

AGENDA ITEM FOR ADMINISTRATIVE MEETING (X) Discussion only
() Action

FROM (DEPT/ DIVISION): County Counsel

SUBJECT: CTUIR Retrocession of Civil Jurisdiction

<p>Background: The Confederated Tribes of the Umatilla Indian Reservation have requested that the Board of Umatilla County Commissioners consider sending a letter to Governor Kotek in support of their pending request for retrocession of civil jurisdiction.</p>	<p>Requested Action: Discuss sending a letter in support of the CTUIR's request for retrocession of civil jurisdiction.</p>
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ATTACHMENTS : Letter from CTUIR and Letter of Support

If payable/purchase/contract:

Amount:
Duration (if contract): _____
Line Item: _____

Budgeted: Yes No

To be notified of Meeting:

Needed at Meeting:

*****For Internal Use Only*****

Scheduled for meeting on: 4/17/2026

Action taken:

Follow-up:



April 10, 2026

Umatilla County Board of Commissioners
216 SE 4th Street
Pendleton, Oregon 97801

Dear Commissioners:

On behalf of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), I am writing to respectfully ask that the Umatilla County Board of Commissioners consider sending a letter to Governor Kotek in support of the CTUIR's pending request for retrocession of civil jurisdiction under Public Law 83-280. The CTUIR formally submitted this request on November 12, 2025, pursuant to the process established by Oregon Senate Bill 1011. The Governor has a statutory deadline of May 11, 2026, to respond, and her counsel has indicated interest in hearing from local partners regarding the request. Our hope is that you are able to put this on your next agenda for discussion. We have also enclosed a draft letter of support for your consideration.

As our neighbors and partners in the Pendleton community, we wanted to share some background on what this request involves—and, importantly, what it does not.

What PL-280 Did and What Retrocession Means

Public Law 83-280, enacted in 1953 during the termination era, granted Oregon concurrent civil and criminal jurisdiction over the Umatilla Indian Reservation without the consent of the CTUIR. In 1981, Oregon retroceded the criminal portion of that jurisdiction under Governor Atiyeh. Civil jurisdiction, however, remained. The CTUIR is now asking that this final piece of termination-era policy be removed as well.

It is important to understand that PL-280 granted the State only concurrent jurisdiction over civil adjudicatory matters—that is, the authority to hear certain categories of civil cases (such as family law, torts, and contract disputes) that arise between Indians on the reservation. PL-280 did not grant the State regulatory jurisdiction, general legislative authority, or any other form of governance power over the reservation. Retrocession therefore only removes this narrow, federally delegated

adjudicatory authority. It does not affect any of the State’s inherent powers, nor does it alter the State’s regulatory authority, its ability to provide services, or any other aspect of state governance.

Equally important, retrocession does not expand inherent tribal authority over matters involving only non-Indians on the reservation. The scope of tribal civil jurisdiction over non-Indian-only matters is a separate question governed by federal law, and it is not changed by this process.

Minimal Impact on the County

We believe this change should have very little practical impact on Umatilla County. The CTUIR already exercises a great deal of civil jurisdiction on the reservation. Our tribal court system has been in operation for decades, with law-trained judges, recorded proceedings, indigent counsel, and full due process protections. Non-Indians serve on our tribal juries. Our court handles family law, domestic relations, child welfare, torts, contracts, and a range of other civil matters every day.

In fact, to the extent that retrocession has any effect on the County at all, it may be a modestly positive one: by eliminating the concurrent state jurisdiction that currently exists, retrocession would remove the possibility of cases being filed in state court that could otherwise be heard in tribal court. This could slightly reduce the County’s civil docket in areas where overlapping jurisdiction currently exists—and would eliminate the risk of competing court orders, forum-shopping, and the jurisdictional confusion that concurrent authority sometimes creates.

A Proven Track Record

The strongest evidence that civil retrocession will work smoothly is the CTUIR’s experience with criminal retrocession. Since 1981, the CTUIR has successfully exercised full criminal jurisdiction on the reservation without the need for concurrent state authority under PL-280. We have built a robust justice system that includes felony sentencing authority under the Tribal Law and Order Act, a tribal prosecutor who serves as a Special Assistant United States Attorney, and strong collaborative relationships with the U.S. Attorney’s Office for the District of Oregon, Oregon State Police, and local law enforcement. Our implementation of Special Domestic Violence Criminal Jurisdiction—one of the first in the nation in 2014—has dramatically increased accountability and public safety for domestic violence on the reservation.

The success of criminal retrocession over the past 45 years demonstrates that the CTUIR can and does exercise full jurisdiction responsibly, professionally, and in close partnership with our federal and state counterparts. Civil retrocession simply extends this proven model to the civil side.

Existing Partnerships Continue

Retrocession does not disrupt any of the existing intergovernmental agreements between the CTUIR, the County, and the State. Law enforcement agreements, mutual aid compacts, the

Tribal/State ICWA Memorandum of Agreement, child support enforcement arrangements, and the Tribal/State Judges Forum all remain in place. State services to tribal members continue regardless of which court hears civil cases. The CTUIR remains committed to the collaborative relationships that make our shared community work.

We recognize this is a decision for your Board, and we are grateful for your willingness to consider it. If it would be helpful, we would welcome the opportunity to meet with the Commissioners or your staff to discuss the request in more detail and answer any questions you may have.

Thank you for the strong partnership between Umatilla County and the CTUIR, and for your consideration of this request.

Respectfully,



N. Kathryn Brigham, Chair
Board of Trustees

Enclosure: Draft Letter of Support to Governor Kotek from Umatilla County Commissioners



Board of Commissioners

216 S. E. 4th Street
Pendleton, OR 97801
541-278-6204

Daniel N. Dorran
541-278-6201

John M. Shafer
541-278-6203

Celinda A. Timmons
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April 17, 2026

The Honorable Tina Kotek
Governor, State of Oregon
900 Court Street NE, Suite 254
Salem, Oregon 97301

Re: Support for CTUIR Request for Retrocession of Civil Jurisdiction Under Public Law 83-280

Dear Governor Kotek:

The Umatilla County Board of Commissioners writes in support of the request submitted by the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) on November 12, 2025, for retrocession of civil jurisdiction under Public Law 83-280, pursuant to the process established by Oregon Senate Bill 1011.

As the county government that shares geography, infrastructure, and community with the Umatilla Indian Reservation, we are well positioned to assess the practical implications of this request. After careful consideration, we believe that civil retrocession is a reasonable and appropriate step that is consistent with the interests of all residents of Umatilla County.

Several factors inform our support:

First, the CTUIR has a demonstrated record of responsible self-governance. Since the retrocession of criminal jurisdiction in 1981, the CTUIR has built and maintained a fully functioning justice system that includes law-trained judges, recorded proceedings, due process protections, and indigent counsel. The Tribe's successful implementation of felony sentencing authority under the Tribal Law and Order Act and its early adoption of Special Domestic Violence Criminal Jurisdiction further demonstrate the maturity and capability of its court system. We have every confidence that the CTUIR's civil court will continue to operate with the same professionalism.

Second, we anticipate minimal impact on county operations. PL-280 granted the State only concurrent civil adjudicatory jurisdiction—it did not confer regulatory authority, general legislative power, or any other form of governance over the reservation. Because the CTUIR already exercises substantial civil jurisdiction on the reservation, retrocession will not create a jurisdictional gap. To the contrary, it may modestly benefit the county by reducing overlapping jurisdiction, eliminating the potential for competing court orders, and simplifying forum questions for cases arising on the reservation.

Third, this action does not disturb any existing intergovernmental relationships. Law enforcement agreements, mutual aid compacts, the Tribal/State ICWA Memorandum of Agreement, child support enforcement arrangements, and the Tribal/State Judges Forum will all remain in place. State services to tribal members are unaffected. The cooperative framework that our communities have built over many years continues regardless of this change.

Finally, we recognize that PL-280 was enacted during the termination era without the consent of the CTUIR. Completing the retrocession of jurisdiction that began with the criminal retrocession in 1981 is a matter of basic fairness and an acknowledgment of the Tribe's proven capacity for self-governance. Umatilla County and the CTUIR are stronger as partners, and we believe this step reflects the collaborative relationship our communities have cultivated.

We respectfully urge you to approve the CTUIR's request for retrocession of civil jurisdiction under Public Law 83-280. We are available to discuss this matter further should it be helpful to your office.

Sincerely,

UMATILLA COUNTY BOARD OF COMMISSIONERS

Daniel N. Dorran, Umatilla County Chair

John M. Shafer, Umatilla County Commissioner

Celinda A. Timmons, Umatilla County Commissioner

cc: N. Kathryn Brigham, Chair, CTUIR Board of Trustees