is an emergency declaration, which is usually made during the immediate rescue phase of a disaster and allows for direct assistance from federal personnel. The second, more detailed declaration is a request for a Presidential Disaster Declaration (“PDD”), which triggers FEMA’s Public Assistance and Individual Assistance programs. Congress amended the Stafford Act last year to allow tribes to request PDDs directly without going through state governments. FEMA is currently soliciting comments from tribes on draft guidance to implement the PDD request process.

Much less clear is what FEMA requires for emergency declarations. On March 27, 2014, Tribal Chairman Joseph made a Tribal Declaration of Emergency due to the impact of the SR 530 being closed for an indefinite time because one mile of the highway was under the mudslide. However, the assistance and instructions the Tribe received from FEMA were unclear as to the correct terminology to use in the emergency declaration. It took nineteen days, from March 27 to April 15, 2014, to achieve a declaration that FEMA would accept. This confusion and uncertainly resulted in delay in the Tribe receiving tangible assistance.

Washington State included the Tribe in its request for a PDD, which President Obama approved on April 2, 2014. The Tribe, however, remains unclear about FEMA’s administrative requirements for emergency declarations.

Going forward, FEMA needs to formalize guidance on emergency declarations and how they relate to PDDs and ensure that field staff can provide tribes accurate guidance. More importantly, senior FEMA officials need to have this information and relay it directly to tribal leadership. The Tribe’s size and lack of resources does not allow it to have the resources to maintain a full time emergency management department, so FEMA must be prepared to provide this information.

2. FEMA Must Improve Its Coordination with Tribes and Charitable Organizations like the Red Cross

In the weeks following the Oso mudslide, a number of problems arose because of either inaccurate information or lack of coordination on the part of FEMA or its partners.

For example, FEMA requested that the Tribe add additional staff to operate our tribally owned convenience store to meet the needs of the first responders. The Tribe was happy to assist in the rescue and recovery efforts in any way that it could and readily agreed. FEMA also represented to the Tribe that the Tribe would be reimbursed for this additional payroll expense. The Tribe also sold gasoline to emergency personnel at cost as a way of assisting the rescue and recovery efforts.

Despite what the Tribe was initially told, FEMA later informed the Tribe that the additional costs that the Tribe incurred at FEMA’s request were *not reimbursable* because the business was owned by the Tribe. The Tribe relies upon revenue generated by retail and gasoline sales to consumers at its convenience store located on SR 530. As a result of the closure of SR 530, the Tribe lost revenue due to reduced sales which is ordinarily generated by tourist and other traffic. We are aware in prior disasters that FEMA field personnel have been confused about how trust property and tribally owned property would be treated for reimbursement purposes. The Tribe also understands that state governments are reimbursed when state employees work overtime to clear debris or otherwise respond to disasters. We still have not received a satisfactory explanation why these expenses are not reimbursable.

There was also inconsistency and confusion on the part of FEMA in providing transportation assistance. FEMA distributed gas cards to certain residents of the town of Darrington and yet told Tribal members that they were not eligible to receive this assistance. When the Tribe questioned FEMA about this discrepancy, we were told that they will come to the reservation and distribute the gas cards. FEMA staff, however, did not show up the day that they had promised.

In addition to FEMA, there was also inconsistency and confusion in the response on the part of charitable organizations such as the Red Cross. Although not a federal agency, the Red Cross receives reimbursement from FEMA for expenses it incurs in responding to disasters and coordinates closely with FEMA.

The Tribe was asked to accept gas vouchers given by the Red Cross and other charitable organizations, but the reimbursements of the gas vouchers took so long that our gasoline station incurred an $11,926.00 deficit in the month of April 2014. The store ran out of cash to pay the gasoline and other vendors who demanded cash upon delivery of goods and services. Again, these losses are apparently not reimbursable because the business is owned by the Tribe, or for other reasons that have not been explained. Similarly, the Stillaguamish Tribe donated gas cards to the Red Cross and FEMA to assist the population impacted and yet the tribal members of SSIT—who are also partners of the Stillaguamish Tribe—did not receive this assistance.

There were also logistical issues with food delivery. All donated food items were promptly distributed to assist the local food bank in the town of Darrington. On the other hand, it was not until May 2014, nearly a month and a half after the mudslide, that the Tribe finally received a shipment of donated food items from FEMA and the Red Cross. The food that ultimately arrived was several crates of spaghetti sauce which had past due expiration dates. Complicating matters was that the crates of food were infested with mice. This mouse infestation required the Tribe to close the buildings that the crates were stored in—one of which was the Tribe’s day care facility—to conduct pest control. Again, these expenses were not reimbursable by FEMA.

In the end, neither our Tribe nor our tribal members could rely on FEMA’s information. Some of our individual members received financial assistance in May 2014 but the promise of three months of assistance was never realized.

The Tribe understands that on-the-ground personnel in these disaster response situations face significant challenges and pressures. This is all the more reason why FEMA must better coordinate with Indian tribes to provide accurate information and improved delivery of services. FEMA must also provide closer supervision over organizations like the Red Cross to ensure that they are properly carrying out services for which they seek FEMA reimbursement.

When families are already struggling for assistance, they cannot be simply told by federal officials what they want to hear. They need to hear accurate information so that they do not have unreal hopes and expectations and can plan accordingly.

3. The BIA and IHS Should Formalize Disaster Response Protocols and Make Emergency Resources Available when Needed

Finally, the BIA and IHS should implement protocols and make changes to their programs to provide assistance to tribes when incidents like the Oso mudslide affect tribes and tribal members.

In the immediate aftermath of the mudslide, the Tribe’s communications systems were severely impacted. On March 25, 2014, the BIA Regional Office in Portland promised the Tribe a mobile communication unit to improve the telecommunication of the tribe. To date, the SSIT communication systems such as land and cell phones, and internet services are still not working properly. There are days that the Tribe has no landline, cell phone and internet services. The BIA instructed the Tribe to provide it with a written description of needs following the mudslide. We provided this information to the BIA but have yet to see any action on those items.

The closure of SR 530 severely impacted our Tribal members’ ability to receive medical care from Arlington, Marysville, Everett, and other locations that were not accessible via SR 530. IHS wrote to our Chairman suggesting that our members take public county transportation to travel for 60 miles from the reservation to Sedro Woolley to medical appointments because it was a free service. Not only was this not free, but it but it required tribal members to transfer buses several times in order to reach Mt. Vernon, Arlington, Marysville and Everett—another 60 miles. When tribal members are sick, elderly, and do not feel well, a more than 90 mile public bus trip each way is not an acceptable federal response.

A better approach would have been for IHS to provide medical staff or mobile health units to the reservation, or provide funding for more efficient private transport of Indian patients affected by these types of disasters. The Tribe urges the Committee to explore with IHS utilizing IHS’s Catastrophic Health Emergency Fund, popularly referred to as the “CHEF,” to pay for these types of costs going forward.

In closing, the Tribe would like to express its thanks to the other Indian tribes that provided SSIT with assistance. The Nisqually Tribe sent food and water. The Colville Confederated Tribes sent some of their emergency management personnel to assist the Tribe on technical aspects of emergency management. As previously mentioned, the Stillaguamish Tribe provided our members with fuel assistance and other support.

This concludes my testimony. At this time, I would be happy to answer any questions that the members of the Committee may have.

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