



ANNUAL REPORT TO THE LEGISLATIVE COMMISSION ON INDIAN SERVICES

Department of Geology and
Mineral Industries

December 2016



Overview

The Department of Geology and Mineral Industries (DOGAMI) is a relatively new member to the Tribal-State Natural Resources Workgroup and Cultural Resource Cluster Group. As such, this is the fourth Government-to-Government Annual Report submitted by DOGAMI. Since the initial DOGAMI participation at the Natural Resources Workgroup meeting in March 2012, DOGAMI has responded to meet the objectives of Executive Order EO-96-30.

DOGAMI has effectively developed a partnership with the Legislative Commission on Indian Services (LCIS), Oregon State Historic Preservation Office (SHPO), and the nine federally recognized Tribal Governments in Oregon. Working cooperatively, concerns raised at subsequent meetings have been addressed. Fossil hunters in Oregon are now better informed that they may not disturb archeological sites. Tribal government representatives now have the opportunity to review and comment on all applications to DOGAMI for mineral and energy development projects. DOGAMI will continue to identify and address mutual goals and concerns that affect Tribal interests.

Highlights for 2016

- The Department of Geology and Mineral Industries (DOGAMI) continues to circulate all new permit applications for mining, oil & gas, and geothermal development to the Legislative Commission on Indian Services (LCIS) for distribution to the appropriate Tribal government staff for review and comment. Four cultural resource surveys were conducted for proposed DOGAMI mining operating permits during 2016 based on recommendations from Tribal representatives.
- DOGAMI staff continue to meet individually with Tribal cultural resource staff members to discuss ways to better share information and coordinate the review process.
- DOGAMI has recently started to engage Tribal representatives at the beginning of the application process for new permits, in order to be proactive regarding cultural resources and limit the potential for delay near the end of the permitting process.
- DOGAMI now circulates all new permit applications for mining, oil & gas, and geothermal development to the State Historic Preservation Office (SHPO) for review and comment.
- In collaboration with Tribal governments, DOGAMI anticipates continued lidar data collection projects for enhanced characterization of Tribal lands, facilitating resource management by Tribal governments.



Relations with Indian Tribes

Oregon statutes (*ORS 182.162-168, SB 770*) direct state agencies that work with Tribal governments to submit annual reports describing their relationship in response to six factors that should be codified in an agency policy. Each of the factors is listed below, along with DOGAMI's response:

1) State Agency/Tribal Relationship Policy Development and Implementation

ORS 182.164 directs state agencies to develop and implement a policy on relationships and cooperation with Tribes that:

- Identifies agency staff responsible for developing and implementing agency programs that affect Tribes;
- Establishes a process to identify agency programs that affect Tribes;
- Promotes communication between the state agency and the Tribes;
- Promotes positive Government-to-Government relations; and
- Establishes a method of notifying agency staff of the statutory provisions of ORS 182.162 to 182.168 and the agency adopted policy.

DOGAMI Response: DOGAMI has drafted an agency policy to conform to Executive Order EO-96-30. DOGAMI intends to work with the DOGAMI Governing Board on adoption of a formal agency policy in 2017.

Since attending the Tribal-State Natural Resources Workgroup Meeting in March 2012, DOGAMI has moved forward to implement the goals of ORS 182.164.

Specifically, DOGAMI has:

- Established several internal processes to better facilitate relations between DOGAMI staff and the Tribes.
- Provided notification to the public on the importance of protecting archeological sites in Oregon.
- Established a notification process to better coordinate and inform Tribes about proposed mine, oil & gas, and/or geothermal development projects under consideration.
- Provided the opportunity for Tribal governments to review and comment on proposed mine, oil & gas, and/or geothermal development projects.

- Started to engage Tribal representatives at the beginning of the application process for new permits, in order to be proactive regarding cultural resources and limit the potential for delay near the end of the permitting process.
- Continued Government-to-Government relations on natural resource issues involving mineral and energy development, and geological data gathering.
- Participated in the Tribal-State Natural Resources Workgroup and the Cultural Resource Cluster Group.
- Partnered with the Coquille, Grande Ronde, and Umatilla Tribes in obtaining lidar imaging data for enhanced characterization of Tribal lands, facilitating resource management by Tribal governments.
- Provided quality control analysis on lidar imaging data obtained by the Confederated Tribes of Warm Springs.
- Participated in a Technical Advisory Team lead by the Confederated Tribes of the Umatilla Indian Reservation for the development of a groundwater model of the upper Umatilla River Basin.
- Partnered with the Burns-Paiute Tribe on the FEMA Silvies Watershed project.

2) State Agency Staff Responsible for Developing and Implementing Programs that Affect Tribes

DOGAMI Response: Brad Avy is the Director and State Geologist and is the primary contact responsible for overall relations, and for development and implementing of agency programs that affect Tribes. Ian Madin, Deputy Director and Chief Scientist, is the alternate contact for the Director.

Primary Contact on Government-to-Government Relations:

Brad Avy, Director and State Geologist
800 NE Oregon St. Suite 965
Portland, OR 97232
971-673-1550
brad.avy@oregon.gov

Alternate Contact on Government-to-Government Relations:

Ian Madin, Deputy Director and Chief Scientist
800 NE Oregon St. Suite 965
Portland, OR 97232
917-673-1542
ian.madin@oregon.gov

Primary Contact on Tribal-State Natural Resources Workgroup and Cultural Resource Cluster Group:

Ben Mundie, Reclamationist
229 Broadalbin
Albany, OR 97321
541-967-2149
ben.mundie@oregon.gov

The agency's primary and alternate contacts are responsible for assuring that the agency is kept apprised of activities that may be of interest to the Tribes, to provide appropriate Tribal contacts, and ensure that the Tribes are informed of agency activities. The agency recognizes that maintaining good communication is of mutual benefit to the State of Oregon and the Tribes.

3) Process to Identify Programs Affecting Tribes

DOGAMI Response: DOGAMI informs the Tribes of agency programs that potentially affect the Tribes, primarily through agency participation in the Tribal-State Natural Resources Workgroup and Cultural Resource Cluster Group which are comprised of representatives from other state agencies, and from the nine federally recognized Tribes. These groups provide a forum for two-way communication and Government-to-Government relations. As directed by the agency's primary and alternate contacts, the contact assigned to the clusters provides periodic updates to the Tribes on agency program activities, while the Tribes inform contacts of relevant Tribal programs, and agency programs affecting the Tribes.

DOGAMI also meets with governmental and natural resource representatives of individual Tribes to address specific issues as they arise in geographic regions around the state. These department efforts have proven successful, given the diverse interests of the Tribes, the complexity of resource extraction issues and mapping that affect the Tribes' unique interests, and the diverse services that DOGAMI provides.

DOGAMI's participation in Government-to-Government collaboration is reflected in the following list of meetings for 2016:

- Interagency Cultural Resource Council meeting: Ben Mundie participated at the Tualatin Wildlife Refuge on February 26, 2016.
- Natural Resources Workgroup meeting: Ben Mundie participated in Salem on March 8, 2016.
- Cultural Resource Cluster Group meeting: Ben Mundie participated in Salem on April 12, 2016.
- The Legislative Commission on Indian Services Spring Gathering & State Agency Training: Brad Avy participated in Florence on May 19, 2016.
- Cultural Resource Cluster Group meeting: Ben Mundie participated in Coos Bay on July 19, 2016.
- Cultural Resource Cluster Group meeting and 17th Annual State-Tribal Government Summit: Ben Mundie participated in the Cultural Resource Cluster Group meeting in Lincoln City on December 6, 2016. Brad Avy and Ben Mundie attended the Annual Summit on December 7, 2016.

4) Promotion of Communication and Relationships

DOGAMI Response: Having an active participant in the Tribal-State Natural Resources Workgroup and the Cultural Resource Cluster Group is a significant step towards promoting two-way communication and Government-to-Government relations. The agency's designated contacts and others have participated in cluster groups or workgroups, as well as with the Tribes directly to insure potential impacts from mineral extraction and energy development activity are addressed prior to development.

DOGAMI recently initiated the process to include all Tribes in the review and comment process regarding proposed mineral extraction and energy development projects statewide. This process will help identify those proposed development projects with the potential to impact cultural and historic sites, and develop mitigation strategies. DOGAMI has actively sought to meet with individual Tribal staff to ensure communication and coordination occurs between the appropriate individuals.

DOGAMI has recently started to engage Tribal representatives at the beginning of the application process for new permits, in order to be proactive regarding cultural resources and limit the potential for delay near the end of the permitting process.

The agency is committed to encouraging Tribal governments' participation as DOGAMI conducts meetings throughout the state and to attend Tribal meetings as requested.

5) Training Opportunities

DOGAMI Response: DOGAMI is committed to attending State-Tribal Summit meetings as well as Natural Resources Workgroup and Cluster Group meetings as staffing allows. These meetings are an important source of training for department staff in a wide range of subjects of mutual concern to the State and Tribes. Information gained in this manner is shared with other members of the department.

6) Agency Employee Notification of Statutory Provisions and Agency Policy

DOGAMI Response: DOGAMI holds Leadership Team Meetings in the Portland office twice a month and the Mineral Land Regulation and Reclamation Program in Albany conducts staff meetings at least once a month. These meetings provide an opportunity to highlight provisions of ORS 182.162-168 and agency policy. The agency's primary and alternate contacts provide new staff working with Tribal governments on agency activities with an overview of expectations and specific training as appropriate.