

## LEGISLATIVE COMMISSION ON INDIAN SERVICES

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## LEGISLATIVE COMMISSION ON INDIAN SERVICES SUMMARY MINUTES

Meeting Date: February 18, 2016

Meeting Location: State Capitol Bldg., Hearing Room 50  
900 Court Street NE, Salem, OR 97301

Called to Order: The meeting came to order at 9:03 a.m.

Adjourned: The meeting concluded at 3:15 p.m.

### Members Present:

1. Dee Pigsley, Tribal Chairman, Confederated Tribes of Siletz, LCIS Chair
2. Dan Courtney, Tribal Chairman, Cow Creek Band of Umpqua Tribe of Indians, LCIS Vice-Chair
3. Jarvis Kennedy, Tribal Treasurer, Sergeant of Arms, Burns Paiute Tribe
4. Mark Ingersoll, Tribal Chairman, Confederated Tribes of Coos, Lower Umpqua and Siuslaw
5. Justin Quaempts, Confederated Tribes of the Umatilla Indian Reservation
6. Cheryle Kennedy, Tribal Secretary, Confederated Tribes of Grand Ronde
7. Raymond Tsumpti, Tribal Council, Confederated Tribes of Warm Springs
8. Don Gentry, Tribal Chairman, Klamath Tribes
9. Jackie Mercer, CEO, NARA Northwest
10. Caddy McKeown, Representative (morning)
11. Ted Ferrioli, Senate Republican Leader (morning)
12. Duane Stark, Representative (morning)
13. Arnie Roblan, Senator (morning)

### Members Absent:

1. Brenda Meade, Tribal Chairperson, Coquille Indian Tribe

### Representatives from Tribes in lieu of Members:

1. Kippy Robbins, Tribal Vice-Chair, Coquille Indian Tribe

### Staff

1. Karen M. Quigley, Executive Director, Legislative Commission on Indian Services
2. Dianna Brainard-King, Commission Assistant, Legislative Commission on Indian Services

### In Attendance:

1. Rachel Gowland, Rep. Susan McLain's office
2. Ayla Zahler, Rep. Susan McLain's office
3. Joe Kirk
4. Louie Pitt, Conf. Tribes of Warm Springs
5. Nadja Jones, Dept. of Human Services

6. Jane Hill, Conf. Tribes of Umatilla
7. Dave Stuckey, Oregon Military Department
8. Ted Hughes, Cow Creek lobbyist
9. Sharon Hughes

**Dee Pigsley, Chair, Confederated Tribes of Siletz** welcomed everyone to the meeting. She asked Jarvis Kennedy to do the invocation.

Jarvis Kennedy, Burns Paiute Tribe opened with the invocation.

Dee commented legislators who were not here at the moment would be in and out due to the busy legislature. Dee welcomed the new member, Rep Duane Stark.

Rep Stark shared he and his wife have adopted foster children and have a total of five youth at home. He stated this was his first term in the legislature, and when he was asked to join this commission he admitted to himself that he had not worked with tribes in the past. He requested everyone on the Commission let him know if he does something that is culturally inappropriate.

Dee recognized Kippy Robbins who was sitting in place of Brenda Meade for the Coquille Indian Tribe.

Dee asked if Caddy would like to say anything.

Rep Caddy McKeown apologized ahead of time for all the legislators who will be very busy on the floor today.

Dee recognized Sen Ferrioli.

Sen Ferrioli was happy to welcome our newest member, acknowledging the necessary bridge between the nine federally recognized tribes of Oregon and legislators.

Dee requested the Commission adopt the meeting minutes from August 19, 2015. No discussion was held and the minutes were approved.

Dee requested the election of Chair and Vice Chair be held. Cheryle Kennedy nominated Dee Pigsley. Nominations were closed and Dee was elected Chair.

Don Gentry nominated Dan Courtney for Vice Chair. Nominations were closed and Dan was elected vice chair.

**Karen Quigley, Legislative Commission on Indian Services**, acknowledged the busy agenda and went over the meeting packet, stating the left side of the packet contained information about the annual summit, which would be discussed later this afternoon.

The right side of the packet contained a document that listed some of the agencies who had contacted her in the last two months including those from directors, deputy directors and senior managers regarding programs that are of interest to tribes. A legislative alert Excel document was enclosed with up-to-date information on current bills. She thanked the Senate President and the four legislators on the Commission for sponsoring SB 1528, which acknowledges that at all times tribal commission members main responsibility is to their tribal governments. SB 1528 clarifies the commission meetings are public meetings, as they have been for over 40 years, but at other times when tribal leaders who are commission members gather together, they are not

conducting commission business. Karen thanked Chair Pigsley for testifying during the Senate hearing. Karen included a written testimony she provided as the executive director, which spoke to 20 years of how effective this body has been in focusing on state-tribal relations. The reception from the committee was very positive, including vice chair of the committee Sen Ferrioli.

Karen discussed the enclosed quarterly budget document, explaining the LCIS General Funds budget is very bare-bones. LCIS is right on track at this time, which we hope to continue through the biennium. The Other Funds budget, which has to be approved by legislature, is authorized to receive just over \$6,000 in donations for example, from tribal governments and NARA, NW to help cover costs of trainings and events LCIS sponsors. The current balance is \$58, and LCIS hopes to have additional funds before our proposed next training in May.

Karen shared over 92% of the people who completed the last User Survey feel you and this Commission are doing an excellent or very good job. Karen understood from at least one state agency that four or five staff filled out the survey together, so she assumed the percentage of positive response may be higher. Comments were generally related to the last summit, which were enclosed for their review. Karen felt it was interesting to receive feedback about what's important, such as questions or issues regarding state-tribal relations is number one, followed by the Cluster and Natural Resource Workgroup, the Key Contact Directory, probably the most heavily utilized tool, the annual summit is huge, and the ability to have a place to contact for assistance with connecting with tribal governments or permitting and statutory requirements that touch on designated contacts for tribes for grants, permits, etc. is a huge part of the agency's work.

A document of a screen shot from the LCIS website shows where the annual reports are located, with only a couple of agencies failing to supply their annual report at this time. LCIS is following-up with requests from these agencies to supply their missing reports, which will be placed on the LCIS website. A letter from the head of the Dept. of Education was enclosed, which was sent to every Oregon school district, requesting respect be given to Native American students during graduation ceremonies for traditional wear including feathers and beading.

Karen met last week with the key contact from the Water Resources department and the topic of drought came up. She offered to put together a document regarding current water issues (provided). Agencies throughout the state get together to discuss water availability throughout the year.

Dee appreciated the updates Karen sends out to members regarding the current bills and legislative actions, because things are moving quickly this session.

Sen Ferrioli wished to acknowledge Senate President Courtney's tremendous support of LCIS, sharing the president continuously seeks input from Sen Roblan and himself about what is happening here. A huge supporter who believes in LCIS. SB 1528 sailed through committee, which Sen Ferrioli feels the committee recognizes the singular and unusual role members play, who are not Oregon elected public officials, not subject to verified statement of economic interest other than your work directly related to LCIS meetings, not effected by the requirements for public notice and public meetings, and anything else that is required of the normal elected public officials. Quorums are not an issue in any forum outside of LCIS. If you're not meeting officially as the Commission you are not violating the quorum laws, with the passage of SB 1528. Sen Ferrioli hopes this is a problem resolved with the bill passing and signature from the governor.

Sen Ferrioli discussed a troubling bill in the House, HB 4129A, regarding replacing the image of Chief Joseph with another in Washington, D.C. His position is Oregon citizens made a decision, Senate Rules committee recognized the decision, and the two honorary were to be Chief Joseph and Abigail Scott Duniway, both who earned recognition far beyond the borders of Oregon. That decision having been arrived at, Sen Ferrioli sees no reason to revisit this decision, but he wanted to share there are those who want to do so.

Dee thanked Sen Ferrioli for all his help on SB 1528.

Cheryle thanked Karen for her report and questioned the state departments who had not adhered to having a policy on record with LCIS. Cheryle asked why not and what can LCIS do to make these reports available? She felt those missing are very important departments. The other comment she made was training state managers and employees, seems to be an issue, getting the information to the lowest level on the role of tribes. Another way of approaching this may be at a work session. Cheryle hopes to address this.

Karen thanked Cheryle for her comment. Karen plans on sending an email to state agencies thanking them for their annual report, and to mention how disappointed and concerned commission members are for those not being received. Karen also thanked Cheryle for asking about the other report due to LCIS, the state's policy on relationships with tribes, which is under ORS 182.166. This statute states the report must list a key contact for the agency, explain how the agency communicates with the tribes, indicate how the agency identifies programs the agency has that might affect tribal interest, and that the agency understands they have to have tribal representation during that process. It also talks about training, how that state-tribal relations law is communicated throughout the state agency. According to what LCIS has, the policies on record haven't been revised since 2007 or 2003. Maybe agencies have updated them but it seems 10 years down the road it might be worthwhile that all agencies review their policies required by the state law, with this Commission determining a due date for the policies to arrive at LCIS. Policies should be revisited, revised and adopted by those governing the agency in order to move forward in their responsibility for government-to-government relationships in 2016.

Dee recognized Sen Roblan joining the meeting.

Sen Roblan thanked the Commission and shared he was very happy to be there and to see all of them. He discussed the current session and how he feels very fortunate to have such a great relationship with Sen Ferrioli, who makes sure to ask Sen Roblan if he wishes to co-chair on certain bills, especially around native issues. They both believe working with tribes should be part of the normal thing state government does. He discussed the mascot bill and how collaboration with tribes should occur naturally. Conversations need to occur prior to the fact, with the nine recognized tribes who have nine different governing bodies which need to be considered. He believes all the tribes have been very respectful and patient with the state government. He appreciates the differences between the tribes, which he feels is based on a very long history of the tribes and their desire to be understood. Sen Roblan discussed regional differences within the State of Oregon, and at times one law for everyone doesn't fit across the state. The Tribes make it clear that place means something. They don't plan on moving anytime soon, and we have to determine how to make it work within state government.

Dee thanked Sen Roblan for his help with SB 1528.

Dee requested Jason Younker approach for his update.

**Jason Younker, Advisory to President on Sovereignty and Government-to-Government, University of Oregon.** Jason thanked the Commission for their time. He discussed the Future Stewards Program, a partnership with each tribe where the U of O will waive tuition for awarded tribal member graduate students. Tribes are asked to provide health insurance, consider providing a living stipend and consider an internship for students during the summer months. Jason feels the most important part of this partnership is the internship, because graduate students often leave the area upon graduation. He is hopeful if they have already worked with the tribes as interns it increases the possibility of them remaining in Oregon.

MOU's for consultation between U of O and the nine tribes, which are intended to establish a process of consultation for education at U of O. The MOU is meant to stimulate success.

President Schill is working very hard to make education affordable. He has met with the Native American Student Union, the Native American Law Student Association and the Native American Strategies Group. He has not met with all of the underrepresented groups to that extent. Pathway Oregon Scholarship is a zero dollar scholarship, for first generation college students and low income college students. Last year 1,200 freshmen qualified for this scholarship and had zero tuition.

Jason explained the 2015 Legislative Session SB 202, which looks at independent scientific review (ISR) to see if it is needed. He sits on the task force of 13 members.

**Lisa Gaines, Institute for Natural Resources at Oregon State University,** shared she directs the institute which was established by legislature in 2001 as a bridge between universities and decision makers of natural resources. The task force is determining if ISR is a benefit to Oregon, and must report to legislature with their analysis by September 2016. The task force is conversing with decision makers, state agencies and stakeholders to see if they feel ISR is a benefit and if there is a need. They are determining how ISR would look, and what other states and federal agencies are doing with ISR. They are interested in the tribal perspective. Karen suggested they also contact the natural resources workgroup and cultural resources cluster.

Cheryle believed most tribes have a Natural Resources department that does some form of scientific review, but she wondered what the overall goal is; what are the benefits?

Lisa stated that is exactly what the task force is discussing.

Jason feels culturally what is important to him go well beyond artifacts in the ground. When a state agency does a review or report they leave things out that are important to us. ISR would be required to seek out tribal input and would be beneficial.

Cheryle stated unless it's an official note it usually doesn't carry water. Best practices that have been followed for thousands of years by tribes are not accepted within the scientific community, which she hopes is addressed in the study. She hopes these best practices and good work the tribes have been doing will rise to the top.

Mark Ingersoll wondered if a bill is being worked on and a third task force looks over the scientific information, what level would have the most impact on the bill.

Jason shared at times agencies might write reports that benefit themselves, so an ISR would not allow that to occur, therefore be more beneficial to the state of Oregon.

Lisa believes it is better to look at an ISR to determine what triggered it, and if it moved forward what would the outfall be?

Mark has personal experience with two scientists determining what happens in a car accident, who don't agree on their analysis and have to bring in a third party. He wonders if that is what would occur here.

Don Gentry believes it is necessary for conversations be held with tribes to determine who needs to weigh in. Klamath has the right to exercise their treaty rights on former reservation lands. State process for determining seasons and back list for wildlife and resources doesn't include Klamath in a co-management way. The Tribe is treated more like an interested public party. Don thought a change in legislation might be necessary to make a change in how the state reviews tribal input. Don said each tribe needs to define who the appropriate contact person is, and include the tribes early-on in determining management of natural resources, and with traditional based science. Scientist and biologist come in who don't know the area and look at current conditions rather than historical conditions, such as times when fish spawn.

**Gary Sims, Public Safety Cluster Coordinator, Department of Corrections** shared at the last Public Safety Cluster meeting a state tribal public safety police chief discussed additional training for police officers at the police academy in Salem.

Raymond Tsumptj, view of tribal police being in a fourth rate program. There are three levels of jurisdiction at Conf. Tribes of Warm Springs. Tribal officers have to understand tribal laws, state laws when dealing with non-Indians, and federal laws with major crime. Some police chiefs state they don't have any Indians nearby, but Raymond explained just because you don't see them doesn't mean they're not there. Warm Springs ceded 10 million acres to the United States government. They exercise their ability to hunt, fish, gather roots and berries in those areas, over 14 counties. This does not include the Wasco counties. They lack the understanding and education. The US government would rather throw their hands up then deal with Indian issues that come up. Raymond suggested they hash this out at DPSST, but they said they'd have to take something out in order to add additional time for this type of training. Raymond asked Gary and other chiefs to attend today's meeting, but none are present. This confirms the discrepancies within the force.

Dee thinks it was evident with the incident at Burns there wasn't a clear idea on who had jurisdiction.

**Nancy Hirsch, Deputy State Forester, Oregon Department of Forestry** thanked the Commission for the Summit in December, and thanked Dee for the book she received, and Cheryle for the brochure and video she received. Nancy really values face time with the Commission members to better understand how to better work with them and their tribes.

Nancy looks forward to visiting each tribe to meet their staff and learn how to better work with them.

Forestry is on their way via executive team members and staff attending cluster meetings, to revisit their policy with tribes. Three key points, i.e., what are her expectations.

1. Strengthen and improve relationships with executive team members
2. Increase engagement around policy development program, delivery and planning
3. Increase understanding at all levels within the agency about tribes of Oregon, which will require additional training, via information obtained from each tribe

Nancy wishes to rewrite the annual report so it reads clearer where interaction has occurred. Nancy heard clearly at the Summit that the wrong level of engagement in the past has occurred so she came here today to make sure Forestry is engaging with the tribes at the right level.

Don wished to speak to Nancy further to discuss a possible MOU for a policy document for the future. They have a MOA with one forest and they wish to expand that to an adjacent forest. They have a forest management plan and would like to explore opportunities. They exercise treaty rights within state lands, they have cultural resource concerns far north of them.

Kippy appreciates Nancy; she feels it's a really great start. She is doing the right work by listening. The consultation process is frustrating for everyone, but if one department could tackle that and be a model that would be fantastic. Consult early and often to improve communications.

Mark thanked Nancy for attending the Summit. He thought it was a wonderful event for them, and the contacts with state agencies were very beneficial.

The Commission took a break at 10:18am.

**Quanah Spencer, Tribal Liaison for Pacific Northwest Division, BNSF Railways**, works in Oregon, Washington and Idaho. He provided a map of their routes through these three states and Canada. Quanah is a member of the Yakama Nation. He practiced law for ten years, representing tribes in Washington in regards to fisheries and additional rights.

For 160 years the railroad did not have an office Tribal Relations Department. They initiate dialogue with communities, including the tribes. He has visited 37 tribes within the past 8 months. He is arranging to meet with tribes in the next 7 months. BNSF has an internship program for college students, engineering, law, business positions. They have an emergency management department where they are training first responders. They have started a dialogue with CRITFC and anticipate a training occurring this spring. He looks forward to working with the tribes in the near future, and will assist with contact information for other railways if he can.

**April Campbell, Indian Education Specialist, Oregon Department of Education** was excited to share they are in the process of implementing the American Indian/Alaskan Native State Plan and phasing in all eleven objectives. April met with education chairs in Warm Springs and tribal council member Evaline Patt during a conversation with school districts around the tribal attendance pilot project. Next week April will be going to Coquille and Coos to discuss the same project.

The first meeting of Community Conversations, another objective under the State Plan, will take place in Warm Springs on March 10 between 5:30 and 8:30pm.

April shared native language speakers would like to revisit SB 690 to support licensure of native language teachers.

April shared the tribal consultation policy with ODE is very old, so she has been doing research on rewriting that policy and taking it to her leadership team to discuss engagement with tribes early.

**Justin Quaempts** thanked April for her coordination and collaboration over the past few years, and appreciates her quick response. He offered to be part of the community conversations.

Mark shared their tribe is just starting to have issues with the mascots. It has been a very bumpy road. He almost feels this has pitted the tribe against the community. They have not connected directly with the schools and fears it may be a large issue. Karen would like to think the bill and rules should include information about local tribes and tribes of Oregon into their curriculum, to recognize tribal contributions. Mark thought that was a great point but said it's been really rough and a push-back is starting to form from communities that may have to change their school name. April would like Mark to get in front of the school district to have a conversation about what the tribes' position is.

Cheryle discussed the process of consultation and she is interested in all state government agencies be a part of the discussion on consultation with tribes, how to educate them, how accountability is woven throughout the process These entities that used to lie within the structure of the agencies become almost private entities who make policy decisions, and tribes are forced to act upon their sovereign rights and it's almost a battle. Would like to develop a process so when entities are created there's enough policy to direct them to consult with tribes.

**Lynne Saxton, OHA Director; Karol Dixon, New OHA Tribal Liaison; Sharon Stanphill, Cow Creek Health Director** Sharon introduced herself and shared she is also a delegate to the NW Portland Indian Health Board. Sharon is looking forward to tomorrow's meeting on health and consultation issues. In regards to improving consultation, she believes positive and respectful working relationships is crucial. Oregon Tribes have experienced challenges, and Sharon is speaking today on behalf of the Health Cluster. The most pressing issue was due to how the Coordinated Care Organizations (CCO's) were developed four or five years ago, and how the tribes were not initially involved. Issues are being compounded and this has been deemed a consultation problem. The dissolution of Cover Oregon has led to problems, as well as significant turn-over at the state level where staff are unfamiliar with tribal issues.

Lack of consultation policy is a big problem. Need to make sure it's followed and responsibilities are laid out. Cornerstone of a lot of problems comes from limited understanding and absence of knowledge with higher-up officials in true meaning of consultation. At the Health Cluster meetings the state agencies wish to share their progress, yet the tribes were not part of the initial process. The agencies explain they plan on sending out plans to the tribes as "community stakeholders" for review, and they don't understand why this is an issue. Example, how Oregon changed the way they deliver their health care with the CCO's. The tribes were not brought to the table to discuss the CCO's, even though they already had these established. They are currently having issues obtaining contracts with CCO's in their counties. The Tribes already had the wraparound, behavioral health working with medical, pharmacy, and nutrition. They are currently preparing waivers and flexible services, and have already held flexible services in cooking classes and diabetes walk arounds. The Tribes realized they could not contract with managed care but it was too late. Coquille has attempted to work with managed care CCO's, which would allow clinic providers to see patients not on the Oregon Health Plan to refer out for specialty care. Coquille had this problem 15 years ago with managed care and they wanted to fix that problem before CCO's came about. CCO's don't see a need to contract with the tribe. The State of Oregon hired a liaison to help, but they also can't get the CCO to contract with the tribe.

Another issue is the restructuring of programs in the Oregon Health Authority, where changes occurred at the state level but tribes were not made aware. Tribal members have worked very hard on Tribal Best Practices as an example, yet now have to hope when they are placed in a different portion of health that all this hard work will still be accepted and respected.



Third issue is how interviews for the new tribal affairs director were conducted. Looking at the overall process, tribes felt left out with the input and being part of all the interviews. One tribally suggested panelists was not informed in time or at all to be a part of the panel. Meaningful consultation via a policy would be their first step, followed by very structured health cluster meetings with agenda set-up in advance and Lynne in attendance to work together. Feels this would be very beneficial, and perhaps get through issues the Tribes have been dealing with for decades. The same issues come up. Tribes have very sophisticated health care at home, they are leading the state, and they want to communicate this with them and have tribal leaders come to meetings who know a great deal about health.

Lynne shared Karol Dixon, the new Tribal Liaison with OHA, went through a very rigorous interview process that did include tribal representation, with three to four tribal representatives on the interview committee, and apologized for anyone who did not receive notification. OHA has been restructuring for the last year and Lynne shared all the interviews she has been involved with have included stakeholders, legislators, and internal team members.

Lynne stated they were very excited about tomorrow's day-long session on health care, and discussed the monthly 770 meeting, which she cannot attend every month, especially during the legislative session, but will have appropriate OHA representation attend. Her goal is to be there quarterly and support the work of the 770 meeting.

Lynne understands OHA has critical work to do with the tribes in Oregon in the short term, and many things that need to be addressed in the long term. Lynne plans on utilizing her resources to convene the tribes with OHA and its expertise to drive results in a timely manner. The complete leadership team will be in attendance at tomorrow's meeting. OHA went through a period in the last six months where half the executive positions were vacant. OHA covers over 1/3 of the state budget and has tremendous responsibility and accountability to the federal government on behalf of the tribes and the \$10 billion investment the federal government makes in Oregon every year, and could not cover all the bases during that time. She apologized but said there was no alternative. She provided an organization chart which showed all positions have been filled. The Tribal Liaison position was vacant for nine months. Lynne shared the loss of executive staff was not due to her, but was a result of the challenges OHA faced for about 18 months.

Lynne was interested to hear about the barriers with CCO's and feels OHA has real accountability and responsibility with this. She wishes to discuss the tribes' priorities and contracts, tribal access to specialty care. So many tribal members are on fee-for-service basis, a population that is getting smaller, therefore harder to access specialty care. Lynne shared she lived for nine years in Anchorage, AK, where a third of the youth in her high school were Native American, and she has a firm understanding of sovereignty and the importance of that relationship. One of her highest priorities in her work is to leverage health care for the tribal population. Lynne was told by other states that Oregon is leading the country right now in knowing what is happening to our health care population. Improving our dataset every month, launching the eligibility system recently to ensure Oregon has the best system in the country. OHA knows which part of the state is having a difficult time accessing Medicare, the length of time it takes, and what provider barriers there are.

OHA would like a collaborative productive relationship with the tribes and is thankful attendance should be high at tomorrow's meeting. She wants to listen to the tribal priorities and realizes we cannot work with tribes if we don't know precisely what their priorities are. One of OHA's priorities is working with disproportional populations to improve results. Lynne believes critical needs for people in Oregon are not being met today, and OHA is committed to working

directly on specific issues on barriers, access and quality. She believes in meeting the needs of the people. Lynne has long believed it is critical for the tribes to be not only at the table but to be integrated and make sure there is transparency around the metrics. OHA has the best information the state has had in her life time on outcomes. Available on the OHA website. Drug and alcohol and behavioral issues are not addressed on this. There are 2,500 staff at OSH, 2,000 work outside of OSH. People in two different locations doing very similar work with little communication or integration of results and accountability.

Agenda shows it is about listening and communication. OHA is maintaining an active stakeholder list, between 275 and 300 stakeholders. Email communication is critical. Tribes are much easier to communicate with for OHA, and she believes in pro-active communication. Lynne believes tomorrow's meeting is about effective communication regarding goals, and holding yourselves accountable to those goals. Compliance is necessary with rule making and Lynne hopes we can start with what are the priorities, what are the needs, what is the data showing, what are the barriers? She is going to actively seek opportunities to set an agenda and achieve it, acknowledging risk can occur when we have to admit we are not achieving set goals.

Organizational commitment: Karol's first immediate priority is to meet the tribes. Karol stated she has made five visits so far. Lynne plans on setting up an ongoing scheduled for visits and routines that works for everyone. Lynne wishes to hear what the tribes hope to cover in tomorrow's meeting.

Cheryle Kennedy appreciated Lynne coming, and addressed some key concerns the tribes have that Lynne had mentioned. Tribes are imbedded in history because of their culture, oral history and practices. Tribes did not leave that behind, and she wants to learn what we can do today to fix things. Lynne mentioned she is a problem solver and one of the primary problems is that patients receive the necessary care they need. Cheryle believes when there's a lack of implementation of a health plan that doesn't dialogue or include tribes you have ignored the tribal patients. Feels that needs to be imbedded in any policies that are made. Cheryle acknowledges policies can be difficult, but they ensure compliance and checks and balances. Feels Lynne may need to change the way she looks at things. There is value in the history of Oregon and how the health plans were developed, and she sees the same problems that were occurring in the 70's when she worked in the health field. Why were tribes left out of the Oregon Health Plan 30 years ago? This needs to be reviewed so Tribes will feel they are receiving the best help possible and won't feel like second class citizens and beg for services. Tribal members are citizens of Oregon and need to be treated as citizens of Oregon. Cheryle reviewed the functional chart and shared the State of Oregon has a line to nine tribal sovereigns, which is government-to-government, not stakeholders. Oregon has a responsibility to work with tribes on this basis. She really appreciates the opportunity for Lynne to listen to us, and welcome aboard the new tribal liaison, though many tribes feel they did not have an input on who would be hired in the position. Cheryle read a letter from the Confederated Tribes of Grand Ronde Community Chair Reyn Leno to LCIS and the lead agencies for the State of Oregon. Cheryle pointed out there are several examples of consultation that can be referred to on the federal level as well as other state agencies.

Lynne supports the concept of the letter and the recommendation, agreeing it is important to evaluate meetings for their effectiveness. The tribal liaison reports directly to Lynne, the only position within OHA who does due to the government-to-government relationship. In her experience of attending 770 meetings for over 10 years, these meetings tend to be a report out rather than an engagement meeting. She schedules the meetings out for an entire year so

people can build their schedules around the meetings. OHA is going to begin work tomorrow on making these engaging meetings rather than reporting out.

Raymond Tsumpti commented the meeting tomorrow should be very interesting. He has been reminded who they are, a treaty tribe who maintains to be a direct service tribe where the federal government has to provide services as spelled out in their treaty. In the late 80's CTWS helped out the Indian Health Service (IHS) with a joint venture where the tribes provided the clinic and IHS provided the service. Things did not pan out and now we have a Commission and he thinks this is no different than what the joint venture originally started out to be. Acknowledges there's a push on us to not rely heavily on direct service on IHS but to take money and do it ourselves and to be more like the rest of the tribes. CTWS fears this will lose sight of the document that combines CTWS and the US Government, which his people have no intention of losing that sight. CTWS has ran into the 638 process, insurance coverages, collections, billing, which is a nightmare. Go beyond specialty care, IHS just makes referrals. Shortage priority one where you had to be sick enough to receive service and we lost a few members who weren't sick enough. Some of us don't understand the relationship between CTWS and the US Government, the 1855 document.

Lynne believes OHA has much to learn from the Tribes on IHS relationship and how to improve that relationship.

Jackie Mercer explained NARA is an Indian Health Service funded urban Indian health program and stated the state has legal obligations through federal statute to consult with NARA around Medicaid issues. Jackie shared she has known Lynne for a long time, she has a lot of respect for her and understands she has a heart for Indian people. In the last 1 ½ years there have been major changes in OHA. We've been told to wait for six years with zero response. Somehow within the structure of OHA the consultation does not stop because there's other stuff going on. There have been major gaps. The CMS waiver there have been no efforts to consult or confer with the Tribes. There's a new behavioral health model for funding that is being discussed but there's been no opportunity for input. Open card issue has been discussed for five years. There's a sense of paternalism where we are told you'll get to us later. Feels the tribes are being insulted. People are on the line with their health care and this should be a priority. No one here is a stakeholder. A process needs to be institutionalized so that any new person who comes in understands this is a different working relationship. One of the most important thing to people is their health, with lives on the lines. Very hard to watch this process.

Lynne apologized if there was any interpretation of "just wait and we'll get to you". Staff have been assigned to bring forth tribal concerns on a monthly basis to Lynne during the nine months of recruitment. The Medicaid waiver process has been internal and are now beginning the engagement process. Even with the CCO's OHA has had one brief discussion and has not begun as a work product. The behavioral health process has not begun. Governor Brown asked Lynne to submit a proposal to her for the process, which will be submitted in March. They plan on working with Tribes on a direct level after that has been submitted.

Jackie felt the waiver was an example of the problem, where so much work has gone on internally for months, there won't be much time for meaningful input. Jackie has been at other meetings that have talked about the waiver but it's never been brought to the Tribes. There are other meetings about the behavioral health funding model that has been occurring, where she had been invited to attend.

Lynne explained the certified behavioral health centers are a component and she'll check into this. It is a piece but not the behavioral health process or plan going forward. Lynne explained

this was going before she came, where OHA received the federal grant when she arrived. She wasn't here for the grant application and unaware the tribes were not included, but she will ensure there is engagement with that going forward.

Jackie feels this is endemic, stating CMS has a new rule about helping states fix the fee-for-service problem. This has been a long time getting to this point. She is worried about what is going to happen and is very disappointed.

Lynne asked the members to be prepared tomorrow to commit time in the next 18 months to talk about how they would like the outcome to be in the waiver process internally when there are not proposals on the table. Internal processes within OHA from explanations from CMS, who state here's what's expected, here's what's allowed, here's what we're interested in. We come up with a zone, where they are right now, but not a hard and fast this is what we are going to be doing. She believes there will be active discussion of sequencing the work. OHA will do all that is possible to engage Tribes at the formative government-to-government level. Lynne will look into the certifiable behavioral health to see if engagement did not occur and why.

Jackie stated consultation must occur early and often.

Raymond shared back in the 90's with the self-governance and direct service tribes, he was critical of IHS and their level of needs funding. They were planning on syphoning off some funds to Tribes for urban, which Raymond did not believe was right. Raymond spoke to urban people and said he would support their seeking funding, but not by reducing tribal funds. Raymond commented a lot of CTWS members have gone through NARA and success is good, improving over the years. He will protect the funding from IHS to CTWS, and he'll support the urban.

Jackie shared Lynne's predecessor and the person who created all this CCO phenomenon, asked for the IHS funding that comes to the tribes to go to the state and not to us. So there is concern regarding what is OHA's intent. Jackie felt this was a very ill advised plan. She hopes this will explain the reaction Lynne receives when she talks about what IHS can do.

Lynne shared she did not know this. She stated there have been four agency heads in the last two years. We need to have a frank conversation about money, where it goes, what's available to Oregon, what the Tribes need, where the money is, and how we get it to your people. We can look at what you do and don't need additional support from IHS. We need to talk about issues with CCO's which she feels is concrete, and she asked members to share with her what works best for your tribe, the money flows in this direction. She doesn't come with any goal of receiving IHS money and taking it away from the Tribes. Come to the table with the facts. Part of her first assignment from Karol is need to know current state issues about commitments, the role of the waiver moving forward. When Karol completes her work she will outreach to the Tribes to get your accurate information. There is a preconceived commitment from Lynne to make sure Tribes receive the results they need.

Dee believes we all have the same concerns and tomorrow should be a good day.

Karol introduced herself stating she is from a tribe in Alaska along with her partner and their children. Karol has done a lot of work with IHS and budgets, levels of need, comparing budgets with bureau of prisons, and how to put a personal face on this. When we give a testimony to congress about how starved IHS is, priority one, bring digital stories and talk to Congress nationwide about our issues. Karol shared in her small community of 350 members, where perhaps 30 family members have died over the last 10 years of cancer, and believe at least 10 people have died over the last year from alcohol and drugs. She understands the Tribes

concerns. She likes to look at data and wondered how she could make a difference in the drastic figures around Indian health. Personally Karol shared her partner had to go to Chemawa with their kids three days in a row and he had his tooth pulled under IHS coverage, which a colleague of hers at OHA could not understand. She's always had IHS coverage. Sees her role here as helping you and your health departments to access the funds received. She has reviewed the IHS budget, looking at third party revenues, to identify barriers and how to help tribes work with the State. Get out to communities to learn about the Tribes. She has been reviewing historical books about Oregon Tribes. Framework around consultation is something she feels they can fix. Big on what the process is and how to understand it. Alaska is not a good state for Native people, so she's happy to work in Oregon where there is a strong commitment. She hopes to be part of the solution. The Hep-C issue is something she wants to work collaboratively with the tribes.

Dee asked if someone was in the position prior to Karol with OHA. Lynne shared there has been a tribal liaison since DHS and OHA were separated three or four years ago. There was an illness and OHA could not fill the position until it was vacated after a nine month gap. Lynne clarified OHA has many stakeholders and her reference was not to the Tribes as stakeholders.

**BG Michael Stencel, Adjutant General** lived under the Portland International flight path, and spent most of his career in the affordable housing industry, developing, syndicating and financing it. Has been an Oregonian his adult life but personal history is lacking in tribal government-to-government relations. He's learning and he reaffirmed their policy statement on government-to-government relationships. His understanding is Oregon has a long standing, positive relationship with tribal governments. Environmentally some ground ranges for National Guard and air strip ranges have worked directly with the tribes to receive approval with federal aviation. More visibly incident response and emergency management. Several grants, homeland security, hazard mitigation, emergency coordination centers, etc. He is committed to grow this relationship and looks for ways to work with and learn from them. Appreciates the opportunity to introduce himself.

The Commission moved to HR167-A to hold a working lunch and continue their meeting.

Kippy further discussed consultation expectations.

Jackie understands the current governor is supportive, but we need to look ahead. Stakeholders have already had input on certain health topics but not Tribes. Is there a bill that would help? Put accountability into law regarding consultation with tribes? Should it be part of every state agency job descriptions? IHS comments were very concerning.

Justin shared his tribe works on instilling accountability into their youth. He believes communication is not difficult, and when you share respect and speak openly honesty comes naturally.

Cheryle did not feel LCIS and Lynne were connecting. There is a big gap when Native Americans are being served, in their database. Cheryle does not believe things have changed for 30 years and the tribal population is being ignored. Cheryle does not wish to be invited to more meetings after decisions have already been made, and she wanted to learn what we could do.

Justin thought it would be good to put everyone on the spot, which might be considered rude and direct but it does get results.

### **Annual State-Tribal Summit Review and Discussion**

Dee thought the Summit was a great improvement over past summits. Having Governor Brown there the entire day was excellent.

Ben Souede shared the Governor was very grateful for her involvement and the opportunity to visit and be a part of the panel. She would like opportunities to get into the weeds of the issues, which requires some degree of prioritizing topics. She was impressed with the Chairs being able to talk about complicated issues in positive ways. She is up for more detailed discussions.

Dan shared Cow Creek was honored to host the event, and really liked the seating format of mixing up participants at tables. He appreciated the tribes being represented on stage, but thought it might be good to involve state directors to hear their perspective.

Kippy thought in the past Summits were very edgy and there wasn't a lot of information sharing. This Summit flowed, was meaningful and enthusiastic.

Mark thought it was absolutely fantastic the way Governor Brown stayed the entire time. He felt the governor in the past was totally disconnected. Mark would have had every one of his department heads at the tables. He thought break-out rooms might be good to have in the future.

Ben shared all the good things that occurred at the Summit were Karen's doing.

Dee shared all her directors were there and they got a lot out of the Summit. Ben asked if they were still enthused and Dee said yes, they are making commitments and following thru on them.

Cheryle was a table host. She felt the mix of groups worked really well.

Karen read a comment from a state director who said they were not happy to be told where to sit but they changed their mind after the Summit.

Mark hopes one take away is to make contacts and move forward. Mark thanked Dan and the Cow Creek Tribe for being wonderful hosts. Dan agreed there is a wonderful crew at Cow Creek.

Ben shared today is Governor Brown's 1-year anniversary. He suggested the Commission start planning the 2016 Summit as this is an election year and she will be busy this fall.

Justin was very grateful for the governor's acknowledgement and really appreciated her and Ben. Ben asked Jarvis to contact the Governor's Office if Burns Paiute Tribe needed anything.

Raymond had asked Gary to attend today's meeting. He appreciates Ben listening to the DPSST training on jurisdiction issue.

Dee appreciates working with Ben and the Governor. Ben looks forward to next year. He left the meeting at 1:05pm.

### **Willamette University Support for Public Education Efforts, Rebecca Dobkins, and Liz Bahi**

Rebecca hoped Willamette University (WU) could be a resource for the Tribes. She shared the situation in Harney County reminded her of the tribal sovereignty and rights.

Liz shared this is her second year as Director of Native American Programs at WU. She is Navajo, from the SW part of the Navajo Reservation. She comes from an area with a number of tribes and has outreach with tribes but admits she is not as well connected as she'd like to be. Liz believes WU would be a perfect place to teach tribal sovereignty to the public. She would like to hold a panel with the nine tribes this April or perhaps in the fall.

Raymond wondered who the audience would be. He shared one time when he was Chief of Police for Warm Springs he was a speaker at WU and thought the audience was comprised of students when they were actually professors.

### **Further Discussions**

Dee stated it is important agencies know what consultation is and what their responsibilities are with the Tribes. There are different policing authorities within the Tribes. Cheryle wondered what the results were from the national steering committee that the designee from the northwest, Fawn Sharp, President of the Quinault Indian Nation in Washington attended. Dee said it's important to know the differences between jurisdictions with each tribe.

Justin shared Umatilla's Chief of Police is not native and it is difficult to explain to him and others about sovereignty. He thought a state training might be beneficial.

Raymond shared there was a special law enforcement commission with their first discussion was in Hood River and they were no different than DSO courts. Raymond questioned where the assurance was. Raymond spoke to DPSST about additional tribal police training for all trainees. CTWS is a non-280 tribe and Raymond feels they have always had a target on them because of that. They have their own police force and hold their own courts, and are considered exempt.

Dee thought these differences makes Oregon very diverse.

Karen shared the Public Safety Cluster will assist in making sure important discussions on jurisdiction is achieved. Karen believes people may consider clusters as shortcuts for working with the Tribes. Clusters don't fulfill federal and state laws, and there needs to be talks on what each tribe needs for their sovereignty.

Jackie touched on quarterly meetings with the Health Cluster

Don said cluster meetings are beneficial with the governors' staff and state agency staff in attendance. He sees them covering a lot of positive things. Dan thought it was helpful when Karen clarified what the clusters are and what they are not.

Karen asked if they liked the Spring Gathering format from 2014. Dan liked it, Dee likes it at a tribal location, Justin shared he repeatedly has to say the same things at meeting. He relays everything as life-long education opportunities to establish prior knowledge. Teach fairness and honesty in regards to communication and remember integrity and accountability is so important. Justin feels blessed to be a part of this Commission and looks forward to utilizing this group to everyone's benefit.

Dee believes tribal people have so much to offer. Former Governor Vic Atiyeh shared it was such a joy to work with tribes and didn't feel like it was a job. We have a lot to offer with our culture and experience. Many of us are the largest employers in our areas.

Discussion on where the Spring Gathering will be held. The Commission chose May 18-19 for the LCIS meeting and the Spring Gathering and Training, and Mark volunteered the Conf. Tribes of Coos, Lower Umpqua and Siuslaw to host.

Karen believed we could ask Governor Brown to consider signing a letter stating it was important for state agencies to attend the training, so there should be as many at the Spring Gathering as there were at the 2015 Summit (approximately 200).

## MEMBER REPORTS

**Don Gentry, Klamath Tribes** was very upset the Klamath Basin Restoration Agreement (KBRA) had expired December 31, 2015 due to Congress failing to pass legislation. The Klamath Hydroelectric Settlement Agreement (KHSa) and the Upper Klamath Basin Comprehensive Agreement (UKBCA) remain in effect, but cannot be fully implemented under the current circumstances. However, there is a real interest from PacifiCorp, the State of California and the federal government to amend and remove four dams by the year 2020. Klamath Tribes may file legal actions and keep funding in play. The tribe will still have similar water problems and issues. The new General Manager, George Lopez is managing the large TANF Program, and Don feels George is a great person with good communication skills, very organized and a real team player. Jerry Hall is the new Economic Development Director and he has been very helpful to the Tribe, working on adding a hotel to the casino and a living cultural center, where storytelling will be done and basket making demonstrations held. Don is hopeful the living cultural center will become a central gathering place. Jerry is very active on different committees and he helps people realize Klamath Tribes is an asset to the community as an employer.

Tribal Council elections will take place the end of April.

**Kippy Robbins, Coquille Indian Tribe** shared the tribe received a letter from IHS regarding more coordination within tribal entities. Coquille was made aware of a preferred care expansion request into southern Oregon, which could affect everybody. This may be a federally recognized tribe, which would affect grants. Kippy personally wants Indian people to receive services and she understands they are underserved, due to California not being able to provide services. Kippy discussed desperate housing in Curry County.

Mark felt this might lead to tribes against tribes and he would like to see services made equal for all tribal people. Discussion on what clinics would accept federally recognized tribal members, and whether or not any clinic would see any card carrying member or if clinics were not required to provide services to anyone.

Coquille started their youth council. They held their grand opening of their laundry business for the Mill Casino. Canoe shed naming ceremony takes place tomorrow on its one year anniversary.

**Justin Quaempts, Conf. Tribes of Umatilla** very close to breaking ground on new clinic. The majority of the current clinic is on a flood plain, so they would like to move it to avoid previous problems with mold, etc. Issues with elections, absentee ballots. Held retreat recently, established a language department. Justin is Chairman for the Education and Training Committee, and he has seen a change over the last twenty years in regards to the rate we are losing language speakers. Justin shared the Cayuse language is literally gone. There is a push for Early Childhood to teach the Umatilla language. Pushing to move away from HUD housing, as middle income is such a huge population and members don't qualify for low income housing.



There are a huge amount of Veterans' in the community, 250 out of 1,500 total population. Huge mental health issues. Attempting to spend funds on a school and education center.

**Mark Ingersoll, Conf. Tribes of Coos, Lower Umpqua, Siuslaw** the council is coming together. LNG Process a power plant on the north spit, where they need to dig and drill 83,000 holes 20 feet deep. One of these holes is on an ancestral site. The Tribe is working with the Historical Society, county, outlying cities, and Mark feels they are making progress. Elliot State Forest, 83,000 acres near Coos Bay. Mark suggested tribes who were interested go in on the purchase together. It is a wonderful opportunity for forest, and we would most likely never get an opportunity with this many acres in one lot again. Mark would like to set up a meeting where chairmen and chiefs talk, to manage the forests together. CTCLUSI has a youth council just over a year old. Training youth to mature, educate children how government works. Teach youth they are a lot stronger as a team than as an individual.

**Dan Courtney, Cow Creek Band of Umpqua** Dan discussed the Round Circle Reading Groups for early education that encourages families to bring kids in for reading. So far it has been well attended. South Umpqua school district mascot issue, the Roseburg Indians. Working with school district and possibly might develop an MOU. Dan sees this as an opportunity to educate the non-native population about the native population in the area. Housing – looking at track of land in Roseburg as a multiple use sight, HUD, senior housing, and members who don't fit in HUD. Myrtle Creek area already has housing. Looking at needs assessment, what members want. May nominations will begin with actual elections taking place in August. Four-year terms. Dan is up this year and has been on the board for over 20 years.

**Raymond Tsumpti, Conf. Tribes of Warm Springs** cannabis referendum, he was the only council member to oppose it, due to Article 7 in the treaty. There is another referendum to amend their constitution with 15 amendments. Has to be voted on each question. One amendment regards reducing council from 11 members to 9, and doing away with the life-time member status. Equal representation from three districts possibly gone. Raymond believes this will cause issues between the districts. Elections with new council taking office May 1. Raymond has served seven terms.

Recent powwow attendees came from as far away as Canada. Discussed members not being sick enough to receive services. Need funds to take care of people. Distribution of money seems difficult with the young council attitude. Inaugural aerial system test, north of Lake Billy Chinook.

**Jarvis Kennedy, Burns Paiute** Jarvis shared he and Chair Charlotte Roderique have held lots of interviews. Jarvis stated one positive thing from the standoff is people from all over, Canada, Texas, New York, Alaska have contacted them asking how they can help. Have received \$16,000 in donations for the after-school program Kids Place.

Discussed issues with latrines, digging, provided a DVD around the area that was occupied. Thanked everyone for their prayers and for the way Governor Brown jumped in to help. Some folks were following lady dispatchers, and it was difficult to tell who your friend or foe was. Burns still has supporters in town so everyone is still walking on ice. Jarvis would like to see all tribal members visit Burns. The youth appear to be doing fine.

Don shared the Bureau of Reclamation office shut down in Klamath due to supporters. Fear something may happen in their area.

Jarvis shared he received threats on his phone and through email. He stated these people have no authority and they are nobodies.

Justin shared he held high regards for Jarvis' leadership. He tried to imagine what it would have been like to be in Jarvis' shoes, emotions, reactions, can't imagine how he felt.

**Cheryle Kennedy, Conf. Tribes of Grand Ronde** Grand Ronde renewed their contract with the food pantry. Cheryle was amazed at how many people go without food. Cheryle was concerned how our new U.S. President will interact with Native Americans, and stated President Obama has done the most any other president has for Native Americans. Hopes initiatives will remain, seems many are hated. The Oregon Health Plan has caused bad times and she would like to make sure all tribes have what's owed them. Growth rate of tribe: births down from national standards. Tribal council is discussing putting in a pool which is very costly, especially future maintenance. The council is still reviewing the figures. All positions are finally filled, with Dave Fullerton as the General Manager.

**Jackie Mercer, NARA, NW** discussed the dental program and being anxious in meeting the demand. NARA found a facility she hopes works out on one acre of land in Gresham.

**Delores Pigsley, Conf. Tribes of Siletz** announced their health clinic passed accreditation with flying colors. She hopes it was a three year accreditation. Judy Muschamp, the Health Director retired. Siletz has been contacted by three schools regarding mascot issues. A new minimum wage for casino staff was passed by Tribal Council on January 1, \$11 per hour, with incremental raises. Delores will be attending a symposium recognizing [Charles Wilkinson](#), professor at Colorado Law School in Boulder, CO in two weeks. There were no challenges at elections and everyone will be serving a three year term. Siletz is considering starting student groups at a younger grade as students who graduate from school leave the area.

Meeting adjourn at 3:15pm.