



**LEGISLATIVE COMMISSION ON INDIAN
SERVICES**

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

DRAFT MINUTES

Meeting Date: October 06, 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)
Debbie Bossley, Tribal Chair, Confederated Tribes of Coos, Lower Umpqua and Siuslaw
Diane Teeman, Tribal Vice-Chairman, Burns Paiute Tribe
Naomi Stacy for Kat Brigham, Chairman, Board of Trustees, Confederated Tribes of the
Umatilla Indian Reservation
Jackie Mercer, CEO, NARA Northwest (non-voting)
Chuck Riley, Senator
Bill Hansell, Senator
Tawna D. Sanchez, Representative

Members Absent:

Cheryle Kennedy, Chairwoman, Confederated Tribes of Grand Ronde (Tribal Business)
Don Gentry, Tribal Chairman, Klamath Tribes (Tribal Business)
Raymond Tsumpti, Tribal Chairman, Confederated Tribes of Warm Springs (Tribal
Business)
Dan Courtney, Tribal Chairman, Tribal Board of Directors, Cow Creek Band of Umpqua Tribe of
Indians (Tribal Business)
Daniel Bonham, Representative (Legislative Business)

Staff

Patrick Flanagan, Executive 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 8:34 a.m. and welcomed the members and guests.

INVOCATION

Chief Doc Slyter gave the invocation.

ANNOUNCEMENTS

Senator Riley announced that he would be retiring from the Senate and therefore would also be retiring from LCIS at the end of the year.

ADOPTION OF MINUTES

A motion was made by Chairman Pigsley and seconded by Chair Bossley to approve the minutes for the May 19, 2021 meeting. The meeting minutes were approved by acclimation.

DISCUSSION OF EXECUTIVE OFFICER ELECTION

Chairman Meade noted that this was the time of year to discuss who will serve as Chair and Vice-Chair of the Commission. Elections will be held at the next meeting.

EXECUTIVE DIRECTOR REPORT

Executive Director Flanagan shared that he has a written report that was provided to Commission Members previously. Director Flanagan noted that his top priority was to meet with each of the Tribes and the Legislative members of the Commission. He has been able to meet or schedule time with almost all Tribes and Legislative Members. The office is still working to schedule meetings. The LCIS office regularly attends all cluster meetings and has been working toward utilizing the Teams within Teams function in Microsoft Teams to provide a centralized structure for all groups to post and share information. Repatriation continues to be a major focal point. Director Flanagan was able to attend and observe the repatriation of ancestral remains from the Medical Examiner's office to learn and better understand the process. LCIS has been involved in issues surrounding wildfires, both the preparation and containment phase, but also the recovery stage. Goal 5 has been the subject of revised rulemaking at DLCDC with the participation of LCIS. LCIS also was invited by DSL to participate in a National Conference of State Trust Lands held in Oregon. One day was focused on how Oregon has taken a different approach than every other State. KPM results were submitted recently and were improved since the last report. The office commits to focusing on continued improvement. Director Flanagan briefly mentioned several other topics that the office has been working on.

OREGON DEPARTMENT OF FORESTRY – Ron Graham, Deputy Chief of Fire Protection

Mr. Graham introduced himself and shared that the Chief of Fire Protection wanted to be present today but was needed at the Board of Forestry. Mr. Graham also shared that this presentation focused on the perspective of the Oregon Department of Forestry and that fire protection in the State involves many other federal and regional agencies. This was a very early and active fire season. Winter snowpack was not exceptional. Drought conditions were also severe in most of the State which has significant impact on fires. COVID and the recovery from the fires of 2020 have significantly impacted this season. There were still holdovers from the last season, particularly the large fires of September 2020. Drought and fire conditions were extreme for many States and stressed interstate fire compacts, forcing the State to seek assistance from States out east.

The Department measures fuel moisture levels and noted that while smaller fuels can carry fire, it is the larger fuels that allow for bigger fires. Those larger fuels were at record low moisture levels as were the live fuels. Prior to 2001, most larger fires were east of the Cascades. 2002 to 2011 saw this dynamic change and larger fires could be found on the wetter side of the cascades. Temperatures have been rising and drought conditions increasing. 2012 to 2021 shows fires increasing and burning into older fire scars that are filled with standing snags that are hazards to firefighters. This presents a fire control problem. Mr. Graham shared a map of 2021 fires and discussed the various entities and processes involved in controlling these fires. Most rehabilitation is handled through the Federal Government. He then shared some statistics and accounting of the 2021 fire season. Both lightning and human caused fires are higher than average. Acres burned is much higher than average and is rising year after year. Mr. Graham noted that the agency was helped this season by emergency board funding and the passage of SB 762 and noted that the insurance policy held by the State would possibly need restructuring. ODF works with many other Federal, regional and local agencies every season and Mr. Graham ended his presentation by expressing gratitude for everyone's hard work.

OREGON WATER RESOURCES DEPARTMENT – Tom Byler, Director

Director Byler introduced himself and thanked the Commission for the opportunity to present. He acknowledged the September 15th letter from Tribal leaders and thanked them. Director Byler noted that the Water Resources Department is responsible for the management of the use of water. The State declared water a public resource in 1909 and the agency manages water rights. The Integrated Water Resources Strategy is a broad strategy that captures the importance of water to Oregonians. Within that strategy is the 100-year water vision which aims to look at how we are investing in water and planning for the future. He noted his appreciation to the Tribes for their support of this work. Director Byler then spoke about what has happened in this last year and half regarding the Water Vision. During the 2020 session several ideas were brought forward but were not moved forward. The pandemic then hit, and the efforts were overshadowed. During the 2021

session, the legislature approved 530 million dollars to be invested in water across the State. The investment also helped start other conversations around water. Director Byler then shared a PowerPoint that helps to show what came from the legislative session. It shows the processes, supported objectives and the audience. They are looking to inform the Legislature, the Integrated Water Resources Strategy and Oregon's leaders. Objectives include data and information for effective decision making, increased recognition of the important of investing in water, diversity in water decision makers, support continued collaborative efforts and consider effective state-supported regional governance system and framework for planning and implementation. The strategies are numerous and are organized into state-led engagement, state-funded locally led capacity and engagement and Locally led engagement. He brought attention to the State-supported regional water planning & management table as it is an important process for the future. It is a workgroup that will convene at the beginning of the year to examine systems. Oregon Consensus will be facilitating that process. The State is seeking input from the Tribes on this work.

Chairman Meade thanked Director Byler for his presentation. She noted that the Nine Tribes of Oregon are not stakeholders but are sovereign and require consultation. All Tribes are going to need to meet because they all have unique concerns and knowledge. Naomi Stacy, representing the CTUIR, shared that she had some questions from the Tribe. They would like to know the timing, and in the integrated water resources strategy (IWRS), how will it be prioritized with the new resources. She also asked about how changes in elected officials will impact this work. Director Byler answered that the aligning and timing is something they are putting a lot of time into. He noted that they intend to have all the other processes inform the IWRS. They also hope that these processes will lead to elected leaders prioritizing water issues.

SECRETARY OF STATE – Cheryl Myers, Deputy Secretary of State & Molly Woon, Senior Advisor and Strategic Projects Director

Deputy Secretary of State Myers introduced herself and then introduced Senior Advisor and Strategic Projects Director Molly Woon. Director Woon thanked the Commission for the opportunity to present. The Secretary of State Shemia Fagan now chairs the Sustainability Board. The purpose of the Board is to encourage activities that best sustain, protect and enhance the environment, economy and community for the present and future benefit of Oregonians. Board members are appointed by the Governor. Each State agency is required to come before the Board to present their sustainability plans and the Board gives feedback and approval on those plans. Several positions on the Board will become vacant in the next year and the other members would welcome a Tribal voice on the Board. Secretary Fagan is excited about the future of the Board and feels that the transitions in the next year could be an excellent opportunity to add Tribal representation to the Board.

GOVERNOR'S OFFICE – Sarah Weston, Deputy General Counsel

Deputy General Counsel Sarah Weston thanked the Commission for the opportunity to speak. The Governor's office is in the process of organizing the 2021 Annual Summit. She noted that they were all disappointed to not be able to meet in person again this year but are thankful that we will all be able to come together still via Zoom. The Governor's General Counsel and Deputy General Counsel will be reaching out to each Tribal leader to learn what their priorities are for the Summit agenda. The Summit will be held on December 1 and 2 this year. She also noted that the Governor's office has received the letter from the Tribes about the water vision and their interest in participating in a task force. The Governor was delighted to receive the letter and a response will be sent to the Tribes shortly. Tribes are critical partners in this work.

OREGON CULTURAL RESOURCES CENTER FOR EXCELLENCE CONCEPT – Patrick Flanagan, LCIS Director

Director Flanagan spoke about how Oregon was a leader and a different model for State/Tribal relationships. A new concept has emerged from the work already being done by the State and Tribes and focuses on Cultural Resource management. It would be a shared resource concept and was presented at the 2019 Leadership Oregon program. Carolyn Holthoff from ODOT worked with others on this program and presented it to DAS. It was not chosen to move forward; however, it still has support outside of the program. It was designed to address some gaps in services protecting cultural resources in the State. This program could possibly house a State Physical Anthropologist which has been identified as a need for some time. At this time there are a few individuals who are filling in some of this work, but it is not funded work. Kassie Rippee, Tribal Historic Preservation Officer of the Coquille Indian Tribe, submitted a time and expense report on the work she has done that could be done by a State Physical Anthropologist. The State of Washington does have a State Physical Anthropologist and that position has been pointed to as a possible model for Oregon.

LCIS has convened a small workgroup consisting of representation from the Tribes and State Agencies. This group has brainstormed several options including creating a position or office that could exist in SHPO, LCIS or a non-profit. The workgroup agreed that the most appropriate place would be SHPO as the work would be similar. To house the position in LCIS would greatly expand the scope of the work at LCIS. LCIS does have funding to create a new position so it is very possible for LCIS to pilot the program. Director Flanagan noted that the reason he was bringing this issue to the Commission was to give members an overview of what the office has been working on, so they are aware of what is being thought about. Director Flanagan also noted that he is seeking out feedback from the Commission. Kassie Rippee, THPO of the Coquille Tribe, noted that the cultural resources staff at the Tribes have been doing work that should be done by the State.

Chairman Meade shared that this was absolutely something that the LCIS office should be working on. She also noted that archaeological permitting process was a major consideration in selecting the new LCIS Director. She expressed that she would like to see that position at LCIS. Chairman Pigsley added that she feels that the position should start at the Commission and that the work would be within the scope of the office. Chair Bossley noted that she was new to the Commission but that she agreed that the position should start with LCIS. LCIS works directly and closely with the Nine Tribes, so they will get information faster through LCIS. Director Flanagan noted that one position at LCIS to do the shared cultural resource center and State Physical Anthropologist would begin as a pilot project to establish the need and that the work would likely quickly extend beyond just one position.

OREGON LOTTERY – Barry Pack, Director & Matt Shelby, Communication/ Tribal Liaison

Director Barry Pack joined the meeting and introduced himself and Matt Shelby, who serves as the Agency's Communications/Tribal Liaison. Mr. Pack noted that they were bringing a draft consultation policy before the Commission and that this was the first consultation policy for the Agency. Mr. Shelby shared a draft of the consultation policy on the screen. They are trying to bring formal structure to an ongoing dialogue and institutionalize the goals of the policy. They seek to increase two-way communication and establish intentional transparency. Mr. Shelby acknowledged that there are many instances where the Agency and Tribes are in competition for dollars. However, there are many issues in which they share a common interest. The Agency's strategic plan includes the sharing of that plan prior to adoption. In the past, the Agency has taken action from the strategic plan that was a surprise to the Tribes, so they are intentionally letting Tribes know what they are doing before they do it. They have included channels of communication and a Tribal Liaison position. All executive leaders will consider Tribal partnerships. They also have added ways to be held accountable. Along with the policy, there is also a Tribal Relations procedure which consists of a checklist of annual commitments. They plan to introduce this policy at the upcoming Lottery Commission meeting.

Chairman Meade thanked Director Pack and Mr. Shelby for the presentation. She noted that there have been bumps historically and was appreciative of this effort. She asked if the Agency would commit to engaging in consultation if it is requested by the Tribes. She inquired whether the Tribal Liaison would identify issues that affected the Tribes and requested that outreach to the Tribes be featured more in the policy. She noted that draft legislation needed to be shared with Tribes as well. Revenue from Gaming is critically important to Tribes. Naomi Stacy representing the Confederated Tribes of Umatilla asked how the agency would like Tribes to request consultation and noted that the Tribe looks forward to consulting with the Agency before this policy is finalized. Director Pack answered that the intention of the policy is to be a two-way dialogue.

COMMISSION MEMBER COMMENT

Representative Sanchez greeted the Commission and spoke about the passage of HB 2625 in 2019 which directed the State Police to study issues related to the reporting, investigation and response to incidents involving missing and murdered Native American people in Oregon. The State Police have completed a report with a series of recommendations. Representative Sanchez's office is now looking at next steps and seeks to include feedback from Oregon's Nine Tribes. They plan to submit legislation as a follow-up to that report. She noted that that the listening sessions around the State were cut short due to the pandemic, so they were not able to visit every Tribe. However, they heard many of the same things from everyone that they were able to speak to during the tour of the State. Representative Sanchez's office is seeking input from Tribes on what the follow-up legislation should include and any other feedback or concerns they have. They are open to direct conversations however the Tribes would like to do that. Chairman Meade thanked Representative Sanchez for bringing this to the Commission and for carrying that work.

PUBLIC TESTIMONY:

Chairman Meade asked if there was any public testimony. There was none.

The meeting was adjourned at 11:58am