



**LEGISLATIVE COMMISSION ON INDIAN
SERVICES**

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

MINUTES

Meeting Date: February 17, 2021

Meeting Location: Virtually via Microsoft Teams

Members Present:

Brenda Meade, Tribal Chairman, Coquille Indian Tribe (LCIS Chair)
Dee Pigsley, Tribal Chairman, Confederated Tribes of Siletz Indians (LCIS Vice-Chair)
Cheryle Kennedy, Chairwoman, Confederated Tribes of Grand Ronde
Don Gentry, Tribal Chairman, Klamath Tribes
Debbie Bossley, Tribal Chair, Confederated Tribes of Coos, Lower Umpqua and Siuslaw
Dan Courtney, Tribal Chairman, Tribal Board of Directors, Cow Creek Band of Umpqua Tribe of
Indians
Diane Teeman, Tribal Vice-Chairman, Burns Paiute Tribe
Raymond Tsumpti, Tribal Chairman, Confederated Tribes of Warm Springs
Daniel Bonham, Representative
Tawna D. Sanchez, Representative
Jackie Mercer, CEO, NARA Northwest (non-voting)

Members Absent:

Kat Brigham, Chairman, Board of Trustees, Confederated Tribes of the Umatilla Indian
Reservation (Tribal Government Business)
Bill Hansell, Senator (Legislative Business)

Staff

Danny Santos, Interim Director, Legislative Commission on Indian Services
Adrienne Fischer, Commission Assistant, Legislative Commission on Indian Services

WELCOME – Chairman Meade

Chairwoman Meade called the meeting to order at 8:30 a.m. and welcomed the members and guests.

INVOCATION

Chairman Gentry gave the invocation.

ADOPTION OF MINUTES

A motion was made by Chairman Pigsley and seconded by Chairwoman Kennedy to approve the minutes for the November 13, 2020 LCIS meeting. The meeting minutes were approved by acclimation.

LCIS OFFICER ELECTIONS

Chairman Pigsley made a motion to reappoint current LCIS Chair, Chairman Meade, for another year. The motion was seconded by Chair Bossley. The motion was approved by acclimation. Chairman Gentry made a motion to reappoint current LCIS Vice-Chair, Chairman Pigsley, for another year. The motion was seconded by Chairman Courtney. The motion was approved by acclimation.

EXECUTIVE DIRECTOR REPORT

Interim Executive Director Santos shared that his report consisted of many of the day to day activities of the office including archaeological permits. Annual reports have been received from State Agencies and posted to the LCIS website. LCIS continues to work with Cluster groups and has recently reinstated the Public Safety Cluster group with the help of Brian Detman, the Director of the Youth Development Division. Chief Jake McKnight of Grand Ronde and Leslie Riggs of the Youth Authority have agreed to serve as co-chairs of the group. Interim Director Santos has also been working with the Natural and Cultural resources task force, which is part of the Governor's Disaster Cabinet, on wildfire relief and recovery activities. He reviewed the budget for LCIS and spoke briefly about the upcoming meeting and Spring Celebration happening in May.

EXECUTIVE DIRECTOR SEARCH COMMITTEE REPORT

Chairman Meade updated the Commission on the search for the new LCIS Executive Director. She thanked those Commission Members serving on the search committee and noted the exceptional work of Commission Member Mercer and asked her to provide an update. Commission Member Mercer shared that the recruitment opened on December 4th of 2020 and closed on January 4th of 2021. She thanked Aimee Steketee of Employee Service for her work and assistance in this search. Thirty-seven applications were received for the position. Applications were reviewed by members of the search committee which included

Chairman Meade, Chairman Pigsley, Chairman Courtney, Chair Bossley, Chairwoman Kennedy and Commission Member Mercer. Each interview lasted thirty minutes and was facilitated by Aimee Steketee. Six applicants were selected for the initial interview and were asked the same questions. Although the intention was to bring the top two or three candidates to the Commission, the committee found that there was one applicant who was far ahead of the other candidates. Chairman Meade emphasized that the Executive Director was to be hired by the entire Commission and offered all Commission Members the chance to review any and all applications and/or participate in an additional interview. Members of the search committee all shared their thoughts on the process. Chairman Tsumpti asked to review the top six candidates' applications and inquired about the possibility of a second interview with the top two candidates. Director Santos will work to schedule a second interview.

LEGISLATIVE AGENDA UPDATE: Director Santos began by thanking Michael Mason for his help in this arena and then introduced Pam Johnson with the Northwest Portland Area Indian Health Board. Ms. Johnson shared that they are the sponsors of the dental health aid therapist (DHAT) pilot program and are part of the coalition working to pass legislation this year to license dental therapists state-wide. In 2011 the Legislature authorized the dental pilot project to look at models of care to improve access to care for underserved populations across Oregon. The Health Board was then authorized for the pilot project in 2016 and for the past five years have had worked with the Coquille Indian Tribe, The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians and NARA to showcase how dental therapy can work in the State. Dental therapists are primary care providers in the oral health team providing the most routine preventive care. In 2016, with the help of the Tribes, they recruited five individuals to start their training at the Alaska Dental Therapy Program. Three are actively working now. Over the past five years they have found shorter wait times, more care being delivered, higher quality care and good jobs being created. Importantly, the care offered is also culturally relevant. Early results encourage support of HB 2528, which is the bill to license dental therapist statewide. Evidence also exists outside of Oregon in Alaska, Minnesota and Washington. Bills supporting dental therapy have passed in eight other states. Ms. Johnson gave a brief update of the history of this legislation and the contents of the legislation.

Representative Sanchez spoke on current legislation. HB 3182 is a bill containing technical fixes to the Oregon ICWA legislation. HB 2526 would change Columbus Day to Indigenous Peoples Day. LC170 is a potential piece of legislation that would address human remains and the notification to out of State Tribes. This bill could be moved if necessary. Chairman Meade noted the Federal Process with NAGPRA and sought confirmation from Director Santos. Director Santos clarified those questions and noted that LCIS was required to and does notify all Federally recognized Tribes which includes out of state Tribes.

Mr. Mason noted that the ICWA bill was one of the most important bills along with the DHAT bill. Another bill, HB 2244, limits the use of automatic stays which has significant impacts on Tribal water rights. These have been used against the Klamath Tribes and some businesses. HB 2329 would change the State song. There are few problematic bills

including HB 2610. This bill would be a problem for fish recovery. HB 2773 calls for county management for the Elliot State Forest. HB 3148 would affect BLM land and Forest Service lands and would petition for the transfer of these lands to the Department of State Lands in counties where 50% or more of the County is Federally owned and for those lands to be managed for the benefit of the Counties. There is no mention of the Tribes in this bill. SB 731 would fix SB 412 to make it clear that they do not affect Tribal Police. SB 723 would require all nonprofits to adhere to public meetings law and public records laws.

Director Santos recognized Representative Bonham. Representative Bonham noted that redistricting process has been a concern. Much of the data is set to be delivered extremely late, which makes it difficult for the Legislature to complete redistricting. However, they are moving forward with a tour of the state to receive input communities and the Tribes. There is a concern about transparency due to the Capitol being closed and the recent ice storms which have left many without power and internet. A plan is coming but doesn't exist yet. There is a push for an independent commission and a bipartisan effort on redistricting.

Mr. Mason noted that there is one Senate district that represents four Tribes and that the Tribes might want more representation. This could be a good chance to educate lawmakers on Tribal history.

GOVERNOR'S OFFICE – Dustin Buehler, Governor's General Counsel and Sara Weston, Deputy General Counsel: Dustin Buehler thanked the Commission and noted that Jason Miner, the Governor's Natural Resource Advisor, was unable to attend. He noted that they were appearing before the Commission to discuss SB 1602 which was passed in special session and codifies practices that were agreed to by twelve timber organizations and twelve environmental organizations last year. It includes changes to the pesticide notification system, updated riparian rules to the Rogue Siskiyou area, and the initiation of a process by which environmental organizations and timber industry organizations will negotiate a package of potential improvements to the Oregon Forest Practices Act in order to receive a habitat conservation plan from federal agencies. The bill will require the Governor's office to hire a mediator to facilitate the process between now and December of 2022. A mediator has been hired for the Private Forest Accord Process. They are appearing before the Commission to open the lines of communication between the Governor's Office and Oregon's nine Tribes.

Chairman Meade noted the importance of bringing the right people to the table to work on these issues and noted that Oregon is Indian Country and there are nine Federally recognized Tribes that are successfully managing timber. The Tribes are managing for all things including environmental and revenue. She noted that they were welcome to present before the Commission at any time, but there are concerns about why the Tribes are not included in the negotiations. Mr. Buehler noted that are likely reasons why this has not happened, but that the Tribes should absolutely be welcome at that table and the Governor's Office would like for them to be at the table and not just be given updates.

Chairman Courtney noted his appreciation of the presentation and that he agreed with Chairman Meade and her comments. It would be a mistake for Tribes not to be at the table. He also suggested that there could be a MOU for fee lands and that it would be helpful to bring this back to Mr. Miner. Mr. Buehler noted that Mr. Miner did discuss how best to get the Tribes to the table. Chairman Gentry noted that the Tribes were unique in their management of forest land and that maintaining treaty rights was an important concern. Mr. Buehler noted that they wanted to find a way to get the Tribes to the table and incorporate Tribal values and knowledge in the process.

Chairman Meade noted that there are over 500 Tribes in the United States and Oregon has the first two Tribes to have an Indian Trust Asset Management Plan approved by the Federal Government. That is something for Oregon to celebrate. Tribes with the approval hit all targets including cultural resource management and endangered species protections and there is a question of all these targets are being considered in the plan being negotiated.

DISCUSSION ON USE OF “INDIGENOUS” TERMINOLOGY IN STATE AND LEGISLATIVE ARENAS – Julie Johnson, Tribal Affairs Director, Oregon Health Authority & April Campbell, Director of the Office of Indian Education, Department of Education

Director Santos introduced the next speakers and noted that there have been concerns raised especially recently on the use of the term “indigenous.” Agencies are trying to address these concerns. April Campbell recognized her colleague Ramona Halcomb. Ms. Halcomb shared the Oregon Department of Education has a rules committee and that they can address terminology to make sure that they all mean the same thing when they use a term. These terms were brought to the State Board of Education. They are looking internally to make sure that terms were being used consistently and to see if there were terms that needed clarification. Ms. Campbell noted that the terms BIPOC and Latinx have also been examined. Julie Johnson noted that they are looking to Tribal Leaders for guidance on this issue because they know now important language is and that it can impact Tribal sovereignty and government-to-government relations. The terminology may not be new, but it is being used more often in more places. Ms. Johnson shared several areas where these terms were being used. The State Health Improvement Plan uses the term BIPOC and American Indian/Alaska Native people. The OHA Strategic Plan uses the phrase Tribal communities and communities of color. HB 2337 uses the term Black and indigenous communities, people of color and tribes.

Chairman Meade noted that tribal people often get spoken of in terms of race, but that the nine Tribes are sovereign nations existing in Oregon. Commission members expressed interest in continuing the conversation about this topic and agreed to revisit it at the May Commission meeting.

COMMISSION MEMBER INPUT AND UPDATES

Director Santos shared that the new Secretary of State and the Department of Housing and Community Services have expressed interest in presenting to the Commission. Chairman Meade noted that the Commission should schedule time to finalize the hiring of the new LCIS Director. Director Santos noted that there could be ways to expedite the process and convene the Commission again before the May meeting. Chairman Meade solicited Commission Members for topics to be heard at the May meeting. Chairman Gentry noted that he would like to see the Department of Corrections concerning adults in custody. Commission Members discussed the need to form a clear process and plan for dealing with the issues that have been raised. Vice-Chair Teeman expressed her concern on the topic of human remains that have not been reported. This has been brought up numerous times and there are remains being held in Pendleton from a former State facility. Chairman Gentry noted that he would like to see a discussion on housing issues, including elder housing and those who are houseless. Director Santos noted that he has had conversations with the Department of House and Community Services and that they would plan to present with their Tribal Liaison, Director and a Tribal Board Member. Chairman Meade also indicated that she would like to see an update from the Oregon Health Authority.

Commission Members discussed the Spring Celebration. It is disappointing that it cannot be held in person this year, but Commission Members agreed that it would be beneficial to still hold a virtual event.

Chairman Meade opened the forum to all Commission Members to provide updates. Chairman Meade noted that they are still hearing of issues at Chemawa Indian School and wondered if the Commission would be willing to support a letter to the Bureau of Indian Education and the Bureau of Indian Affairs. Commission Members then discussed the upcoming change to the position of US Attorney of Oregon.

OREGON LIQUOR CONTROL COMMISSION – Steven Marks, Executive Director

Chris Mayton, Distilled Spirits Program Director for OLCC, introduced himself to the Commission and noted that he would be speaking about the warehouse expansion. Internal and external studies have indicated that the warehouse and office space are at capacity. This creates economic uncertainty by limiting the possibility of new products. The current facility is more than 60 years old and does not support future distribution needs. Mr. Mayton summarized an external study and noted that relocation was recommended. The program has steadily grown and expects that to continue to a point where the current warehouse will be insufficient. They were able to add capacity in 2019/2020, but still need room to grow. The team has improved tracking and management to improve capacity. Mr. Mayton then discussed the financial risks of not expanded warehouse capacity and the income to the State that could be at risk. There was an analysis of the studies and what the goals of the program should be. Staffing workspace, operating costs and customer service were all impacts considered.

Moving has been identified as the best option. This would be about a 90-million-dollar investment, though the buildings that are currently owned could be sold for an estimated 25 million. There would be several cost saving benefits to the new location.

Director Marks noted that this was about maintaining predictable revenues for the State. Chairman Meade asked if there would be any changes for the Tribes and Director Marks answered that there shouldn't be, and they would be working to make sure they are meeting demand in the meantime. Director Marks noted that Tribal Liaison Kelly Routt present at the meeting. Director Marks asked Commission Members if there were any issues that the Tribes would like to discuss. None were raised.

Chairman Meade opened the forum to public testimony. There being none, Chairman Meade adjourned the meeting at 12:45 p.m.