

# 2017 Annual Government-to-Government Report on Tribal Relations

700 NE Multnomah Street  
Suite 600  
Portland, OR 97232  
Phone: 503-229-6991  
Fax: 503-229-6957

Contact: Christine Svetkovich  
[www.oregon.gov/DEQ](http://www.oregon.gov/DEQ)

DEQ is a leader in restoring,  
maintaining and enhancing the  
quality of Oregon's air, land and  
water.



State of Oregon  
Department of  
Environmental  
Quality

This report prepared by:

Oregon Department of Environmental Quality  
700 NE Multnomah Street, Suite 600  
Portland, OR 97232  
1-800-452-4011  
[www.oregon.gov/deq](http://www.oregon.gov/deq)

Contact:  
Christine Svetkovich  
503-229-6991  
Svetkovich.Christine@deq.state.or.us

Alternative formats (Braille, large type) of this document can be made available. Contact DEQ at 503-229-5696 or toll-free in Oregon at 1-800-452-4011, ext. 5696.

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# Executive Summary

This Oregon Department of Environmental Quality Annual Government-to-Government Report on Tribal Relations provides an update on efforts and actions during 2017 by DEQ to consult, coordinate, collaborate and enhance relations with Oregon's nine federally-recognized tribal governments regarding environmental protection and improvement activities. These activities include cleanup of contaminated lands, protection of rivers and streams, partnerships for restoration projects, consultation on the development of rules, policies and procedures, technical assistance and more.

DEQ has government-to-government relationships with the nine federally-recognized tribal governments in Oregon and communicates formally through in-person meetings, letters and emails and informally through phone conversations and coordination meetings. DEQ is interested in seeking additional opportunities to work together, coordinate with and learn from tribal representatives to protect and enhance Oregon's land, air and water.

# 1. Agency Contacts

## **Liaison to Tribal Nations:**

Christine Svetkovich  
Water Quality Manager  
700 NE Multnomah Street  
Suite 600  
Portland, OR 97232  
Phone: 503-725-6991  
Fax: 503-229-6957  
Email: [svetkovich.christine@deq.state.or.us](mailto:svetkovich.christine@deq.state.or.us)

## **Agency Director:**

Richard Whitman  
700 NE Multnomah Street  
Suite 600  
Portland, OR 97232  
Phone: 503-229-5300  
Fax: 503-229-6762  
Email: [whitman.richard@deq.state.or.us](mailto:whitman.richard@deq.state.or.us)

## 2. Agency Interest Areas

As the State of Oregon's environmental protection agency, the Department of Environmental Quality coordinates with the nine federally-recognized tribal governments in Oregon on issues related to air, water and land quality. DEQ's work is linked to the work of tribal governments through natural resources, cultural resources and community and economic development programs. Programs that DEQ administers and implements may impact the nine federally-recognized tribes. To this end, DEQ's director sends an annual letter to tribal chairpersons summarizing the policy decisions (such as rulemakings) that are scheduled to be presented to the Environmental Quality Commission during that year and to ensure communication and consultation occurs as requested. In addition, DEQ's tribal liaison updates the key contacts for each tribe on relevant topics, such as upcoming cleanup projects; the list of permits scheduled for issuance in the upcoming year; DEQ's regulatory authority, timelines and processes for proposed new projects that may be of interest; development of monitoring plans; presentations on monitoring results from the previous year; and other relevant topics. DEQ's tribal liaison asks the key contacts from each tribe how to best communicate relevant information.

## 3. Agency Statement

In 2002, the Oregon Department of Environmental Quality adopted a “Statement of Intent” to implement Executive Order 96-30 and the requirements of Senate Bill 770 (ORS 182.162-168), which direct state agencies to promote government-to-government relations with Oregon’s tribal governments. In April 2010, DEQ updated its Tribal Relations Policy. The policy states that DEQ is committed to building and maintaining strong government-to-government relations with Oregon’s nine federally-recognized tribes. DEQ consults and coordinates with tribal nations on air, water and land quality issues that affect tribal interests, resources or lands. DEQ strives to build positive relationships with tribal leaders, managers, staff and representatives to understand tribal interests, explore opportunities for greater partnership and collaboration, and address tribal interests as much as possible in DEQ actions. These partnerships increases our collective ability to protect and enhance the health of Oregon’s people and environment.

The complete Tribal Relations Policy can be found at: <http://www.oregon.gov/deq/about-us/Pages/tribal.aspx>. DEQ implements the policy through regular meetings with tribal representatives at the staff, manager and leadership levels, and by seeking opportunities to collaborate with tribes on issues important to tribal governments.

## 4. Participation in the Government-to-Government Process

In 2017, the Oregon Department of Environmental Quality engaged in the following government-to-government activities:

- In January 2017, DEQ's director sent a letter to the chairpersons of Oregon's nine federally-recognized tribes with a summary of all of the rulemakings scheduled for the Environmental Quality Commission's consideration in 2017. The letter also requested government-to-government meetings between DEQ and each of the tribal governments to discuss the proposed rulemakings and any other topics of interest.
- In January 2017, the Environmental Quality Commission invited representatives from the nine federally-recognized tribes to participate in the final recruitment stages for the permanent DEQ director position. The tribes were asked to provide interview questions for the candidates as well as participate on an interview panel. One tribal representative participated on the interview panel.
- In March 2017, DEQ's director and the director of the Oregon Health Authority sent a joint letter to all of the chairpersons of Oregon's nine federally-recognized tribes to summarize Governor Brown's Cleaner Air Oregon Initiative, provide an update on the work of the Cleaner Air Oregon Regulatory Reform Advisory Committee, and offer the opportunity to discuss and/or consult on the initiative and associated rulemaking.
- In February 2017, DEQ's tribal liaison attended a brown bag luncheon with tribal leaders from the Legislative Commission on Indian Services and other tribal leaders in conjunction with Tribal Government Day.
- In May 2017, DEQ's tribal liaison and other DEQ leadership representatives attended and participated in the Legislative Commission on Indian Services' celebration at the Oregon Capital.
- In November 2017, DEQ's tribal liaison and deputy director participated in the Legislative Commission on Indian Services' fall gathering/annual training and the State-Tribal Annual Summit in Lincoln City.
- DEQ's tribal liaison and technical experts, when appropriate, attended the tribal-state natural resources cluster, cultural resources cluster, and economic development and community services cluster meetings held in 2017 as an important part of government-to-government relations under Senate Bill 770. DEQ followed up with tribal representatives in a number of ways regarding topics and issues raised at those meetings.
- DEQ continued to host monthly calls the first Friday of each month at 9 a.m. as an opportunity for tribal representatives to have open discussion with the tribal liaison and DEQ's director or deputy director. DEQ will continue to host these calls in 2018.



In addition, DEQ provided the following government-to-government communications:

- In April 2017, DEQ sent an email to all natural resources key contacts providing an update on the 2018 monitoring of Oregon lakes project as well as an update on the Household Hazardous Materials Management Plan, with a request to participate in the process.
- In May 2017, DEQ sent an email to all natural resources key contacts with summary of the workplan (called the triennial review) for revisions to Oregon's water quality standards, which DEQ will make over the next three to five years, and to schedule a webinar to provide information, answer questions and gather input prior to the commencement of the public comment period.
- In May 2017, DEQ and EPA sent joint emails to representatives from each of the tribes that have interest in Portland regarding a warehouse fire that spread debris containing asbestos. Tribal representatives were invited to participate in regular updates via conference calls regarding the cleanup.
- In July 2017, DEQ sent an email to all natural resources key contacts regarding a grant opportunity for projects associated with prevention, recovery or reuse of solid wastes.
- In October 2017, DEQ sent an email to the natural resources key contacts regarding the schedule for the public comment period and public hearings for the Cleaner Air Oregon draft rules, which propose new health-based regulations for industrial air toxic emissions.

DEQ greatly appreciates the leadership and partnership of tribal governments working with the state to protect the environment, people's health, as well as natural and cultural resources.

## 5. Internal Tribal Relations Action/Training

The Oregon Department of Environmental Quality's internal tribal relations activities are focused on improving consultation and communication between agency and tribal leadership and staff, as well as providing training to DEQ employees on tribal government, sovereignty and issues of interest to tribal nations.

- In November 2017, a DEQ representative attended the Culture Summit hosted by the Confederated Tribes of Grand Ronde. The information learned will be shared with other DEQ staff and will help in the development of a process to document the 401 certification program's steps regarding outreach to tribes.
- In November 2017, DEQ's tribal liaison participated and presented at the annual Oregon Tribal Environmental Forum hosted by the Confederated Tribes of Warm Springs and EPA. The discussion included a number of DEQ updates including: the Cleaner Air Oregon initiative; work on the Willamette mercury total maximum daily load (TMDL) revisions; the Willamette Toxics Reduction work; a summary of DEQ's work to develop a three to five year workplan for water quality standards updates; superfund sites in Oregon, including updates regarding the Portland Harbor Superfund site; the schedule for toxics monitoring for the current and upcoming year; the current cleanup projects (non-superfund) DEQ has been or will be working on with tribes; the proposed Jordan Cove liquefied natural gas (LNG) project and DEQ's regulatory role; a summary of the water quality permit program's improvement plan and other topics of interest from the group.
- Throughout the year, DEQ's tribal liaison advised and assisted DEQ managers and staff on issues of interest to tribal nations, providing guidance for consulting and coordinating with tribal governments on many environmental activities.
- DEQ maintains a [Tribal Government Relations webpage](#)<sup>1</sup> to provide information about the government-to-government process, federally-recognized tribes, and DEQ's tribal relations activities. DEQ employees regularly use this site to learn about tribal nations and our government-to-government responsibilities.
- DEQ's tribal liaison and other DEQ representatives participated in the February Tribal Legislative Day and state training sessions held in Lincoln City in November 2017 sponsored by the Legislative Commission on Indian Services.
- DEQ maintains an online training for DEQ staff and managers through iLearn, a state online tool for instruction. The training module covers the history of tribal-state relations in Oregon, tribal sovereignty and government-to-government consultation, and highlights opportunities for greater collaboration with tribes.

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<sup>1</sup> See <http://www.oregon.gov/deq/about-us/Pages/tribal.aspx> .

## 6. Summary of Program Related Issues/Activities

The Oregon Department of Environmental Quality works to protect water, air and land quality across the state and interacts regularly with tribal leaders and staff on a broad range of activities and issues. Primary areas of collaboration between tribal nations and DEQ over the past year are summarized below.

### 6.1. Improving Water Quality

#### **Implementing More Stringent Water Quality Standards for Toxics Based on a Higher Fish Consumption Rate**

DEQ continues to implement more stringent toxics criteria to protect human health based on a higher fish consumption rate. DEQ developed guidance documents for implementing permitting compliance tools, such as intake credits and variances, and for addressing specific pollutants such as methyl mercury and arsenic. DEQ has developed several memos specific to individual toxic pollutants to assist DEQ staff and the regulated community to consistently implement the criteria.

Over the last year, DEQ's water permitting program has continued to implement the revised human health standards through renewed and newly issued wastewater permits. The current human health standards were adopted in 2011. During federal fiscal year 2017, DEQ issued 14 individual permits. Some of these permits include new toxics monitoring requirements for large municipalities and industrial facilities with the potential to discharge toxic pollutants. In addition, DEQ continues to evaluate facilities with known toxic pollutants in their discharge to assess their potential to exceed the human health standards. When industrial facilities are found to have the potential to exceed the standards, their permits contain stringent effluent limits designed to ensure compliance with the human health standards.

#### **Implementation of Senate Bill 3 Regarding Suction Dredge Mining**

DEQ is revising its 700PM water quality general permit for in-water placer mining to incorporate changes required by Senate Bill 3, which was passed during the 2017 Legislative Session. The 700PM general permit regulates discharges from suction dredges and in-water nonmotorized mining equipment. The permit modifications include operating conditions and restrictions, revised fees and new application requirements. DEQ expects to put the draft permit out for public comment in early 2018 and will update the key contacts for each tribe before the public comment period begins.

#### **Progress in Addressing EPA Aquatic Toxics Criteria Disapprovals**

The Environmental Quality Commission adopted revised freshwater aquatic life copper criteria on Nov. 2, 2016. EPA approved the criteria on January 9, 2017. The newly adopted copper standard is the Biotic Ligand Model, which derives instant, site-specific criteria based on 10 water quality parameters that affect the toxicity of copper on aquatic life. The EPA promulgated revised cadmium criteria for Oregon on Feb. 3, 2017, based on its most recently recommended criteria.

#### **Revising Bacteria Standards for Coastal Waters**

The Environmental Quality Commission adopted revised bacteria standards for coastal waters in August 2016, including EPA's recommended enterococcus criteria for contact recreation in coastal (saline) waters. In addition, the revised rules clarify where Oregon's three different bacterial indicator criteria apply. EPA approved the revised criteria and use clarifications on Nov. 17, 2017.

### **Outstanding Resource Waters**

In July 2017, The Environmental Quality Commission designated the North Fork Smith River in southern Oregon an Outstanding Resource Water and adopted policies to protect the existing high water quality. EPA approved the designation on Oct. 4, 2017.

### **Triennial Review**

In 2017, DEQ conducted a process to prioritize water quality standards review projects that it expects to conduct in the next three to five years. The review included a public comment and input process including a series of public meetings and webinars including two directly geared to provide information and obtain input from DEQ's tribal partners. DEQ expects to release its final three to five year work plan in January 2018 and will share with each tribe when available.

### **Integrated Report**

A representative from the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians is serving on an Integrated Report work group that will inform revisions to DEQ's methodology for the assessment of state waters. Oregon is federally required to assess and report every two years on the overall condition of Oregon's waters (CWA Section 305b report) and identify waters not meeting water quality standards (CWA Section 303d report). This Integrated Report includes an assessment of each water body where data are available, and the list of waters identified under Section 303(d) as water quality limited and needing a TMDL. Proposed changes to the methodology include changes to assessment units, listing and delisting procedures and a review of biocriteria thresholds. DEQ will finalize its assessment methodology in 2018 and a call for data will follow. DEQ will share the schedule for this work when available.

### **Additional Water Quality Standards Work in Progress**

Two projects DEQ will be working on during 2018 are the development of a Cold Water Refuge plan for the lower Willamette River and a methyl-mercury multiple discharger variance for the Willamette Basin. Under the methyl-mercury multiple discharge variance, qualified facilities will be given permit limits that reflect the best effluent condition they can achieve, and will also be required to implement a mercury reduction plan.

### **Columbia River Basin Toxics Reduction Action Plan**

DEQ is working with the Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Warm Springs, Confederated Tribes of Grand Ronde, Yakama Nation, Nez Perce Tribe, Upper Columbia United Tribes, Upper Snake River Tribes Foundation, Columbia River Inter-Tribal Fish Commission and EPA to develop and implement a Columbia River Toxics Reduction Strategy. In September 2010, EPA and the Columbia River Basin Toxics Reduction Working Group released the Columbia River Basin Toxics Reduction Action Plan outlining 61 actions to reduce a wide array of toxics in the Columbia River Basin.

Although the Columbia River Toxics Reduction Working Group did not meet in 2017, subgroups continued to meet. The Columbia River Toxics Mapping Workgroup is actively collaborating with the Northwest Power and Conservation Council to develop geographic information system maps of polycyclic aromatic hydrocarbon hot spots in the Columbia River Basin. This effort is to serve as a pilot project, which will inform the hot spot mapping process of other toxic contaminants in the basin.

### **Willamette River Toxics Reduction Partnership**

The Willamette River Toxics Reduction Partnership is a joint commitment by Oregon DEQ and EPA articulated in the Record of Decision for the Portland Harbor Superfund Site. The purpose is to work

collaboratively with interested parties to understand and reduce upstream toxics in the Willamette River that could negatively impact the success of the Portland Harbor cleanup plan. The initial work effort is a review of existing data and reduction efforts to help determine priorities for further toxics reductions. The depth and breadth of this project is directly related to the level of available funding.

The area of focus is between River Mile 12 and Willamette Falls (River Mile 26), and includes tributaries to this stretch of the Willamette River. Consistent with the Portland Harbor Record of Decision, priority will be given to potential upstream sources of PCBs (polychlorinated biphenyls), DDT (dichloro-diphenyl-trichloroethane), PAHs (polycyclic aromatic hydrocarbons) and dioxins/furans.

DEQ and EPA convened the first stakeholder meeting on May 24, 2017. There were approximately 60 participants, representing a wide range of governmental agencies, tribes, municipalities, universities, consultants and watershed councils. DEQ and EPA asked interested participants to serve on a steering committee, which met on Oct. 18, 2017. Committee members shared toxics monitoring and reduction efforts and discussed what to include in a final report anticipated to be completed by December 2018. The steering committee expects to meet several times in 2018.

### **DEQ Toxics Reduction Strategy**

Representatives from the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of Grand Ronde served as members of DEQ's Toxics Stakeholder Group in 2012 that helped establish the framework for DEQ's comprehensive toxics reduction strategy. The existing strategy identified 25 actions to reduce and assess toxics in Oregon, and DEQ prioritized five of those for short-term action. Tribal governments are key implementation partners for some of these actions.

The five actions that have been implemented are:

- Develop and implemented low toxicity state purchasing and procurement guidelines
- Pesticide collection events
- The Pesticide Stewardship Partnership Program
- Collaborations to reduce toxics in consumer products
- Advancement of the use of green chemistry in industries

DEQ is working to update its toxics reduction strategy. The strategy will focus on toxics reduction work across DEQ programs and activities that complement and support DEQ's core air, water and land quality work. DEQ will share the draft strategy update with tribal government partners, and solicit input on the proposed actions and possible collaborations to implement the actions.

### **Monitoring Toxic Pollutants**

During 2017, DEQ's statewide Toxics Monitoring Program combined efforts with the National Lakes Assessment, EPA's rotating monitoring effort under the National Aquatic Resource Survey program. This is the first time that Oregon sampled lakes for toxics pollutants. The sampling included 50 randomly selected lakes as well as four targeted lakes. Geographically, the lakes are located across the state including unique lake ecosystems such as Lake Abert. The sampling included water and sediment as well as habitat measurements. The data gathered will allow DEQ to assess lakes across Oregon. DEQ will communicate the results of the study with the tribes when available. DEQ is still developing plans for 2018 monitoring and will be in contact with the tribal representatives to get input as the monitoring plans are developed.

### **Willamette Falls Harmful Algal Bloom Investigation**

In May 2017, the Oregon Environmental Council expressed concern to DEQ and OHA that some tribal members who harvest lamprey at Willamette Falls near Oregon City have experienced illness after

fishing. This concern was based on anecdotal stories from several tribal members. After consulting with OHA, DEQ sampled weekly (May 22, 2017 – Aug. 28, 2017) at Willamette Falls, the West Linn Paper Company's treatment lagoon, and an upstream Willamette River location for bacteria and the presence of toxins produced by blue-green algae. The goal was to evaluate whether West Linn Paper Company's lagoon and treated discharge, located just upstream of Willamette Falls, was a source of blue-green algae.

Of the 36 samples collected from the West Linn Paper Company's lagoon, 10 samples detected the presence of blue-green algae toxins. Most results were just over detection levels, with the last detection occurring on July 17. Blue-green algae toxin was detected once at Willamette Falls on July 5. This level was just over the detection limit and was significantly below OHA's health advisory levels. All bacteria results for *E. coli* were very low.

Based on DEQ's water sampling showing very low levels of bacteria and algae toxins, it is unclear what is causing some tribal members to report illness following lamprey harvest at the Willamette Falls. OHA is the point of contact for all follow up.

On Oct. 16, 2017 the West Linn Paper Company announced it will cease operations due to significant reductions in available pulp for its paper manufacturing business. Upon closure, the company will no longer have a permit to discharge effluent from its treatment lagoon into the Willamette River. This closure is unrelated to DEQ's sampling investigation.

### **Clean Water State Revolving Loan Fund**

DEQ's Clean Water State Revolving Fund loan program continues to provide low-cost loans for planning, design and construction of projects that enhance or protect water quality. Federally recognized tribal governments are eligible to apply to the loan program. The program offers loans for wastewater treatment, as well as stormwater and nonpoint source watershed protection projects. The program awards principal forgiveness to eligible borrowers based on affordability, as well as for projects addressing water-efficiency, energy-efficiency or stormwater runoff mitigation. In August 2017, DEQ participated in a meeting to discuss funding opportunities for projects of interest to the Confederated Tribes of Warm Springs. In October 2017, DEQ attended the Tribal Cluster for Economic Development and Community Services meeting in Lincoln City and shared information about the loan program.

### **Developing and implementing water quality improvement plans**

Many tribal nations have worked collaboratively with DEQ over the past year to develop and implement plans to reduce pollution in waters across the state that currently do not meet water quality standards. Progress made on these clean water plans, also known as Total Maximum Daily Loads, or TMDLs, is summarized below.

- **Mid-Coast TMDL**  
The Confederated Tribes of Siletz Indians are active participants with DEQ and other stakeholders in the development of implementation-ready TMDLs for the Mid-Coast Basin. The tribe has a representative that participates on the local advisory committee that works with DEQ on topics related to sedimentation, drinking water protection and aquatic habitat throughout the Mid-Coast Basin. A cooperative monitoring project to characterize dissolved oxygen and nutrient conditions was conducted in 2017. The Confederated Tribes of Siletz Indians provided both technical support and in-kind match to the estuarine portion of the project. Cooperative work on TMDLs development will continue through 2018. The Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians collect water monitoring data in the Siuslaw subbasin that helps to characterize estuarine conditions and assist in protection of beneficial uses like recreational shellfish collection that can be used in TMDLs development. Both of these tribal governments

periodically provide water quality and other technical assistance to local organizations, including watershed councils, Soil and Water Conservation Districts and municipalities.

- **Coquille River TMDL**

DEQ has worked closely with the Coquille Indian Tribe to develop the Coquille TMDL to address pollution problems with dissolved oxygen, temperature, chlorophyll a, toxic algae, pH and bacteria. The tribe has provided valuable technical data for use in the development of the TMDL and continues to be engaged in assuring that urban stormwater management strategies are an integral part of implementation. The Coquille Indian tribal representatives have served on the Local Advisory Group for the Coquille River TMDL in the past and are expected to participate again in 2018 when DEQ reinitiates the Coquille River Advisory Group. Tribal input into the Coquille TMDL development process has been both informative and supportive in the ongoing efforts to improve water quality and fish habitat conditions within the Coquille River subbasin.

- **Deschutes River Basin TMDL**

The Confederated Tribes of Warm Springs, DEQ and EPA are working together under a Memorandum of Understanding on the development and implementation of TMDLs for the Deschutes River Basin. DEQ is working to develop TMDLs for pH, dissolved oxygen and chlorophyll on the Deschutes River above Lake Billy Chinook and the Little Deschutes River. DEQ completed data collection for this effort in 2016 and plans to begin TMDL modeling in 2018. DEQ will continue to consult with a tribal representative as part of this effort.

- **Western Hood TMDL**

The Western Hood Subbasin TMDL for temperature was approved by EPA in 2002. DEQ is in the process of revising the temperature TMDL and plans to submit the revision to EPA by early 2018. Representatives from the Confederated Tribes of Warm Springs are active participants in watershed restoration activities in the Western Hood subbasin. The tribe provided temperature and flow data that was used in the new Wasteload Allocation analyses in the TMDL revision. Both DEQ and the tribe are also active members of the Hood River Watershed Group and technical stakeholder groups working with several of the irrigation districts to change district operations to improve water quality and fish habitat.

- **Umatilla Basin River TMDL Monitoring**

Water quality monitoring in the Umatilla Basin continues to be a cooperative effort between DEQ, the Confederated Tribes of Umatilla Indian Reservation and other basin stakeholders. DEQ, the tribes and the Umatilla Basin Watershed Council are currently collaborating on monitoring protocols for sediment loading and remote sensing, and are working to implement a more efficient way to upload, store and disseminate water quality data. As part of the cooperative monitoring effort, the Confederated Tribes of Umatilla Indian Reservation maintain temperature, sediment and flow monitoring sites within the Umatilla Basin and provide valuable technical support to the Umatilla Basin Watershed Council for composite sediment sampling.

In addition to these specific examples, many tribal nations work on TMDL implementation projects throughout Oregon, such as channel reconstruction, fencing and flow restoration, levee elimination, and riparian planting to improve water quality.

### **Relicensing hydroelectric projects**

Tribal nations and DEQ have worked together on the following hydroelectric relicensing projects over the past year.

**Hells Canyon Hydroelectric Project** – DEQ is currently reviewing a Clean Water Act Section 401 Certification application in association with Idaho Power Company’s application to the Federal Energy Regulatory Commission for a new federal license for continued operation of the Hells Canyon Complex Hydroelectric Project. The Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Warm Springs, Burns Paiute Tribe, Shoshone Paiute Tribe, Nez Perce Tribe, Shoshone Bannock Tribes, the Upper Snake River Tribes Foundation and the Columbia River Inter-Tribal Fish Commission are interested in the relicensing process. DEQ looks forward to continued discussions as the 401 certification process progresses and anticipates posting the draft 401 certification for public notice in late 2018.

**Pelton Round Butte Hydroelectric Project** – DEQ and the Confederated Tribes of Warm Springs are working with other stakeholders to implement the hydroelectric license for this project on the Deschutes River. Among other items, reintroduction of anadromous fish above the Pelton Round Butte project is required. The Confederated Tribes of Warm Springs have important roles as a regulatory entity, 401 water quality certification authority, Fish Committee member, and co-owner and co-licensee with Portland General Electric for the project. During 2017, DEQ, the tribes and Portland General Electric continued to work together to evaluate the water quality impacts of the new selective withdrawal structure at the Round Butte Dam, and to assess compliance with terms of the 401 certifications. DEQ and the Confederated Tribes of Warm Springs have entered into interim Implementation Agreements with Portland General Electric every year since 2010. These agreements have allowed Portland General Electric to target compliance with the current state standards for temperature and dissolved oxygen, rather than the standards that were in place when the 401 certifications were issued in 2002. The Deschutes River Alliance is a local organization that formed to address concerns about the health of the lower Deschutes River since the selective withdrawal structure began operation in 2010. The Deschutes River Alliance has filed a citizen law suit against Portland General Electric for past and continuing violations of the Clean Water Act.

**Klamath Hydroelectric Project** – DEQ has partnered with the Klamath Tribes and more than 40 other stakeholders to develop and implement the Klamath Hydroelectric Settlement Agreement. This historic agreement, amended in 2016, will lead to the removal of four hydroelectric dams on the Klamath River and restore access to more than 350 miles of salmonid habitat in the upper basin for the first time in a century. Under the amended Klamath Hydroelectric Settlement Agreement, PacifiCorp, who currently owns the dams, will transfer ownership of the project to the Klamath River Renewal Corporation. The Klamath River Renewal Corporation will then seek license surrender from the Federal Energy Regulatory Commission and oversee the eventual decommissioning of the dams. Dam removal is scheduled to begin in January 2020. DEQ is processing the 401 water quality certification for the proposed removal of the J.C. Boyle Dam, which is in the Klamath River in Oregon.

### **Pesticide Stewardship Partnerships**

Since 1999, DEQ has been using a voluntary, collaborative approach called Pesticide Stewardship Partnerships to identify problems and improve water quality associated with pesticide use. The Pesticide Stewardship Partnership approach uses local expertise in combination with water quality and pesticide expertise of state agencies and OSU to encourage and support voluntary changes that result in measurable environmental improvements. The 2017 Legislature allocated over \$1.6 million to the Oregon Department of Agriculture and DEQ to implement the Pesticide Stewardship Program.

During 2017, DEQ worked with representatives from the Cow Creek Tribe to begin monitoring for pesticides in the South Umpqua watershed. The two long-term watershed Pesticide Stewardship Partnership projects that include active partnerships with tribes are:



**Hood River Basin Pesticide Stewardship Partnership** – Two initial pilot projects using the Pesticide Stewardship Partnership approach in Hood River and The Dalles have shown major improvements in water quality associated with changes in pesticide management practices. The Confederated Tribes of Warm Springs have been active partners in the Hood River Pesticide Stewardship Partnership since its inception, including being the primary funder of pesticide monitoring work in the watershed since 2006. DEQ and the tribe communicate on a regular basis and DEQ provides annual reports on the pesticide monitoring results. In 2016, the Confederated Tribes of Warm Springs funded stream bed sediment monitoring at eight sites in the watershed. The results of this sediment monitoring were finalized in 2017 and showed multiple detections of DDT breakdown products at multiple sites. The positive findings were that no current use pesticides were detected in stream bed sediments. The water sample monitoring results from 2016 were presented with the sediment results to partners in early 2017. The most recent water monitoring showed that levels of priority pesticides in surface waters remain low, demonstrating the continued success of partnership efforts. Significantly, there were no exceedances of any current use pesticide benchmarks or standards.

**South Yamhill Basin Pesticide Stewardship Partnership** – In 2010, the Confederated Tribes of the Grand Ronde, the Confederated Tribes of Siletz Indians and the Oregon Department of Forestry evaluated opportunities to start the first Pesticide Stewardship Partnership focused on managed forest areas, and to complement the Pesticide Stewardship Partnership effort in the central part of the Yamhill Sub-Basin. With the help of the tribal staff and the Oregon Department of Forestry, three stream monitoring locations were identified downstream of managed forests in the South Yamhill River watershed. The Confederated Tribes of the Grand Ronde have been collecting samples at these locations as an in-kind contribution to the Pesticide Stewardship Partnership project. The monitoring data generated by DEQ is shared annually with the all of the project partners. Although some low level detections of herbicides associated with forestry activities were detected in the fall of 2015, there were no detections of pesticides in 2014 or 2016. ODA, DEQ and ODF are currently developing a report analyzing the seven years of pesticide monitoring in the South Yamhill River watershed and the forest pesticide application activity during that time period. The interagency team will be sharing the report’s findings with the Confederated Tribes of Grand Ronde and private forest landowners in early 2018.

### **Integrated Water Resources Strategy**

DEQ participates in the statewide work to implement the water quality recommendations in Oregon’s Integrated Water Resources Strategy. One of the initiatives is place-based planning, which provides a framework for communities to understand and meet their water needs now and into the future. DEQ participates in the development of the four collaborative water plans throughout Oregon and provides technical assistance as needed. The current plans under development are: Mid-Coast Region, Lower John Day Subbasin, Upper Grand Ronde Subbasin, and the Malheur Lake Basin. Tribal representatives participate in each of the planning efforts.

## **6.2. Improving Air Quality**

### **Cleaner Air Oregon**

On April 6, 2016, Governor Kate Brown announced the launch of Cleaner Air Oregon, a new initiative to reform industrial air toxics regulations and align them with public health. DEQ and OHA are implementing a formal rulemaking process to engage the public in creating human health risk-based rules for industrial facilities for consideration by the Environmental Quality Commission. DEQ and OHA provide regular outreach to the nine federally-recognized tribes regarding the rulemaking.

### **Partnering with tribal nations on air monitoring**

The Confederated Tribes of the Umatilla Indian Reservation assist DEQ in the operation of air quality monitoring stations in Pendleton and Hermiston. When requested, DEQ assists the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians with operation and maintenance of a fine particulate air quality monitor in Coos Bay, providing technical assistance and training at the monitoring site.

### **Responding to open burning complaints and asbestos issues**

DEQ works closely with tribal governments to respond to complaints about open burning and the safe handling of asbestos, particularly when complaints occur near tribal lands. DEQ, tribal governments and tribal police departments work quickly and collaboratively to address complaints when they arise.

### **Partnering with tribal nations on local air quality improvement**

In 2014, DEQ initiated the formation of a local North Harney County Air Quality Task Force. This is a local, voluntary effort aimed at reducing woodstove smoke emissions that cause intermittent violations of the federal air quality standards and affect public health. The local air-shed is composed of the cities of Hines and Burns, the Burns-Paiute Reservation and adjacent and nearby unincorporated areas of Harney County. Throughout 2017, the Environmental Program Manager for the Burns-Paiute Tribes has consistently participated in the formation and scoping of the task force. One goal of the task force is to conduct outreach and educate the community about best practices and advisories for wood stoves during the winter months.

### **Wildfire Smoke**

During 2017, wildfire smoke response efforts included outreach to all of the tribal health and/or environmental contacts for state-wide smoke response coordination efforts. This is part of DEQ's standard Oregon Wildfire Severe Smoke Response Protocol process. Tribal representatives participated on regular calls with various state agencies as they saw the need at various times during the wildfire season.

The information provided focused on the concentration of particulate matter (fine PM, or PM 2.5); the associated health rating and the expected impacts or conditions for weather and smoke in the upcoming few days. When warranted, practices were discussed on how to avoid or best manage smoke indoors and outside, as well as which populations of people are most vulnerable.

## **6.3. Improving Land Quality**

### **Emergency Response**

DEQ's Emergency Response Program contacts tribes regularly regarding significant incidents throughout the state. In the first 11 months of 2017, DEQ contacted tribes about 49 separate spills to ensure cleanup actions were undertaken in a manner to protect cultural and natural resources. Most of these incidents were regarding oil contamination to soil that resulted in ground disturbance work associated with the necessary cleanup actions. DEQ also provides contact information for each tribe to cleanup contractors to ensure contact is made with the appropriate tribes before any ground disturbance activities occur.

### **Environmental Cleanup**

DEQ and tribal governments collaborate on a number of projects to investigate and clean up contaminated lands across the state. During 2017, the projects included:

**Astoria Marine Construction Company:** DEQ coordinates with representatives from the Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians of Oregon, the Nez Perce Tribe and

Yakama Nation for their input on this cleanup site. The site is located along the Lewis and Clark River near Astoria, Oregon, and the project was deferred to DEQ by EPA in 2012 for all cleanup work. The selected cleanup (Record of Decision) for Astoria Marine was issued in February 2017, which incorporated input by these tribes on the cleanup proposal. An agreement on restoration has been reached between federal, state, and tribal trustees, with the exception of the Yakima Nation. Cleanup and restoration is scheduled for summer of 2018. DEQ will continue to communicate with tribal governments on project milestones.

**Portland Harbor:** DEQ works closely with six tribal governments on the Portland Harbor Superfund Site. The Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Warm Springs, Yakama Nation, and Nez Perce Tribe are partners in this project. DEQ, tribal partners, EPA, U.S. Fish and Wildlife and National Marine Fisheries Service representatives meet regularly to discuss technical issues on this regionally important cleanup project.

The Portland Harbor Superfund Site is located in the Lower Willamette River, stretching approximately ten miles from River Mile 2 to River Mile 12. DEQ provides technical support and works to ensure that Oregon state rules are applied to the project in support of EPA, which is the lead agency working on cleaning up pollution in the river itself. DEQ leads the work controlling contaminants in “upland” areas—the contaminated lands along the river—to prevent recontamination of the river following EPA’s in-water cleanup. Prior to making decisions on controlling sources of pollution, DEQ solicits input from the tribes. EPA’s Record of Decision, issued in January 2017, relies on the upland and upriver pollution control work being conducted by DEQ as part of the overall strategy for addressing contamination at the site. DEQ has increased tribal coordination on pollution control status since the Record of Decision was issued in January 2017.

**Northridge Estates:** North Ridge Estates is a residential subdivision located approximately three miles north of Klamath Falls, Oregon. The site is contaminated with asbestos-containing materials resulting from the demolition of approximately 80 1940s-era military barracks buildings. EPA is the lead agency for the project, but works closely with DEQ. The federal government approved funding to clean up the North Ridge Estates Site in March 2014. EPA started on-site work in 2016 and continued through 2017. There is continued coordination between state and federal agencies, the Klamath Tribes and the State Historic Preservation Office.

**Bradford Island:** DEQ continued work with the Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Warm Springs, Yakama Nation, Nez Perce Tribe and the U.S. Army Corps of Engineers to evaluate contamination levels at Bradford Island in the Columbia River. The U.S. Army Corps of Engineers continues to evaluate the effects of contamination on Bradford Island and in the Columbia River near the island. The primary concern is PCBs from electrical components that were dumped into the river decades ago. Cleanup so far has involved efforts in 2000 and 2002 to remove electrical components from the river, and dredging of contaminated sediment in 2007. Despite this work, fish tissue sampling indicates that further remediation is needed. In October 2017, the Army Corps issued a feasibility study that evaluates options for addressing contamination in the river. DEQ, tribal representatives and other members of the Technical Advisory Group will meet in 2018 to discuss the next steps for cleaning contamination on the island and in the river.

**Coos Head Air National Guard clean-up site:** DEQ coordinated with the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians on the cleanup projects at the Coos Head site. The site was acquired by the tribes in 2005. It was formerly owned by the federal government, which is responsible for paying costs associated with cleaning up the site. DEQ oversaw the work being done by the Air National Guard, and coordinated with the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians

and the Bureau of Indian Affairs to complete the cleanup work. A Record of Decision that selected the remedy for the site was signed in September 2012. A building located on a source area for contamination was removed in September 2012. Approximately 3,200 cubic yards of contaminated soil at the site was removed in July and August 2013. DEQ issued a partial No Further Action for soil at the site in December 2013. An extensive groundwater sparging effort was completed at the site to remediate groundwater in 2016. The No Further Action determination letter was sent on March 8, 2017. The US Navy is continuing to remediate an additional source of petroleum hydrocarbons that is on land owned by the US Navy.

**Willamette Slough:** DEQ is in the initial stages of work necessary to investigate dioxins that have been found in the sediments of Willamette Slough near Salem. Willamette Slough is located where Pringle Creek joins the Willamette River in Salem. Sediment contamination could affect fish, and since fishing occurs in that location, DEQ has posted signs warning of the potential hazard of eating fish caught in that area. A former paper mill was located at the site, and DEQ has negotiated an Order on Consent with the responsible party. DEQ communicated with the Confederated Tribes of Grand Ronde and the Confederated Tribes of Siletz Indians before work began. The initial objectives of the work are to characterize the nature and extent of contamination in the shallow sediments of Willamette Slough, and to determine if fish living in that area are safe to eat. The field work was completed in October 2017. Sediment and fish tissue samples are currently being analyzed. When the results are available, DEQ will share the data and next steps with both tribes.

**Mosier Union Pacific Railroad Spill:** DEQ continues to provide oversight on cleanup and sampling work of an oil spill that occurred in June 2016 in Mosier, Oregon. DEQ gave an update on this spill to the tribal representatives that participated in the *Columbia Gorge Fisheries and Watershed Science Conference* on April 18, 2017.

**Warm Springs Mill Redevelopment:** Oregon Regional Solutions and DEQ have been coordinating on potential redevelopment opportunities for the former Warm Springs Forest Products mill. Work includes conference calls, reviewing past cleanup work, permit review, and looking at funding opportunities with state and federal grants and partners.

DEQ anticipates continued coordination activities with tribal representatives on these sites in 2018. In addition, DEQ will be coordinating with tribes on activities for several cleanup sites around the state, including locations in Scappoose Bay such as the Armstrong World Industries site, the Port of St. Helens facility, and any other sites that are of interest to any tribe.

**Business Initiatives: Oregon Applied Sustainability Experience Internship Program**

In 2017, DEQ launched its first ever, industry focused internship program aimed at connecting talented college students with business to conduct pollution prevention research. This project is part of DEQ's Business Initiatives program, which focusses on developing voluntary collaboration opportunities with businesses to advance materials management principles for production and consumption. Students identify and analyze cost effective opportunities to reduce energy, emissions and waste, benefiting the company's bottom line and Oregon's natural resources. Additional tools and approaches like green chemistry and product life cycle assessments are included. The program also established an advisory committee made up of various stakeholders including representation from the Columbia River Inter-Tribal Fish Commission's workforce development program. The Columbia River Inter-Tribal Fish Commission assisted in program development, identifying priority projects and recruitment of students and tribes. DEQ will continue to seek input and insight from tribes as the program matures.

# Conclusion

The Oregon Department of Environmental Quality is grateful for the partnership of Oregon's nine federally recognized tribal . These partnerships are essential in the State of Oregon's efforts to protect and enhance the health of Oregon's people and environment. DEQ looks forward to continued collaboration with Oregon's tribal nations.