



# ANNUAL REPORT TO THE LEGISLATIVE COMMISSION ON INDIAN SERVICES

Department of Geology and  
Mineral Industries

December 2017



# Overview

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The Department of Geology and Mineral Industries (DOGAMI) has been a member of the Tribal-State Natural Resources Workgroup and Cultural Resource Cluster Group since 2012. Accordingly, this is the fifth Government-to-Government Annual Report submitted by DOGAMI, and the fifth year DOGAMI has responded to meet the objectives of Executive Order EO-96-30.

DOGAMI has developed an effective partnership with the Legislative Commission on Indian Services (LCIS), Oregon State Historic Preservation Office (SHPO), and the nine federally recognized Tribal governments in Oregon that emphasizes working cooperatively to address concerns. Tribal government representatives now have the opportunity to review and comment on all applications to DOGAMI for mineral and energy development projects. Permit holders for mineral and energy development projects are now better informed on their responsibilities to report unanticipated discoveries. DOGAMI will continue to identify and address mutual goals and concerns that affect Tribal interests.

## Highlights for 2017

- The Department of Geology and Mineral Industries (DOGAMI) continues to circulate all new permit applications for mining, oil and gas, and geothermal development to the Legislative Commission on Indian Services (LCIS) for distribution to the appropriate Tribal government staff for review and comment.
- 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 engages 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 personnel meet in the field with Tribal government representatives at proposed mineral development sites to determine the need for cultural resource surveys prior to earth disturbing activity.
- DOGAMI now circulates all new permit applications for mining, oil and 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.
- DOGAMI will co-chair the Cultural Resource Cluster meetings for 2018.

## **Relations with Tribal Governments**

Oregon statutes (ORS 182.162 to 182.168) 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. The DOGAMI draft policy was reviewed by the LCIS Executive Director. The next step is to circulate the draft policy to the nine federally recognized Tribes in Oregon for review and comment.

Specifically DOGAMI has:

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

- Provided the opportunity for tribal governments to review and comment on proposed mine, oil and gas, and geothermal development projects.
- Improved Tribal representative engagement at the beginning of the application process for new permits in order to be proactive regarding cultural resource protection 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 Resource Workgroup and the Cultural Resource Cluster Group.
- Continued partnerships with Tribal governments in obtaining and distributing lidar imaging data for enhanced characterization of Tribal lands, facilitating resource management.
- Participated in a Technical Advisory Team led 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.
- Engaged the LCIS in identifying tribal members potentially interested in serving on the DOGAMI Governing Board. A promising opportunity is currently being explored for DOGAMI's eastern geographic region.

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 implementation 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](mailto:brad.avy@oregon.gov)

Alternate Contact on Government-to-Government Relations:

Ian Madin, Deputy Director and Chief Scientist

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

Ben Mundie, Reclamationist

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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 composed of representatives from state agencies and 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 agency 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 activities for 2017:

- DOGAMI staff met with SHPO personnel in the DOGAMI Albany office to discuss methods to improve coordination on January 24, 2017.
- Ian Madin and Ben Mundie met with Karen Quigley at the LCIS office in the Capitol on January 30, 2017 to discuss methods to improve communications with the Tribal governments.
- Ben Mundie attended the LCIS Commission Meeting in the Capitol on February 9, 2017.
- Brad Avy attended Tribal Governments Day activities at the Capitol on February 9, 2017.
- Ben Mundie attended Cultural Resource Cluster (CRC) meetings on March 1, 2017; May 17 and 18, 2017; and September 12 and 13, 2017.
- Ben Mundie attended Natural Resources Workgroup meetings on April 24, 2017; May 8, 2017, and September 20, 2017.
- Ben Mundie met with Karen Quigley, Diana Enright, and Briece Edwards at the LCIS office on September 27, 2017 to discuss the transition of the CRC Chair.
- Ben Mundie attended an Intergovernmental Cultural Resource Council (ICRC) meeting on October 26, 2017.
- Brad Avy and Ben Mundie attended the LCIS Annual Summit on November 1 and 2, 2017.

#### 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 toward 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 met with the Tribes directly to ensure potential impacts from mineral extraction and energy development activity are addressed prior to development.

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

DOGAMI engages 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. In 2017, DOGAMI personnel met Tribal representatives in the field at proposed mineral extraction project sites to determine the potential for cultural resource impact.

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

#### 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.

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