



**OREGON MILITARY DEPARTMENT**  
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December 15, 2017

**TO:** Karen Quigley, Executive Director, Commission on Indian Services

**FROM:** David A. Stuckey, Deputy Director, Oregon Military Department

*DA S*

**RE: Government-to-Government Relationships Annual Report, January—December 2017**

This report identifies Oregon Military Department (OMD) and its Office of Emergency Management (OEM) activities during the year 2017 regarding compliance with ORS 182.162-168 and Government-to-Government relationships with the Native American tribes in Oregon.

**PLANNING, CONSULTATION, AND TECHNICAL ASSISTANCE:**

The OMD and OEM continued coordination with federally-recognized tribes of Oregon in accordance with the statewide Integrated Cultural Resources Management Plan (ICRMP) for OMD/Oregon Army National Guard facilities and actions throughout the state. The ICRMP, which was implemented in March 2002, revised in March 2007, and is currently under revision, defines OMD procedures for continuing Government-to-Government relationships in the spirit of ORS 182.162.

Government-to-Government letters were sent from The Adjutant General to Tribal Chairpersons of the 9 federally-recognized tribes of Oregon to initiate consultation for revision of the ICRMP. The Cultural Resources Manager is contacting Tribal Cultural Resources representatives to facilitate continued discussions and meetings as needed to support the ICRMP revision. The Cultural Resources Manager met with the Klamath Tribe in Chiloquin on September 1, 2016 and visited the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) on October 17, 2016.

The OMD supported the National Guard Bureau and the Oregon Air National Guard as they conducted an EIS and pursued an initiative to expand the Air-to-Air training airspace in the EEL Military Operations Area (MOA) along the North Oregon Coast, the Redhawk MOA in North Central Oregon and the Juniper/Hart MOA in South Central Oregon. As part of this effort and pursuant to Department of Defense American Indian and Alaska Native Policy requirements, the Oregon Air National Guard notified and consulted with the 9 federally-recognized tribes of Oregon via letter, telephone, and meetings. The OMD supported the Oregon Air National Guard as needed in this effort that resulted with the Final EIS and Record of Decision signed on September 12, 2017.

The OMD initiated an Environmental Assessment and related Section 106 consultation to support expanded National Guard operations at Camp Umatilla Oregon (a 7,500 acre portion of the former U.S. Army Umatilla Chemical Depot). Government-to-Government letters were sent from The Adjutant General to Tribal Chairpersons of the 9 federally-recognized tribes of Oregon to initiate consultation. OMD staff met with CTUIR staff at their Nixyáawii Governance Center in October 2016, April 2017, and July 2017. OMD staff also made a presentation to the CTUIR's Cultural Resources Committee in May 2017.

Office of Emergency Management (OEM) staff members offered technical assistance to all nine federally recognized tribes in several areas, including emergency management program development, public education and outreach materials, as well as grant applications and reports.

OEM staff members in the state 9-1-1 program and Confederated Tribes of Warm Springs staff members worked together to implement a signed intergovernmental agreement that allows 9-1-1 tax money to fund essential technical services for the Warm Springs Public Safety Answering Point.

The OEM State Hazard Mitigation Officer and Planner worked to support mitigation planning for several tribal governments, as well as providing support and technical assistance to a tribal emergency manager from the Cow Creek Band of Umpqua Tribe of Indians serving on the FEMA Hazard Mitigation Assistance External Stakeholder Working Group.

The OEM Communications Officer worked with several tribes in the area of amateur radio communications to assess needs for training and equipment, and subsequently to address those needs through procurement and training. Thus far, two tribes have been supplied with amateur radio equipment, with two more in progress; OEM staff members have provided technical assistance to tribes and other state agencies in order to purchase or rehabilitate equipment to improve radio communications.

All nine federally recognized tribes participated in planning for the 2017 total solar eclipse, along with numerous cities, counties, state and federal agencies. As a result of this integrated planning process, resources were shared effectively and the event was regarded as a success by participating governments.

OEM staff members worked with tribal emergency managers and Legislative Commission on Indian Services staff members to refine language for Senate Bill 62, which strengthens the statewide mutual aid system and now allows for tribal governments to opt in to the statewide system. Since the legislature passed the bill in 2017, two representatives from tribal nations sit on the advisory body that will develop and implement the procedures for that system.

#### **INCIDENT RESPONSE AND SUPPORT:**

OEM staff members provided direct communication to all nine tribes in the form of status checks, damage assessments, and technical assistance during disaster events in 2017.

## **GRANT ADMINISTRATION:**

All nine federally recognized tribes were invited to apply for Emergency Management Performance Grant funds, which is a 50/50 match grant to support emergency management staff and preparedness activities. Five tribes applied and were granted funds:

- Confederated Tribes of Grand Ronde
- Confederated Tribes of Warm Springs
- Coquille Tribe
- Cow Creek Band of Umpqua Tribe of Indians
- Klamath Tribes

All nine federally recognized tribes were invited to apply for State Homeland Security Grant Program funds, to support equipment and training. One tribe applied and was granted funds.

## **MEETINGS AND PUBLIC EVENTS:**

OMD and OEM staff participated in the State-sponsored LCIS Fall Gathering and Learning Session and Annual State-Tribal, Summit November 1-2, 2017, hosted by the Confederated Tribes of Siletz. OMD staff attended the Tribal Governments Day at the Capital on February 9, 2017 and LCIS' Spring Celebration at the Capital on May 18, 2017. OMD cultural and natural resources staff continued to enjoy longstanding relationships with their tribal peers by participating in the Natural and Cultural Resource Cluster Group meetings in March, April, May, and September 2017; and Intergovernmental Cultural Resource Council meetings in June and October 2017. Many of the OMD's proposed construction and training projects were discussed and reviewed with tribal representatives through these meetings.

OEM organized the Oregon Prepared Conference for the fourth year in a row, and again sponsored attendance for up to three representatives from each of the nine tribes; emergency management staff members of seven tribes were able to attend the conference.

Building on sessions at two previous conferences, a panel titled 'More Than Just Museums—Cultural Resource Concepts for Planning and Response,' was held in April 2017, with participation from numerous local and tribal emergency managers, as well as various state and federal agencies.

OEM staff members, along with other state and federal agency representatives, attended Oregon Tribal-Public Health-Emergency Management coalition meetings in February and September 2017. OEM will host the next Oregon Tribal-Public Health-Emergency Management coalition meeting, planned for February 2018.

## **POLICIES AND AGREEMENTS:**

The OMD's Statement of Policy State/Tribal Government-to-Government Relations, revised in late 2017, was developed in accordance with ORS 182.164 and clearly reiterates the

Department's commitment to sound Government-to-Government relations with the federally-recognized tribes of Oregon (see attached).

- That policy identifies individuals in OMD and OEM who are responsible for developing & implementing programs that affect tribes.
- The process to identify those programs is conducted by OMD and OEM program staff, their section managers, and the identified key contacts below.
- The Adjutant General represents both OMD and OEM for formal Government-to-Government consultation with tribal Chairpersons.
- Informal consultation between OMD or OEM staff and tribal staff is conducted via face-to-face meetings, conference invitations and presentations, phone calls, incident response communications, and grant program announcements to designated key contacts.
- Positive Government-to-Government relationships are promoted by OMD and OEM through attendance of LCIS annual events and cluster meetings, inclusion of tribes in notices to apply for grant programs, and regular travel to tribal service areas by program staff.
- Education of OMD and OEM employees about State-Tribal Government-to-Government law takes place through all-staff meetings, periodic training, targeted information requests, and individual conversations about program activities.

**SUMMARY:**

The OMD and OEM continue to encourage an open dialogue with the tribes on all potential issues and especially where cultural or natural resource concerns may exist.

**KEY CONTACTS:**

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**STATEMENT OF POLICY**  
**STATE/TRIBAL GOVERNMENT-TO-GOVERNMENT RELATIONS**

**PURPOSE**

The Oregon Legislature adopted Senate Bill 770 during the 2001 Legislative Session, which has since been codified as Oregon Revised Statutes (ORS) Chapter 182. This law directs state agencies to promote government-to-government relations with federally-recognized Native American tribes in Oregon, and to develop and implement policies that include the consideration of tribal interests in the development and implementation of state programs that affect any of the recognized tribes. The Oregon Military Department (OMD) recognizes and respects the sovereign status of the federally-recognized tribes in Oregon, their respective authorities on tribal lands, and their interests on non-tribal properties. As the administrative head of the Oregon National Guard and Oregon Office of Emergency Management (OEM), the OMD intends to maximize its government-to-government relations with affected tribes, resolve potential conflicts before they occur, and enhance an exchange of ideas, information, and resources for the greater good of all Oregon citizens.

**STATUTORY AUTHORITIES**

The OMD is the state agency with statutory authority necessary to supervise the military affairs of the state, while conforming to requirements of the laws of the United States and the State of Oregon for the maintenance, restoration, and protection of real property, including its natural and cultural resources. The OMD is comprised of an organized and unorganized militia, authorized and established under ORS Chapter 396. For the purposes of this statement of policy, the "organized militia" is composed of the Oregon Army National Guard and the Oregon Air National Guard, together referred to as the Oregon National Guard (ORNG). OMD is also required to comply with applicable policies and regulations of the Department of Defense (DOD), including the Department of the Army, Department of the Air Force, and the National Guard Bureau (NGB). The OMD is also comprised of the OEM, authorized and established under ORS Chapter 401.

**VISION**

The Oregon Military Department is a ready, professional organization of Soldiers, Airmen and Civilians dedicated to the highest quality service to our communities, State and Nation.

## **State/Tribal Government-to-Government Relations Policy**

### **MISSION**

The Oregon Military Department provides the State of Oregon and the United States with a ready force of Citizen-Soldiers, Airmen and Civilians, trained and equipped to respond to any contingency.

### **VALUES**

Character, Competence, Courage, and Commitment

### **APPROACH AND PRIORITIES**

Since the early 1980s, the OMD has managed programs to ensure OMD activities and operations comply with applicable federal, state and local environmental laws, as well as the DOD, Department of the Army, Department of the Air Force, and NGB policy, regulations and implementing guidelines. OMD environmental programs provide specific direction for environmental compliance and resource conservation in operations, training, and equipment maintenance at facilities throughout the state that are used for maintaining personnel readiness. These programs include goals to instill environmental stewardship in personnel; minimize impacts of military training on the environment; minimize the impact of environmental compliance on training and mission accomplishment; and provide appropriate guidance to commanders, facility managers, and supervisors in meeting environmental mandates.

The OMD adopted an Integrated Cultural Resources Management Plan (ICRMP) in 2001, and revised that plan in 2007, in accordance with applicable guidance. OMD requirements to maintain and enhance government-to-government relations with the tribes are addressed in that plan. Within the framework of those various requirements, the OMD seeks to ensure tribal interests are identified in advance and addressed in conducting its operations.

### **PRINCIPLES FOR TRIBAL GOVERNMENT PARTICIPATION**

This policy is adopted in accordance with the provisions of ORS Chapter 182, as well as the requirements for federally-supported agencies found in federal Executive Order 13175, "*Consultation and Coordination with Indian Tribal Governments.*" In addition, the principles of the OMD policy are based on the DOD American Indian and Alaska Native Policy for interacting and working with federally-recognized American and Alaska Native governments. The principles are based on tribal input, federal policy, treaties, and other federal statutes. Coordination for review and consultation will be initiated for agency programs and activities that may affect tribes, as discussed herein. Consultation will include consideration of the unique interests of each tribe when applying these principles to OMD facilities and operations. The OMD will make every effort to address and understand past, present, and future tribal concerns. Once identified, concerns will be addressed on matters that have a potential to significantly affect protected tribal resources, tribal rights, or Indian lands.

## **State/Tribal Government-to-Government Relations Policy**

### **TRIBAL RELATIONS PROTOCOL**

The Adjutant General (TAG) is responsible for implementing Native American consultation for the OMD. TAG has tasked the Deputy Director to ensure day-to-day activities of the agency comply with these requirements. As an effective means of maintaining an ongoing consultation relationship and ensuring consistency in consultation proceedings and outcomes, TAG has also appointed OMD/ORNG's Environmental Program Manager and OEM's Operations and Preparedness Section Manager as "Coordinators for Native American Affairs," hereinafter referred to as the "Coordinators." Through OMD environmental and OEM Operations and Preparedness staff, the Coordinators will ensure the agency maintains the necessary training and experience in Native American concerns for effective policy development and implementation, and have the authority to enter into negotiations on behalf of the agency and develop draft policy and agreements for consideration by TAG.

OMD policy is that the Coordinators will provide consistency in the agency's routine consultation process with the tribes, as well as within the OMD. An informal process for consultation has been established and is on-going, whereby any major proposed action or management plan is discussed with the potentially-affected tribes at the staff level. Regular participation in applicable cluster group meetings, particularly those for Cultural Resources, Natural Resources, and Public Safety, and NGB-sponsored regional tribal consultation workshops have also been a part of the program since 1999. Both OMD and the tribes reserve the right to elevate consultations to the formal Government-to-Government level at any time they deem warranted.

Finally, OMD will present awareness and other required training to appropriate OMD personnel, as needed. This will ensure that they understand the intent and follow the consultation process required by ORS Chapter 182, applicable federal law, and the provisions of this policy; they have access to required information to meet their responsibilities; and they maintain the good-faith relationships developed with tribal representatives through previous consultation efforts.

### **PROGRAMS POTENTIALLY AFFECTING TRIBES**

Since the ORNG primarily focuses on the readiness of its Soldiers and Airmen to perform assigned federal and state emergency mission tasks, it has few programs with the potential to affect the tribes. Most OMD efforts are in support of that primary focus, including the establishment of internal operating procedures, the development and maintenance of training facilities, and the planning and execution of major training operations. However, the OEM administers a number of programs that may affect tribes, including Emergency Management Performance Grant Program, State Homeland Security Grant Program, Pre-Disaster Mitigation Grant Program, Hazard Mitigation Grant Program, Disaster Exercise/Drill Training Program, Emergency Coordination Center Operations, and 9-1-1/Public Safety Answering Point Programs.

In order to meet the spirit and intent of applicable requirements, the OMD will seek tribal participation in OEM programs and provide an opportunity for tribes to express tribal concerns as early as practicable in the planning process for OMD activities that have the potential for interest by any of the tribes. Consultation will be initiated through formal correspondence,

## State/Tribal Government-to-Government Relations Policy

telephone calls, and personal visits, as deemed appropriate, and in continued participation in the Cultural Resources Cluster Group, Natural Resources Work Group, and Public Safety Cluster Group meetings. The OMD recognizes that some issues may require an extended period of time to resolve, and consultation agreements may take a similar amount of time to implement. In any case, it is of utmost importance to ensure good-faith efforts are made to resolve consultation issues. The importance of developing a sense of trust and mutual respect is paramount to building an effective government-to-government relationship, and the OMD is committed to developing and maintaining this trust and respect with the tribes. Finally, common interests may be shared between the agency and one or more of the tribes. In fact, projects of mutual interest have been completed in the past. If opportunities arise, others may be pursued in the future.

### POINTS OF CONTACT

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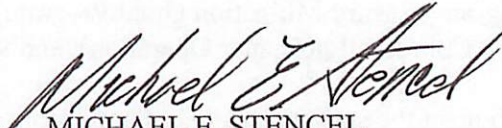
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21 Dec 17  
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