



Oregon Department of Agriculture Government-to-Government 2016 Annual Report

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The Oregon Department of Agriculture's (ODA) mission is threefold:

- Ensure food safety and provide consumer protection,
- Protect the natural resource base for present and future generations of farmers and ranchers, and
- Promote economic development and expand market opportunities for Oregon agricultural products.

The ODA recognizes the value of Oregon's Tribal contributions to agriculture and the rich heritage they bring to all Oregonians. It is important that Tribal interests are reviewed and considered in the ODA policy development process. To ensure Tribal input and communication, ODA will:

- Appoint agency representative(s) who will maintain Tribal relationships and be responsible for ensuring Tribal input with the planning, development, and implementation of programs that directly affect Tribes.
- Appoint agency representative(s) who will participate as a member of the State Agency-Tribal Natural Resources Working Group and Cultural Cluster, while promoting positive communication between Tribes and the agency program areas that may affect Tribes.
- Review government-to-government policy at agency staff meetings to ensure that agency personnel are familiar with and understand ODA's policy regarding Tribal relationships.
- Enter into agreements with Tribes, when applicable, in the development and implementation of policies and programs that affect Tribes.

Per ORS 182.166(3), below is a summary of the government-to-government interactions with Oregon's nine federally recognized tribes by program area in 2016.

Administration

Administration includes the director's, information, and administrative services offices, which are all integral to the successful operation of the ODA. The director's office provides direction and management to all ODA programs and associated activities. This office also works with the State Board of Agriculture and many other entities/individuals to support the mission and goals of the ODA.

The Tribal Liaison, housed in the director's office, represents ODA at both the Cultural Resource Cluster and the Natural Resource Workgroup meetings. The Tribal Liaison shares agency information with tribal government colleagues, as appropriate, through out the year.

The Tribal Liaison also prepares a summary of cluster and workgroup meetings, and trainings, that is distributed to ODA's Executive Team.

The State Board of Agriculture held their 2016 fall quarterly meeting at Wildhorse Resort and Casino in Pendleton. This was the first State Board of Agriculture meeting to be held on a

reservation. Confederated Tribes of the Umatilla Indian Reservation Tribal (CTUIR) leadership and staff were invited to join the State Board of Agriculture and ODA staff to participate in the meeting. CTUIR Executive Director, Dave Tovey, provided an informative presentation to the board meeting regarding CTUIR's Tribal Farming Enterprise.

ODA staff attended the Spring Gathering and the Tribal Summit.

Internal Service & Consumer Protection Programs

The Internal Service & Consumer Protection Programs include Weights and Measures, Motor Fuel Quality, Wolf Compensation, Egg-Laying Hen Cage Program, and ODA's regulatory laboratory. These programs provide consumer protection and fair competition among businesses while facilitating interstate commerce and international trade by ensuring the accuracy and uniformity of Oregon's Commercial Weighing System and the quality of motor fuels sold in Oregon.

Although measurement devices on Tribal lands are not subject to state weights and measures laws, Oregon Tribes and some Tribal members have requested that the Weights and Measures program license and test their equipment. In 2016, ODA licensed and inspected devices at the following locations:

- Wild Columbia Salmon, Hood River, Oregon
- Cow Creek Band of Umpqua Tribe of Indians (multiple devices at multiple locations)

Natural Resources Programs

Natural Resource Programs include Agricultural Water Quality, Soil and Water Conservation Districts (SWCD), Confined Animal Feeding Operations (CAFO), Land Use, Smoke Management, Fertilizer, Pesticide Compliance Monitoring, Pesticide Licensing and Certification, Pesticide Product Registration, and the Pesticide Analytical and Response Center.

The Agricultural Water Quality Program regulates agricultural activities to protect water quality throughout Oregon. With assistance from Local Advisory Committees (LAC), basin-level water quality management plans were developed across the state. The LACs also review and update these plans as necessary. Four tribes have leadership and/or staff participates in the LACs.

Two Agricultural Water Quality Program staff serves with several representatives of the Confederated Tribes of Warm Springs on the John Day Basin Partnership.

ODA's Riparian Specialist and Confederated Tribes of Warm Springs' Fisheries Habitat Biologist discussed east-side riparian area grazing and shared riparian grazing resources. ODA's Riparian Specialist also connected Tribal staff to regional agricultural water quality staff and sits on the Willamette Report Card study group.

ODA's Agricultural Water Resources Specialist met with Confederated Tribes of Warm Spring staff to discuss the objectives and uses of the reservations of unappropriated water for

agriculture in the Hood River Basin, and reasons to support extending the terms of the reservations an additional 20-years.

The regional Livestock Water Quality Specialist (LWQS) for the CAFO Program continues to work with the Cow Creek Band of Umpqua Tribe of Indians with their CAFO permit for the Rogue River Ranch. The LWQS provided Animal Waste Management Plan planning assistance and performed routine inspections.

The CAFO Program, in conjunction with the Oregon Department of Environmental Quality (DEQ), met with CTUIR staff on three separate occasions to discuss the application for a National Pollutant Discharge Elimination System Individual CAFO Permit from Lost Valley Dairy located in Boardman. CTUIR provided written comments on the CAFO permit application to ODA and DEQ. ODA and DEQ is working to provide a response to comments to the tribe.

In spring of 2016, EPA Region 10 asked ODA Pesticides Program staff to respond to a pesticide complaint on CTUIR Tribal Lands. This investigation was a federal investigation. ODA used federal EPA credentials to gain access onto CTUIR property. ODA worked with the Executive Director of CTUIR to gain appropriate clearance to perform and complete the necessary investigative procedures. Environmental samples were collected and analyzed. The investigation was forwarded to EPA Region 10 to determine if violations had occurred.

The Pesticide Program updated the Oregon Core Manual Addendum (addendum) to include language regarding the importance of culturally significant plants when pesticide applications are made. The addendum is part of the study materials used by individuals/business seeking pesticide applicator licenses, pesticide consultant licenses, and apprentice exams.

ODA Staff attended the Tribal Summit.

Plant Protection and Conservation Programs

ODA Plant Protection and Conservation Programs included Insect Pest Prevention and Management, Native Plant Conservation, Weed Control, and Nursery and Christmas Trees. These programs protect Oregon's agricultural industries and the natural environment from harmful plant pests, diseases, and noxious weeds; enhance the value and marketability of exported nursery stock, Christmas trees, seeds, and other agricultural products; and conserve threatened and endangered plants.

The Insect Pest Prevention and Management program provided updates to government-to-government workgroup representatives on statewide invasive species issues.

A representative of ODA's Native Plant program presented program information to the Cultural Resource Cluster in spring.

African Rue, *Peganum harmala*, a state A-listed noxious weed was detected in the fall of 2008 by a Bureau of Indian Affairs contractor on Burns Paiute Tribe grazing allotments in the Harney

Basin southeast of Burns. ODA surveyed the area and determined that the infestation was on both Tribal lands and adjacent private lands. The African Rue Cooperative Weed Management Plan is still in place and is being implemented by ODA. During 2016 the weed infestation continued to be reduced within the treatment area and prevented from spreading to other areas through this cooperative effort.

Rush skeletonweed has been under intense control measures in the Jonesboro area east of Juntura. The Burns Paiute Tribe owns and operates the Jonesboro Ranch. ODA, Malheur County and the Burns Paiute Tribe coordinate survey and control efforts during 2016.

The Noxious Weed Control Program continues to work with Umatilla County to assist CTUIR in the control of the invasive Garlic Mustard, *Alliaria petiolata*, a state B-listed noxious weed that is located on or adjacent to Tribal lands.

ODA continued work with CTUIR and the Umatilla National Forest on the eradication of an isolated site of common bugloss, *Anchusa officinalis*, a state B-listed weed, in a cooperative river restoration project on Meacham Creek. Common bugloss was detected on this site in 2014.

ODA is also cooperating with CTUIR and the Columbia River Inter Tribal Fisheries Commission to fund and coordinate an interstate early detection and rapid response effort to control and contain flowering rush in the Columbia River system. Flowering rush threatens salmon migration habitat and irrigation in the Columbia River system. ODA did a field tour with cooperators from Oregon and Washington in September 2016 that included CTUIR so they could gain a better understanding of the potential impact of flowering rush on resources like salmon.

ODA continued to work during the 2016 season with the Cow Creek Band of the Umpqua Indian Tribe to control of all known sites of Paterson's curse, *Echium plantagineum*, and Woolly distaff thistle, *Carthamus lanatus*, both state A-listed noxious weeds. These noxious weeds are present on Tribal and adjacent lands in Douglas County and could have major impacts on grazing and oak woodlands if they were to spread. These control projects is a cooperative effort between ODA Noxious Weed Control Program, Douglas SWCD, and the Tribe.

During the 2015 season ODA lead an effort with United States Department of Agriculture Animal and Plant Health Inspection Services and Bureau of Indian Affairs personnel to collect biological control agents, a gall midge and a new gall wasp for the target noxious weed, Russian knapweed, *Acroptilon repens*, a state B-listed noxious weed. Releases of these biological control agents were made on the Warm Springs Reservation lands in 2015 and the site was monitored during 2016 and biological control agents were established.

ODA staff attended the Spring Gathering.

Food Safety and Animal Health and Identification Programs

The Food Safety Programs include Food Safety Licensing, Shellfish and Shellfish Plat Leasing, Animal Health, Animal Identification, Predator Control, Commercial Feeds, and the State Veterinarian's Office. These programs inspect all facets of Oregon's food distribution system (except restaurants) to ensure food is safe for consumption, protects and maintains animal health, and ensures animal feeds meet nutritional and labeling standards.

A Food Safety Program manager attended a Natural Resource Workgroup meeting to provide information on the Tillamook Bay water quality sampling pilot project.

Every year the Animal Health Lab runs Equine Infectious Anemia tests on the Mustangs at the Umatilla reservation and Warm Springs Reservation. The lab's lead microbiologist directly interacts with the reservations to handle payments and report of test results.

The Food Safety Program's shellfish specialist worked with Don Ivy from the Coquille tribe. The ODA specialist spoke with Mr. Ivy about water quality monitoring in Coos Bay and South Slough that the tribe might be doing and sharing of data and also interacted with him on the Oregon Shellfish Initiative task force.

The Food Safety Program has worked with the Indian Health Service this year on specific issues involving tribal members selling processed fish, and had the Oregon Director of the Indian Health Service come to our spring staff conference. Indian Health Service staff participated in a stakeholder meeting with Federal Drug Administration (FDA) and other Oregon stakeholders during a FDA visit to the Pacific Northwest in September.

The Food Safety Program has worked with the Columbia Intertribal Fish Commission this year to discuss unlicensed processed fish sales by tribal members (in one case, we have worked with an individual who is a Yakama member rather than a member of Oregon's nine federally recognized tribes). Columbia Intertribal Fish Commission staff participated in a stakeholder meeting with FDA and other Oregon stakeholders during a FDA visit to the PNW in September.

Brand inspectors provided assistance to the Confederated Tribes of the Warm Spring Reservation with identification of brand ownership and branded cattle.

Market Access and Certification Programs

The Market Access and Certification Programs include Agricultural Development and Marketing, Certification Programs, Commodity Commissions, Commodity Inspection, and Plant Health Program. These programs help Oregon's agricultural producers successfully add value, sell, and ship products to local, national, and international markets by promoting and creating demand for products through marketing activities, inspection, and certification.

There were no interactions with the Market Access and Certification Program to report during 2016.