



**LEGISLATIVE COMMISSION ON INDIAN
SERVICES**

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

MINUTES

Meeting Date: July 19, 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 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

Clayton Dumont, Tribal Chairman, Klamath Tribes

Jonathan Smith, Tribal Chairman, Confederated Tribes of Warm Springs

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

Kathleen Taylor, Senator

Members Absent:

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

Bill Hansell, Senator (Legislative Business)

Tawna D. Sanchez, Representative (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 8:36 a.m. and welcomed the members and guests.

INVOCATION

Vice-Chair Siestrem gave the invocation.

ADOPTION OF MINUTES

The meeting minutes from the April 12, 2022 meeting were approved. Chair Courtney abstained.

EXECUTIVE DIRECTOR REPORT

Executive Director Flanagan invited new Commission Members to introduce themselves. Chair Brigham asked for all to introduce themselves. Director Flanagan noted that he has been in role of Director for a little over a year and reflected on some of the work that has been done in the first year. Commission Assistant Adrienne Fischer shared an update about the new LCIS website and the use of Microsoft Teams. Director Flanagan shared that LCIS has been working with April Campbell at the Department of Education and training materials that will be available to all State employees. LCIS has met with the Department of Fish and Wildlife about cooperative management agreements. One topic contemplated for this agenda was the Department of Corrections and ongoing frustrations with policies at the agency. Director Flanagan has spoken with the Tribal Liaison at the agency and discussed paths forward. The Tribal Liaison has asked for a point person to be in contact with at each Tribe. Director Flanagan noted that Tribal key contacts have been identified at each tribe in regard to natural and cultural resources. It was proposed that the Tribal contact list could be expanded to include the preferred liaison at each Tribe for matters regarding the Department of Corrections.

LCIS has been with the Department of Transportation and others on ODOT's Cultural and Natural Resources Summit to be held in September.

Director Flanagan has also had frequent calls with the Department of Parks and Recreation regarding the transfer of state lands to Tribes. They have encountered statutory roadblocks. They are reaching out to Legislators on the Commission to see if there might be a Legislative fix for those issues.

There have been various other meetings taking place with the Water Advisory project, the Secretary of State's office, the Youth Development Division, Water Resources Department, the Oregon Watershed Enhancement Board and Oregon Department of Forestry. There has also been a request to revive the Governor's Cultural Items Task Force. The LCIS office has also been participating in all cluster groups, to stay current on issues that arise in those groups. Director Flanagan is beginning to schedule second visits with Tribes.

Daily requests continue to come to the office seeking designation of appropriate Tribes to consult with on archaeological projects. There are also regular meetings with the Governor's office, Representative Helm, DHS, and the Department of State Lands.

Director Flanagan was pleased to announce that Oregon now has their first State Physical Anthropologist. The addition of a State Physical Anthropologist has long been identified as a needed, important position for the State. Elissa Bullion has accepted the position and expects to prioritize meeting with each Tribe as she begins her work. The LCIS office is very excited to welcome Elissa and feels that she will be a great addition to the agency and will be well suited to build this new program.

OREGON DEPARTMENT OF FORESTRY – Cal Mukumoto, State Forester, Christine Buhl, Forest Entomologist, Ryan Gordan, Planning Branch Director, Nathan Beckman, Strategic Planning Coordinator

State Forester Cal Mukumoto introduced himself and briefly described what his agency would be sharing with the Commission. Christine Buhl introduced herself and shared that she would be talking about the department's habitat conservation plan. She noted that there are changes in rules regarding how forestland is managed on non-tribal and non-federal land. Tribes will have the opportunity to opt in. She gave a brief background on the private forest accord, which constitutes the biggest changes to forest management. The department would like to reach out to Tribes for their input in the next stage of the process. She noted that the habitat conservation plan (HCP) targets protection standards for a variety of aquatic species, including salmon. Standards include stream protections, road design standards and culvert design. It also includes incentives for landowners. She noted that this would be moving quickly and encouraged everyone to share the information with their Tribes.

Chair Brigham noted that there was a lot happening regarding natural resources and climate. She asked if they were collecting soil data. Christine Buhl responded that they were collecting a lot of data and that soil types would be part of that data. Chair Brigham asked if any of ODF's plans would be consistent with existing Tribal forest management plans. Chair Brigham also noted how important it was for State agencies to work together, because everything is interconnected.

Chair Meade shared that she agreed with the sentiments expressed by Chair Brigham and that State agencies are too often focused exclusively on their specific policy areas without meaningful collaboration with other agencies. She noted that these plans are often written without Tribal input, yet they affect Tribes. She further noted that they have the worst salmon return numbers this year on the Coquille River. They are at extinction levels, so it is imperative to involve Tribes in these conversations.

Director Mukumoto responded that he agreed with Chair Brigham and Chair Meade that Tribal input was important, and he would like to meet with each of the Tribes.

Chair Teeman shared that it was concerning that state agencies exist in silos. For the Burns Paiute, the air, the water, and everything else is connected. Water is like the bloodstream, so land boundaries don't matter if the water is polluted.

Ryan Gordan introduced himself and shared that he was presenting on shared stewardship. He is joined by Nathan Beckman from ODF and Corey Owens from the Natural Resources Conservation Service. He noted that the preceding conversation was a good set up for this discussion. They want to look at better coordination between the State and Tribes. They think of shared stewardship as coordinating and working together on land management statewide regardless of who the land manager is. The 20-year strategy is a plan that speaks to how they coordinate that effort specifically on landscape resiliency. The purpose of this presentation is to give formal notification of this work and invite Tribes' participation. Nathan Beckman has already reached out to the natural resources workgroup to inform about the effort. ODF is also in the process of hiring a Tribal Liaison and they will be part of this process.

Corey Owens introduced herself and gave an overview of the efforts they have made so far in working with various Federal and State agencies and their Tribal Liaisons. They want to make sure that they are engaging in the Trust relationship. They recognize that Tribes are integral to the success of the program.

Nathan Beckman introduced himself and noted that he was taking the lead on the strategic 20-year plan to reduce the risk of catastrophic wildfire. He summarized where this effort originated and the early efforts. The plan involves a governance structure to engage agencies and Tribes in shared priorities and coordinated investments. Strategic elements have been identified and are expected to evolve as the work continues. The foundation for the plan is being built now and work is being done with government-to-government cluster groups. Compiling of information will take place through the end of year with a draft plan being expected by the summer of 2023. Engagement with Tribes will be consistent and is vital to the work.

Chair Brigham noted that this is good work, but the Tribes might already be left behind given the quick timeline. Nathan Beckman noted that working with Tribes is part of the foundation and they emphasized that there was opportunity to keep building that foundation. Chair Brigham noted that this work was long overdue, and that plan should look beyond 20 or 100 years. She also noted that there have been many plans that are completed only to sit on a shelf, so she was happy to hear that there is funding for implementation.

FEDERAL HIGHWAY ADMINISTRATION – Cole Grisham, Transportation Systems Planner, Federal Highway Administration's Office of Federal Lands

Cole Grisham introduced himself and stated that he would be giving an update on an ongoing study that is looking at Federal lands access needs across Oregon. This preliminary

work is just beginning with ODOT and various other land managing agencies. They hope to find out how Tribes would like to be engaged in this work. The current system used for planning needs is not perfect, so they are looking to improve through a long-term needs assessment. The agency will collect and analyze GIS data, review existing plans, studies, and FLAP proposals, and meet with Tribes and local, state, and federal agencies. The timeline is expected to extend into 2024. Mr. Grisham noted that participation was critical and would help shape the program. The project website is up and running and all material will be posted there.

Chair Brigham noted that the Tribes will want cultural sites protected and wouldn't want there to be access to those places. Mr. Grisham responded that this was why they saw a Tribal specific workshop as important, and that they are open to a variety of ways the Tribes might want to engage.

OFFICE OF THE GOVERNOR – Dustin Buehler, Governor Brown's General Counsel and Sarah Westin, Governor's Deputy General Counsel

Dustin Buehler greeted the Commission and let them know that he was present to speak about the upcoming Annual Summit. This summit was special to Governor's Brown and her staff as it is the last Summit before the end of her term. They intend for the summit to be held in person this year with a virtual option. The date of the Summit will be earlier this year due to elections and end of term considerations. Mr. Buehler, Ms. Westin and LCIS Director Flanagan will plan to meet with Tribal leaders to find out which topics should be included at the Summit. Chair Brigham inquired about the schedule and Mr. Buehler clarified that the Summit would be one day only.

UNIVERSITY OF OREGON – Jason Younker, Assistant Vice President and Advisor to the President on Sovereignty and Government-to-Government Relations at University of Oregon

Jason Younker introduced himself and stated that he was present to talk about the Oregon Tribal Student Grant. He commended Governor Brown for the Oregon Tribal Student Grant. This grant is far beyond any kind of funding that the State of Oregon has ever provided for American Indians. Oregon's efforts were being mirrored in California and Arizona. The limitation of this grant is that it is only one year funding. Mr. Younker stated that the funding needs to be extended so that it creates generational support for Native American students. The only component currently missing is access, and Treaties state that Native Americans will have access to education. He stated that the University of Oregon displays the flags of all nine federally recognized Tribe in Oregon. There needs to be an extension of the funding of the program so that students can be supported throughout their entire college education.

OREGON PARKS AND RECREATION DEPARTMENT – Chris Havel, Associate Director

Chris Havel introduced himself and stated that he was presenting to the Commission to seek advice. Oregon Parks and Recreation Department is home to the State Historic Preservation Office (SHPO). SHPO is responsible helping to protect archaeological resources and administers the federal register of historic places program for the State. They have frequent contacts with Tribal Governments, and they are committed to continuing and improving that relationships. There are increasing interactions between the State and Tribes on cultural resource issues. They hope to keep improving this relationship. The number of projects is increasing, and the agency must comply with State law. There are also outside requests for documents held by SHPO. The agency's ability to protect some of those records is limited by state law. They are specifically concerned with archaeological objects, so they are interested in that language. The language is very specific about archaeological sites but doesn't necessarily protect cultural practices or traditions if it is not tied to a site. There is a separate part of state public records law that could address this, but it is a bad fit for trying to protect culturally sensitive information. Federal law does allow some protection, but they are narrow. They feel that the best solution would be to update State Public Records law related to archaeological subjects. They want to be able to give guarantees to Tribal partners that they deserve.

Chair Teeman noted that at the Federal level, they were not required to say why an area was important, only that it was to keep it private. She asked if this same notification would also work with the State. Mr. Havel noted that there was an option that allowed them to take a federal exemption to apply to state information on a case-by-case basis. Chair Brigham asked if the agency had already shared reports that the Tribes were concerned with. Mr. Havel responded that they have not.

EXECUTIVE DIRECTOR REPORT (continued) – Patrick Flanagan, LCIS Director

Director Flanagan noted that Portland State University had provided documents to LCIS that were forwarded to Commission Members. They are working to correct census data where there are concerns that certain populations have been underrepresented, including Tribal communities. They asked that this information be presented to the Commission and asked if there were contacts within each Tribal to assist in the effort to correct this information. Chair Pigsley asked that this information be sent out to the Tribes.

OREGON TRAVEL INFORMATION COUNCIL - Bob Garcia, Chair, Oregon Historical Marker Committee

Chair Garcia introduced himself and noted that he had served on LCIS for eight years but was here today on behalf of the Travel Information Council (TIC). The TIC was established in 1972 to run information centers. Other jobs have been added throughout the years. Oregon heritage markers are one of those jobs. Heritage markers started in the 1930's as beaver boards, which are all around the State. Many of those messages in the earlier years

were framed from a settler's perspective. The TIC has been working to update these messages. Other programs are travel signs and rest areas. In regard to heritage markers, when they are in the process of reviewing the heritage markers and are actively reaching out to Tribes. Many of the markers concern historical events, and they want to make sure that the Tribe have a voice in those stories. They are also interested in what stories might be missing. In addition to reaching out to Tribes, they are also seeking Tribal representation on the TIC. Chair Garcia noted that these boards are privately funded and have been funding in the past by Tribes. The maintenance is State funded. There are many boards that need to be updated and the TIC welcomes any feedback from Tribes on board that included incorrect language.

Chair Teeman noted that this was an excellent opportunity for outreach and education. Chair Garcia agreed and acknowledged that there were lots of boards that have already been updated, but there were surely more. He also noted that they were open to putting in new boards. Chair Brigham asked if they have sent any correspondence to Tribes. Chair Garcia noted that they have mostly worked with the cultural resource staff, but this presentation was an effort to begin reaching out to Tribal Chairs on Tribes terms.

OREGON DEPARTMENT OF EDUCATION – April Campbell, Director of Indian Education, Jo Ann Kauffman, Founder and President of Kauffman and Associates, Janet Gordan, Vice President for Education Systems, and Kristen Jaudon, Senior Director –

April Campbell introduced herself and noted that she has met with Director Flanagan regarding preliminary work around tribal consultation and communication training. They are excited to share that they have been working closely with the Region Sixteen Comprehensive Center, which has focused on supporting the Office of Indian Education and equity work. The Region Sixteen Comprehensive Center has dedicated resources to bring on Kauffman and Associates to work with each of the Nine Tribes to develop a state-wide Tribal consultation and communication training. Director Flanagan noted that this was a significant project, and he was excited to hear this presentation. This is important work to move forward.

Jo Ann Kauffman introduced herself and noted that she was a member of the Nez Perce Tribe. Kauffman and Associates has been supporting Tribes and Tribal projects for the last 32 years to advance their knowledge and work in Indian country. Janet Gordan and Kristen Jaudon both introduced themselves as well.

Ms. Gordan noted that Oregon was a leader in enacting policy and providing support that illuminated the strengths of American Indian and Alaska Native Students and their families. They recognize the voices of Tribal voices in the Oregon state landscape, and they desire to create a pathway for their agency staff to learn about government-to-government consultation with Tribes. The teaching pathway will include three parts: Tribal consultation from the perspective and voice of the nine Tribes in Oregon, background of the Legislative Commission on Indian Services and the infrastructure for government-to-government conversations, and in-person training session to support expanded access to

staff across state agencies. Priorities include honoring Tribal sovereignty and right to self-determination. There are nine unique stories and perspectives. They also want to make sure the this a useful asset to each Tribe and not extractive. Finally, they will strive to use best practices in adult education.

Ms. Jaudon noted that video would be the best vehicle for sharing this information equitably and make it the most accessible. They plan to produce ten minute, high-quality, engaging, short videos. These videos would be filmed on site with Tribes and include native language with closed captioning.

Ms. Gordan shared project logistics with Commission Members. Ms. Jaudon shared the proposed timeline and that there would be two film teams to reach out to Tribes across the State. Next steps include reviewing and completing forms by each Tribe and Commission Members, scheduling on-site film dates, pre-visits to develop content.

Chair Brigham thanked everyone for their presentation. She noted that many times State and Federal agencies talk to Tribe to check a box and hoped that this would move to improve that action. Chair Dumont noted that there may be a problem of riches here and that they have been working on SB 13 and have produced videos themselves for the Department of Education and this has been their capacity recently. He asked if they have dealt with the SB 13 folks at all on this project. April Campbell noted that they have been working on that project and that the Tribes are more than welcome to utilize existing materials. They do not want this to be a burden on Tribes. Director Flanagan shared that SB 13 was specific to curriculum within learning institutions, so there is a different focus to that material. The audience for this training is state agency personnel and the focus is consultation. One of the most frequent questions to the LCIS office is “what is consultation?” There is certainly overlap, but there is a different audience and focus. They want to try to ensure that agency personnel are not just checking a box but are being intentional about their work with Tribes. They would also want to reach out to DAS about requiring this training for all State employees. Chair Pigsley noted that it was a wonderful project, but the timeline is aggressive. She sees this as a real opportunity yet acknowledges that the time allotted is short for Tribes. Chair Teeman noted that recording these videos could save time in the future. Chair Brigham noted that this work was important and exciting. She also noted that there needs to be understanding about what constitutes consultation. Vice-Chair Siestreem thanked them for the work they were doing.

COMMISSION MEMBER REPORTS

Commission members discussed holding a retreat. Chair Pigsley shared that they would like to host this meeting as well as an Oregon Tribes meeting.

Confederated Tribes of Siletz Indians: The Siletz Tribe is still not fully open due to a rise in Covid cases; However, they are planning to have a pow wow.

Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians: Vice-Chair Siestream noted that CTCLUSI is also not fully open due to Covid. They have scheduled a salmon ceremony, which will be the first time that the Tribe will gather, though they are moving forward with caution.

Burns Paiute Tribe: Chair Teeman noted that October 13th will be the celebration of the 50th anniversary of the establishment of their reservation

Confederated Tribes of Umatilla Indian Reservation: Chair Brigham shared that she was appointed to the Secretary of the Interior's Tribal Advisory Committee. The first meeting is on September 6th.

PUBLIC TESTIMONY:

Norman Turrill, Governance Coordinator for the League of Women Voters of Oregon

Mr. Turrill introduced himself and shared that he was also the Chair of the People not Politicians Campaign to reform the redistricting process in Oregon. He was appearing before the Commission to seek input on the redistricting initiative they hope to put to voters in 2024. He provided his contact information and hopes to hear input from Tribes.

Leslie Riggs, Tribal Liaison, Oregon Youth Authority

Mr. Riggs introduced himself and thanked the Commission for their time. The Oregon Youth Authority is updating a couple of cultural areas at two of their facilities and are undergoing construction on two of their closed facilities in order to better serve youth in their care. He shared that he had a plan to communicate with each of the Tribes about their potential involvement. That involvement could be donation of materials or expertise. He would like to meet with each Tribe and was present to get the conversation started. They are in the very initial stages of the program.

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The meeting was adjourned at 12:14 pm