



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



2018 Annual Government-to-Government Report

The Department of Land Conservation and Development (DLCD or the department) is pleased to provide this annual report in accordance with Oregon Revised Statutes 182.166. The report summarizes the department's Government-to-Government relations with Oregon's nine federally recognized Tribes in 2018. It is the department's policy to facilitate better relations with the nine Tribes and to work cooperatively on land and water issues that affect tribal interests.

Key Contacts and Policies

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

Primary Key Contact

Jim Rue, Director

503-934-0002

jim.rue@state.or.us

Alternate Key Contact

Tim Murphy, Farm & Forest Lands Specialist

503-934-0048

timothy.murphy@state.or.us

Director Jim Rue and Tim Murphy attended the 2018 Annual Tribal-State Government-to-Government Summit in Grand Ronde on November 27, 2018. Mr. Rue also attended a meeting in Coos Bay with the Tribal Council of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians (CTCLUSI) and the Governor's Office regarding the Jordan Cove liquefied natural gas (LNG) export terminal.

Tim Murphy serves as DLCD's primary contact for the Cultural Resources Cluster Group and Natural Resources Work Group. Mr. Murphy attended the Natural Resources Work Group meetings in January, May, and October 2018 and the Cultural Cluster meetings in January, April, July, and November 2018. He also participated in the Legislative Commission on Indian Services' "Cultural Items, Resources & Places: What They Are and Why They Are Important to Tribes" discussion in May 2018.

Alwin Turiel (503-934-0064 / ali.turiel@state.or.us) is DLCD's primary contact to the Economic and Community Development Cluster Group. Contact information for other

DLCD staff can be found on our [website](#) and in this report.

The department's "Policy on Government to Government Relations with Oregon Tribes" and "Local and Tribal Government Communication Policy" are attached for reference.

Oregon Coastal Management Program

DLCD is the administering agency for the Coastal Zone Management Act (CZMA). The federally-approved management program results in two benefits to the state: (1) funding to administer the program and support coastal communities, and (2) federal consistency authority. The Program contains 12 state agencies and many local jurisdictions in the coastal zone.

At the request of the Ocean Policy Advisory Council, DLCD is coordinating an update of the Rocky Shores Management Strategy which is located in the Oregon Territorial Sea Plan. DLCD's Coastal Management Program contacted coastal tribal councils and staff to formally welcome their participation. The Working Group for the Rocky Shores update included staff from the Confederated Tribes of Siletz Indians. DLCD staff met with the Confederated Tribes of Grand Ronde and the CTCLUSI to further understand their interests in the Rocky Shores update and other matters in the coastal zone. Coastal Program staff also provided an update on the Rocky Shores Strategy process to the Oregon Tribal Environmental Forum in October 2018, including ways to participate and offer input. Additional outreach to the Tribes is ongoing and will occur throughout 2019, including the opportunity for formal consultation. Andy Lanier (503-934-0072 / andy.lanier@state.or.us) and Deanna Caracciolo (503-956-8163 / Deanna.Caracciolo@state.or.us) are the DLCD contacts for the Rocky Shores update.

Coastal Program staff continue to coordinate with the CTCLUSI and other Tribes regarding the Jordan Cove LNG project. DLCD has authority through the Coastal Zone Management Act (CZMA) to ensure that federal permits in the coastal zone are consistent with state policies. Staff will continue to coordinate with the Tribes in the review of upcoming federal permits. Elizabeth Ruther (503-934-0029 / elizabeth.j.ruther@state.or.us) is the DLCD contact for the Jordan Cove project and other federal consistency reviews of interest to the Tribes. The Oregon Coastal Management Program is formulating a specific process for tribal coordination during federal consistency reviews in the coastal zone.

Elizabeth Ruther also attended the CTCLUSI's "Sharing our Path" day in November 2018 to better understand the CTCLUSI's history, culture, and government.

Coastal Program staff are also working with the Oregon coastal tribes on ocean management issues. The coastal tribes participated on the West Coast Regional Planning Body which has now been replaced by the West Coast Ocean Alliance due to

changes in the national ocean policy. The Oregon coastal tribes and Coastal Program staff continue to participate in regional and sub regional coordination on ocean issues. Patty Snow (503-934-0052 / patty.snow@state.or.us) and Andy Lanier (503-934-0072 / andy.lanier@state.or.us) are the DLCD contacts for regional ocean issues.

Natural Hazards Planning

For the first time, DLCD is assisting an Oregon tribe with updating its FEMA Natural Hazards Mitigation Plan (NHMP). Typically the Tribes work directly with FEMA. The Burns Paiute Tribe was invited to participate in Harney County's NHMP update, and as a result requested DLCD's assistance in updating its NHMP. Tricia Sears (503-934-0031 / tricia.sears@state.or.us) is the Natural Hazards Planner working with Harney County and the Burns Paiute Tribe on their NHMP updates.

DLCD is beginning work on the Oregon Natural Hazards Mitigation Plan 2020 update. Marian Lahav attended the Intergovernmental Cultural Resource Council meeting in November 2018 and discussed how the Tribes can participate in the update. Additional outreach to the nine Tribes will occur in 2019. Marian Lahav (503-934-0024, marian.lahav@state.or.us) is the DLCD contact.

Marian and Tricia also attended the Oregon Tribal Preparedness Coalition Semi-Annual Meeting in February 2018.

Regional Solutions Teams

DLCD participates in Regional Solutions Teams coordinated by the Governor's office. In 2018, the South Valley-Mid Coast Regional Solutions Team met with the Confederated Tribes of Siletz Indians to discuss expansion of Chinook Winds Casino facilities, housing planning in Lincoln City, and brownfield remediation and economic development at a Toledo mill site. DLCD regional representative Patrick Wingard (541-393-7675 / patrick.wingard@state.or.us) continues to work with the Confederated Tribes of Siletz Indians on conceptual housing development plans for tribal owned property in Lincoln City.

Transportation Growth Management Grants

In 2018, several tribal governments completed work on Transportation Growth Management (TGM) planning grants awarded in prior years. TGM is a partnership program between DLCD and the Oregon Department of Transportation that supports community efforts to expand transportation choices. The table below shows the status of TGM grants awarded to Tribes.

TRIBE	PROJECT	\$ AUTHORIZED	PROJECT COMPLETION	TGM #
Coos, Lower Umpqua and Siuslaw	<u>Coos Head Area Master Plan</u>	\$182,080	AUG 2018	3B-14
Coquille	<u>Empire Comprehensive Plan</u>	\$192,895	JULY 2018	3B-15
Umatilla	<u>Mission Community Master Plan</u>	\$195,100	MARCH 2018	5A-15
Klamath	Chiloquin Walkability Study	\$18,240	APRIL 2016	C2F4-15
Klamath	Bike-Pedestrian Master Plan	\$114,530	92% Complete	4A-16
<i>Total Authorized Funds</i>		<i>\$702,845</i>		

Completed in March 2018, the Confederated Tribes of the Umatilla Indian Reservation's Mission Community Master Plan will help create a "vibrant, engaged, and multi-modal community that fosters cultural and environmental connectedness, economic vitality, health, and well-being." The Coquille Indian Tribe's Empire Comprehensive Plan encompasses approximately 1,100 acres, and designates land use zones and a transportation network to meet pedestrian, bicyclist, and motorist needs. The CTCLUSI Coos Head Area Master Plan envisions redevelopment of 43 acres previously under U.S. Military ownership into an integrated development that will benefit Tribal members, meet Tribal economic development objectives, and provide a mix of uses available to the greater Charleston and Coos Bay communities. Retiring DLCD regional representative Dave Perry served on the Technical Advisory Committee for the Coos Head Area Master Plan.

Scheduled for completion in mid-2019, the 2016 TGM Bike-Pedestrian Master Plan award to the Klamath Tribes builds on a completed TGM Education and Outreach project focused on bicycle and pedestrian safety in the City of Chiloquin. The prior Education and Outreach project was managed by DLCD Community Assistance planner Evan Manvel (503-934-0059 / evan.manvel@state.or.us).

Local Government Coordination

DLCD recognizes the importance of tribal relationships with local governments. In 2018, the department partnered with the Oregon Chapter of the American Planning Association to provide training to local government planners on tribal planning efforts and best practices for coordination with the Tribes. The event was held in Umatilla with

training provided by the Confederated Tribes of the Umatilla Indian Reservation.

DLCD continues to serve as a resource to local governments with questions about the Tribes. For example, in 2018, Aliwin Turiel coordinated with Legislative Commission on Indian Services to provide guidance on formal government-to-government consultation to the City of Hood River.

Other activities of interest

The Land Conservation and Development Commission (LCDC) appointed a member of the Confederated Tribes of the Warm Springs to the advisory committee for the rulemaking regarding photovoltaic solar power generation facilities on high-value farmland.

LCDC welcomes tribal input at their meetings. LCDC meetings are periodically scheduled outside of Salem to allow participation from a variety of interests. Due to budget constraints, the only meetings outside of Salem in 2018 were in Hood River and Seaside. In 2019, there will most likely be a meeting scheduled in eastern Oregon and on the coast.

The Coastal Division and Tim Murphy are responsible for the department's involvement in the Bureau of Indian Affairs (BIA) fee-to-trust process. No fee-to-trust transfer notices were received in 2018.

DLCD continues to provide training to new staff members on government-to-government relations.

Conclusion

In 2018, DLCD strengthened its government-to-government relationships with Oregon's nine federally recognized Tribes. The department will continue to strive to provide early opportunities for meaningful tribal involvement and consultation. In 2019, the department looks forward to working with the Tribes on Rocky Shores, Jordan Cove, regional ocean issues, the Oregon Natural Hazard Mitigation Plan update, and other matters of interest to the Tribes.

 <p>Department of Land Conservation and Development</p> <p>POLICY AND PROCEDURES MANUAL</p> <p>Issuing Division: Director's Office</p>	<p>NUMBER: 07-02</p> <p>Effective Date: May 14, 2007 (DLCD "Interest Statement" has been in effect since September 23, 1997.)</p> <p>Page 1 of 2</p>
<p>SUBJECT: Policy on Government to Government Relations with Oregon Tribes</p>	<p>Approval: Lane Shetterly</p>

PURPOSE: The purpose of this policy is establish, improve and maintain partnerships with Oregon's Indian Tribal governments, while seeking to better understand each other, and work cooperatively to identify and address mutual goals and concerns arising from state land use policy that affects Tribal interests. To the extent possible, work to have the growth management and resource conservation objectives of both the State and the Tribes compatible with one another. Improve upon or design solutions and programs to help reach these objectives

REFERENCE: Authorities are Oregon Administrative Rules and Oregon Revised Statutes that govern state/tribal relations and the actions and responsibilities of the Oregon Department of Land Conservation and Development. In addition, the policy reflects gubernatorial direction as outlined in Executive Order 96-30 and legislative direction as provided in Senate Bill 770 (2001).

POLICY: It is the policy of the Oregon Department of Land Conservation and Development to:

- Facilitate better relations between the Tribes and state and local government.
- Establish a notification process to better coordinate and inform Tribes, and state and local governments about development projects under consideration, and about long-term economic and community land use objectives. Determine what projects and land use policy issues are of interest to the Tribes and keep them informed.
- Continue "Government-to-Government" relations on land use matters at the regional level between state agency contacts in the field (or region), local government planning department staff and Tribal administrators within the region, including Regional Partnerships and Regional Economic Revitalization Teams.
- Work with Tribal governments to share information that supports

development and maintenance of resource management plans, development policies and Tribal zoning ordinances applicable to lands held in trust. In the interests of state, local and Tribal governments, encourage Tribal land use policies and zoning to be similar and compatible with Oregon's land use planning system, including policies for preserving Oregon's best agricultural lands.

- Continue to assist local governments and the Tribes in natural and cultural resource site protection programs under the statewide planning goals.
- Be accountable for a land use program that is coordinated and consistent with the efforts under the Governor's Coastal Salmon Restoration Initiative, and keep the Tribes informed of such actions that may affect Tribal interests.
- Work with Tribal governments and stakeholders to find ways to continue government-to-government relations with fewer resources.
- In conjunction with the work plans of the Natural Resources Work Group and Cultural Resources Cluster Group, continue to work with Tribal governments to assess what implications state and local waivers issued under ORS 197.352 will have on Tribal interests, particularly with respect to natural and cultural resources and sites.
- Involve Tribal Governments, through a Working Group and Economic Development Cluster, in the development of a work plan to address the process by which sewer service may be extended to tribal lands located adjacent to urban growth boundaries or unincorporated communities.

In addition to the provisions of this policy aimed specifically at relations with Oregon's Tribal governments, the Department has reflected its overall communication policy with local governments, included Tribes, within DLCD Policy No. 06-01: Local and Tribal Government Communication Policy.

Accomplishments made by the Department in response to this policy, and since the Executive Order (EO-96-30) was established in 1996, are found in the Annual Reports presented each year to the Governor and Legislative Commission on Indian Services.

 <p>Department of Land Conservation and Development</p> <p>POLICY AND PROCEDURES MANUAL</p> <p>Issuing Division: Director's Office</p>	<p>NUMBER: 06-01</p> <p>Effective Date: December 28, 2006</p> <p>Page 1 of 3</p>
<p>SUBJECT: Local and Tribal Government Communication Policy</p>	<p>Approval: Lane Shetterly</p>

PURPOSE:

The purpose of this policy is to recognize that local governments play the central role in carrying out the statewide planning program, which is administered by the Oregon Department of Land Conservation and Development (DLCD). The purpose of this policy is also to recognize government-to-government relations that exist between the department and each of Oregon's federally recognized tribes.

Local governments have the following relationships with DLCD:

- Partners in implementing the statewide planning program, instituted in 1973 by SB 100
- Customers requesting technical assistance and planning grants
- Advisors to help with policy development and legislative concepts

Maintaining positive relationships with local and tribal governments is a fundamental goal of the department. The Local and Tribal Government Communication Policy is intended as a checklist to ensure DLCD's consistent relationships with local government and tribes remain intact.

Local governments most affected by agency programs and authorities include:

- Cities and counties, especially those that are experiencing high levels of population growth or economic development, or transportation problems
- Regional governments, which help coordinate regional planning in urban areas
- Special districts (ports, transit, utilities, education service, fire/ambulance, parks & recreation, etc.)

In addition, agency programs have an effect on tribal planning efforts, even though many tribal lands are not directly subject to the state and local regulatory authority. To foster government-to-government relations with each of the tribes, the department serves on several state/tribal cluster groups. The department also serves as lead staff for two independent bodies: the Ocean Policy Advisory Council (OPAC) and the Oregon Task Force on Land Use Planning. OPAC is a legislatively mandated marine policy advisory body to the governor. The Task Force on Land Use Planning was created by SB 82 (2005) to conduct a

comprehensive review of Oregon's statewide planning program. DLCD has no authority over either body, but keeps local governments up to date on the work of both bodies.

REFERENCE: Authorities are Oregon Administrative Rules and Oregon Revised Statutes that govern state/tribal relations and the actions and responsibilities of the Oregon Department of Land Conservation and Development.

POLICY: It is the policy of the Oregon Department of Land Conservation and Development to ensure that local and tribal governments have the ability, information and access they need to actively participate in the statewide planning program. To accomplish this policy, the department will strive to:

- Proactively contact local governments and, if applicable, their membership associations, and tribes to make them aware of pending decisions, policy changes, rule modifications, or other actions of the department that may affect the interests or operations of a local government or tribe. Such notification will be made far enough in advance so that affected local governments and tribes can be in a position to provide meaningful feedback.
- Engage local government elected officials, primarily through the Local Officials Advisory Committee (LOAC), in a continuing dialog – both formal and informal – as to how the department can best assist local governments in the statewide planning program. (LOAC advises the Land Conservation and Development Commission on policies and programs affecting local governments.)
- Ensure that the avenues of communication between local governments and tribes, and the department staff working with OPAC and the Oregon Task Force on Land Use Planning are consistently open, clear and accessible.
- Collect feedback from local and tribal government officials on how the department is doing in serving the needs of local and tribal governments.
- Create and update publications that can assist local governments. Key examples of this type of assistance are the Model Development Code for Small Cities and an economic development guidebook.
- Continue to make more information available on the department's Web site and through other outreach efforts.
- Host, sponsor and participate in a variety of meetings with local government staff, council or commission meetings, community forums, association conferences, etc. Conduct LCDC roundtable discussions with

officials throughout the state.

- Participate in coordination opportunities with tribes, individually or collectively, as needed to address individual land use issues and larger policy considerations.

DISPUTE RESOLUTION

Although every attempt will be made by the department to adhere to the letter and spirit of the Local Government Communication Policy, there may be occasions where disagreements arise as to whether a good-faith attempt was made by staff within the department to meet this policy.

In the event a local or tribal government, or group of local or tribal governments, wish to dispute the application of this policy, a written statement to that effect should be made to the manager in charge of the program area in question. That manager will respond to the submitted statement and, if necessary, take action to remedy the situation. If no action is deemed necessary, a written explanation will be provided to the local or tribal government.

If a satisfactory result cannot be achieved through this process, a local or tribal government may appeal to the DLCD director. The director will, at his or her discretion, work to resolve the issue to the best of his or her ability.