



**LEGISLATIVE COMMISSION ON INDIAN  
SERVICES**

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

**MINUTES**

**Meeting Date:** May 19, 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  
Diane Teeman, Tribal Vice-Chairman, Burns Paiute Tribe  
Kat Brigham, Chairman, Board of Trustees, Confederated Tribes of the Umatilla Indian  
Reservation  
Raymond Tsumpti, Tribal Chairman, Confederated Tribes of Warm Springs  
Dan Courtney, Tribal Chairman, Tribal Board of Directors, Cow Creek Band of Umpqua Tribe of  
Indians  
Jackie Mercer, CEO, NARA Northwest (non-voting)

**Members Absent:**

Chuck Riley, Senator (Legislative Business)  
Bill Hansell, Senator (Legislative Business)  
Daniel Bonham, Representative (Legislative Business)  
Tawna D. Sanchez, Representative (Legislative Business)

**Staff**

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

## **WELCOME – Chairman Meade**

Chairman Meade called the meeting to order at 8:37 a.m. and welcomed the members and guests.

## **INVOCATION**

Chief Doc Slyter gave the invocation.

## **ADOPTION OF MINUTES**

A motion was made by Chairwoman Kennedy and seconded by Chair Bossley to approve the minutes for the February 17, 2021 & April 23, 2021 LCIS meetings. The meeting minutes were approved by acclimation.

## **EXECUTIVE DIRECTOR REPORT**

Interim Executive Director Santos shared that the Commission has hired a new Executive Director, Patrick Flanagan, and offered time for him to say a few words to the Commission. Mr. Flanagan shared that he was honored to be selected for the position of Executive Director and that he was excited to get to work. Interim Director Santos continued his report and shared that there has been much work to do regarding archaeological work and repatriation issues. The LCIS budget for the next Biennium is being worked on and includes a funding option for a new position at LCIS. The office continues work with the Disaster Cabinet dealing with recovery from last year's fires. Tribes have expressed concern on the lack of notification in fire suppression efforts. Interim Director Santos thanked Commission Members for the opportunity to serve in this role.

Commission Members discussed the distribution of Federal funds and the concern that the State might diminish their own funding. Also discussed was the impact that policies of local governments and school boards have on the Tribes, particularly regarding COVID-19. A draft letter on these issues was proposed.

## **DEPARTMENT OF CORRECTIONS – Nathaline Frener, Assistance Director of Correctional Services and Daryl Borello, Religious Services**

Nathaline Frener introduced herself and thanked the Commission for the opportunity to present. This year has changed a lot about the operations of the agency. The agency updated the Commission in March of 2020 and has provided two updates since that time. Mr. Borello introduced himself and gave an update on issues and concerns that have been raised. Mr. Borello first discussed Native American adults in custody and the tracking of Tribal membership. The Agency is doing this and have made some modifications to their database to make that easier. This information comes during intake. They have trouble when individuals are not a member of a Federally Recognized Tribe. If contact information for an out of state Tribe is given, the Agency does contact them. He noted that the

Commission had previously asked if the Agency could provide a list. They would be able to provide a list of individuals from Oregon's Nine Tribes. They would have to manually search for other Tribes because of the way the database is set up.

Regarding the rule update on feathers. It has come up because they are in the process of reviewing the religious services activity Rule 143. The rule covers all religious groups and denominations. The Native American religious activities portion of the rule is a small portion and mainly deals with eagle feathers. That portion of the rule is not going to change and currently states that individuals can have unlimited number of eagle feathers in their possession. Since changing the way feathers were transported when an individual was transferred between facilities, there have been minimal claims of lost or damaged feathers.

Regarding ceremonial food, no policies have changed. Mr. Borello noted that he had reached out to all chaplains and found that they are most always allowed to bring ceremonial food into institutions, though it has not happened during the COVID-19 lockdowns.

Mr. Borello talked about the recent lack of an Agency Diversity position. He noted that they do now have a Diversity, Equity and Inclusion Officer.

As restrictions begin to lift, they do now have volunteers coming in and are allowing smaller groups of individuals to meet. They are having smudge ceremonies and drumming circles. Spiritual books are available for checkout in all libraries. Several institutions have Native song time and gathering at the alter ceremonies. Beading and leatherwork is also happening to prepare for pow wows. Talking circles are being held via Skype.

Mr. Borello noted that Red Lodge created, printed and distributed Native American adult coloring books which were very popular during lockdown.

Some institutions are piloting opening to visitors and volunteers. Religious volunteers are at the top of the list to be approved for visitation. They are helping to get volunteer cards reinstated. He noted that they have a lot of volunteers who still are required to take a COVID training and that this is required to enter the facilities.

Based on feedback regarding the conditions of sweat lodges, they understand that this is the prime time to repair and rebuild these structures. A small group of Native American volunteers are being allowed to go in well before other volunteers, to supervise the rebuilding and maintenance of those sweat lodges.

Commission Members stressed the importance of healing and recovery so that incarcerated individuals can return to their families and their communities in a better way. It is also extremely important to the Tribes that they are consulted on the rules revision in a Government-to-Government process.

**OREGON SECRETARY OF STATE - Shemia Fagan, Secretary of State:** Deputy Secretary of State Cheryle Myers introduced herself and greeted the Commission, then introduced the Secretary of State, Shemia Fagan. Secretary Fagan thanked the Commission for the opportunity to speak to the Commission. The Agency has undergone a change in the position of Tribal Liaison. The Deputy Secretary now holds that position which reflects the seriousness of the position.

Secretary Fagan noted that there has been a lot of transition in the Secretary of State's office and she hopes to bring steadiness back to the office. The Agency houses four very different divisions, Audits, Archives, Elections and Corporation Division. These divisions do not have much in common but are all housed in the same Agency under a shared mission and values. The mission is building trust. Trust in Archives means telling Oregon's whole story, not one that starts with pioneers. Trust in Audits means making sure that Oregon's public services are working the best for the people who need them the most. Trust in Corporations is making sure that economic equity is at the forefront. Building trust in the Elections Division is needed now more than ever. Secretary Fagan also joined with the Tribes and Oregon's Attorney General to oppose the closing of the National Archives and Records Administration in Seattle. It was a successful effort.

Chairman Meade thanked the Secretary of State for her support and for the support of the Agency in the work of the Cultural Items Task Force.

Interim Director Santos noted that the Audits Division has sought Tribal input in their work. Secretary Fagan thanked the Tribes for accepting the invitation. The Agency wants every audit to look at equity and ask the right questions. They have recently hired a Diversity, Equity and Inclusion Director. They aim to have an Equity Advisory Table for the Audits Division and include a dedicated place for Tribal membership and reflect regional diversity.

Deputy Director Myers emphasized the importance of Tribal sovereignty and noted that they look forward to consulting on future audits.

**OREGON RACING COMMISSION – Jack McGrail, Executive Director:** Chairman Meade reminded the Commission that Tribal leaders had met previously with the Racing Commission and welcomed Director McGrail to the meeting. Director McGrail thanked the Commission for the opportunity to present. He noted that the Agency did submit follow up information in response to questions sent by the Tribes.

He shared that he has been Director for eight years. He thanked Interim Director Santos for his input and advice in the development of the Agency's Tribal Consultation Policy. The Racing Commission exists to regulate and support the racing industry, ensure the safety of participants and has existed since 1933. While racing was once the only place to place a wager in the past, the industry now faces significant competition from Oregon Lottery, Tribal casinos and unregulated online gaming. They regulate racing at the racetrack and

the fair meets and then also advance deposit wagering regulation which is a more national scope. Those combine to represent what the Racing Commission does.

In Grants Pass, it seems that there will be an application for a license to conduct wagering on historic races at the facility. They have not received that application yet. There will be a thorough process to assess whether they are compliant.

The Agency is open to communication and dialogue. They possibly underestimated impacts of these initiatives on Tribal interests. Moving forward they will make sure that Tribal interests are considered and that the Tribes will have a seat at the table. There is also a bill in the Legislature currently regarding gaming policy. The Agency has a very limited scope in Oregon regarding live racing, it is more National. They hope to expand the number of live race days and that they can also make sure that communication with the Tribes are better. Connie Winn has been designated as Tribal liaison moving forward.

Chairman Meade inquired whether the Agency has sought an opinion on the legality of historic racing. Director McGrail stated that they had not. Chairman Meade also asked if they would seek one once the application was received. Director McGrail replied that he would seek one if necessary. Chairman Meade noted that the Tribes have many concerns and feel that an opinion would be useful. She noted that gaming has grown tremendously in the past several years. She asked if they would commit to reaching out to Tribes regarding decisions and rulemaking. Gaming is very important to the Tribes and to rural Oregon.

Chairman Brigham reiterated that gaming was vitally important to the Tribes and that it was the financial backbone of so many of the services that they provide for their people. She also noted that the Tribes are often the largest employer in their areas. In short, there are a lot of people that depend on Tribal gaming. Chairman Brigham noted their concern about these licenses granted to businesses from out of the State, essentially meaning that the profits are leaving the State.

Interim Director Santos noted that there was much uncertainty surrounding this issue and that it has caused concern. Chairman Meade asked Director McGrail to commit to consulting with Tribes on these issues that affect them. She also asked that some of these actions be paused while policies were addressed, and the legalities are assessed.

Dustin Buhler, Governor's General Council, greeted the Commission and shared that the Governor has recently met with all Nine Tribes on this issue and that she respects and cares about what the Tribes have to say on these issues. The Governor does not have direct control of licenses that are issued, so the Governor's expectation is that the Racing Commission will operate under ORS 182.164 which obligates all State Agencies to consult in a meaningful way the Nine Federally Recognized Tribes of Oregon. She also expects that they would consult with the Department of Justice if it is necessary. Mr. Buehler noted that the Governor appricates the conversations that are happening now.

Chairman Gentry noted that consultation is crucially important and that this issue goes beyond a single application for the Grants Pass site. Chairman Courtney noted that gaming was essentially the tax base for Tribes and that declines in those revenues would negatively affect Tribal programs including healthcare and education. It is a big concern. He also questioned the legality of the machines in question and what the long-term goals are.

Chairwoman Kennedy shared in all the questions and concerns that have been heard so far and feels that this will have great impact on all the Tribes. The playing field is very uneven for the Tribes. The Racing Commission is part of the State of Oregon, has infrastructure built in and has been designated as essential service. This is not true for the Tribes, especially those that had been terminated. She noted that Grand Ronde is working to establish a fire response organization for the protection of their community, and this is something that the Tribe must pay for themselves. They provide a police force. She noted that she shared this so that they understand that the Tribes would stand to lose a lot. The State of Oregon, before the Federal Government, envisioned consultation with Tribes before decisions were made that would affect them, and Grande Ronde wants to make sure that is honored.

Chairman Pigsley also shared the concerns mentioned by other Commission Members. She hopes that questions posed in the letter from the Oregon Tribal Gaming Alliance will be answered. Chairman Brigham asked if the ORC would sit down with the Gaming Alliance to work through these questions or if they would respond to the Commission. Director McGrail answered that they were open to a dialogue and acknowledge that their outreach has not been enough. He shared that he understood that these decisions will have great impacts on all Tribes and the horse racing industry.

Chairman Brigham spoke about the importance of horses in the history of the Umatilla Tribe. Chairman Meade noted that that type of conversation reflects the importance of consultation and how it is possible to have productive conversations even through disagreement.

Chairman Tsumpti noted that the Warm Springs Tribe is not part of the Oregon Tribal Gaming Alliance.

Director McGrail thanked the Commission for the open dialogue.

**OREGON HOUSING AND COMMUNITY SERVICES – Tim Mahern Macias, Tribal Liaison and Community & Stakeholder Engagement Specialist and Chelsea Bunch, Equity, Diversity and Inclusion Officer**

Interim Director Santos introduced Tim Mahern Macias and Chelsea Bunch from the Oregon Department of Housing and Community Services.

Ms. Bunch shared a little about her history with the department and thanked the Commission for the opportunity to present. She shared that the department is the housing finance agency. They provide program and financial support for housing programs and aim to encourage affordable housing. They have a big mission and rely on community partners. Federal, State and Local funds come to the Department and are then dispersed through community partners. They don't provide direct service, but instead work with mission driven partners. They work across the housing continuum, anywhere from people experiencing homelessness through to affordable home ownership. They believe that housing is foundational to health and is linked to all other systems in community success. The agency is rapidly growing. There are three main divisions to their work: housing stabilization, affordable housing finance, and homeownership. There are various core programs within each of those areas. Oregon's Housing Stability Council is the governing body of the department. Their meetings are public, and all are encouraged to attend. Sami Jo Difuntorum is a member of this council. The Agency understand that Tribal sovereignty is crucial, and they seek to elevate government-to-government work.

Ms. Bunch shared about the Agency's strategic plan. They listened to what communities had to say and looked to the research and found what many already knew to be true. Housing equity was a huge issue. Native American, Black, Latinx, Pacific Islander and Asian communities experienced housing instability at much higher rates. The Strategic plan outlines six priorities: equity & racial justice; homelessness; permanent supportive housing; affordable rental housing; homeownership; and rural communities.

She shared the story of the Lucky Seven Mobile Home park which was devastated by the historic flooding in Umatilla county and was able to receive funding to be rebuilt. HB 2100 seeks to modernize homelessness services beyond the current structure. It would codify outcomes, build new partnerships, making sure more people can access funds so that they can be housed. It elevates the value culturally specific organizations have so that Tribal communities and others can access shelter assistance. This would allow the agency to go beyond their current structure and meet housing needs of communities.

They were also able to help support the task force addressing racial disparities in home ownership which was charged with identifying different barriers people of color and Tribal communities experience. There were thirteen recommendations that came from that report. One of those recommendation was to convene a workgroup with Oregon's Nine Federally Recognized Tribes to understand specific needs and specific recommendations around programs and investments to increase home ownership rates. This work hasn't yet happened due to the pandemic, but it is something that they wish to get started.

Mr. Maher Macias noted that OHCS was committed to government-to-government work with the Tribes and is working on a Tribal Consultation policy. They continue to participate in Cluster groups and hope to be a resource. They seek to increase awareness of the federal trust responsibility and Oregon's role in advancing this responsibility. They have helped with a low-income housing tax credit program, homeownership centers and down payment assistance. There is also low-income energy bill payment assistance and six Tribes have

administered these programs. He then spoke about the Warm Springs Housing Authority and Behavioral Health Center and OHCS's role in this project. He also spoke about Nesika Illahee which was another program that was done in conjunction with the Confederated Tribes of Siletz, Native American Youth and Family Center (NAYA), The Native American Rehabilitation Association (NARA) & Community Development Partners. He ended his talk by mentioning future opportunities for engagement. They are interested in capacity building, hiring of a full-time OHCS Tribal Liaison, a consultation policy, participating in the Annual Summit and a possible summit focused specifically on Tribes and Housing.

Ms. Bunch noted that she drives past the Nesika Illahee building everyday and hopes that it can be a model for other areas of the State.

Chairman Meade noted that she was very proud of the Coquille Tribe's housing authority and the work that they are doing. She is interested to know that the partnership with OHCS is possible and it is encouraging. There are so many needs now for not only affordable housing, but housing in general with the impact of everything that has happened this past year. She asked if there was a designated Tribal representative on the board. Ms. Bunch answered that there is no dedicated spot and that this is what the work is now. She also noted that this is also a reason that they would like to have a dedicated Tribal Liaison.

Chairman Pigsley shared that Sami Jo Difuntorum was the housing director for the Confederated Tribes of Siletz Indians and that she does a great job. They did find out that it was possible to build HUD housing on land that is not in trust. She is hoping that they will be able to do what they did in Portland in other areas and that other Tribes will be able to do similar things.

Chairwoman Kennedy shared that she was pleased to hear this report and about this task force. She added that she was concerned that even if there are vouchers available for homeless members, there is no housing. There is also a high cost to supplies at this point in time. She also shared that Grand Ronde was the most populated Tribe in Oregon with almost 6,000 members and they have 250 houses on their reservation. They try to make funds available to members in other areas.

Chairman Meade noted that there are COVID relief funds available, but that oftentimes the funds are not as flexible as they are needed to be. However, they have been inundated with applications for funds to help with rent and utility bills. There is great need, and this is something on the minds of Tribal leaders. Ms. Bunch noted that there are ARPA funds flowing to communities across the country. OHCS will be receiving a portion of those funds and she will follow up with links so that those funds can be accessed.

**REPATRIATION OF HUMAN REMAINS:** Director Santos shared that he had met with Vice-Chair Teeman regarding her work on repatriating remains from the Eastern Oregon State Hospital in Pendleton. She has encountered some speed bumps. The conversation has expanded to cover the Oregon State Hospital in Salem and the Chemawa Indian School.



The former boarding school in Forest Grove is also of interest because of its cemetery. He noted that this would be a little different from other NAGPRA cases, but it is a work in progress.

#### **TERMINOLOGY PROCESS AND UPDATE: Danny Santos, Interim Director, LCIS**

Interim Director Santos shared that there has been great work done by Julie Johnson from OHA, Adam Becenti from DHS, April Campbell from the Department of Education on trying to get a consultation process underway. This is a work in progress, but there is a letter asking for Tribal input that will be going out shortly. This is an ongoing conversation happening in State Agencies. There is concern that some terms may cause confusion about Tribal sovereignty.

#### **LEGISLATIVE AND REDISTRICTING UPDATE:**

There are several successes already. A bill protecting students' ability to wear regalia at graduation has passed. There are a number of other bills that have passed. HB 2244 regarding water rights is making progress. The Oregon ICWA bill is also moving through the Legislature. The LCIS budget has appeared before the Subcommittee on General Government in Joint Ways and Means and includes a policy option package that would fund an additional staff person at LCIS. This person would work on legislative matters, cluster groups and the Cultural Items Task Force. The next step will be a work session before it goes on to the full Joint Ways and Means.

#### **PUBLIC TESTIMONY:**

Regina Woods, a Cherokee Nation citizen, wished to provide comment on the terminology discussion at the most recent LCIS meeting. She noted common misconceptions regarding indigenous people and that the proposed terminology from the Department of Education would further those misconceptions.

April Campbell from the Department of Education noted that the terminology referenced was part of the Latinx plan not from the Indian Education office. Julie Johnson from the Oregon Health Authority shared that they would be reaching out to the Tribes individually to learn their thoughts on the issue.

The meeting was adjourned at 2:00pm