



LEGISLATIVE COMMISSION ON INDIAN SERVICES

900 Court Street NE, Room 167
Salem, Oregon 97301-1347
(503) 986-1067

MINUTES

Meeting Date: February 8, 2017

Meeting Location: Room 50, Oregon State Capitol, 900 Court Street NE, Salem, OR

Members Present:

Dee Pigsley, Tribal Chairman, Confederated Tribes of Siletz Indians, LCIS Chair
Jarvis Kennedy, Tribal Treasurer, Sergeant of Arms, Burns Paiute Tribe
Mark Ingersoll, Tribal Chairman, Confederated Tribes of Coos, Lower Umpqua and Siuslaw
Jody Calica, Tribal Council Representative, Confederated Tribes of Warm Springs
Brenda Meade, Tribal Chairperson, Coquille Indian Tribe
Jackie Mercer, CEO, NARA Northwest (non-voting)
Cheryle Kennedy, Tribal Council Representative, Confederated Tribes of Grand Ronde
Caddy McKeown, Representative (Legislative Business)
Ted Ferrioli, Senate Republican Leader (Partial/Legislative Business)
Duane Stark, Representative (Legislative Business)
Arnie Roblan, Senator (Legislative Business)
Yvonne Dumont-McCafferty, Secretary, Tribal Board of Directors, Cow Creek Band of Umpqua Tribe of Indians, attended on behalf of Dan Courtney, Tribal Chairman, Tribal Board of Directors, Cow Creek Band of Umpqua Tribe of Indians, LCIS Vice-Chair

Members Absent:

Dan Courtney, Tribal Chairman, Tribal Board of Directors, Cow Creek Band of Umpqua Tribe of Indians, LCIS Vice-Chair
Justin Quaempts, Confederated Tribes of the Umatilla Indian Reservation

Staff

Karen M. Quigley, Executive Director, Legislative Commission on Indian Services
Jeri Chase, Acting, Commission Assistant, Legislative Commission on Indian Services (Public Information Officer, Oregon Department of Forestry)

In Attendance:

1. Clyde Saiki, Director, Department of Human Services
2. Lena Alhuesseini, Child Welfare Director, Department of Human Services

3. Nadja Jones, Tribal Affairs Director/Senior ICWA Manager, Department of Human Services
4. Billy Williams, United States Attorney for the District of Oregon
5. Lindsey Capps, Chief Education Officer/Governor's Education Policy Advisor
6. Salam Noor, Deputy Superintendent, Oregon Department of Education
7. April Campbell, Oregon Department of Education, Indian Education Advisor
8. Dr. Randall Rosenberger, OSU Associate Dean of Undergraduate Studies College of Forestry
9. Allison Davis White Eyes, OSU Assistant Vice Provost, Student Affairs
10. Chris Harder, Director, Business Oregon
11. Lisa Ansell, Tribal Relations, Business Oregon
12. Peter Daugherty, State Forester, Oregon Department of Forestry
13. Nancy Hirsch, Deputy State Forester, Oregon Department of Forestry
14. Keith Baldwin, Oregon Department of Forestry
15. Trish Weber, Citizen
16. Tim Simmons, US Attorney's Office

Welcome

Chair Dee Pigsley called the meeting to order at 9:15 a.m., and welcomed the members and guests.

Invocation

Cheryl Kennedy gave the opening invocation.

Announcements

Karen Quigley described the new live streaming video system.

Chair Dee Pigsley announced that Vonnie McCafferty was sitting in for Dan Courtney. She also welcomed new commission member Jody Calica, Confederated Tribes of Warm Springs.

Cheryle Kennedy congratulated commission member **Jarvis Kennedy** who was selected as Man of the Year for Harney County. This recognition acknowledges his leadership and service, personally and on behalf of the Burns Paiute Tribe, during the recent occupation of the Malheur Wildlife Refuge in Malheur County.

Karen Quigley noted that Jeri Chase, Oregon Department of Forestry, was helping the Commission out during this meeting.

Adoption of Minutes

Commission members approved the minutes for the August 30, 2016 LCIS meeting (Attachment 1) by acclimation, with one abstention.

Election of Officers

Dee Pigsley was elected by acclimation to serve as Chairperson (Chair Pigsley abstained). Dan Courtney, who was not in attendance at the meeting, but he had previously indicated his willingness to serve as Vice-Chair, and was elected by acclimation.

Department of Human Services: Update and Annual Report Highlights

Clyde Saiki, Director, Department of Human Services, submitted the agency's annual report (Attachment 2) and a map of Aging and People With Disabilities Districts (Attachment 3). **Saiki** provided context by noting the five main program areas within DHS – Vocational Rehabilitation, Self-Sufficiency Programs, Child Welfare, Aging and People with Disabilities, and the Office of Developmental Disability Services.

Saiki noted that a great deal of DHS's work with Tribes related to administering the Indian Child Welfare Act. As many DHS clients access more than one main DHS program area, DHS works holistically to provide integrated and coordinated service delivery. DHS meets quarterly with the Tribes' Human Services Directors. While much of DHS's work with the Tribes relates to administering the Indian Child Welfare Act, DHS is taking that same holistic approach in work with the Tribes outside of child welfare, with possibilities particularly referenced in the areas of Aging and People with Disabilities and the Office of Developmental Disability Services. DHS meets quarterly with the Tribes' Human Services Directors.

Lena Alhousseini, Child Welfare Director, Department of Human Services, spoke about the Child Welfare Program, particularly the significant issue of disproportionality (a greater number of American Indian/Alaskan Native children entering substitute care and these children also remain in that care for a longer period of time). She discussed strategies and action items to address this issue, as well as analysis of the reasons for this issue.

Nadja Jones, Tribal Affairs Director/Senior ICWA Manager, Department of Human Services, spoke about the Indian Child Welfare Act, and DHS processes involved with rulemaking (the filing of the emergency rule for the ICWA for the State of Oregon).

Brenda Meade noted that the state's \$1.8 billion budget deficit translated to an 8.7 percent cut in DHS services, and asked how that will affect the Tribes or if there is a way to keep the Tribes whole. She also noted that formal consultation is necessary if Tribes will experience cuts in direct services. Saiki replied that eliminating General Funds affects the amount of federal funds that can be drawn. There is a 15 percent reduction list on the website (he will send the links to that list to Karen Quigley). DHS has not yet been before the Ways and Means Committee (scheduled for later in March), but they are very concerned about the possible impacts of the deficit and what that could mean. DHS will work hard to consider Tribes as part of the discussion on how to implement any cuts.

Additional discussion:

- Federal funds appropriated to their intended use and Sakai stated that there was not yet guidance from the federal government, but they would share information when that was received and that there were mechanisms in place to ensure that earmarked funds are used for what is intended.
- Court actions and legal representation where everyone but the state case workers have legal representation, and the need to ensure a solution best for the kids
- Legislators work with DHS regarding elder care, including service distribution across the state and federal income guidelines

Nadja Jones followed up discussion from a previous meeting regarding the Smith River (CA) Tribe. She stated that the federal Administration for Children and Families has notified DHS that they have not yet received a formal application from Smith River.

Update on Federal Issues

Bill Williams, U.S. District Attorney for the District of Oregon noted that this is a transition time in the federal government while waiting for direction from the new administration, the District Attorney's Office staff are operating as normal – they have jobs to do, know how to do those jobs, and continue to do the work. Specific to Native American issues, the Native American Subcommittee submitted a transition document to the new administration about what that subcommittee has handled over the past eight years and there are many issues related to Indian Country.

Williams stated that they are continuing consultation and annual meetings with the Tribes of Oregon and Indian Country continues to be a priority for the U.S. Attorney's Office in the District of Oregon, they have three Tribal Relations attorneys, and have been a leader in this area. They know that marijuana is an issue for Oregon's Tribes; they operate under the "Cole Memo" and the subsequent "Wilkinson Memo," (specific to Tribes) both of which have been discussed with Tribes. He does not know if that will change. He stated that he purposely serves on and gets involved with national working groups related to issues of importance in Oregon, both because it is important to Oregon and because it benefits Oregon to be involved at a policy development level.

Williams noted that the second trial relating to the Malheur Refuge occupation is of particular importance. There are four remaining defendants scheduled to go to trial. They were obviously disappointed in the verdicts from the first trial, but need to respect the jury process and move on. Three of those involved (not leadership) have pleaded guilty to undermining charges. Those charges related to the individuals who dug the trenches that were of great concern in terms of damage to the refuge.

Cheryle Kennedy asked what types of things new administrations had issued new directives and guidance on in the past? **Williams** described the process for a turnover in federal administration. He responded that generally, the newly confirmed U.S. Attorney General meets with leadership to set priorities. For instance, for those states that have legalized marijuana, will the Cole and Wilkinson memos still be in effect or will there be different direction? National security will also probably remain a priority, and there may be changes in that and how domestic terrorism is pursued. Priorities are also set within each district. **Williams** stated that for his 17-year-tenure, Indian country has been a priority within the district for each administration.

Tim Simmons, Assistant District Attorney, District of Oregon, reminded the commission that much Indian Country direction over the past several years is in statute; when discussing changes that will come from leaders in the new federal administration, most of this new direction will refer to policy changes; major statutory direction will more than likely remain the same.

Williams stated that each district was directed to submit district operational plans that related to what they are doing with respect to Tribes. Many Department of Justice directives were already being done in Oregon. Many of the items that have become directives, were already things that Oregon was doing.

Williams discussed and responded to questions regarding the Malheur occupation, including lessons learned (in case of subsequent occupations which he believes are likely). They are working with State, Local and Tribal authorities to help develop operations plans. **Williams** stated that one clear priority of the FBI during the Malheur occupation was to prevent loss of life; that contributed to the length of the occupation and was a controversial decision, on both sides of the issue.

Mark Ingersoll asked how, as a Tribal chair, he could help in the future and stated that the LCIS would be a good commission to keep in touch with for any possible changes.

Williams stated that it would be helpful for Tribes to be members of a working group related to the issue. The U.S. District Attorneys cannot advocate for statutory changes by states; however, at the federal level, the department is working on whether there are other charges added to the statutes to provide more tools to work with. He stated that people were paying attention at the national level to what was happening here. During the occupation, he thought two things: 1) We need to work together to prevent these types of occupations; and, 2) We need to work together to see if there is something else that can be done to be involved in rural communities to deal with the anti-federal sentiment so that it doesn't result in other occupations. There are 17 counties (out of 36) in Oregon with 50 percent or more federal lands, and he has been visiting in each of those with county, local, and Tribal leaders to discuss concerns – which are very broad and across the spectrum. (He has completed 14 of those visits and has three left.) He is sharing the information from those county meetings with the Departments of Justice, Interior and Agriculture. He believes in preventing disputes before they reach litigation. Finally, Williams noted that the cost for this occupation was approximately \$12 million. They have three lawyers that focus entirely on land management disputes.

Karen Quigley acknowledged the work by **Tim Simmons** and help he provided to the Cultural Resources Cluster. She wanted to ensure that commission members were aware of SB 144 (sponsored by all four legislators on the commission) to model what is going on in federal lands (the “no take” statute). Under this proposed law, regardless of how a cultural object is disclosed on state lands (natural forces or not), the object may not be removed. In situations of removal, law enforcement notifies the commission so that the object can be returned to the Tribe that the object belongs to. If passed, this new statute will subsequently require a lot of discussion and need for public education.

Don Gentry asked if there have been efforts to identify other areas of potential risk, and Williams responded that there are, particularly within the Departments of Interior and Agriculture; it is on everyone's radar. A working group with a wide breadth of experience and knowledge (the Oregon Sheriff's Association, federal agencies, prosecutors, and more). They want to know what areas may be at risk and feel it may be beneficial to make that information public.

Jarvis Kennedy expressed his disappointment and frustration with the outcome of the first trial (Malheur occupation). He stated that he did not understand the verdict and does not believe it would have been the same if he had been on trial. He stated that he doesn't understand the process, nor do the Tribes know what justice is; we have never had it. They were mad; he was mad. It's hard to believe in our judicial system. He says that he gets threatened every day; the exposure from the county's Man of the Year Award has meant people are threatening him. He travels a lot and Burns is way out there with a lot of desert to cross and every time he sees an Idaho plate, he wonders if these are the ones who are going to jump him. It's rough and he cannot hide – put yourselves in his shoes. He spoke out and he still will. It's hard for him to do, but he will see the U.S. District Attorney in court again next week (for the second trial). He says that we must get past this and keep up the fight, but he's still looking for justice, and this is one of the hardest things he has had to go through, and it still is; it's still the after-effects. He speaks at events, and then doesn't know what's waiting in that parking lot. He sticks out in a crowd wherever he is. Paranoia is bad; it's bad enough just being Indian, but being one that stood up against these guys. He says that we need something. He hopes this next trial goes better, and he prays for the U.S. District Attorney and that everything goes their way.

Jody Calica stated that on behalf of Warm Springs, they share the same concerns about the threats and intimidation happening in Burns. Somewhere between Burns and the Dakota Access pipeline, justice got lost. What happened to it?

Williams stated that he does understand the frustration. The trial team was extremely disappointed with the first verdicts; they worked for over a year, seven days a week, away from their families, through occupation, litigation, and trial. But, he must respect the jury process; the jury spoke; but, we were just as disappointed in that verdict. He also has a first-hand appreciation for how it feels, because every member of the trial team had to have security systems installed in their home because of the threats, on both sides of the issues. He is keenly aware of what Councilman Kennedy describes about driving in isolated areas and the potential for harmful actions. The training we have done statewide on hate crimes ties into this. We want people to report those incidents; those reports will be investigated and if a case can be made, we will bring it. We take those seriously and are mindful of our trust responsibility.

Education Issues and Annual Report Highlights

Lindsey Capps, Chief Education Officer, discussed how various groups work together across the education system to engage our students. This includes supporting welcoming and inclusive environments for all our students. There is a statutory responsibility to work with all education agencies to develop a more cohesive structure throughout the system. Work with Tribes is critical under Treaty obligations and advanced through consultation with Tribes. Work is underway to deepen that relationship.

Capps noted recent chronic absenteeism research to be shared with the commission. Issues raised by this research includes transportation challenges and/or barriers, lack of engagement with students and parents. There is a need for communication that is culturally responsive. One of the biggest barriers is historic trauma – a multi-generational complex issue. There is an effort to convene with the Tribes to begin to elevate attendance as an issue. We are looking for strategies to address that issue, support ODE’s work, and connect that state plan in a partnership with Tribes and school districts. We have asked those communities to come together to talk about assets – what we bring to the table; needs – state, local needs; recommendations from all levels. Want to see accountability; genuine communication about Tribal needs between school districts and Tribes. We are challenged by that. Given our relationship to the sovereign nations, how does that translate to local school districts? That is a conversation we have had in the education cluster.

Capps discussed strategies and proposed legislation to support students, address issues of attendance, and ensure a native American curriculum.

Salam Noor, Deputy Superintendent of Public Instruction, Oregon Department of Education. Joined by April Campbell, Indian Education Advisor. [How this work is transitioning through the federal Every Student Succeeds Act (ESSA) and what that means, Tribal Attendance Pilot Project, Tribal consultation, what that means at DOE and plans for that.].

ESSA replaces the “No child left behind Act” (past 15 years). It provides greater flexibility and decision-making for states and local jurisdictions while maintaining accountability. As a state, we must develop and submit a plan approved by the U.S. Department of Education. Goal for an Equitable, student-centered, honors priorities, particularly Oregon’s Tribes. Requires districts to intentionally engage in a consultant fashion. April Campbell has been authorized to initiate consultations with Oregon’s nine federally recognized Tribes and report initial considerations for action back. This is a process we are beginning that will evolve into more meaningful in-depth relationships. Promote further collaboration and partnerships. Plan submitted, additional discussions with Tribes about implementation to continue to refine and improve.

Noor. In regards to Tribal consultation, the department is developing an internal policy on Tribal consultation and communication. This provides guidance to DOE staff about how to engage in regular and meaningful consultation with Oregon’s federally-recognized Tribes. It involves a two-way conversation and collaboration on all actions that have Tribal implications. April has provided a draft of that work with the Education Cluster, and we will provide all of you a copy of that once it is finalized. We welcome feedback on that goal.

Noor discussed the Tribal Attendance Pilot Project. 2013 Report, “Condition of Education for Oregon’s Tribal Students”. The report revealed absenteeism of 30 percent for American Indian compared to 19 percent across all other students. Legislature has set aside funds. Those pilot projects are unique and customized to communities. Provided examples of culturally responsive activities, including some involving Tribal language. Several sites have increased attendance in just this short period of time. This funding cycle expires in June of this year. Work on attendance/chronic absenteeism is part of our redesigned report card that reflects multiple variables and indicators on students’ success that informs the community about the quality of what is happening in those schools.

Brenda Meade. Are you planning to bring consultation policy to the LCIS commission for input before it is finalized? Consultation is different for each Tribe. Oftentimes the Cluster Groups are thought of as consultation, which is not necessarily the purpose of the those groups. It is important Tribes have the opportunity to review before something is finalized.

Noor. We would be happy to do that.

April Campbell, Indian Education Advisor. When we initially meet with Tribes, we ask if they want this to be considered consultation. We have met with four Tribes and heard that this initial meeting was not consultation, and they want to meet with Salam. We do have a deadline (April 3rd) to get this ESSA plan in and it is important to get that Tribal voice in there.

Cheryle Kennedy. We met last Friday. One thing I think about is when these various acts are passed, attempts are focused on helping students learn and graduate. The role of student is to learn; the role of teacher is to impart information; and the test is to measure how well the teacher imparted information. That is not how it plays out – it becomes a failure of the student, failure of the families. Bad rating at our school and one-third of the population is native American. I don’t know if that failure of the teacher is addressed in this plan. There are various learning styles. In the curriculum, I’m sure that is taken into consideration. To me that is where we need to focus more attention. I thank you for your statement about the quality of the educator. I don’t know how much the act focuses on that; we always test the student; I would like to test the teacher.

Jody Calica. Very interested in consultation process/policy; One piece of legislation PL 81-874, very specific, but we have yet to see the benefits of consultation policy. To achieve success, we need teachers who look like they are students. I was a product of that process, the TEACH program, out of 10 interns only one was hired and able to make a career of it. I’m very interested in regular and meaningful consultation. After 40 years, I remain eternally optimistic that we will get something that is beneficial to our students.

April Campbell. We will provide that draft policy to Karen Quigley by the end of the day.

Capps. Described the Oregon Teacher standards, cultural responsiveness, as well as how educators engage with parents in their communities. These are tied to local evaluation processes. There has been a shift in our conversation about “culturally sustaining”. There is a need to define what that means and work together to develop and deepen that practice. The teacher-student relationship is critical. We need to create welcoming inclusive environments for students.

Noor. Accountability cannot be done without support. We are changing and refining the system to look at it as a whole. The whole mantra of teaching has changed. It is no longer the teacher saying “I taught it,” but did the student learn it. The law is an equity-based law.

Mark Ingersoll. With computer-based learning, it's hard to develop teachers. People learn in different ways. How are you linking those together – the computer modules and teachers - so that students learn.

Noor. We encourage technology - it varies from place-to-place, as well as the comfort of the teacher. Teachers may not all have the same comfort level (students are, but not all teachers). There is a digital learning plan for the district and learning for the teachers. Blended learning in some students (technology and teachers). Need resources, technology availability at the local level – some schools are technology rich, others are not. Federal funds through ESSA for the first time says we can use technology so we will promote that.

Ingersoll. Do they help develop curriculum or do they tell you to develop that locally?

Noor. It is up to every individual district to develop or purchase curriculum and develop technology.

Ingersoll. That's a problem with federal mandates. If they are putting something out like this, they should make it a standard and develop that before it is dropped on you.

Noor. Content standards and assessments.

Cheryl Kennedy. Will there be a shift in educational dollars because of the federal monies?

Noor. Federal funds have a clause to supplement the state investment, not replace a state investment; we may not supplant state initiatives and priorities.

Brenda Meade. For the Coquille Tribe, health care and education are our two priorities. Thinking about all the Tribes in rural Oregon, we have our struggles in education that we share with April. Question regarding budget cuts for ODE, K-12, early learning, community colleges – over 15 percent cut. What are your thoughts on keeping the Tribal programs whole; consulting with the Tribes when you propose programs for cuts. If there are federal funds designated for Tribal students, are Tribal students going to be kept whole.

Capps. Governor's budget in December; Ways and Means framework. Governor's priorities are focused on a notion of a seamless system. Not winners and losers, but pre-natal through career. There is an emphasis on not putting up barriers to that in the way resources are allocated. Early leaning programs, K-12 at current service levels, maintaining historic re-investment in higher education from 2012; so, keeping everyone as whole as possible. Small and modest revenue measures to help us get to that point. Governor brown is certainly core principle to keep education, health care, human services, core principle doing all we can to help the most vulnerable children and families. State programs Governor's priorities she is very much invested in the state plan for American Indian programs, held those programs harmless, continuing to build out funding that have been identified, in part through the cluster process.

Noor. No direct allocation specifically to Tribal students received by DOE.

April Campbell. Aid goes directly to Tribes and school districts.

Capps. No clear picture yet on what will happen through the federal process.

Dr. Randall Rosenberger [Exhibits]

Allison Davis White Eyes, Oregon State University Assistant Vice Provost for Student Affairs and Director for Diversity and Cultural Engagement. As a land grant institution, OSU is here to serve Oregon's Tribes. Proposals vetted with education clusters. Preliminary conversations Siletz and we plan on scheduling further conversations.

Dr. Randall Rosenberger, Professor and Associate Dean, College of Forestry.

Allison – three-part presentation, Pathways (Dr.), Allison – research institute; invite feedback on OSU 150.

Dr. Rosenberger. Presented “Pathways for Native Americans to OSU College Educations and Careers” PowerPoint presentation. (Attachment 4) and hand-out, “Liaising Proposal Pathways for Native Americans to OSU College Educations and Careers” (Attachment 5).

Cheryl – Stats re: enrollment trends. Do you have Data on how many are from Oregon's Tribes?

Allison. We do not have that data today, but we can get that. I believe the total of American Indian students is 130. We do have the data on enrolled members.

Delores P. would the university be interested in hosting a commission meeting.

Allison and Randall. Yes.

Allison. When enrolling – provide a student name of Tribe and Tribal enrolment number.

Don Gentry. What do you contribute the decline to?

Allison. Over past 8 years or so, also in conversations with the University of Oregon; seems to be a national trend. This is one reason this project is so important – doing things differently, better, reach students, and retain them.

Dr. Rosenberger. Projections through 2030 – only two populations expected to increase: Hispanic and Asian/Pacific Islander. To maintain our enrollment, this may put native populations at a further disadvantage, we want to get ahead of that since we are already seeing declines.

Brenda. Do you offer in-state tuition rates for Oregon Tribes? Just for Oregon Tribes? Or other Tribes?

Allison. Oregon Tribes and approximately 44 other Tribes that can claim aboriginal rights – same as University of Oregon.

Brenda. Tier system?

Allison. A tuition remission. All students who fall within those 44 Tribes will be given the same options.

Don Gentry. Advisory board. Role for Tribal leaders. Is that a formal MOU or has certain capacity from Tribes? What does that mean?

Dr. Rosenberger. We envision that as being through MOU, clear expectations on how we can have advice coming in that we must have that voice.

Delores Pigsley. Tribes have that influence at University of Oregon for the Native American Longhouse and it works well.

Don Gentry. Model works well; Tribes feel engaged. Also, the longhouse, budget, focus on longhouse purpose, input on how that is to be run. I don't know about the longhouse at OSU. Some input on recent changes. Can be a home away from home, very helpful, just a place and programs to support the native students is important to success.

Allison. We hope to get active Tribal representation on this board.

Allison. Presentation on the Native Indigenous Research, Education, & Engagement Institute (Attachment 6).

Brenda. Is that collaboration with the 9 Tribes or the 44 Tribes?

Allison. The nine Tribes.

Cheryl Kennedy. Serving on a work force group, for participation, parking can be an issue.

Allison. We will ensure you have a reserved parking place.

Cheryl. you've talked with the nine Tribes by being here today; we will take it back to our Tribes.

Allison. President asked me to request feedback from the Tribes regarding OSU's 150th birthday. (Attachment 7)

Chair Dee Pigsley responded that the commission would need some time to think about that.

Lunch Break

Chair Dee Pigsley. Recessed meeting at approximately 12:10 p.m. for lunch break to pick up lunches and return in 10 minutes for a working lunch.

Chair Dee Pigsley re-convened the meeting at approximately 12:25 p.m.

Economic Development Update and Annual Report Highlights

Chris Harder, Director, Business Oregon, provided a PowerPoint presentation update (Attachment 8). Harder also noted that the agency was embarking on a strategic planning process, and would be contacting the Tribes for input into that work.

Cheryle Kennedy asked if the agency offered information or guidance to entrepreneurs who are interested in patenting their products. **Harder** replied that they did offer assistance to connect those entrepreneurs with what they needed, but they do not have patent attorneys on staff. Contacts who could help with that issue are either himself, the agency's Tribal Relations representative Lisa Ansell, or Heather Stafford, Business Oregon's Entrepreneurship Manager.

Senator Ted Ferrioli offered the following comments.

- Need a disaggregation that includes Indian Country; chronic unemployment on reservations is around 50 percent.
- Call center expansions in central Oregon may not occur due to a lack of low cost energy, one of the key attributes for communities to attract call centers and/or encourage expansion. (Other attributes include a high quality and available workforce, low overnight temperatures, and suitable and available industrially zoned lands.) Communities that meet these criteria are scarce and limitations on any of those, may not mean they leave, but they may not expand, so future projects need to be connected to foreseeable energy policy and the limitations noted. Solar and wind power are growing at ten times the rate of other industrial sectors and can serve as part of the solution, but we need an unequivocal, politically acceptable answer to that question. In addition, we need to solve the distribution network problems since throughput on the grid is a limiting factor and if the federal government won't do it, we must figure out how to do it ourselves. He notes this is just an example of how in a place of abundant natural resources, we will be hitting scarcity and that he does not want the politics of scarcity to limit the future. He believes there is a need for planning for 20-50 years out, not four or five.
- A seismic retrofit should not be characterized as economic development since it doesn't produce a new school or add capacity to the community; it may preserve capacity, but it is not about growing capacity, which is what he thinks Business Oregon is about.
- Similarly, a wastewater treatment expansion ordered by DEQ should not be characterized economic development either; again, preserving capacity because without it, "we are going to shut you down." Halfway just went through this and their water bills exceed anything from metropolitan locations. Baker City is facing the same thing; their water treatment facility needs attention and the capacity exists, but rates will increase 25-30 percent in a location where the per capita income rate is half the average (primarily transfer payments). While this type of project may be a good thing for water quality and the environment, it can be tough on a community's economy and unless it is in conjunction with an urban growth boundary expansion relief, it doesn't increase capacity unless there are unserved industrial lands available to be developed that the facility will serve.
- In your strategic planning, consider that there are communities within communities. An example is Jefferson County in central Oregon; my constituents on that reservation are suffering, even in a positive economy for that part of the state. Inequity of opportunity should be a priority for Business Oregon. Helping to grow economic development in the I-5 and I-84 corridors, is a lot different than losing 55 jobs due to closing a call center in Baker City. As Harder noted, those few jobs that could be created in one location (such as on the reservation) may have a huge impact there as opposed to another location. In sectors that don't need our help. When doing strategic planning, focus where needs are greatest, daunting and discouraging and politically difficult as that may be.

Harder responded that he agreed with these comments and they highlight his own philosophy as the Business Oregon director. Economic development agencies do not affect macro economies, but impact individual communities, in many cases, focus and targeted, filling the gaps out there. They are often overly focused on how many Oregon jobs are created, while they should focus on how many jobs in certain areas of Oregon. His presentation didn't attempt to tell the full picture.

Senator Ferrioli commented that he is often afraid of declaring victory and going home. In a roaring economy, if not disaggregated, an overall unemployment rate could make it appear like everything is just great when there are rural areas mired in an uncomprehendingly difficult situation that isn't nearing a recovery point. He recommended that if they are going to set priorities, to target the areas of greatest need.

Jarvis Kennedy said that it is not just the Burns Paiute Tribe, but also the town of Burns, as well. Here in the cities like Salem, young people work at the McDonalds and pumping gas; in Burns, adults do that to support their families. He would like to see the town of Burns on that list, not just reaching out to the Tribe, but to the community, as well. At one time, Burns had the biggest mill in Oregon and that's gone. That

industry is gone. Recently, last winter, it took all those people that were in the area because of the occupation situation to keep their motels and restaurants full. That whole town is suffering. A lot of people got laid off because of the snow – people don't come to Burns when the weather is bad. So, he requested that Business Oregon reach out to the County Commissioners for that area.

Harder agreed and noted recent restructuring of agency personnel to ensure the correct representation throughout Oregon.

Mark Ingersoll commented that even with a strong economy, the state is facing a \$1.8 billion deficit and asked if there was a problem with Oregon's tax structure (either business or personal income taxes) or if that was something that Harder could speak to. Harder responded that it was a complex situation and outside of the purview of Business Oregon.

Introduction of New State Forester, Peter Daugherty

Peter Daugherty, State Forester, Oregon Department of Forestry, introduced himself and stated that he was appointed as Oregon's 13th state forester about 4 months ago. He cares deeply about Oregon's forests, particularly our working forests, and is honored to serve the people of Oregon by leading the agency dedicating to protecting, managing, and providing stewardship to those forests. He believes that the Tribes and ODF have similarities regarding the stewardship and appreciation of Oregon's natural resources and sustaining those forests for generations into the future.

He stated that he is guided by two core values: integrity and equity, which means being honest and transparent, regardless of the circumstances, and treating people fairly and supporting a just and fair conclusion in a society where all can participate and prosper. He is a straightforward communicator who is willing to have frank conversations about tough issues and while you may not always agree with his conclusions, you will know his position and basis for that position. He will keep an open mind while listening to truly understand your values and positions, and use your input to improve how ODF works with you and to shape policy recommendations.

Daugherty described ODF's mission to support sustainable forestry, noting that ODF's work relies on relationships and partnerships to do four main things: 1) provide fire protection on about half of Oregon's forests; 2) manage about 750,000 acres of state forests; 3) regulate forest operations on non-federal lands, mainly private; and 4) encourage restoration of federal forests. To carry out ODF's mission he wants to improve and build strong Government-to-Government Relations with each of Oregon's nine federally recognized Tribes through dialogue, trust, and mutual respect. He is personally interested in learning from the Tribes about their culture, knowledge, and desires, so that we can begin to improve the way that we communicate with each other, how we act, and the services that ODF provides.

Daugherty stated that ODF was initiating a review of the agency's Government-to-Government relations policies to improve those, a process that started last year during a conversation with the executive team to understand where we are and where we have been, which led to adding Keith Baldwin as a project leader in Tribal Relations in a temporary capacity. One area of focus will be early collaboration on policy topics. He is also committed to strengthening relationships and building on the successes that commissioners see in ODF's report. Daugherty stated that one thing ODF has not been doing is involving the Tribes with the Board of Forestry and he wants to improve that by looking at ways to enhance the Board of Forestry's work through Tribal engagement in that policy setting.

Daugherty described the policy and implementation review work will result in agency -wide action in three major areas:

1. Strengthening and improving relationships by clarifying employee roles and expectations, which ODF has already instituted in performance expectations for the agency's Executive Team members clearly defining expectations and evaluating them on that;
2. Increasing opportunity for Tribal engagement early in planning and policy development. (An example is the recent contact regarding the Board of Forestry's eastern Oregon riparian rule review.) Daugherty described that the Board of Forestry updated its annual work plan every year in October. After they have done that, Daugherty stated he will be reaching out to the nine Tribes to let them know what topics the Board will be discussing and whether you have an interest in engaging;
3. Increasing all employees understanding of Oregon's nine federally recognized Oregon Indian Tribes and their unique histories, cultures, and priorities in connection to the land. When possible, we would like them to learn it from the Tribal members and we are working on that.

Daugherty stated that his vision is that ODF's culture evolves so that Government-to-Government Relations is woven into the fabric of all levels of the organization. This will result in improvements from learning from each other in ways that will benefit Tribal nations and all Oregonians.

Daugherty closed his comments with a standing offer to meet with each of the Commissioners and Tribal members, to visit with them, at their offices, facilities, communities, and/or forests to learn from them.

Jody Calica said he was glad to hear about the work on riparian management standards and the 303 listed fish-bearing streams, and that he would like to keep involved with progress on those. **Daugherty** replied that ODF is just beginning that process in eastern Oregon and on the Siskiyou.

In response to Peter's standing invitation, both **Chair Dee Pigsley** and **Mark Ingersoll** requested meetings with their Tribes, and **Don Gentry** noted that the Klamath Tribe and ODF staff [Travis Medema, Eastern Oregon Area Director, and Dennis Lee, ODF Klamath-Lake District Forester] recently met with his Tribe and thanked them for the visit and the work in that area.

Staff Report

Karen Quigley presented the Executive Director Report (Attachment 9).

- There was positive feedback on the recent Tribal summit; highlight from the state agencies, you touched them you're your remarks, they crave to hear from you about what is important to you and they look forward to more of that.
- LCIS Budget Summary (Attachment 10)
- SB 182, SB 13, and SB 144
- Capitol Gateways Exhibit – upstairs.
- Event tomorrow – who you are as a Tribe.
- Brown bag discussion (Attachment 11)
- Archaeological permits – continued excavating going on and appropriate Tribes notified and requirement to be consulted; a lot of glitches, but at least a baseline, a floor to set on the sites important to you
- Annual Reports will be on the web soon.
- Education and Training Sessions: Because that is so important, after talking about this with some state agency personnel, perhaps it would be helpful to set up an interagency task force that could review the resources state agencies do and where to go from there. Some agencies have classes online through the e-learn system, some agencies make taking courses mandatory. Additionally, consider hosting more brown bags; set up something to get at the meat of the annual reports. There is often a lot of information

in those annual reports and it would be good to develop some way to make it valuable. When broken down by Tribe, which they are supposed to do, that may provide information about how things are done with different Tribes, as well as different things that agencies do. So, perhaps think about ways for the commission members to get the information they need and everyone would benefit.

Commission Member Reports and Discussion,

Tribal Health Opportunities.

Jackie Mercer. In listening to Jarvis's this morning, what an awesome person he is and his work for everybody, and how articulate he is when he speaks about justice. I appreciate Jarvis. It would be helpful if trauma was only historical. I understand the weight you all carry for your communities. Consultation isn't hard when the will is there; there is progress to be made.

Thanks to everyone for your support. We have made progress. We previously discussed a fee-for-service care coordination plan, and identified 16,000 native American people as a part of that plan. Tribes identified Care Oregon as a provider for care coordination for those 16,000 natives. When we first discussed this issue, they could only identify one native person they had helped in 8 years. Rescuing those and taking their care to a better level; a catalyst. Contract still being negotiated

There is currently federal guidance that states can be reimbursed 100 percent for the cost of service when Tribes and IHS refer clients out for specialist care and hospital care. For the State to be reimbursed through that program, both the Tribes and State must track referrals and create care coordination agreements. The Governor has agreed to commit those savings back to Tribal health. There are about 34,000 Native Americans on Oregon health plan; half of those on fee-for-service and about half served by Community Care Organizations (CCO). A little less than half of those seen by Tribal clinics; about 3,000-4,000 seen by the IHS program at Chemawa, and about 4,000 more seen by us. Any Tribe that does that work can get the money for the work you do. If you want to create an American Indian health system for Oregon, you could serve all 34,000 people through an entity and assure those native people get good health care. Potentially a lot of resources could come back to the communities and elevate the care for Tribal Communities. This program is just starting and is only going to grow. CCOs are in place with OSU, Providence, Legacy Health system, a local one that Cow Creek has done with a local hospital in that area. There is an opportunity for Tribes to take the lead in health care.

The state developed a plan for a behavioral health collaborative designed to serve people in regions (CCO regions right now – 15-16 regions currently). Within those regions, there would be a shared governance and a shared direction over how money flows to achieve the goals of the region. Goals and objectives of the regions would determine how the money was spent. if you were all part of the governance or not, or nine more regions with each Tribe having governance over that kind of coordination – things like bringing the legal system together, bringing human services together, help take the whole thing forward. Could fall potentially in to human services divisions or more into this bigger health plan. No way to know yet. But because of your letters and work. There's a meeting on Friday, for the health leadership to talk about what this means, what it could mean for Tribes, there's supposed to be a consultation meeting with the director within a couple of weeks to talk about what the Tribes want out of that. I'm just carrying the message, it's up to you to determine what you want for your own communities. Bigger vision to help the native people in this state be able to achieve the highest level of health. Require some things on your part – decisions, discussion about a framework, very many helpful people in the state to help us work with this to get it to this point. Grassroots effort gotten to this point. As your Tribal health employees get those care coordination agreements with specialists in your areas, you have to decide where that money is going to go.

Public Testimony

Trish Weber. Provided hand-out on a concept known as the Oregon Climate Test, including Legislative Council Draft 1596 (Attachment 12). She stated that fossil fuel infrastructure facilities pose grave risks to our communities, and Cathy Sampson-Kruse and herself are working to pass a law in Oregon that would enable people to say no to these types of fossil fuel infrastructure projects with law behind them by requiring an environmental impact statement. They are requesting help to pass this law and ask if your Tribes would be interested in speaking about this with the Governor. If invited, she will come speak with your Tribes in your communities.

Mark Ingersoll. Asked about her thoughts about fusion and nuclear fission, versus solar and wind-driven power. Weber replied that her technical expertise is limited on those. She thinks fusion would be a good thing if it can work, and that there is tremendous potential with nuclear fission, but no one has yet figured out what to do with the waste so she is not yet convinced it is a viable solution.

Commission Member Reports and Discussion (continued)

Jarvis Kennedy, Burns Paiute Tribe report.

- The Tribe is still going through quite a bit due to the occupation.
- The Tribe is working on hunting and fishing rights. Governor Brown directed the State to work with the Tribe on those issues. That's one of the good things to come out of the situation, state government has reached out to the Tribe, as opposed to the Tribe needing to reach out to the State.
- Not being a treaty Tribe
- The Tu-Wa-Kii Nobi program for children is growing so they are thinking about expanding the building
- There is a housing issue and the Tribe is working on getting that program going in a more positive direction The House After School Program is growing, so the council thought about providing the housing building to them
- He is working with the council members to remember that it's not just about the leaders, but about the people; giving back to the elders. The new Tribal Council is very positive, looking forward to working with each other, and everyone gets along; positive progress is underway

Cheryle Kennedy, Confederated Tribes of Grand Ronde report.

- Thanked Jackie for her leadership on the health care dilemma for natives and Tribes of Oregon. She talked with the Northwest Portland Area Indian Health Board to see if they would be interested in helping establish an organization to do the work that Jackie talked about, and they said they would be willing to do that for Oregon Tribes. If Tribes agree or want to do that, then we should set up a meeting to talk about that. She asked Lynn Saxon about the closure of the state hospital in Junction City and Lynn didn't know if there were any American Indians in that hospital. That is probably a very expensive facility to run and the Tribes may want to find out what the plan is for the use of the funds that were previously allocated for that because if the Tribes are developing a mental health model, there may be funds to help with that. The waiver was passed before the new administration took office; not knowing where health care will go, but there is room to negotiate the Tribes' place in the Oregon Health Plan; commission members should talk with their health directors
- The Tribe is considering the organization through the budget process and did budget cuts in anticipation of the impacts from the Cowlitz Ilani Casino Resort opening later this year
- Remodeling was recently completed at the Spirit Mountain Casino and it is very nice; they are expecting to remodel the hotel next
- The Tribe is remains active in education and mascot issues; they recently met with some schools that wished to negotiate agreements and have signed agreements with two schools
- Participated in a listening session two weeks ago in Washington, D.C.; there was no dialogue, just Tribes presenting what they were requesting
- The Tribe is generally not expanding programs or opportunities; they did look at the elder assistance foster home program and expanded from two to three units

Brenda Meade, Coquille Indian Tribe report.

- The Tribal Council has been working on budgets and strategic planning and mission and vision planning.
- Tribal Council wanted to share their concerns over state budget cuts as it is important for Tribes to understand the impacts and effects.
- How do we make sure Tribes get what is promised and needed? Specifically core services like health and human services. We want to ensure that the State is handling funds appropriately.
- Tribal Council recently lost our secretary/treasurer to cancer. She was dedicated to equal access to services and believed in not forgetting about those Tribal members who are not at home.

Yvonne Dumont-McCafferty [reporting for Dan Courtney], Cow Creek Band of Umpqua Tribe of Indians report.

- In 2016, the Tribe focused on education programs. They have produced a degree in vocational training, five Associates Degrees, eight Bachelors Degree, and one Master's Degree.
- We are putting together some websites to help people who live out of the service area feel like they are a part of the Tribal community.
- Another site will go live in February featuring all the education programs available to Tribal members
- 33 new low income homes are being constructed.
- We are renovating a small strip motel to function as transitional housing for Tribal members returning home. There is an effort to create jobs
- Filed a request with BPA, we have our own utility cooperative – requesting two additional points of delivery for power (one at a Tribal housing area to provide cheap power and one at our government offices; we can buy that power at a whole sale price)

Don Gentry, Klamath Tribes report.

- Provided written public testimony submitted by Klamath Tribal member Douglas Styles (Attachment 13) who has several concerns with state agencies. Don plans to engage further with Mr. Styles who may have had the impression that the commission has a role of a grievance panel, which they do not have. The information is provided to commission members for their follow-through if there are issues of importance to the members' respective Tribes
- The Klamath Tribes has a new administrative manager who has been very helpful in working with the Tribal Council and improving services to members
- There are positive things happening in economic development, including moving forward with a hotel in conjunction with the casino
- The Tribe has also hired a new Tribal Health General Manager; working on a strategy and a plan, prioritizing five years' worth of work to improve things for their members
- There is a new Tribal Council and it is very encouraging that they will be more engaged at state and national levels; there are many positive changes
- There are continued water disputes; undergoing the state adjudication process which is expected to last many years. There are no pending settlements except one minor settlement that is tied to the larger settlement, which doesn't look like it can be implemented without congressional approval. Perhaps this year ("wet" year) may make it easier to get through some of these water issues.

Mark Ingersoll, Confederated Tribes of Coos, Lower Umpqua and Siuslaw report.

- The Tribe just finished their budget cycle which was tougher because of the new federal administration; funds are starting to dry up and there were some slight budget cuts, but they are hoping to stay on course
- They are on track their priorities of education and health
- There were 43 college applications this term
- They are continuing to look after their elders

- New things include starting a youth council which is comprised of ages 13-25, trying to develop leaders for the future
- They have an incubator as a focus for all ages of their Tribal members, they would like to see the ‘tweeners’ get into that (five or six are involved so far), to be able to start their own business at some time, start and stand on their own; the more we can help with that, the better for their future. The more educated, the more successful, less crime and poverty, all that goes with a good education, and he hopes that every Tribe focuses on that.
- Being together here at the Commission is positive and he hopes to become better friends, to work together better in the future; it is more important to do that to support all the Tribes since times may be getting tougher for all Tribes

Chair Dee Pigsley, Confederated Tribes of Siletz Indians report.

- The Tribe just had their elections; three incumbents and officers were re-elected
- With the Governor’s position on the Elliott State Forest, it will be interesting to see how that turns out
- There is concern about the state’s \$1.5 billion shortfall
- She has just accepted a one-year position on the Oregon State Hospital Museum Board. The Tribes were asked to claim the urns containing ashes of persons of American Indian descent; there are still urns there
- The Tribe is working on their museum in Siletz and are currently looking for an architect, they have a museum board; it is in part of what is currently the community center
- Invocations tomorrow: in the Senate, Robert Van Norman, Cow Creek Band of Umpqua Indians; in the House of Representatives, Val Switzler, Confederated Tribes of Warm Springs

Karen Quigley. Tribal Government Day tomorrow, those Tribal members setting up tables are meeting for an 8 a.m. set-up; the event starts at 9 a.m. Invitations went out and the event is usually well attended. There is also a hearing at 3 p.m. on SB 13 (the bill that requires the teaching of materials related to Oregon’s Tribes). The Brown Bag Lunch (meeting between the Tribal representatives and designated state agency personnel) is also tomorrow (reference back to Attachment 11).

Cheryle Kennedy. Tomorrow morning our Tribal Chair is providing testimony on the use of veteran’s funds

Chair Pigsley adjourned the meeting at 2:40 p.m.

Attachments:

- 1 – August 30, 2016 LCIS Meeting Minutes
- 2 – DHS Annual Report
- 3 – Map of Aging People with Disabilities Districts
- 4 – PowerPoint: “Pathways for Native Americans to OSU College Educations and Careers”
- 5 – Liaising Proposal - “Pathways for Native Americans to OSU College Educations and Careers”
- 6 – PowerPoint: “Native Indigenous Research, Education & Engagement Institute (NIREEI)
- 7 – OSU150 flyer
- 8 – PowerPoint: Business Oregon Update
- 9 – LCIS Executive Director’s Report
- 10 – LCIS Budget Summary
- 11 – Brown Bag Lunch Invitation
- 12 – Oregon Climate Test
- 13 – Public Testimony Submitted by Klamath Tribal Member Douglas Styles