



Oregon

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Department of State Lands

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State Land Board

2018 Annual Government-to-Government Report

Kate Brown

Governor

For the Department of State Lands

Dennis Richardson

Secretary of State

December 14, 2018

This annual report is submitted in response to ORS 182.166 (3), which requires agencies to submit a report on agency activities under ORS 182.162 to 182.168.

Tobias Read

State Treasurer

Department of State Lands Policy on Relationship with Tribes

In 2006, the Department of State Lands (DSL) adopted the agency's [State Agency Coordination Program](#) (SAC). Section 5 of the program outlines DSL's efforts and procedures to coordinate with Tribal governments. DSL's SAC program commits DSL to do the following:

- Include affected Tribal interests in the review/comment of agency actions likely to affect Tribal members or resources of Tribal interest.
- Carefully and thoughtfully consider Tribal comments concerning pending decisions and actions.
- Provide materials to natural resource agencies within each Tribal government that explain DSL's roles and responsibilities in natural resource management.

DSL adopted an agency policy (Attachment A) that works to establish, promote and improve government-to-government relations between DSL and Oregon's federally recognized tribes.

Agency Contacts

Our primary agency contact is:

Vicki Walker, Director

Phone: (503) 986-5224

Email: Vicki.Walker@dsl.state.or.us

To participate more fully in activities of the Cultural Resources and Natural Resources Workgroups, the agency will also be represented by:

Ali Ryan Hansen, Communications Manager
Phone: 503-986-5298
Email: ali.r.hansen@state.or.us

Eric D. Metz, Senior Policy & Legislative Analyst
Phone: 503-986-5266
Email: eric.metz@dsl.state.or.us

Process to Identify Programs of DSL that Affect Tribes

The primary means DSL uses to identify agency programs and activities that may affect tribes is spelled out in the agency's SAC Program. DSL regularly includes tribes in notification of possible actions on state lands owned and managed by DSL, giving the respective tribe(s) an opportunity to comment on the proposed action. Through trainings and presentations, DSL also raises staff awareness of the need to consult with tribes on a government-to-government basis.

Efforts to Promote Communication between DSL and Tribes / Government-to-Government Relations between DSL and the Tribes

During 2018, DSL's efforts to promote communication between the agency and tribes included several areas. By program area, these efforts include:

Agency-wide

Staff participated in the Cultural Resources and Natural Resources Workgroup meetings throughout the year. In addition, executive staff attended the LCIS Spring Discussion at Willamette University on May 15; and the Annual State-Tribal Summit on November 27 at Grand Ronde.

DSL's Multicultural Appreciation Committee provides information on National American Indian Heritage Month for all staff and posts the Governor's proclamation in November of each year.

Communications Manager Ali Ryan Hansen serves as the agency's Citizen Advocate on the Environmental Justice Task Force (EJTF). One of her roles is to provide feedback on how environmental justice concerns may be incorporated into agency actions and decisions. Tribal communities are identified as communities who potentially have been affected by environmental justice issues. DSL is committed to building staff understanding of environmental justice to provide a common foundation for fostering further innovation for outreach with, and inclusion of, all communities potentially affected by environmental justice. The goal is to provide more effective interactions with these communities, including the tribes.

Operations Division: Real Property Unit & Aquatic Resource Management Program

DSL continues to participate in the Cultural Resources Cluster and the Natural Resources Workgroup. DSL is represented by Ali Hansen on the Cultural Resources Cluster and Eric Metz on the Natural Resources Workgroup. They provide updates on agency rulemaking, policy issues and specific issues raised by Tribal representatives attending the meetings.

The Real Property Unit, now managed out of Bend, oversees management of all common school trust lands statewide as well as all land transactions such as sales, exchanges, release of mineral rights and granting of use authorizations such as leases and easements.

The Real Property Unit continues its policy of notifying potentially affected tribes regarding applications received for activities proposed on DSL owned and managed lands. The tribes are afforded the opportunity to comment on the proposed activities set forth in the applications, and staff work closely with Tribal staff to address any concerns they may have. The agency director is available for formal consultation on any agency action.

The Real Property Unit's archaeologist continues to review all proprietary authorizations statewide. For agency-initiated ground disturbing projects, field surveys and testing are completed as needed.

Elliott State Forest

Throughout 2018, DSL continued the two-tract approach as directed by the Land Board:

- 1) Habitat Conservation Plan Development: Contracting with a third party to complete the development of the federal Habitat Conservation Plan (HCP).
- 2) Common School Fund Decoupling: Contracting with an additional and separate third party to lead and manage the discussions and negotiations towards potential decoupling the Elliott State Forest from Common School Fund ownership.

The Cow Creek Bank of Umpqua Tribe of Indians; the Confederated Tribes of the Coos, Lower Umpqua, & Siuslaw Indians; the Confederated Tribes of the Grand Ronde Community; and the Confederated Tribes of Siletz Indians all participated with Oregon Consensus in the decoupling interview assessment process. DSL continued to provide updates to the LCIS Cultural Resource Cluster and Natural Resource Workgroup.

Senate Bill 144

Senate Bill 144 passed during the 2017 legislative session. This bill removes exemption from prosecution for possession of archeological objects unintentionally discovered on public lands. It also requires the district attorney to determine if Indian tribes claim seized contraband and to notify the Commission of Indian Services upon recovery.

DSL has worked with the Oregon State Police and Department of Justice to develop signage (Attachment B) that informs the public of the legislative restrictions to the removal of items from state-owned lands in Oregon.

Willamette Falls Fishing Platforms

The Confederated Tribes of the Grande Ronde applied for an authorization to construct ceremonial fishing platforms at Willamette Falls. This application drew comments from the Confederated Tribes of Warm Springs and the Confederated Tribes of the Umatilla Indian Reservation. Director Walker engaged in formal consultation with the Confederated Tribes of the Grande Ronde, the Confederated Tribes of Warm Springs and the Confederated Tribes of the Umatilla Indian Reservation on the proposed project and the application process. DSL eventually issued a waterway structure registration for the proposed use. This authorization is under appeal.

Jordan Cove / Pacific Connector Project

DSL received a new removal-fill permit application for the Jordan Cove Energy Project on November 7, 2018. The application covers the three main elements of the project: 1) the liquefied natural gas (LNG) slip and access channel; 2) the LNG terminal; and 3) the natural gas pipeline.

DSL concluded its completeness review of the application on December 6, 2018 and began a 60 day public comment period. DSL is now accepting comment on the Jordan Cove Energy Project removal-fill permit application.

[Download the revised application here.](#) *Please note: the file is large and may be slow to download.*

Public hearings to accept comment are scheduled for:

- Monday, Jan. 7 from 5:30-8 p.m. at Klamath Falls Community College, 7390 S 6th St., Klamath Falls, Ore.
- Tuesday, Jan. 8 from 5:30-8 p.m. at the Jackson County Expo, 1 Peninger Rd, Central Point, Ore.
- Wednesday, Jan. 9 from 5:30-8 p.m. at Seven Feathers Casino, 146 Chief Miwaleta Ln., Canyonville, Ore.
- Thursday, Jan. 10 from 5:30-8 p.m. at the Mill Casino, 3201 Tremont Ave., North Bend, Ore.
- Tuesday, Jan. 15 from 5:30-8 p.m. at the Department of State Lands, Land Board Room, 775 Summer St NE, Salem, Ore.

Additional details, including room locations, will be announced in late December.

Comments may also be submitted:

- By [web form](#). *Please note: attachments cannot be added to the web form.*
- By email to DSL Coordinator Bob Lobdell at robert.lobdell@dsl.state.or.us
- By fax to DSL Coordinator Bob Lobdell at 503-378-4844
- By postal mail to Jordan Cove comments, Oregon Department of State Lands, 775 Summer St. N.E., Ste 100, Salem, Ore.

The comment deadline is February 3, 2019, at 5 p.m. Comments must be received by this date and time to be considered.

DSL has given, and will continue to give, updates on the Jordan Cove Energy Project to the Cultural Resources Cluster and the Natural Resources Workgroup.

South Slough National Estuarine Research Reserve (Reserve)

The Reserve Management Commission reserves one commission seat for Tribal representation to include consideration of Tribal issues in management of the Reserve. The seat is currently being held by the Confederated Tribes of the Coos, Lower Umpqua, & Siuslaw Indians, and will next be held by the Confederated Tribes of the Siletz Indians.

The Reserve maintains formal Memorandums of Understanding with both the Confederated Tribes of the Coos, Lower Umpqua, & Siuslaw Indians and the Coquille Indian Tribe. These cooperative agreements facilitate the exchange of information and data, shared use of equipment and facilities, and joint proposal development and project management.

As part of the agency's 2017-2021 Strategic Plan, DSL will complete an evaluation to determine the best administrative location (host partner) for management of the Reserve. The evaluation of a host partner for the Reserve will consider all alternatives that include, but are not limited to:

- Remain with DSL
- University of Oregon
- Oregon State University Extension
- Combination of the entities
- Another State Department
- Local tribes

The University of Oregon has established themselves as the leader to take over management of the Reserve. DSL will continue to discuss any potential transfer of management with the tribes represented on the Commission and any other interested parties.

Reserve science staff continues to collaborate with the Coquille Tribe and Confederated Tribes of the Coos, Lower Umpqua, & Siuslaw Indians to manage real-time water quality stations and to discuss data related to water quality in Coos Bay. Reserve staff has also been providing technical support to Coquille staff for new water quality monitoring efforts in Coos Bay and to help link Tribal station data into the Northwest Association of Networked Ocean Observation Systems (NANOOS).

Both the Coquille Tribe and Confederated Tribes of the Coos, Lower Umpqua, & Siuslaw Indians are active participants in the Partnership for Coastal Watersheds (PCW), a stakeholder group that is currently sourcing and providing information for an

update to the County's Coos Bay Estuary Management Plan. Reserve staff helped facilitate a series of workshops to garner input from stakeholders and end-users, with respect to economic, sociocultural, and natural resource uses of the estuary. Tribal staff participated and continues to participate in these ongoing PCW efforts.

Reserve staff has regular ongoing meetings with Confederated Tribes of the Coos, Lower Umpqua, & Siuslaw Indians and Coquille Tribe staff to coordinate cultural reviews for restoration projects and newly acquired lands in the Reserve. Both Tribes serve as partners on the current Wasson Creek Watershed Restoration project and on the Indian Point Restoration project. The tribes have been integral in providing labor and information to meet Section 106 compliance for restoration planning.

The Reserve also regularly works with Tribal staff and Tribal members to provide opportunities for cultural plant gathering and Tribal program requests, as needed.

Anticipated Activities for 2019

During 2019, DSL will:

- Continue participation in government-to-government activities such as the Cultural Resources and Natural Resources Workgroup meetings; and in providing tribes with opportunities to comment on DSL activities.
- Consult with tribes on the Elliott State Forest, Jordan Cove LNG Project, South Slough National Estuary Research Reserve, and other projects as requested.
- Continue to highlight tribes through the Multicultural Appreciation Committee, focusing particularly on National American Indian Heritage Month in November.
- Continue participation on the Environmental Justice Task Force.
- Continue outreach efforts with Oregon tribes on searching for and claiming unclaimed property (lost funds) that the agency may be holding for Tribal members.
- Continue to cooperate and coordinate with representatives of the Coquille Tribe and Confederated Tribes of the Coos, Lower Umpqua, & Siuslaw Indians to locate and protect cultural heritage sites in the Reserve. Implement the cooperative agreements with both Tribal governments and continue Tribal participation on the Reserve Management Commission.
- Continue to participate in and/or coordinate educational and cultural experiences with local tribes.

Attachments:

- A. State/Tribal Government-to-Government Relations Policy

B. Draft Cultural/Archaeological Signage for State-Owned Land