



2019 Legislative Commission on Indian Services Government-to-Government Annual Report

prepared by the
Oregon Parks & Recreation Department
725 Summer St. NE, Suite C, Salem, Oregon 97301

with the
Oregon State Historic Preservation Office
725 Summer St. NE, Suite C, Salem, Oregon 97301

submitted to the
Legislative Commission on Indian Services
900 Court St. NE, Room 167, Salem, OR 97301

on
December 13, 2019

Introduction

Oregon Revised Statute 182.166 (ORS 182.166) requires that no later than December 15 of every year, state agencies submit a report to the Legislative Commission on Indian Services (LCIS) that summarizes the annual activities of the agency and its interactions with the nine federally-recognized Tribes of Oregon. While this report is intended to fulfill this requirement, this document more importantly highlights the Oregon Parks and Recreation Department's (OPRD) ongoing commitment to strengthening the agency's relationship with its Tribal partners and emphasizes OPRD's efforts to consult not only at the government-to-government level as mandated by law, but also in others meaningful ways as community partners, colleagues, and neighbors. Consultation never truly "ends" and as such, OPRD is continually looking to improve its coordination and communication with the nine federally-recognized Tribes of Oregon.

Agency Information

The mission of OPRD is to provide and protect outstanding natural, scenic, cultural, historic and recreational sites for the enjoyment and education of present and future generations.

OPRD operates state parks through its headquarters in Salem, with support from three regional offices. OPRD is responsible for Oregon's Recreation Trails, the Ocean Shores Recreation Area, Scenic Waterways, Willamette River Greenway, and Heritage Programs, including the State Historic Preservation Office (SHPO), Heritage Commission, and Oregon Commission on Historic Cemeteries.

OPRD Policies Adopted under ORS 182.164 (ORS 182.166(3)(a))

ORS 182.164 requires state agencies to development and implement policy on relationships or cooperation with the nine federally-recognized Tribes of Oregon. Currently, OPRD has three policies that directly relate to Tribal interactions.

CUL.010 Cultural Resources Policy

Purpose

The OPRD Cultural Resource Policy summarizes agency requirements for managing the wide range of cultural resources under the stewardship of OPRD. The purpose of this policy is to ensure that Oregon heritage is protected and shared for the understanding, appreciation, and enjoyment of all present and future Oregonians.

Goals

The goals of this policy are to:

- Further OPRD's mission to provide outstanding natural, scenic, cultural, historic, and recreational sites for the enjoyment and education of present and future generations.
- Promote meaningful partnerships, purposeful stewardship, and protection best-practices concerning cultural resources.
- Establish a practical framework for managing the varied cultural resources in OPRD's care.
- Ensure compliance with all applicable state and federal cultural resource protection laws.

CUL.020 Tribal Relations Policy

Purpose

The Purpose of this policy is to comply with ORS 182.164 which requires state agencies to develop and implement a policy on how they will relate and cooperate with federally recognized Tribes in Oregon.

Goals

The goals of this policy are to:

- Maintain regular communications with the nine federally-recognized Tribes of Oregon.
- Foster positive agency relationships with the Tribes.
- Incorporate Tribal perspectives into the work, operations, and decisions of OPRD.

CUL.030 Tribal Traditional Use Policy

Purpose

This policy is intended to waive the day-use fee for Tribal members wishing to participate in traditional cultural, religious, or community ceremonies activities and does not affect any rights or relationships of Tribal, federal, and state governments, nor any treaty rights.

Goals

The goals of this policy are to:

- Promote positive Tribal relations.
- Waive the day use fee for Oregon Tribal members wishing to access sacred Indian sites located within park units for traditional cultural, religious, or ceremonial community activities.
- Allow for ecologically sustainable cultural collection practices and traditions within state parks by individual members of the nine federally-recognized Tribes of Oregon for personal use.

OPRD Program Contacts (ORS 182.166(3)(b))

General Responsibility

Overall responsibility for developing and implementing OPRD programs that may affect Tribes rests with the OPRD Director and the Deputy Directors (including Administration, Heritage Programs, and Operations).

- Director and State Historic Preservation Officer: Lisa Sumption
 - 503-986-0660, lisa.sumption@oregon.gov
- Deputy Director: MG Devereux
 - 503-986-0735, mg.devereux@oregon.gov
- Deputy Director of Administration: Daniel Killam
 - 503-986-0772, daniel.killam@oregon.gov
- Deputy Director of Heritage Programs and Deputy State Historic Preservation Officer: Chrissy Curran
 - 503-986-0684, chrissy.currran@oregon.gov

The OPRD Tribal Liaison is responsible for facilitating, promoting, and ensuring communications between Tribes and OPRD Program Managers, as appropriate.

- Tribal Liaison: Jessica Gabriel
 - 503-986-0663, jessica.gabriel@oregon.gov

Program Responsibility

The following OPRD Program Managers are directly responsible for developing and implementing programs that may affect Tribes:

- Central Operations Support Manager: Eric Timmons
 - 503-986-0639, x225, eric.timmons@oregon.gov
- Concession Development Director: Tracy Louden
 - 503-871-6530, tracy.louden@oregon.gov
- Program Development Director: Chas Van Genderen
 - 503-986-0742, chas.vangenderen@oregon.gov
- Park Development Administrator: Vacant as of December 2019
- Engineering Manager: Darrell Monk (Interim)
 - 503-986-0764, darrell.monk@oregon.gov
- Planning & Design Manager: Vacant as of December 2019
- Stewardship Manager: Trevor Taylor
 - 503-986-0738, trevor.taylor@oregon.gov
- Communications Manager: Jason Resch
 - 503-986-0592, jason.resch@oregon.gov
- Customer Programs Manager: Sheri Miller
 - 503-947-8603, sheri.miller@oregon.gov
- Budget Manager: Tanya Crane
 - 503-986-0694, tanya.crane@oregon.gov
- Financial Services Manager & Payroll Manager: Rebecca Jasso
 - 503-986-0581, rebecca.jasso@oregon.gov
- Chief Information Officer: Bob DeVyldere
 - 503-986-0779, bob.devylidere@oregon.gov
- Procurement & Contracts Manager: Jan Hunt
 - 503-986-0658, jan.hunt@oregon.gov
- Recreation Grants and Community Services/ATV Programs Manager: Michele Scalise
 - 503-986-0705, michele.scalise@oregon.gov
- Day Use and ATV Manager: Michele Scalise (interim)
 - 503-986-0705, michele.scalise@oregon.gov
- Human Resources Director: Jennifer Crane (interim)
 - 503-986-0781, jennifer.crane@oregon.gov
- Legislative and Policy Coordinator Lead: Katie Gauthier
 - 503-947-8625, katie.gauthier@oregon.gov
- Associate Deputy State Historic Preservation Officer: Ian Johnson
 - 503-986-0678, ian.johnson@oregon.gov

Identifying Programs that Affect Tribes (ORS 182.166(3)(c))

Whenever a new program is contemplated, the Deputy Director responsible shall notify the Deputy Director for Heritage Programs who shall notify the OPRD Tribal Liaison, as appropriate, if in their opinion the new program might affect a Tribe.

The OPRD Tribal Liaison will have on-going communication shall consult semi- annually with the Deputy Directors and the OPRD Program Managers that are responsible for developing and implementing programs that may affect Tribes in order to identify and confirm which OPRD programs and what upcoming work may affect Tribes. For instance, the OPRD Tribal Liaison or the Deputy Director for Heritage Programs will periodically attend regular meetings such as the Operations Management Team (OMT) meetings or regional meetings where new programs or activities would be discussed.

Whenever a new program is contemplated, the Deputy Director responsible shall notify the Deputy Director of Heritage Programs who shall notify the OPRD Tribal Liaison to determine if the new program might affect a Tribe.

The OPRD Tribal Liaison shall maintain an updated list of OPRD programs that affect Tribes including the names of the individuals who are the responsible managers. This list shall be the basis for development of communication protocols and routine consultation.

Projects, Consultation, & Communication (ORS 182.166(3)(d))

OPRD Summary for LCIS

Throughout 2019, OPRD has continued to participate in ongoing consultation as well as initiate consultation on new projects with the nine federally-recognized Tribes of Oregon across three agency regions comprised of approximately 113,000 acres; coast, valley, and mountain. While not exhaustive, the following list highlights a selection of projects that demonstrate OPRD's efforts to promote communication between the state agency and the Tribes and government-to-government relations between the state and Tribes.

- OPRD Archaeologists Nancy Nelson, Steve Jenevein, and Sam Willis, along with Stewardship Operations Specialist and Tribal Liaison Jessica Gabriel, have continued to work with Tribes concerning a multitude of projects, planning sessions, and site visits throughout the course of the year.

- Representatives from OPRD, both cultural resource managers and other divisions from within the agency were regularly in attendance at the Cultural Resource Cluster, Natural Resource Cluster, and the Interagency Cultural Resource Council meetings as well as the Tribal Cultural Items brown-bag lunches and the LCIS Annual Summit.
 - The new State Interpretive Specialist, Mariah Dawson, attended the fall Interagency Cultural Resource Council and Cultural Resource Cluster meetings to introduce herself to the Tribes and discuss her goals to partner with the Tribes to better establish a means of communication for interpreting Tribal topics at parks. The work would ideally take place on individual and statewide levels to establish clear guidelines and accessible resources for parks, managers, and individual

rangers to use in order to know how best to communicate in regards to Tribal topics within each park. Another goal is to learn how each Tribe has been engaged with parks around these topics in the past, and how they would like to be engaged in the future.

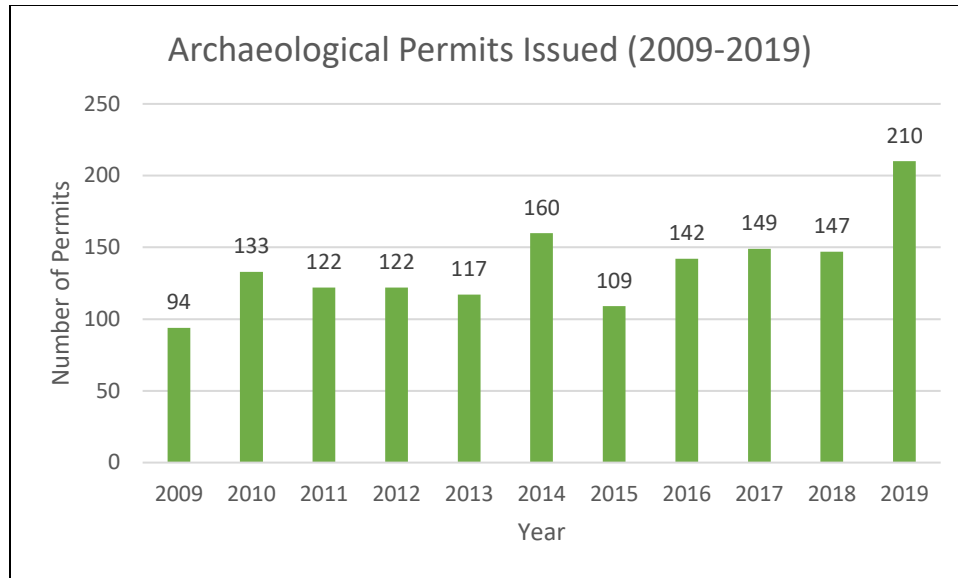
- Tribal Liaison Jessica Gabriel will be co-chairing the Cultural Resource Cluster group in 2020 with Kassandra Rippee, Tribal Historic Preservation Office for the Coquille Indian Tribe.
- OPRD participated in the 2019 Archaeology Roadshow in Portland on June 1. For eight years running, the roadshow has been held at the Portland State University campus in downtown Portland. Harney County participated for its third year and the roadshow came to Central Oregon for the first time with a stop in Bend. With a theme of “The Archaeology of Daily Life”, OPRD was able to present information on the livelihoods and homelives of those living at the Champoeg townsite in the Willamette Valley. Next year, OPRD hopes to attend more satellite roadshows and present on various other state park properties.
- OPRD has been reviewing and revising its cultural resource and Tribal policies over the course of the past year and work will continue in to 2020. In addition to revisiting these policies, OPRD is simultaneously revising and bolstering the procedures that accompany these policies in order to strengthen our best practices and ensure that, agency-wide, we are effectively managing the cultural resources under our stewardship.
- Additionally, OPRD has been reviewing and reconfiguring our own internal cultural resource management processes to better ensure that meaningful Tribal consultation occurs as a critical piece of managing the resources under our care. This exercise will also:
 - Refine template forms, letters, and check-ins that will standardize how we approach agency projects and consultation; and
 - Clarify our internal process and consultation requirements for internal, non-cultural staff to aid in project planning and raise awareness.
- In partnership with the Coquille Indian Tribe, OPRD is currently creating a pilot program regarding the waived-fee Tribal traditional gathering of culturally significant plants and plant material within state parks. The purpose of this program is to create a process in which the management of culturally significant plants in state parks is shared in partnership with the Tribe rather than the sole responsibility of OPRD. *As co-stewards of these resources, members of the Tribe wishing to gather under these parameters do not need to seek permission from OPRD, but rather work internally with the Tribe to check out a waived-fee Tribal Traditional Gathering Day Pass (Day Pass) provided to the Tribe by OPRD.* This system, which includes a checkout log, will allow for active resource management by both the Tribe and OPRD and will create the opportunity to respond more quickly to resource issues. A draft of the program guidelines was sent to the Tribe at the beginning of November for review. OPRD is hoping to have the guidelines and

day-pass hang tag finalized early in 2020. If all goes well, OPRD would like to offer this day-pass program to any other interested Tribes, however, participation is not necessary and waived-fee access will still be provided per the terms of OPRD policy CUL.030.

- OPRD participated in the Tribal Cultural Items Survey as mandated by Executive Order No.17-20. On November 14, 2019, OPRD submitted the results of their survey to representatives from the nine federally-recognized Tribes of Oregon, the Task Force on Oregon Tribal Cultural Items, and the Governor's office.
- OPRD has also started offering "beginning of biennium" meetings with any of the nine Tribes expressing interest. These meetings are intended to act as a check-in between the agency and the participating Tribe at the start of each biennium to discuss large projects, trends in consultation, and raise any questions, comments, or concerns any party may have. To date, one of these meetings has occurred with the Confederated Tribes of Warm Springs and additional meetings are still being scheduled.
- While OPRD did not host its Archaeology Awareness Training in 2019, the event is back on for 2020 and will be held in The Dalles at the Columbia Gorge Discovery Center from April 7th through 10th. Save the dates will be sent to all state agencies and Tribes before the end of the year. The 2020 training will also aim to provide information on traditional cultural properties, oral histories, and natural resources as cultural resources in addition to the classic archaeological lens.
- Over the past several years, the Confederated Tribes of Grand Ronde, the Institute of Applied Ecology, and OPRD have been cooperating to restore a native prairie at the Champoeg State Heritage Area. Our partners at the Institute for Applied Ecology created a draft Harvest Plan for the Champoeg prairie based on meetings with OPRD and Grand Ronde staff and members. OPRD and Grand Ronde were asked to provide feedback on the draft and we are awaiting the final draft.
- OPRD has hired a limited duration Archaeologist to assist with projects occurring in the coast region. Loren White, a graduate student at Oregon State University joined OPRD in September 2019.

SHPO Summary for LCIS

The Oregon State Historic Preservation Office (SHPO) continues to work closely with the state's nine federally recognized Tribes in all facets of our work. This includes our on-going consultation with Tribes for projects undergoing NHPA Section 106 review as well as those requiring state archaeology permits. Our office reviews approximately 3,000 project review documents per year. In 2019 we issued 210 state archaeology permits, each reviewed by all appropriate federally recognized Tribes.



More specific highlights or accomplishments by our office during 2019 include the following:

- First and foremost, the staff at Oregon SHPO continues to reach out to all of the state’s Tribal historic programs to discuss topics relating to our common roles in preserving important places in the state. In addition to sharing information regarding impacts to historic structures and archaeological sites, we talk to Tribal staff about our office’s involvement in public education and outreach, museum and curation, archival preservation issues, cemeteries, mentor programs, heritage tourism and a variety of heritage-related grants;
- Governor’s Task Force on Cultural Items – Our office is represented on the Governor’s Task Force in addition to having completed a summary document of all items that we house that may be of interest to Tribes. While we understand that our review was to provide an initial look at what materials our office may have, we were able to interview all agency staff and complete a detailed inventory of all materials, both in our office and the State Archives, so that this summary will have long reaching implications for future Tribal consultation; and
- SHPO web site revisions – All Oregon’s Tribes have been invited to participate in ongoing agency web page revisions and archaeology permit related forms.

Our staff continues to facilitate and/or participate in discussions between various federal, state, Tribal and public groups throughout the state on issues affecting archaeology. These discussions included participation in a range of trainings and meetings throughout the year with our Tribal, federal and state partners in order to assist in highlighting important preservation issues, projects where significant archaeological sites were threatened or required immediate attention, and ways that will improve our office’s efficiency and public outreach. Participation in such events involving Oregon’s Tribes in 2019 included: coordinating the Oregon Archaeology Month Poster where Tribes sit on its selection committee and this year’s theme highlighted direct Tribal participation in

archaeology; member of the state's Culture Cluster; participation in monthly meetings with the Wana Pa Koot Koot working group (associated with the Federal Columbia River Power System); participation in the state's Interagency Culture Resource Council (ICRC); our assistance with the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians with the formal review of a Traditional Cultural Property (TCP) nomination through the state's Advisory Council on Historic Preservation Board (SACHP), and assisting with the review of other TCP nominations from other federally recognized Tribes in Oregon.

Agency Training & Notification (ORS 182.166(3)(e) and (f))

Current Employees

The OPRD Tribal Liaison shall notify all OPRD employees annually of the statutory and policy requirements for Tribal consultation; how they may affect the performance of their duties; and the actions that may be required prior to initiation of a project or program. The OPRD Tribal Liaison shall make copies of the Annual Report available to all OPRD Program Managers for review.

On a rotating basis, all applicable OPRD Program Managers and their employees who have regular communication with Tribes (as determined by their manager and a communication protocol) shall attend OPRD's Archaeology Awareness Training and other applicable trainings. OPRD's Heritage Programs directorate shall provide the Archaeology Awareness Training with curriculum relating to legal status, legal rights, and issues of concern to Tribes. OPRD Program Managers will be responsible for disseminating information from the training, as appropriate, to other OPRD employees under their supervision.

New Permanent Full-Time or Special Project Employees

OPRD Human Resources staff shall provide a copy of ORS 182.162 to 182.168 and a summary of the OPRD Tribal Relations policy to each new employee in their orientation package. A meeting (in person or via telephone) may be scheduled with the Deputy Director of Heritage Programs or designee OPRD Tribal Liaison and the new employee to discuss the policy and its effect on the performance of their duties, as determined by the OPRD Tribal Liaison or the employee's supervisor.