



**LEGISLATIVE COMMISSION ON INDIAN  
SERVICES**

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

**DRAFT MINUTES**

**Meeting Date:** October 2, 2018

**Meeting Location:** Oregon State Capitol, Hearing Room 50

**Members Present:**

Cheryle Kennedy, Chair, Confederated Tribes of Grand Ronde (LCIS Chair)  
Gary Burke, Chairman, Board of Trustees, Confederated Tribes of the Umatilla Indian Reservation  
Charles Calica, Tribal Council Vice-Chair, Confederated Tribes of Warm Springs  
Dan Courtney, Tribal Chairman, Tribal Board of Directors, Cow Creek Band of Umpqua Tribe of Indians  
Dee Pigsley, Tribal Chairman, Confederated Tribes of Siletz Indians  
Brenda Meade, Tribal Chairperson, Coquille Indian Tribe  
Arnie Roblan, Senator  
Bill Hansell, Senator  
Jackie Mercer, CEO, NARA Northwest (non-voting)

**Members Absent:**

Don Gentry, Tribal Chair, Klamath Tribes (Tribal Government Business)  
Mark Ingersoll, Tribal Chairman, Confederated Tribes of Coos, Lower Umpqua and Siuslaw (Tribal Government Business)  
Sherrie Sprenger, Representative (Legislative Business)  
Caddy McKeown, Representative (Legislative Business)

**Staff**

Karen M. Quigley, Executive Director, Legislative Commission on Indian Services  
Adrienne Fischer, Commission Assistant, Legislative Commission on Indian Services

**In Attendance:**

1. Bill Williams, US Attorney
2. Tim Simmons, Assistant US Attorney
3. Julie Johnson, Tribal Liaison, Oregon Health Authority
4. Teresa Rainey, Equity and Inclusion Officer, Oregon Employment Department
5. Serena Stoudamire Wesley, Director, Youth Development Council
6. Bill Hansell, Youth Development Policy Analyst
7. Sue Stewart, CHAP Project Director
8. Andy Neill, Restoration Ecologist, Institute for Applied Ecology
9. Colby Drake, Grand Ronde
10. Trevor Taylor, Stewardship Section Manager, Parks and Recreation Department
11. Jeremy Ojua, Grand Ronde
12. Peter Daugherty, Oregon State Forester
13. Doug Grafe, Oregon Department of Forestry
14. Jim Walker, Oregon State Fire Marshal
15. David Harrelson, Grand Ronde
16. Misha Isaak, Governor's General Counsel
17. Dustin Buehler, Governor's Deputy General Counsel
18. Mary Moller, Governor's Director for Executive Appointments

**Welcome**

**Chair Kennedy** called the meeting to order at 9:09 a.m., and welcomed the members and guests. Chair Kennedy introduced Grand Ronde Tribal Member David Harrelson who was to give the invocation.

**Invocation:** David Harrelson gave the invocation.

**Adoption of Minutes**

Commission members approved the minutes for the May 16, 2018 LCIS meeting by acclimation.

**Staff Report:**

**Karen Quigley, Executive Director:** Karen greeted and thanked the Commission for being here today. She called attention to several items in the Commission Member packets, including information about the upcoming Annual Summit. There is also a letter from the Department of Education about SB 13, and an opinion from Oregon Department of Justice stating that it was appropriate to include other stakeholders in the development and implementation of SB 13. We have received a letter from the Warm Springs Tribe regarding some concerns about SB 13. Finally, there is also sample performance evaluation for the Executive Director which would happen in December.

Regarding the Annual Summit's theme, Karen noted that the Commission has come a very long way in the past decades and made great strides, though there are reminders that there is still more work to do. The position of Executive Director is regularly called upon for

advice or suggestions for strategy for how to work with Tribes and the designation of appropriate Tribes for consultation on archaeological projects.

Lately it has come to Karen's attention about instances where Tribes were listed on varying applications without their knowledge. Tribes may or may not support the project, but it isn't acceptable for Tribes to find their government listed on an application without their knowledge. LCIS spends a lot of time considering how best to train agencies to consult with Tribes.

Annual Reports are due in December and Karen suggested that Commission Members may want to take the opportunity to ask for specific items to be included in those reports. One idea to consider is to ask for the type of training for Tribal consultation that is happening within agencies for new employees and directors and what types of subsequent training happens for existing employees. In addition, tribes may want to include reporting from the Governor's Cultural Items Task Force. Karen noted that there should be a yearly check in, because things change within both State and Tribal Government.

In terms of the Annual Summit, the Commission may consider more intensive legislator outreach. Tribes are involved in lots of areas that may require legislative fixes and it is helpful for Legislators to understand State/Tribal relations. Likewise, with boards and commissions.

Mary Moller, the Governor's Executive Appointments Director, will be meeting with the Commission later this meeting. Commission members are encouraged to ask about appointments and it might be beneficial to consider training for Governor's Advisors about working with Tribal Governments.

A new focus is for new agency key contacts, Cluster coordinators, and agency directors to have training from LCIS.

The cluster groups are all very cohesive at this point. The cluster groups are not in statute, but they are a very useful mechanism for State/Tribal relations. This ongoing conversation with Tribal and State managers has produced some concrete results. The natural resources cluster has needed lots of help coordinating in the past, but is now extremely self-sufficient like the cultural resources cluster. The health cluster Commissioner Meade has expressed the need for an emergency preparedness cluster or subgroup within the public safety cluster. Three clusters are set to meet either before or after the Annual Summit. Those are the Public Safety, Cultural Resources and Economic Development. The legislative Session will begin January 22, 2019. The next LCIS meeting will be held on February 20, 2019 in HR 50. Agenda topics for consideration are annual election of officers and the Marine Board Director.

Senator Roblan spoke about the previous education cluster meeting and his meetings with Colt Gill regarding SB 13. He also spoke about how the record impacts the implementation

of a bill. The hearings in committees and statements by the carriers of the bill all have impacts beyond the written bill itself on how it is implemented.

**U.S. Attorney Office: Bill Williams, U.S. Attorney and Tim Simmons, Assistant U.S. Attorney**

Mr. Williams began by thanking Chair Pigsley for speaking at his investiture. Mr. Williams and Mr. Simmons were able to have flags from the 9 Tribal Nations of Oregon displayed in their main conference room and at the investiture. It conveyed to everyone in attendance how important their relationship with the Nine Tribes of Oregon is.

They recently attended the Native American Issues subcommittee meeting in Tulsa, Oklahoma in August. The meeting lasted for two and half days and included every US Attorney who has Indian country in their districts. Mr. Williams moderated two panels involving marijuana and opioids in Indian country. The second day, which included the opioid panel was hosted by the Cherokee Nation. The Attorney General for the Cherokee Nation spoke about their lawsuit against big pharma over the opioid crisis. A theme from the meetings about drug trafficking was how to get more resources to Indian Country for this issue.

Shortly after those meetings, coordinated Tribal assistance solicitation grant awards were sent out. \$113 million was distributed nationally with \$4.8 million going to Oregon. Recipients in Oregon included the Columbia River Inter-Tribal Fish Commission, Coos, Lower Umpqua and Siuslaw, Umatilla, Warm Springs, Coquille, Cow Creek and Klamath. Those grants focus on public safety among other things. It was good news for resources here. Getting resources to Indian Country remains a focus of the office.

Mr. Williams and Mr. Simmons have been discussing a Tribal Drug Summit in the district of Oregon and are looking for input from the Tribes. They suggested that it could be discussed at a later Commission meeting or working group meeting so they can understand how it would best work, specific needs and what issues are most important to each tribe.

They have spoken with the Solicitor's office in the Bureau of Indian Education about Chemawa and are working towards setting up a meeting with the Chemawa Indian School Advisory Committee to identify and address issues at the school.

The office has been continuing with their regularly scheduled annual consultations with the Tribes.

Finally, they plan to start publication of a quarterly Indian Country newsletter. They hope to have the first one come out in November. It will highlight current issues so the Tribes can be up to date on what is happening.

Mr. Simmons spoke about cultural resources items as an issue their office is addressing and would like to consult with tribes about how best to handle those situations and return those

items to where they belong. Mr. Williams added that Mr. Simmons has been selected to serve on a Nation Tribal Liaison Council. Ten people from around the United States were selected.

*Chair Kennedy asked what their office was doing about the disappearance of Native American women. Mr. Williams offered to reach out to Johanna Costa, who is connected Nationally with victim issues. He also spoke about reaching out to others in neighboring districts and the FBI to find out if there's something else they should set up organizationally.*

*Commission Member Burke spoke about instances concerning the Umatilla Tribe and jurisdiction issues. Including when things happen to Tribal Members in areas adjacent to the Tribe's jurisdiction. The Tribe obviously has a concern in those cases and is often not informed of the outcome. The Tribe wants to see follow-up and justice. Mr. Williams agreed that it was a jurisdictional piece. He also spoke about a program of data entry for law enforcement information of which the Umatilla Tribe was a part. That could be one way that the Tribe could find out if someone was listed as victim or a perpetrator in another jurisdiction.*

*Commission Member Calica spoke about Public Law 280 and that there he is aware of four law enforcement agencies that don't seem to know about this law. Warm Springs Tribal Council Member Raymond Tsumpti has worked for years to make law enforcement agencies more familiar with this law. Mr. Williams noted that staff turnover can influence that knowledge and that his office could reach out to the Superintendent of State Police and the Director of DPSST about this issue. Mr. Simmons noted that he was at the meeting mentioned by Commission Member Calica and noted at the time that there needed to be more training about Public Law 280 as well as other Tribal Issues, including violence against women.*

*Commission Member Meade noted that the Coquille Tribe had been working on public safety issues and had specifically been talking about a South Coast Interagency Narcotics Team (SCINT). She asked to make sure that Oregon State Police would support SCINT and commit an officer to the team. Mr. Williams intends to follow-up with OSP about that issue.*

*Commission Member Burke thanked Mr. Williams and Mr. Simmons for listening and expressed appreciation for those that took the time to visit the reservation.*

*Chairwoman Kennedy spoke about the Tribal Drug Summit and noted that the Tribes are all rural so the needs are different. She thanked them for their efforts and asked if there was a timeframe. Mr. Williams replies that the hope was that it could happen in the next three to four months.*

*Commission Member Courtney mentioned that The Cow Creek Tribe's land bill had passed, so they had acquired 17,000 acres and noted that they do not have the law enforcement*

*capacity within the Tribe and have been relying on contracts with the county. He noted that Mr. Simmons came to speak and expressed appreciation.*

### **Commission Member Reports:**

**Dan Courtney, Cow Creek:** Cow Creek was one of three Tribes that had land bills passed in January. The lands went into Trust in July and they continue to work with BLM and now BIA. They are in the process of putting together a forest management plan. The Integration Resource Management plan is also a current priority. Tribal elections were recently held and the three sitting Council Members up for reelection maintained their seats. The Tribe is also currently working on the budget, housing, remodeling a community center.

**Dee Pigsley, Siletz:** The Siletz is currently in the budget process. Commission Member Pigsley was in DC last week regarding bills of interest to the Tribe and attended the Democratic Rural Annual Summit. It had a lot of references to Tribal Issues. The Tribe's Restoration Celebration is coming up in November. The Tribe is working on 59 new apartment units with NAYA and 20 of them will be reserved for Siletz Tribal members only. November 8 is the dedication of the Native American Veterans Memorial in Washington DC and they will be attending with two Siletz WWII veterans.

**Brenda Meade, Coquille:** They are also working on the Tribe's Budget. The salmon are coming into the river and the elders are coming together to fish. This last month saw the celebration at the Mill. There were lots of different people that came together, including Coos and Grand Ronde. The Tribe is focused on public safety issues and drugs are of particular concern. The Tribe has two drug dogs, who are very busy. She spoke about emergency management and that it wasn't just major events, it also encompasses everyday issues. Healthcare is an important issue for Tribal Members and the clinic has reached capacity, so council is working on a solution for that issue. Coquille is also working on a forest management plan.

### **Community Health Aides Program (CHAPS), Sue Stewart, NW Area Indian Health Board & OHA-Tribal/NARA Health Issues, Jackie Mercer, LCIS Member**

**Sue Stewart:** Ms. Stewart began by thanking the Commission for the opportunity to speak. CHAP was a program that was born of need in Alaska. Dr. Walter Johnson would visit remote villages in Alaska and was concerned about high rates of illness, so he began to train local healers. Once a week he would communicate by radio with the health aid and they would report on their patients. The health aids became generational. CHAP is a system of allied health professionals that work with supervising dentists, doctors, and mental health professions at the community level that extend the reach of those providers. There are multiple levels to each program. There are Community Health Aides (CHAP), Behavioral Health Aides (BHA) and Dental Health Aides (DHAT). There is a community role in the selection of health aides. It is culturally competent and competency-based, team-based care.

IHCIA 2010 made it possible to create these programs in other states. There are DHATs currently working and work is being done to bring BHAs to the lower 48. There is also movement to make the programs locally-centered, not nationally-centered. Ms. Stewart gave a brief overview of the CHAP certification board. There is a CHAP Board Advisory Committee currently working to build structure for the program and there is now also a BHA Advisory Committee. There is a OHSU HOWTO grant to create a BHA training center in Oregon and the first class will begin in April of 2020.

The BHAs are counselors for alcohol, drug and tobacco abuse and grief, depression and suicide prevention. They are health educators and advocates for individuals, families and communities. The CHAPs are primary providers in the communities. Community readiness surveys will determine knowledge, infrastructure and community desire for CHAP.

*Senator Roblan expressed that he was excited to learn more about the program. He was surprised at the scope of knowledge and what they are able to do. He also noted that Tribes in his district have some of the first graduates of the DHAT program. Ms. Stewart spoke about how important trust was when doing the type of work that DHATs and CHAPs do.*

*Commission Member Meade spoke about the Coquille Tribal Members being some of the first in Oregon to do the training and come home to work. She asked for more explanation about some roadblocks that they've experienced in their preceptorship. Commission Member Jackie Mercer noted that the major issue they seem to be experiencing is resistance on the part of the Dental Association to welcome a different level of provider. It has created a lot of concern about additional scrutiny. This is a program that has been extremely successful in Alaska. She noted that when NARA opened their dental clinic, they saw many patients in the city who had insurance and access to numerous dentists, but were seeking a place where they felt comfortable. Culturally competent care is very important. Senator Roblan offered his support to find a solution.*

Commission Member Mercer began by speaking about their positive work with the State and thanked Tribal Affairs Director, Julie Johnson for her work. There are two major positions that the State is recruiting for: a Behavioral Health Director and a Medicaid Director. Tribes have been involved in the hiring process. They have been working with the State about some new funding that came out recently for mental health, addictions, elders and veterans. She spoke about the conversations about the need to consult which began years ago and that it has been a hard road of change. The work requires vigilance. Part of the work involved FMAP funding and money that goes back to the State. Three Tribes so far have established contracts to receive those funds back because of administrative costs. It creates a huge opportunity. They have been working to actualize this FMAP funding. Other work has been effort for tribes to manage a Care Coordination Organization with Care Oregon. It has been extremely successful.

The Tribes and NARA have sent a letter to Director Allen of OHA stating that they are interested in exploring the potential of forming their own Care Coordination Organization for all Native Americans and Alaska Natives in Oregon. It would be gift to many people to

have their care coordination provided by Native people. The organization would be an advocacy and care management organization and the state would pay a per member per month amount for the organization to care for the people. Out of that, there would be no paying of healthcare claims and all Natives would be automatically enrolled in this organization with the ability to opt out. Tribal health representatives from all the Tribes have been involved in the discussions about this potential project. There are many details to work out, but Director Allen has indicated his willingness to explore this option.

*Commission Member Calica asked to clarify if this proposal would involve money pooling. Commission Member Mercer answered that it wouldn't involve pooled funds. It is called Indian Managed Care, but it is care coordination. The only money paid in would be for case management. Doctors would be paid by the State. The goal is to have better access to care. Commission Member Calica asked regarding CHAP, what is the role of direct services Tribes. Ms. Stewart replied that they have asked for representatives from those tribes to be on the Boards, but there is an opportunity to use health aides at those sites as well which could increase access to care. Chairwoman Kennedy thanked Ms. Stewart and Commission Member Mercer for their presentation and noted that when she was involved in establishing Grand Ronde's health clinic, nurse practitioners were in a very similar position as health aides are now. At that point health practitioner meant doctor. That was changed and this can also be changed.*

## **Champoeg State Park**

The presenters began by introducing themselves; Colby Drake, Grand Ronde Andy Neill, Institute for Applied Ecology, Jeremy Ojua, Grand Ronde, and John Mullen, Oregon State Parks.

**Colby Drake:** Grand Ronde had begun to do restoration work five to seven years ago. They realized that the plant material they needed to buy for these projects was very expensive, so, they began with a 1.2-acre plot of land and partnered with the Institute of Applied Ecology. They were able to partner on an OWEB grant and that began their native plant nursery. There has been a lot of interest in the nursery and from there they were able to foster other relationships, including one with the Champoeg State Heritage Park. It has been wonderful for the Tribe and offered a lot of educational opportunity for students. Tribal members have an opportunity to gather plants and it has increased access to first foods.

**Andy Neill:** Mr. Neill spoke of how the Institute for Applied Ecology became involved in the project. The company is involved in habitat restoration throughout the Willamette Valley and some areas of the coast. They do ecological education and research and work with State and Federal agencies to address threatened and endangered species. The relationship with Grand Ronde and Parks and Recreation began in 2013. They worked to restore what had been an agricultural area back to native flowering plants and insects. They worked with Colby Drake at Grand Ronde to do a prescribed burn in that area. It was a long process. Cultural or prescribed burns provide a way to access the ground so you can introduce plants. After receiving the OWEB grant, and conversations with partners at Grand Ronde, a large portion of the work sought to make fiber plants and first foods more accessible to



Tribal Members. They came up with a list of species and a list of sites, one of which was Champeoeg State Park. The other site is Herbert Farm in Corvallis. A second goal of the work was to establish gathering areas where people could come together and share knowledge about the location, plants and tools. They will also be doing restoration on three Tribal sites. The project is set to receive a second round of Grant funds

**Jeremy Ojua:** This has been an important project to the Tribe. A large part of the work has been education and outreach. Children will be able to dig up camas bulbs. Several groups have been visiting the site, which is a great opportunity to educate and talk about native plants. Most of the container plants have already been purchased for restoration sites around Grand Ronde, which means the nursery will be busy with seeds and cuttings. Having the ability to do these things has opened other partnerships to utilize the plant material they have grown. There is a burn plan in place to help in this effort. The plan also helps with training for wildland firefighters.

**John Mullen:** Mr. Mullen spoke about how this partnership meets the mission of the park, one of which is healthy native plant diversity. The historic aspect of the park is important, but this project has enabled them to also focus on indigenous practices and what the land was like before the arrival of the settlers.

*Senator Roblan asked if we knew the range of camas before settlers. He noted that it could have potential commercial impact if camas were reintroduced to areas and the larger population began to consume it. The presenters noted that camas did exist in all areas of Oregon and that there are two species that are particular to the Willamette Valley. There will be a celebration at Champeoeg State Park on October 13 where they will be planting camas and all are invited.*

*Commission Member Meade noted the difficulty of growing camas in a container and asked if there were tours of the facility available.*

*Senator Roblan asked if it was a vision of State Parks to restore areas back to original landscapes. Mr. Mullen responded that the protection of natural resources was part of their mission statement. They prioritized areas that are the most intact or areas that have the potential to be restored. There is a balance with the buildout of recreation.*

*Commission Member Meade ask about the prescribed burn and whether State Parks found value enough in it to speed up the process. Mr. Mullen spoke about the location of some of these areas and that it was difficult to find the right conditions to safely do a prescribed burn. The speed at which it can be accomplished often depends on who is in the area.*

#### **Youth Development Department, Department of Education:**

**Serena Stoudamire Wesley, Executive Director of the Youth Development Council (YDD):** Ms. Stoudamire introduced herself and noted that she was also the new coordinator of the Public Safety Cluster group. Presenting with the Director was Bill Hansell, Policy Analyst. Ms. Stoudamire also introduced Karen Wilkes, who would be handling the logistics of the Public Safety Cluster Group meetings. The YDD is part of the Education Department and was created through a set of Gubernatorial policy directions and Legislative bills. They work

as a department within the Department of Education, along with several other agencies, with the goal of seamless service for our youth. By connecting youths to services and addressing obstacles, including homelessness and behavioral health issues that can make graduating difficult, YDD strives for higher graduation rates among youths while. Ages 6-15 who are still in school are considered priority youth. Ages 16-24 who are out of school and not working are considered opportunity youth. Staff and council members recently embarked on a six-month community engagement process to identify gaps in services in more than 30 communities. They spoke to numerous stakeholders including youth, parents, teachers, Tribal Leaders, local government, and more. They also analyzed trends, community methods and other resources.

**Bill Hansell:** Mr. Hansell introduced himself and spoke about the agency's funding structure. The first stream is youth and community grants. The second is youth and innovation, which are community and need-based grants to support innovative and sustainable efforts to improve education and workforce success. Within these there are youth and workforce grants dealing work training and placement focusing on soft-skills development. Third is a youth and gangs grant tied to intervention and prevention efforts. Fourth there is youth and juvenile crime prevention which come from federal funds. The agency received funds to support youth in all nine of Oregon's Federally Recognized Tribes.

Ms. Stoudamire noted that the agency has focused on doing better in eastern Oregon and along the coast as the department's previous efforts in those parts of the state were sparse. They will be making appointments with the Tribes in those areas to learn what can be done. They are looking to make investments in those parts of the State and learn how to engage youth in education and the workforce and help those youths who may be coming out of a facility to access reentry services.

Mr. Hansell shared some of the analysis of their work. A study from ODE found that almost twice as many students who identified as Native American/Alaska Native did not graduate within four years. The agency is working to reach out to these youths and help them connect with services. They have also partnered with some of the Tribes on programs to address this issue.

*Chair Kennedy asked about the data regarding what percentage of the teachers in the system were people of color. Ms. Stoudamire replied that they would get that information from ODE and send it to them. Chair Kennedy noted some of the challenges of our school system, including students who might be better served with nonacademic education and the benefit to students of color having teachers of color. She asked if the department would collect data in this regard and develop policies to address it. Ms. Stoudamire responded she was aware that they were trying to hire more teachers of color. She noted that all students are not going to graduate from high school, but that they should have other avenues of success. Mr. Hansell noted that a lot of the programs that are supported by the agency are community based and the that communities know how to best serve their youth. Senator Roblan asked what the annual budget was for this kind of work. Ms. Stoudamire answered that the amount is 12 million dollars. Senator Roblan noted that much more would be spent*

*had these children stayed in school and that the agency was underfunded in that regard. He also noted that when speaking of the statistic of Native American children who do not graduate, it is important to distinguish the nine Tribes of Oregon and to recognize how well the Tribes take care of their children. Senator Hansell noted that he had legislative business that would cause him to leave the meeting soon. So, he wanted to share that he had proposed a bill setting forth that any enrolled Native American or Alaska Native Student who graduates from an Oregon high school would receive instate tuition to Oregon Universities.*

### **Commission Member Reports Cont.**

**Cheryle Kennedy:** Chair Kennedy noted that Grand Ronde recently held elections. She and Jon George were both reelected to their positions. Brenda Tuomi was not successful in her reelection and Steve Bob was elected to serve in her seat. She noted the passing of Margaret Provost, who was an original leader of Grand Ronde's Restoration. The Tribe will have a plaque made and presented at their 35<sup>th</sup> Restoration Celebration and will begin the planning for a monument for those founders of the Tribe. They have begun building elder housing and an apartment building for families. Grand Ronde is also doing budget work and is trying out a new process which begins with the Council Member priorities. Former Grand Ronde Chair Reyn Leno has noted that Oregonians voted to use some lottery funds to help veterans. He feels that Tribal liaisons for the Department of Veterans Affairs would be a good use for those funds. Senator Roblan offered that Mr. Leno should contact his State Senator, who would likely be very receptive to introducing a bill for that purpose.

**Jackie Mercer:** Commission Member Mercer expressed gratitude for the time she had to speak earlier. She noted that NARA has opened a youth residential treatment facility and that a group is now trying to open a brewery next door. It is very concerning and they are trying to find a way to avoid these youths being impact by alcohol being served and consumed right outside their window. Senator Roblan offered to speak to the Director of OLCC.

**Charles Calica:** Commission Member Calica noted that the Commission had already talked about Public Law 280, which was important. He also noted that Kah-nee-ta Resort has been closed and it has been a very tough issue for the Tribe. There is still some hope for the facility, but it has only been successful for one year out of 40. It has either been subsidized by the Tribe or by gaming for most of its years. Another issue they are working on is a Treaty Conference which will be held this month. The Tribe has established a Tribal veteran representative program to serve veterans who are not currently being served.

**Gary Burke:** Commission Member Burke spoke about the Tribal Negotiation Team who is working with the area irrigators in an effort keep fish moving through the water. The Tribe is working on a new educational facility. The new Yellowhawk clinic is now up and running and the Tribe is very proud of the facility. He noted that work on the Wildhorse Casino and Resort has been affected the rising construction costs. Lastly, a youth from the Tribe will have the opportunity to ask the Governor a question during a televised debate.

**Senator Roblan:** Senator Roblan thanked the four Tribes in his district for hosting the Coastal Caucus Economic Summit. It is an important part of what the Caucus does and there were over 700 people that came. This year was hosted by the Siletz. He also spoke about the land gained by Coos, Lower Umpqua and Siuslaw and by the Coquille. Senator Roblan recently attended the PNWER Leadership Forum in Whitehorse, Yukon and was able to learn a lot about the Tribes there and in Washington. He then stressed that if there were issues that could be addressed with legislative action to please talk to him or Senator Hansell.

**Senator Hansell:** Senator Hansell mentioned that he also attended the PNWER Leadership Forum and found it very enlightening. He noted that he was able to cover what he wanted to talk about earlier in the meeting and expressed regret that he would have to leave early for a legislative meeting.

Commission Member Jackie Mercer mentioned a bill that that superseded beneficial language in another bill recently and asked if that was something that could be addressed. Senator Roblan said he would see what he could do.

#### **Oregon Department of Forestry & State Fire Marshal:**

**Peter Daugherty, State Forester:** Mr. Daugherty introduced himself and thanked the Commission for the opportunity to speak. With him was Doug Grafe, who leads the Fire Protection Division and Jim Walker who is the Fire Marshal. He noted that they were there to give an update on the 2018 Fire Season. He gave a brief overview of Oregon's approach to fire management and that their goal was to attack fires at their smallest point to minimize acres burned. They implement this approach through their partnerships with Tribes, landowners and other state and federal agencies. The 2018 season was extremely challenging. The State exceeded the ten-year average in number of fires, acres burned and cost. The agency has been challenged in finding middle management teams to do the work that needs to be done. Smoke impacted many communities this summer and many communities were evacuated. Despite these challenges there have been many successes. Many fires have been controlled at 10 acres or less. The fire season is still going on, but they are proud of their work to date.

**Doug Grafe:** Much of the State is currently in drought conditions and the situation has been similar since 2012. There have been three significant lightning events that contributed to the State's fires. The first round happened early enough to not contribute to fires, but later events were significant. Human-caused fires were consistent from June until September. Two-thirds of the fires in the state are human-caused, but those fires are not often the largest or most destructive. It's the fires started during lightning events that overwhelm the system that are often the most destructive. Early detection and early response are key to fighting the lightning strike fires. Southwest Oregon saw a significant number of fires this season. The north central area saw a uniquely busy season. The Tribes work closely with ODF on fire issues and are even involved in the budget process. Acres burned has been increasing in the state and this has also been true on a national level. Smoke levels have

been difficult this year. At one point all but one county was under smoke advisory. Mr. Grafe ended by noting all the different organizations and agencies that are involved during this fire season, and that it couldn't be done successfully without them.

**Jim Walker:** There are about 318 fire departments or fire districts and they are successful about 98 percent of the time in dealing with fires. When fires become very large, they first relay on mutual aid agreements with other departments or districts and then reach out to the Fire Marshal when they exceed those resources. The Governor must okay that response. The approval process happens in a matter of minutes. The actual response and arrival time depends on how many responses are happening at the time and where the equipment is located. That response time can be anywhere from four to over eight hours. This year they had ten mobilizations, which was one less than their record. The Grant Fire caused them to mobilize on June 21<sup>st</sup>. They normally first go out closer to July 27<sup>th</sup>. Oregon responded to California fires in October and in December. The substation fire started in Wasco county outside of any fire protection zone. It was a challenge on multiple different levels. In summary, there were ten structures consumed by fire this season. The total cost was about 13 million dollars. Year after year, fire conditions have worsened and they suspect that the high number of fires, acres burned and cost associated with the fires, may be the new normal. They intend to focus on ways that they can try to control the start of fires by focusing on public outreach in an effort to suppress human-caused fires. They also want to work on the budgeting aspect of fires. The majority of calls they go on will be at least partially covered by FEMA. He also noted that they had a great relationship with the Warm Springs Tribe and spoke highly of their fire strategy.

*Commission Member Pigsley asked who decides to shift resources to help other states. Mr. Walker responded that it happened through a state-to-state compact. The State in the compact can then decide if they are able to go. Oregon has benefited from this as well. Senator Roblan pointed out the Oregon's Forestry Department always does a lot of advanced work each season. Commission Member Burke asked if the drought was expected to get better. Mr. Grafe responded that he did not know that answer but he hoped so. State Forester Daugherty responded that what we're experiencing is related to climate change and that the conditions we're seeing are what have been predicted.*

**Governor's Office, General Counsel, Misha Isaak, Deputy General Counsel, Dustin Buehler, Cultural Items Task Form Co-Chair, Brenda Meade:**

*Chair Kennedy noted that Karen sought to learn what the Commission hoped to convey at the upcoming Annual Summit. Senator Roblan responded that he hoped that attendees came away with a better understanding of what it means to consult with Tribes. Chair Kennedy added that throughout the presentations today, she thought a lot about the traditional use of fire and hoped that those agencies that dealt with fire management would consider adopting cultural use of fire, because it can be very beneficial for stopping these catastrophic fires. She also noted that consultation is ultimately the biggest issue. Chair Kennedy also mentioned that she would one day like to see research done to pick out laws that have been passed which have a negative impact on Tribes. Commission Member*

*Pigsley noted that she felt some place names shouldn't be changed because it would wipe out the history.*

**Misha Isaac:** Mr. Isaac introduced Jason Miner who is Governor Brown's Natural Resources Policy Advisor. Mr. Miner thanked the Commission for their time. His purpose for being here was to talk about a strategy for water that the Governor's Office is prioritizing. They want to build a one-hundred-year approach for water quality, quantity and water infrastructure. They want to reach out to the Tribes as fellow governments to find out what is known about our water resources and to identify gaps and priorities so they can put together a plan. They also want to build a bridge between those who are concerned about structural issues and those who care deeply about natural water features.

*Commission Member Burke asked if the aquifers were part of this plan. Mr. Miner responded that groundwater aquifers were very much a part of the plan. Commission Member Burke expressed concern about drilling and contamination. Mr. Miner replied that this was an issue they intend to address in as part of the work. Commission Member Calica noted that ATNI would be putting on a water conference in 2019. Mr. Miner mentioned that he was aware of a Deschutes water conference that Bobby Brunoe was working on and that he would be participating in the first day of that conference.*

**Misha Isaac:** Mr. Isaac began to discuss the upcoming Annual Summit and thanked Chair Kennedy for hosting this year's event. He also thanked Chair Pigsley for hosting the last two years. He noted the theme of the event as proposed by Karen Quigley is, "Shaping the Third Decade of Government-to-Government: Some Things Change and Some Things Will Never Change." He asked the Commission for any topics they would like to see covered. Commission Member Calica mentioned that he would like to see Public Law 280 addressed. Chair Kennedy remarked that she liked strategic seating so that people from similar departments would have a chance to talk. She also mentioned breakout sessions which were a part of past Summits. Commission Member Pigsley noted that there have been Summits where Tribal Leaders could speak about what was currently happening in their Tribe. Mr. Isaac noted that there are many who may not know the people on the Governor's staff and suggested placing them strategically at tables so that everyone has an opportunity to interact with her staff. Senator Roblan suggested that the table topic could correspond to which member of the Governor's staff was there and their specialty area. Mr. Isaac suggested that there would be a portion of the day's agenda that would focus on past State/Tribal relations and that Governor Brown requested that economic development be included as well. Commission Member Pigsley asked that gaming be considered. Chair Kennedy asked about consultation policies. Commission Member Meade talked about sovereignty and how the Cow Creek and Coos, Lower Umpqua and Siuslaw Tribes have regained lands. She noted that it could be beneficial to talk about that and how those processes work. Commission Member Burke suggested an offer/proposal to all agencies to visit every Tribe once a year to get to really know and understand them. There is a lot of learning that can be done from both sides about how to best help one another. The Commission discussed the possible inclusion of other boards and commissions that could benefit.

**Dustin Buehler:** The Cultural Items Task Force is working to formulate some recommendations for the Governor. The task force meets monthly and has been working on a definition for cultural items that is acceptable to all nine Tribes, along with a preamble that describes the importance of these items to the Tribes. They have also worked on a process for looking around at state agencies and seeing if there are items there of interest to the Tribes. He noted that there have been times where agency directors discover that items that they never would have considered cultural items are in fact very important to the Tribes. They have recommended that all agencies name a cultural items liaison and plan to institute training so that there is a person in each agency to help in this process. Commission Member Meade noted that each of the Tribes have struggled with the knowledge that these items were out there and know what questions to ask. The work of the task force is identifying what “cultural item” means. It’s almost impossible to define as it encompasses air, water and people. The preamble helps emphasize this. It was also important that this didn’t become a crisis for agency directors. There is a lot of gratitude for everyone involved.

*Commission Member Burke asked if this will go hand in hand with NAGPRA. Mr. Buehler replied that there are similar elements, there is an existing framework for NAGPRA, but this will go beyond that.*

**Governor’s Director for Executive Appointments, Mary Moller:**

Ms. Moller introduced herself as Governor Brown’s Executive Appointments Director and thanked the Commission for the opportunity to speak today. There are over 250 boards and commissions in the State of Oregon. Most state agencies and departments are headed by policy making boards or commissions appointed by the Governor. Many other boards and commissions serve in advisory roles. There are policy-making, governing, advisory, licensing, and judgment boards. Each board has a statute that requires membership created by the Legislature. Many seats on boards are tied to regional representation, party affiliation parity and required representation to ensure boards and commissions are balanced. Ms. Moller works with the Governor’s policy advisors to fill vacant seats. Each policy advisor has many boards and commissions that fall within their policy area and they work collectively with stakeholders and administrators to appoint qualified volunteers to meet the requirements for the board seat. The Governor’s website is the best way to engage and apply for boards and commissions. All boards and commission are listed there with the statutory requirements. There is also an expiration and vacancy list on the site so you can see what is and will be available, as well as an interest form for applying for a seat. With that interest form, you would submit a biography, resume and statement of interest. The Governor is always seeking volunteers with a wide variety of skills and backgrounds to appoint to these boards and commissions.

*Senator Roblan mentioned that Tribal Leaders should ask their staff routinely if there are things they are interested in at the State level. Chances are, there’s a board or commission that deals with whatever they’re interested in. It’s a great opportunity to get involved.*

*Commission Member Pigsley ask how many positions there are and whether they're compensated. Ms. Moller responded that there are seven paid boards and commissions, however there are quite a few that will do travel reimbursement and per diem. She agreed to send a copy of the books containing boards and commission to Karen so she can distribute it to the Commission. Chair Kennedy asked if there was any outreach to Tribes. Ms. Moller responded that she works collectively with the Governor's advisors and that she considers it important to be proactive in reaching out to people. She noted that she has always attended the Annual Summit. There boards and commission that require a Tribal representative. There are many people from the nine Tribes that are currently serving on boards and commissions. She also mentioned that she would welcome the opportunity to go speak with Tribes about what seats are available. Chair Kennedy asked if she submitted any kind of report to LCIS. Ms. Moller responded that she didn't, but she does update the expiration and vacancy list quarterly and she would be happy to send that out.*

Chair Kennedy drew the Commission's attention to the Executive Director's evaluation form in their packets and asked for Commission Members to consider it and provide their feedback.

Chair Kennedy adjourned the meeting at 3:05 p.m.