



ANNUAL REPORT TO THE LEGISLATIVE COMMISSION ON INDIAN SERVICES

Department of Geology and
Mineral Industries

December 2019



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 seventh Government-to-Government Annual Report submitted by DOGAMI, and the seventh year DOGAMI has responded to meet the objectives of Executive Order No. 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 continue to 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 2019

- DOGAMI continues to circulate all new permit applications for mining, oil and gas, and geothermal development to LCIS for distribution to the appropriate Tribal government staff for review and comment.
- In response to Oregon Tribal Cultural Items – Executive Order No. 17-12, DOGAMI conducted an extensive survey of all active employees and workplaces to identify and document Oregon Tribal Cultural Items. While the agency-wide survey did not identify any human remains, funerary objects, or archaeological artifacts, DOGAMI does possess a wide range of historic and archival materials that may hold cultural significance. DOGAMI will continue to explore ways to provide easy access to electronic information that may have Tribal cultural interest.
- DOGAMI staff continue to meet individually with Tribal cultural resource staff 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 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 2019.
- DOGAMI continues to coordinate with Tribal representatives on coastal issues.

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:

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

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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 nine 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 2019:

- Ben Mundie co-chaired the Cultural Resource Cluster (CRC) meetings on: February 20, 2019 in Salem; on May 30, 2019 in Bend; on September 18, 2019 in Coos Bay; and on December 4, 2019 in Pendleton.

- Ben Mundie attended the Natural Resource Work Group (NRWG) meetings on: February 5, 2019 in Salem; on May 7, 2019 in Grand Ronde; and on November 19, 2019 in Salem.
- Ben Mundie attended the Intergovernmental Cultural Resource Council (ICRC) meetings on: February 28, 2019 in Salem; on June 13, 2019 in Portland; and on November 7, 2019 in Portland.
- Ben Mundie participated in the Tribal/State Jordan Cove Energy Project (JCEP) meetings on: March 18, 2019 in Eugene; on June 24, 2019 in Eugene; and on December 2, 2019 in Pendleton.
- Ben Mundie attended the 2019 Annual Tribal-State Government-to-Government Summit on December 3, 2019 in Pendleton.
- Ben Mundie attended the Oregon Tribal Cultural Items training on May 14, 2019 in Salem.
- Ben Mundie participated in the Cultural Item brown bag meetings in the Capitol on June 4, 2019; August 6, 2019; September 10, 2019; October 8, 2019, and November 5, 2019.
- In response to Executive Order No. 17-12, DOGAMI compiled and submitted an Oregon Tribal Cultural Item report to the LCIS and the nine federally recognized Tribes of Oregon on November 14, 2019.
- DOGAMI held Tsunami Resilience meetings in Charleston as part of the Beat the Wave project in the Greater Coos Estuary on March 2, 2018 with Tribal representatives of the Coquille Indian Tribe and the Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians in attendance.
- DOGAMI held Tsunami Resilience meetings in Reedsport on February 15, 2018; Tillamook on February 22, 2018; Port Orford on August 14, 2018; and Florence on August 29, 2018.
- DOGAMI held Tsunami Resilience meetings in Nehalem Bay on January 8 and March 6, 2019; in Newport on January 24, 2019; in Neskowin on March 1, 2019; and Waldport on August 6, 2019.
- DOGAMI hosted a Tsunami Debris Workshop in Astoria on May 28, 2019.

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 2019, 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 Cultural Resource 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 Tribes and State. 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 to 182.168 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.

During the month of October 2019, the agency Cultural Item Liaison met with staff in DOGAMI'S Portland main office, Newport coastal office, Albany field office, Baker City field office, and Springfield field office to conduct on-site surveys for the presence of

cultural and historic items that may be of significance to the nine federally recognized Tribes of Oregon. An email survey of all active employees was completed in order to determine what types of cultural or historical items may be in agency possession.

Through these efforts to survey the DOGAMI workplace for Items of cultural and historic significance all DOGAMI employees have been acquainted with the importance of identifying cultural items and the process of protection and preservation.
