



ANNUAL REPORT TO THE LEGISLATIVE COMMISSION ON INDIAN SERVICES

Department of Geology and
Mineral Industries

December 2018



Overview

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 sixth Government-to-Government Annual Report submitted by DOGAMI, and the sixth year DOGAMI has responded to meet the objectives of Executive Order (EO) 96-30 – State/Tribal Government-To-Government Relations.

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 and permit holders are 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 2018

- 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 welcomed Diane Teeman of the Burns Paiute Tribe to the DOGAMI Governing Board after appointment by Governor Brown and confirmation by the Oregon Senate in February 2018. An anthropologist, Teeman is the Culture and Heritage Director for the Burns Paiute Tribe, and has worked in cultural resource management for 30 years. She earned bachelor's and master's degrees in anthropology and philosophy from the University of Oregon and is currently a doctoral candidate focusing on historic archaeology at the University of Nevada, Reno. Teeman is a former chairperson and councilperson for the Burns Paiute Tribe, and has twice served as an appointed member of the Legislative Commission on Indian Services.
- 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 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 representatives at proposed mineral development sites to determine the need for cultural resource surveys prior to earth disturbing activity.
- DOGAMI 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 representative, Ben Mundie, served as co-chair for the Cultural Resource Cluster meetings during 2018.
- During DOGAMI's November 2018 all agency meeting, Ben Mundie presented on DOGAMI's role and responsibilities in meeting the objectives of EO-96-30. Mundie serves as DOGAMI's primary contact on the Tribal-State Natural Resources Workgroup and Cultural Resource Cluster Group.

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 and will be circulated to the nine federally recognized Tribes in Oregon for review and comment.

Additionally, 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 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.

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. Sarah Lewis, Mineral Land Regulation and Reclamation (MLRR) Program Manager, is the alternate contact.

Primary Contact on Government-to-Government Relations:

Brad Avy, Director and State Geologist

800 NE Oregon St., Suite 965

Portland, OR 97232

971-673-1550

brad.avy@oregon.gov

Alternate Contact on Government-to-Government Relations:
Sarah Lewis, MLRR Program Manager
229 Broadalbin St SW
Albany, OR 97321
541-967-2053
sarah.lewis@oregon.gov

Primary Contact on Tribal-State Natural Resources Workgroup and Cultural Resource Cluster Group:
Ben Mundie, Reclamationist
229 Broadalbin St SW
Albany, OR 97321
541-967-2149
ben.mundie@oregon.gov

The agency's primary and alternate contacts are responsible for assuring that the agency is kept apprised of activities that may be of interest to the Tribes, to provide appropriate Tribal contacts, and ensure that the Tribes are informed of agency activities. The agency recognizes that maintaining good communication is of mutual benefit to the state of Oregon and the 9 federally recognized 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 varied services that DOGAMI provides.

DOGAMI's participation in Government-to-Government collaboration is reflected in the following activities for 2018:

- Ben Mundie co-chaired the Cultural Resource Cluster (CRC) meetings on January 9 and 10, 2018 in Grand Ronde and attended:
 - The Natural Resource Work Group (NRWG) meeting on January 16, 2018 in Salem;
 - The LCIS Commission Meeting in the Capitol on February 21, 2018; and,
 - An Intergovernmental Cultural Resource Council (ICRC) meeting on February 23, 2018 in Salem.
- Ian Madin and Ben Mundie met with Stacy Scott, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Tribal Historic Preservation Officer (THPO) on March 20, 2018 in Coos Bay to tour the area of potential impact from the proposed Liquefied Natural Gas (LNG) terminal and pipeline.
- Ben Mundie co-chaired the CRC meetings on April 17 and 18, 2018 at the University of Oregon Longhouse in Eugene and attended:
 - The *Spring Afternoon Discussion* on May 15, 2018 hosted by the Willamette University Law School in Salem; and,
 - The Natural Resource Work Group (NRWG) meeting on July 25, 2018 in Salem.
- Ben Mundie co-chaired the CRC meetings on July 24 and 25, 2018 in Pendleton and:
 - Attended the Natural Resource Work Group (NRWG) meetings on October 2 and 3, 2018 in Eugene, and coordinated a field trip to the river restoration project at the confluence of the Middle Fork and Coast Fork of the Willamette Rivers at a DOGAMI permitted site owned by The Nature Conservancy;
 - Met with Confederated Tribes of Grand Ronde THPO personnel at proposed mine sites in Clackamas and Jackson Counties on October 9 and 10, 2018; and,
 - Attended an Intergovernmental Cultural Resource Council (ICRC) meeting on November 2, 2018 in Portland.
- Brad Avy and Ben Mundie attended the 2018 Annual Tribal-State Government-to-Government Summit on November 27, 2018 in Grand Ronde.
- Ben Mundie co-chaired the CRC meeting on November 28, 2018 in Grand Ronde.

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 of significant value in 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 to be proactive regarding cultural resources and limit the potential for delay near the end of the permitting process. In 2018, 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, Natural Resources Workgroup and Cluster Group meetings, and other inter-governmental agency meetings pertaining to cultural resource protection. 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 agency staff.

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 twice 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.

As noted above, during DOGAMI's all staff meeting a presentation was given on DOGAMI's role and responsibilities in meeting the objectives of EO-96-30.