



**LEGISLATIVE COMMISSION ON INDIAN
SERVICES**

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

DRAFT MINUTES

Meeting Date: April 12, 2022

Meeting Location: Virtually via Microsoft Teams

Members Present:

Kat Brigham, Chairman, Board of Trustees, Confederated Tribes of the Umatilla Indian Reservation (LCIS Chair)

Brenda Meade, Tribal Chairman, Coquille Indian Tribe (LCIS Vice-Chair)

Julie Siestreem, Tribal Vice-Chair, Confederated Tribes of Coos, Lower Umpqua and Siuslaw

Diane Teeman, Tribal Vice-Chairman, Burns Paiute Tribe

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

Don Gentry, Tribal Chairman, Klamath Tribes

Jackie Mercer, CEO, NARA Northwest (non-voting)

Kathleen Taylor, Senator

Tawna D. Sanchez, Representative

Members Absent:

Cheryle Kennedy, Chairwoman, Confederated Tribes of Grand Ronde (Tribal Business)

Raymond Tsumpti, Tribal Chairman, Confederated Tribes of Warm Springs (Tribal Business)

Bill Hansell, Senator (Legislative 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 – Chair Brigham

Chair Brigham called the meeting to order at 8:35 a.m. and welcomed the members and guests.

INVOCATION

Vice-Chair Siestrem gave the invocation.

ADOPTION OF MINUTES

The meeting minutes from the January 19, 2022 meeting were approved. Chair Pigsley and Chair Courtney abstained

EXECUTIVE DIRECTOR REPORT

Executive Director Flanagan noted that there have been various events and issues of concern before the commission. Time is reserved at the end of the agenda to discuss land acknowledgements. A draft guidance document was sent to Commission Members for consideration. Advising on consultation has been a large part of the work of the office in addition to training and engagement with Tribes. Director Flanagan noted Federal legislation named the Respect Act has been sent to Commission Members for their review. This legislation outlines expectations for consultation. A similar bill was introduced in Oregon last session in an effort to amend our statutes regarding consultation and Tribal engagement. The legislation would require closer scrutiny and perhaps a work group. Director Flanagan also noted that designation of appropriate Tribes for archaeological permits is a continuous endeavor. LCIS is working with Legislative Employee Services in the recruitment of a State Physical Anthropologist. A position description and pay scales are being finalized. Director Flanagan also spoke of prioritizing additional visits with Tribal leadership as he finishes his first year as Director.

Representative Sanchez noted that she would be interested in the continuing discussions surrounding consultation legislation. She has been aware of many situations where consultation didn't happen appropriately. Director Flanagan noted that his intention is to reach out to the sponsors of the Federal Legislation to understand what happened with the bill and whether there were any major issues. The legislation proposed in Oregon did not move forward this last session but was intended to begin a conversation on strengthening and clarifying current law. Senator Taylor noted that she would be interested in helping on the Senate side.

It was noted that the State has many ways of consulting and each Tribe has preferences. There has been some curiosity on whether there can be a consistent cooperative process so that Tribes know what to expect. Director Flanagan noted that Senate Bill 770 was a significant unique piece of legislation that is admired and respected by a number of states. This new legislation would be tremendous in providing for recognition of tribal sovereignty and laying out the parameters of that state tribal relationships, but this effort would be the

logical next step in providing that clarity of expectations for both the state and for the Tribes.

Director Flanagan expressed his gratitude to Representative Sanchez and Senator Taylor for being willing to move forward in exploring an Oregon version of the Federal Respect Act.

GOVERNOR'S OFFICE UPDATE – Dustin Buehler, Governor's General Counsel, Sarah Weston, Governor's Deputy General Counsel, Jason Miner, Governor's Natural Resource Advisor, Lindsey Capps, Governor's Education Advisor

Governor's General Counsel, Dustin Buehler introduced himself and those presenting with him. Deputy General Counsel, Sarah Weston, Education Policy Advisor Lindsay Capps, and Natural Resources Director Jason Miner were all also present.

Dustin Buehler shared that there has been work on the implementation of a Tribal scholarship programs. With the cooperation of Tribal Governments, the Legislature has allocated money to this new program. Lindsey Capps noted that the Governor's office was grateful for the partnership of the Tribes and the work of the Education Cluster group in this historic investment in Tribal children and youth. The Higher Education Coordinating Commission is also involved in the work and has created a landing site for people to get more information about the program. Mr. Capps outlined next steps and opportunities for collaboration. HECC is taking up emergency rules to establish the Oregon Tribal Student grant program. Those rules are based on consultation through the Education Cluster Group. Consultation will be ongoing. HECC is also working on outreach to Tribes on strategies to make sure that this opportunity is known. HECC will also be coming back to the Legislature to report to the Emergency Board so that more funding will be available. There will also be efforts to authorize by statute going forward.

Commission Members remarked on how life-changing an education can be and that this effort will have positive effects on Tribal youth and the Tribes as those young people move into leadership roles.

Dustin Buehler shared that the Annual Government-to-Government Summit was quickly approaching, and that this year's summit was very special to Governor Brown as it would be her last one. The Governor has been grateful for the partnership of the Tribes. There is hope that the Summit can be held in person this year, with an option to go virtual if needed. It was noted that the virtual option increased accessibility for those not able to attend in person. Scheduling has not been set at this time, but it will most likely be held in the fall. The Governor's office and Director Flanagan will be reaching out to Tribes to learn what topics should be included in the Summit. Scheduling of the agenda will be dependent on the format of the Summit.

Jason Miner spoke to the Commission about cooperative management agreements around natural resources between Tribes and the State. The Governor's office is very open to those

conversations and recognizes that Tribes all have different ways of approaching some of these issues. It is important to engage in a way that begins to address historic injustices. The Governor's office is interested in transitioning management and responsibility for wildlife and other resources.

Commission Members spoke of overlapping authorities of Federal, State and Tribal lands in Oregon. Natural resources do not stop at any borders. It is important to act in partnership because we all need and are affected by natural resources.

EARLY LEARNING DIVISION – Valeria Atanacio, Tribal Affairs Manager, Early Learning Division and Julie Siestreem, Vice-Chair, Confederated Tribes of Coos, Lower Umpqua and Siuslaw

Valeria Atanacio, Tribal Affairs Manager for the Early Learning Division, introduced herself and let the Commission know that she was there to speak about Tribal Advisory Council. She began by discussing HB 2055 which was the legislation that established the Early Learning Hub in 2021. The bill came to be because of previous legislation that created six regional early learning hubs across Oregon to help identify gaps in service and help communities develop priority areas. The idea was brought to Tribes through the Education Cluster group. The purpose was to coordinate Early Learning Civic services and to support participation in the programs, grants and services while respecting Tribal sovereignty.

A contractor was brought on for the purpose of developing rules and establishing a Tribal Early Learning Hub implementation as well as a strategic communications plan. The Tribal Advisory Committee has successfully commenced with 17 Tribally appointed representatives from the nine Tribes. There is a rulemaking subcommittee with the larger committee. Valerie Switzler from Warm Springs has been elected as Chair by the TAC and Sandy Henry from Cow Creek as been elected as the Vice Chair. Valeria Atanacio spoke about a few legislative technical fixes for the TAC. They are looking at ways to build out additional funding and additional infrastructure into future legislative concepts and will have the TAC as a part of that process. The council operates on a consensus basis and endeavors to make sure that all voices are heard in an effort to move away from colonial influenced government work. There is time to make sure that representatives have time to create partnerships of their own. The Tribal Advisory Council will be very influential in agency decision making going forward. They are also going to be working with Tribally owned businesses in communications and implementation contracts.

Vice-Chair Julie Siestreem noted that she was grateful to be a part of the process and is looking forward to the future work of the TAC.

OREGON STATE HISTORIC PRESERVATION OFFICE – John Pouley, State Archaeologist

John Pouley, State Archaeologist, introduced himself and noted that he would be speaking about the SHPO rules advisory committee (RAC). This RAC is related to the process governing the issuance of archaeological permits and conditions for the excavation or removal of archaeological or historical material. One of the primary drivers was the fact that there has been a lot of illegal artifact collection in Oregon and unfortunately that continues to be the case. This statute identifies a process for when excavation is warranted, who can do the excavation, who will review the applications and the resulting deliverables.

Oregon Parks and Recreation will adopt the rules with the advice of the Oregon Indian tribes and the legislative Commission on Indian services. SHPO reached out to Tribes for input once it was clear there would be a rulemaking process.

Review authority means that entity or individual can review the permit and approve or object. All Tribes have review authority as does the legislative Commission on Indian services and, in the current process, landowners or land managing agencies. Its possible the State Museum or planning departments may as well, but that is one of the questions moving forward. The rule will define expedited permits and end of dispute resolution process. There are attempting to add a little bit of teeth into this process. A lack of teeth for failing to comply with statute is now the way the rule is set up. As a result of feedback from tribes and from the rule advisory committee, that failure to comply with any terms or conditions of an issued permit can affect whether an applicant is able to apply for another permit again. An entity with review authority can object to a subsequent application if there are still outstanding deliverables and it can then go to a dispute resolution process.

One important element relates to the colonialism in the definition of a scholar. There is a part in the statutes that states materials recovered from an excavation of an archaeological permit need to be made available for scholarly research. As a result of the RAC and the forum we held with Tribes, that definition has been broadened to include traditional cultural practitioners.

John Pouley next discussed how the process has happened and the methods used to track input. Tribes have been part of the process and will continue to be moving forward. Public comments will open on May 1st. Next the rule will be sent to the Department of Justice.

Commission Members asked clarifying questions about the time allowed to complete permits. Permit applications could last as long as two years but may last up to four if it is extended. There was also discussion about sites out of State and out of State Tribes that may be interested in sites in Oregon.

OREGON DEPARTMENT OF EDUCATION – April Campbell, Director of Indian Education

April Campbell, Director of Indian Education, introduced herself to the Commission and shared that she was joined by two colleagues: Renee Roman Nose, Native American Student Success Coordinator and Brent Spencer, Indian Education Coordinator. The office of Indian Education is involved in many different efforts in which they are working closely with Tribal staff.

Brent Spencer shared that he has been working with Tribal education directors to execute non-competitive Tribal history grants of up to \$200,000 per Tribe. Many of those grants have been executed to fund place based Tribal history/ shared history lesson plans. They have also worked with internal programs at ODE and have submitted plans to procurement who will forward them into the translation department so each of those plans will be translated into Spanish. They have worked with Marzano research to conduct an evaluation. The first draft of those results has been received. They have found that school districts are needing support in professional development, so they will be developing to help districts confidently deliver those plans.

Commission members noted that it has not been easy historically to secure participation of teachers in learning about Tribal history. April Campbell noted that the law does not necessarily have carrots or sticks to ensure participation, but they are using other tools at their disposal to make sure that these lessons are taught.

Renee Roman Nose noted that they were pleased to share that their language grant is available to all nine Tribes in Oregon. It is \$100,000 per Tribe. Each Tribe knows the needs of their communities, so they will be able to come up with their own plans for utilizing the funds. This funding is set through 2023.

April Campbell shared that the education secondary emergency relief funding was the last pot of funding from the federal government. 90% of those funds went out to districts, however, ODE was able to set aside eight million dollars of the 10% for the Office of Indian Education. Understanding that the last two years have been very hard, they worked with the Education Cluster and have set aside \$345,000 per Tribe for healing ceremonies. The funds are very flexible, and they have been working with Tribal Education Directors to create project plans. The funds begin immediately and run through September 30, 2024. They are now just waiting for Tribal contacts to get project plans back to ODE so they can begin building contracts. The additional funding will be used to support three staff positions for our team. Currently we share an executive assistant support person with the director's office and a few other areas and so we are really hoping to get someone specifically to support our office and our teams, so they are hiring an executive assistant. The next two positions will help support the healing ceremonies efforts so an office support person and then a policy analysis 3 position who will be supporting managing and maintaining the Grant during the duration of the grant cycle with the tribe. All three of these positions will expire their limited duration again through September 30th, 2024.

However, they did put in a policy option package and a legislative concept to maintain the executive assistant to position full-time long-term. They are excited to have at least one more team member to support

Director Gill and the State Board of Education had a conversation with the Office of Indian Education and shared that they would like to display the flags of the Nine Tribes. The office has reached out and will be following up with Tribes. Also, they are removing any language from contracts asking Tribes to waive Tribal sovereignty. They will also be matching Tribes and direct rates, though this only includes dollars coming from the office of Indian Education.

There is also conversation about the terms BIPOC, indigenous, Tribe and tribal government. They were looking for guidance from LCIS. A letter was sent to Tribes from ODE, DHS and OHA. That letter went out in September of 2021 at this time there hasn't been any interest. So, they wanted to bring that back up to see if there is any interest. The office is also looking at Tribal consultation training. They were able to secure funds to work with the Legislative Commission on Indian services to do recorded nicely video graphed tribal consultation training. They are considering a tribal consultation training that would apply to all State agencies and another one that applies to the Department of Education specifically and a third layer that works individually with 750 employees to dive deeper into understanding Tribal consultation.

COMMISSION MEMBER REPORTS

Klamath Tribes:

Chairman Gentry noted that they are planning for a water healing ceremony this weekend. There will be a media event after the ceremony. This water ceremony is new. People now are facing situations with water that the ancestors didn't face. People now are facing the consequences of history. There have been several difficulties for Tribal members in the area with lack of water and harassment. He noted that drought is the issue not the Tribes.

Confederated Tribes of Siletz Indians:

Chair Pigsley noted that they would not be able to participate in the water ceremony, but their thoughts and prayers are with them. Chair Pigsley noted that she was scheduled to travel to Colorado which will be the first out of State trip. She noted that the water healing ceremony was not something that they have had to do in the past and she appreciates all Tribes' efforts. She also noted that terminology discussions have been ongoing with little consensus. Chair Pigsley recognized the efforts of Chair Meade and other Tribal leaders on education on consultation and noted that there are several new people in Tribal leadership that will be able to sit at the table and continue the work.

Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians:

Vice-Chair Siestrem noted that their Tribe would be present at the Water Healing Ceremony and they would be bringing a canoe. She thanked everyone and stated that she wished everyone good health and clean water.

Confederated Tribes of Umatilla Indian Reservation:

Chair Brigham noted that she wouldn't be able to attend the Water Ceremony, but that several Board of Trustees members would be attending. Chair Brigham also noted that they are looking at a two-page document that will be sent out for Tribal review and then brought to ATNI regarding salmon recovery.

Cow Creek Band of Umpqua Tribe of Indians:

Chairman Courtney noted that his Tribe would have a Tribal Council Member, cultural resources staff and possibly one or two youth council members attending the Water Healing Ceremony. He stated that water was a big issue for their Tribe, and they want to support the effort.

Coquille Indian Tribe:

Chair Meade thanked Chair Gentry and the Klamath Tribes for their efforts. She noted that Chief Younker would be attending in her place and that their canoe family would also be attending and bringing Dungeness crab. Chair Meade lamented that she wouldn't be there and noted how important this effort is. She noted that the Coquille Tribe has been working on healthcare expansion and wanted to emphasize that any Oregon Tribal member or any Native American can walk in for free healthcare. For tribal members that use the Clinic in Coos Bay, it is expanding with a physical rehabilitation and fitness center that should be open in 2023. They have several task forces working on elder care, daycare, and housing. Chair Meade invited the Commission to take part in their restoration celebration on June 25th.

LAND ACKNOWLEDGEMENT GUIDANCE – Patrick Flanagan, Executive Director, LCIS

Director Flanagan updated the Commission on the development of Land Acknowledge guidance. Commission Member input from the last meeting was integrated into the draft document and two sample land acknowledgements. He noted that there are different opinions among Tribes and tribal members on land acknowledgements but hoped that the commission might be able to approve guidance for those looking to utilize a land acknowledgement. He invited comments and offered time outside of the commission meeting to discuss.

Chair Brigham noted that she would worry about some reading this document and interpreting it in a way that the Tribes would not accept, though she felt it was a good draft. Chair Meade noted that she was not a fan of land acknowledgements, but she felt

that this document could be educational. Chair Meade also stated that this was a topic that LCIS should address.

Director Flanagan noted that this was a work in progress and that it is very much a starting point. Chair Brigham noted that we are all connected. The land, animals, natural resources, and people are all dependent on one another and it is an important point to make that for one to survive they all must survive. Chair Pigsley shared that it should mention that all of Oregon is Indian country and that combined with the history of colonization and division of land has led to a point where Tribes will not be able to agree on Tribal areas. Tribal people went everywhere to find food, they did not stay in reservation areas. She agreed that this should be something that State agencies come to LCIS for, and it is an opportunity to emphasize that all of Oregon is Indian country.

Chair Brigham asked the Commission when they would like to review the revised document. Director Flanagan noted that he would like to move forward soon and will have the revised draft to Commission Members at the end of next week.

PUBLIC TESTIMONY:

Ezell Watson, Tribal Liaison, Public Utility Commission, share that the agency would be hosting training events regarding programming that may be of interest to Tribes.

The meeting was adjourned at 12:14 pm