

2019

OWRD



Government-to-Government Report



OREGON
WATER
RESOURCES
DEPARTMENT

The Oregon Water Resources Department values its long-standing working relationship with Oregon's nine federally recognized Tribes. This report contains key contact information, a summary of interactions, and related training attended by Department staff.



2019 Government-to-Government Report
Oregon Water Resources Department
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DEPARTMENT STATEMENT AND POLICY

The Oregon Water Resources Department (OWRD) adopted a Government-to-Government Interest Statement on September 23, 1997, and focused on two main points: the Department must honor and protect existing Tribal rights to use water, and it must continue to forge partnerships to share responsibility for water management. That interest statement became a policy, which is attached at the end of this report.

OVERVIEW

The Oregon Water Resources Department works with Oregon's nine federally recognized Tribes on issues related to water supply, watershed management, and water distribution, including matters related to water rights held or claimed by Tribes. In addition, the Department works with Tribes on a government-to-government basis to address water issues of mutual interest.

Water Rights

The Department is engaged in ongoing discussions with some of the Tribes on issues related to water rights and administration of water resources. Activities are generally conducted under Executive Order 96-30, or specific provisions of federal and state law.

Water Management and Water Use Regulation

The Department works with Tribes to plan and implement strategies for streamflow restoration and riparian protection on both reservation lands and lands that are culturally significant to Tribal communities. These strategies may include streamflow measurement and monitoring, enforcement on illegal water uses, and the transfer or lease of out-of-stream water rights to instream water rights for the benefit of fish, wildlife, and water quality.

Water Resources Development Program

The Department's Water Resources Development Program helps Tribes, individuals, and communities understand and address instream and out-of-stream water resource needs and challenges. The program includes Place-Based Integrated Water Resources Planning, Feasibility Study Grants, and Water Project Grants & Loans.

There are four places that are currently undertaking Place-Based Integrated Water Resources Planning in partnership with the Department: Harney Basin, Mid-Coast Region, Lower John Day Sub-Basin, and Upper Grande Ronde Sub-Basin. Tribes are vital partners in the currently funded planning efforts, and the Department is in the process of requesting additional funding to continue these efforts. Additional details about Tribal involvement are included later in this report.

Tribes can apply for Feasibility Study Grants to assess water conservation, reuse, and storage projects. These grants are designed to fund 50 percent of the qualifying costs of feasibility studies. The Department also invites comments from the Tribes on the funding recommendations for its Feasibility Study Grant funding opportunities. In 2019, the Department reached out to all nine Tribes to submit government-to-government comments regarding the proposed studies and funding recommendations.

Tribes are also eligible to apply for Water Project Grants & Loans, which provide funds through a competitive process for a variety of instream and out-of-stream water projects with economic, environmental, and community benefits. The Department offers a number of ways that Tribes may participate and review applications for Water Project Grants & Loans funding.

Based on input from the Tribes and the Legislative Commission on Indian Services (LCIS), the Department's current process for each annually held funding cycle includes contacting LCIS and asking them to identify which applications may be of interest to each Tribe, based on a project's location. The Department then contacts each Tribe identified by LCIS and provides relevant information regarding the project proposal(s) and access to the application(s). This includes project type, project summary, the county, the nearest city, and a link to the application where applicants list all ground-disturbing activity by tax lot.

Opportunities offered to the Tribes to engage in the review process include:

- Provide government-to-government comments on the application(s) for consideration by the Technical Review Team (TRT) during scoring;
- Provide comment during the initial 60-day public comment period on applications;
- Serve as a member of the TRT to review, score, and rank applications;
- Provide government-to-government comments for consideration by the Department and the Commission on funding recommendations; and
- Provide comment during the 30-day public comment period on the TRT ranking and funding recommendations.

Water Resources Development Program Progress and Next Steps

In 2019, LCIS determined that all nine Tribes had an interest in one or more Water Project Grants & Loans project applications. An invitation was sent to the identified Tribes detailing the opportunities listed above as ways they could choose to participate in the review process. A multi-agency TRT scored and ranked the 2019 project proposals based on potential public benefits in three categories: economic, environmental and social/cultural. The Department shared all comments with the TRT to be considered as they scored and ranked projects and developed a funding recommendation list.

By statute, storage projects receiving Water Project Grant & Loan funding and meeting certain requirements must have a Seasonally Varying Flow (SVF) developed for the project. SVFs means the duration, timing, frequency and volume of flows that should remain instream to protect the functions of the watershed. This SVF is then used to condition the storage project funded through the funding opportunity. The Department establishes SVFs in consultation with biologists and hydrologists from the Oregon Department of Fish and Wildlife (ODFW) and appropriate Tribes. In 2019, OWRD underwent the initial development of an SVF on a project in the Hood River Basin and consulted with the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of the Warm Springs through meetings, document reviews, and group discussion to inform the scientific and water right related outcomes of the project. In order to improve this work, the Department is pursuing a review of the process used during the initial SVF development, including the consultation process with affected Tribes. The Department plans to reach out to the CTUIR and the CTWS in early 2020, for their input on the review of the SVF development process.

Additionally, the Department is conducting an assessment of the Feasibility Study Grants and the Water Project Grants & Loans funding opportunities. The assessment will help determine what is and is not working as well as where improvements can be made in statute, rule, and program procedures and functions. The Department has reached out to the Cultural Resources Cluster and the Natural Resource Working Group and each of the nine federally recognized Tribes to solicit feedback on the way it engages Oregon Tribes to participate in the review of funding applications and aspects of its funding opportunities that may be of interest to affected Tribes.

The Department will begin a statewide planning assessment in 2020 to better understand the planning needs of places across Oregon and to reflect on and make improvements to the current Place-Based Integrated Water Resources Planning framework and guidelines. Tribes will be an important participant as the State looks at the future of place-based water resource planning.

WORKING WITH OREGON'S TRIBES

Burns Paiute Tribe

Water Rights

The Department works with the Burns Paiute Tribe on general water rights issues, including transfer applications and groundwater planning. In 2018, the Department issued a final order for an instream lease renewal between the Tribe and the Freshwater Trust (IL-1693, reassigned from IL-1582). The instream lease is in effect through September 30, 2022, and provides for the conservation, maintenance, and enhancement of fish and wildlife habitat.

Water Management

Department staff in the Eastern Region continued their work with the Burns Paiute Tribe to install measurement devices on diversions located in various watersheds.

The Department and the U.S. Geological Survey are undertaking a five-year groundwater study in the Greater Harney Valley Area in the Malheur Lake Basin. In conjunction with the Harney County Court, the Department appointed members of a local Groundwater Study Advisory Committee to track progress and provide input as the study progresses. A representative of the Burns Paiute Tribe is serving on this committee. A public open house was held in October 2018, to present preliminary findings, and a public open house was held in the spring of 2019 to present conclusions. The Groundwater Study Report will be peer-reviewed and is expected to be published at the end of 2020. More information can be found here:

<https://www.oregon.gov/OWRD/programs/GWWL/GW/HarneyBasinStudy/Pages/GWSAC.aspx>.

Within one year following the Groundwater Study Report being published, the Department will convene a rules advisory committee to look at water management options for the Harney Basin. The Burns Paiute Tribe will be invited to participate in these proceedings.

Water Resources Development Program

In 2016, the Department awarded a grant to the Harney County Watershed Council to undertake and develop a collaborative water planning group in the Malheur Lake Basin. Through this planning process, partners are developing strategies to meet their instream and out-of-stream water needs. A representative from the Burns Paiute Tribe is participating in this process as a member of the broader planning group and various working groups. Additionally, the Collaborative is currently exploring solutions for groundwater and has reached consensus on three decisions. More information can be found here:

<http://www.hcwatershedcouncil.com/>.

The Department invited the Burns Paiute Tribe to participate on the Technical Review Team and provide input in evaluating Water Project Grants & Loans applications (ORS 541.669(3)). The Department also invited comments on the Feasibility Study Grant funding recommendations.

Confederated Tribes of the Umatilla Indian Reservation

The State of Oregon, the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), federal agencies, and irrigation districts have worked for about 20 years to improve the Umatilla River Basin's water supply for farmers and ranchers, fish and wildlife, and the community. As part of the water supply efforts underway in the Umatilla Basin, the

Department is working with representatives of several federal agencies, the Oregon Department of Justice (ODOJ), and CTUIR to achieve a shared goal of satisfying the region's long-term water needs.

Water Right Negotiations

The Department, CTUIR, ODOJ, a federal negotiation team, and the Westland Irrigation District initiated formal water rights settlement negotiations in June 2012. Discussions include protecting instream flows for fisheries and cultural traditions, while also providing water for economic and agricultural development.

Negotiations have expanded to include ODFW, Stanfield Irrigation District, Hermiston Irrigation District, West Extension Irrigation District, and some ditch companies in the basin. The Department continues to engage all parties in negotiations of the settlement process and terms through individual and group meetings. Staff continue to provide water rights data to CTUIR and offers to meet with them as needed.

Department staff recently participated in a tour of the Umatilla Basin with the federal negotiation team, CTUIR, irrigation districts, and staff from the Department of the Interior Secretary's Indian Water Right Office.

Walla Walla Basin

The Oregon Water Resources Department is actively participating in the Walla Walla Steering Committee, which is looking at restoring flows in the Walla Walla River for fish in cooperation with the CTUIR and various other members of the committee. In addition, the Department has engaged with the State of Washington and CTUIR in high-level discussions on the mutual interests of water management across the Oregon-Washington state line.

Department Staff attended a meeting held by CTUIR in April 2019 for the Flow and Fish Restoration Co-Managers and Funder agencies working in the Walla Walla Basin.

Cooperative Basin Study

Department staff are currently engaged with the United States Geological Survey (USGS) to draft a scope and budget to cooperatively study the groundwater systems of the Walla Walla Basin. The Department is currently meeting with the Washington Department of Ecology and CTUIR to discuss collaboration on the basin study, provide feedback on scope development, and identify significant management points in the basin.

Water Rights

Department staff continued working on processing applications for projects under the Allocation of Conserved Water Program. Projects in the Walla Walla Basin from various irrigation districts were funded in part by CTUIR. These actions by CTUIR have and will result in increased stream flows in the Walla Walla River.

In the Wallowa River Basin, staff have been working with CTUIR and The Freshwater Trust on a series of complex transactions, which include an instream lease and Allocation of Conserved Water (ACW) project. This is the second ACW transaction in the basin, which will result in improved streamflows in both the Wallowa and Lostine Rivers. The ACW project was approved on September 3, 2019. The instream water right was issued in December 2019, which completes this project.

On May 14, 2019, the Department issued a final order for an instream lease between the CTUIR and The Freshwater Trust (IL-1724). The instream lease is in effect through October 31, 2019, and provides for the conservation, maintenance, and enhancement of fish and wildlife habitat.

Water Management

The Salem office of OWRD provided CTUIR with periodic updates on the Umatilla Water Supply Project and associated applications for new water rights out of the Columbia River.

Through the North Central Region and East Region offices, the Department and CTUIR together are:

- Continuing to work with the Bonneville Power Administration on designs for the South Fork Walla Walla River fish hatchery to minimize impacts to instream flows.
- Attending Umatilla River Operations Group meetings to share information regarding the protection of instream water right flows and irrigation demands.
- Coordinating on McKay Reservoir storage allotments, including the amount of water released and remaining in McKay Reservoir.
- Working on water management issues related to the operation of the Umatilla Basin Project Exchange, including coordinating canal startups and shutdowns to reduce the potential for fish take.
- Conducting a gaging program in the Grande Ronde Basin that is largely beneficial to the CTUIR and results in periodic consultation and/or collaboration associated with CTUIR stream habitat projects.
- Coordinating with Tribal Cultural Resources Staff on the installation of a "near real-time" gaging station on McKay Creek in Crook County.

- Starting work on drafting a Memorandum of Understanding with Wallowa Lake Irrigation District, Nez Perce Tribes, and ODFW regarding instream releases from Wallowa Lake Reservoir after rehabilitation of the existing dam.
- Monitoring and protecting instream leases negotiated by the CTUIR.

The OWRD Director's Office is also working with the CTUIR and Washington's Department of Ecology on exploring opportunities to work together as co-managers of water in the Walla Walla Basin. The three sovereigns met a number of times throughout 2019 to discuss both groundwater and surface water management goals.

Water Resources Development Program

The Department awarded a grant to Union County to undertake collaborative water planning in the Upper Grande Ronde, in partnership with the Department. Through this planning process, the planning group will develop strategies to meet their instream and out-of-stream water needs. The planning group is currently in Planning Step 4 and working to identify potential solutions to water needs. The planning group intends to finalize a plan in 2020. The CTUIR is participating in the Upper Grande Ronde planning meetings and serving on both the technical committee and the instream workgroup. For more information visit <http://union-county.org/planning/place-based-integrated-water-resources-planning/>.

The Department invited the CTUIR to participate on the Technical Review Team and provide input in evaluating Water Project Grants & Loans applications (ORS 541.669(3)). The Department also invited comments on the Feasibility Study Grant funding recommendations.

Confederated Tribes of Warm Springs

Water Rights

In 2018, the Department issued a final order for an instream lease between the Tribe and The Freshwater Trust (IL-1684). The instream lease is in effect through September 30, 2022, and provides for the conservation, maintenance, and enhancement of fish and wildlife habitat.

In 2019, the Department issued another final order for an instream lease between the Tribe and The Freshwater Trust (SL-48). The instream lease is in effect through September 30, 2019, and provides for the conservation, maintenance, and enhancement of fish and wildlife habitat.

Water Management

- The Department coordinated with Tribal Cultural Resources Staff on the installation of a "near real-time" gaging station on McKay Creek in Crook County.

- The Department and CTWS signed a Memorandum of Agreement, which led to the purchase of equipment to install a new stream gaging station on Lower Fifteenmile Creek. The operation of the gaging station is ongoing.
- The Department worked with the CTWS Prairie City office on a transfer of a point of diversion for water rights on the Lower McHaley Ditch. This complex transfer proposal (T-12132) involves numerous interests and was approved on April 29, 2019.
- The Department, among many others, participated in a kick-off meeting in September called the Deschutes Basin Water Collaborative. The CTWS Tribes were co-leaders at this event which is being facilitated by the Central Oregon Intergovernmental Council staff and Executive Director, Tammy Baney. The purpose of this group is to take the next steps in implementing and investigating much of the findings of the Deschutes Basin Study, which wrapped up in 2018.
- The CTWS transferred irrigation certificates C-25617, 25332, 25333, 25334, 25335, 25365, 25462, and 25523 from Pine Creek with priority dates ranging from 1870 – 1880 to instream rights resulting in Certificate C-85824 being issued in 2009. In 2019, the District 21 Watermaster continued to monitor the flow at the Pine Creek Gage near Clarno.
- Cooperation continues between the District 3 Watermaster’s office in The Dalles and the CTWS. Flow meters have been installed and data are being collected on significant diversions on Fifteenmile Creek. Seasonal use and streamflow data are available to the CTWS and others.
- The District 21 Watermaster’s office in Condon continues to work with CTWS to remove in-channel obstructions on Rowe Creek, a tributary to the John Day River. Additionally, the office has been participating in the Place-Based Planning effort in the Lower John Day River.

Water Resources Development Program

The Department awarded a grant to the Gilliam Soil and Water Conservation District to undertake collaborative water planning in the Lower John Day Basin. Through this planning process, conducted in partnership with the Department, the planning group will develop strategies to meet their instream and out-of-stream water needs. The Confederated Tribes of Warm Springs have been participating in the Lower John Day planning meetings and the Data Committee.

The Department invited the Confederated Tribes of Warm Springs to participate on the Technical Review Team and considered tribal input in evaluating Water Project Grants and Loans applications (ORS 541.5669(3)). The Department also invited comments on the Feasibility Study Grant funding recommendations.

Confederated Tribes of Siletz Indians

Water Resources Development Program

The Department awarded a grant to the City of Newport to undertake collaborative water planning in the Mid-Coast region. Through this planning process, the planning group will develop strategies to meet their instream and out-of-stream water needs. A representative from the Confederated Tribes of the Siletz Indians, is participating in this process as a member of the coordinating committee and the Mid-Coast Water Planning Partnership. The Tribe recently received a grant from the Bureau of Indian Affairs to increase their involvement in the Partnership. Tribal members participated in a survey commissioned by the Partnership to better understand knowledge, values, and beliefs about water in the region (results are available online at: <https://www.oregonskitchentable.org/results>). The Confederated Tribes of the Siletz sponsored and hosted the last Partnership meeting in September. For more information visit: www.midcoastwaterpartners.com.

The Department invited the Confederated Tribes of Siletz Indians to participate in the Technical Review Team and provide input in the evaluation of Water Project Grants & Loans applications (ORS 541.669(3)). The Department also invited comments on the Feasibility Study Grant funding recommendations.

The Klamath Tribes

Klamath Basin Water Management

The Klamath Basin Adjudication is the most complex adjudication in Oregon. On March 7, 2013, the Department filed the Adjudicator's Findings of Fact & Final Order of Determination with the Klamath County Circuit Court.

In the seventh year of water use regulation, the Department and the Governor's Office continue to work closely with the Klamath Tribes, basin water users, the Bureau of Reclamation, and the U.S. Department of the Interior to address regulatory questions and concerns, and to develop coordination protocols for calls on water as a group.

During the past year, Department staff have continued to engage in talks to identify water-related issues in the Klamath Basin. These talks have included the Klamath Tribes of Oregon along with three tribes in California. The issues continue to focus on streamflow, water quality, and fish. These efforts are focused on identifying projects which will increase stream flows, improve water quality, and restore riparian corridors.

In 2019, the District 17 Watermaster's office regulated junior water users to protect Tribal determined claims for instream flows. The Watermaster's office investigated, validated, and regulated water use resulting from calls made by the Klamath Tribes and Bureau of Indian Affairs for water to satisfy the Tribes' determined claims contained in the Amended and Corrected Finding of Fact and Order of Determination (ACFFOD) in the Klamath Adjudication. During 2019, the District 17 Watermaster implemented weekly conversations with the Tribal liaison. These conversations provided for a more timely response to Tribal questions and concerns. Additionally, staff continued to respond to questions from Tribal members regarding regulation activities relating to water rights priority dates, instream flow needs, irrigation needs, and other general topics related to the ACFFOD.

Recognizing the cultural significance of the endangered sucker to the Klamath Tribes and the Tribes' passion to address water quality, the Department in coordination with staff from the local Watermaster's office has participated in many of the proposed restoration conversations. Additionally, the Department in coordination with local staff invested many hours working with out-of-stream water users to increase instream flows through temporary and permanent instream transfers.

Two-year interim rules governing the regulation of groundwater in favor of senior surface water calls in the Klamath Basin were adopted in April 2019. The associated Rules Advisory Committee included a representative from the Klamath Tribes. Department staff met with Klamath Tribal representatives to discuss the physical groundwater system and groundwater-surface water interaction in the basin in July 2019.

Department staff worked closely with Tribal staff on streamflow measurement and data collection activities, as validation of the call for regulation occurred. Additionally, OWRD hydrologic staff coordinated with Tribal Cultural and Natural Resources staff on streamflow measurements, archaeological surveys, stream gage installation, and protocols for data-sharing.

Department staff also worked closely with Tribal staff addressing compliance issues and streamflow measurement. During the irrigation season of 2019, several stream gage issues caused concern for the Tribes. To minimize these concerns, District 17 Watermaster staff invited Tribal staff to join them in investigating the river sections of concern. This proved successful in building a relationship between the Department and Tribal staff as well as building a better understanding of gages, stream function, and Tribal interests.

Water Resources Development Program

The Department invited the Klamath Tribes to participate on the Technical Review Team and provide input in the evaluation of Water Project Grants & Loans applications (ORS 541.669(3)). The Department also invited comments on the Feasibility Study Grant funding recommendations.

The Nez Perce Tribe

Water Management

The Department continues to work with The Nez Perce Tribe on water management on the Wallowa River system by monitoring instream flows and providing cost-share funding for the measurement of irrigation diversions.

The Department has also started work on drafting a Memorandum of Understanding with Wallowa Lake Irrigation District, Nez Perce Tribes, Confederated Tribes of the Umatilla, and ODFW regarding instream releases from Wallowa Lake Reservoir after rehabilitation of the existing dam.

The Confederated Tribes of the Grand Ronde

Water Resources Development Program

The Department invited the Confederated Tribes of the Grand Ronde to participate on the Technical Review Team and provide input in the evaluation of Water Project Grants & Loans applications (ORS 541.669(3)). The Department also invited comments on the Feasibility Study Grant funding recommendations.

The Cow Creek Band of Umpqua Tribe of Indians

Water Management

The District 15 Watermaster in Roseburg continued to monitor and regulate two instream leases for the Cow Creek Band of Umpqua Tribe of Indians during the 2019 irrigation season. These leases helped to improve streamflows for fish, aquatic life, and other ecological values.

Water Rights

The Department issued two instream lease final orders for the Tribe (IL-1632 and IL-1633) in 2017. Both instream leases are in effect through July 31, 2021, and provide for the conservation, maintenance, and enhancement of fish and wildlife habitat. As noted above, the District 15 Watermaster continued to monitor these instream leases in 2019.

In 2019, the District 15 Watermaster's office investigated six parcels (~149 acres) for Land-into-Trust applications for Tribal property acquisition within Douglas County.

Water Resources Development Program

The Department invited the Cow Creek Band of Umpqua Tribe of Indians to participate on the Technical Review Team and provide input in the evaluation of Water Project Grants & Loans applications (ORS 541.669(3)). The Department also invited comments on the Feasibility Study Grant funding recommendations.

The Coquille Indian Tribe

Water Management

In 2019 the District 19 Watermaster continued to monitor instream water rights protecting aquatic habitat, and provided verification and consultation for water rights tied to restoration projects. In May 2019, the District 19 Watermaster met with the Oregon Health Authority Drinking Water Program regarding a domestic water supply source and possible development on property owned by the Coquille Indian Tribe. No water use "transaction" (application) has originated from this discussion.

Water Resources Development Program

The Department invited the Coquille Indian Tribe to participate on the Technical Review Team and provide input in the evaluation of Water Project Grants & Loans applications (ORS 541.669(3)). The Department also invited comments on the Feasibility Study Grant funding recommendations.

ADDITIONAL TRIBAL COMMUNICATIONS AND ENGAGEMENT

- In November 2019, in response to the Report from the Task Force on Oregon Tribal Cultural Items, Department staff undertook an inventory of items in our possession in all office and storage locations across the state and submitted a high-level report identifying the types of items and materials kept. This report was sent to the Governor's Office and to the nine federally recognized Tribes in Oregon.
- The Director's Office will continue to coordinate fee-to-trust applications sent through the Governor's Office.

- As the lead agency for Oregon’s hydroelectric laws (ORS 543 and 543A), the Department administers the Hydroelectric Application Review Team (HART) for state projects. Besides the Department, the core HART is made up of representatives from DEQ and ODFW. Where a Tribe may be affected by a project or is involved as a project applicant, the HART members work to ensure coordination. The Department also notifies LCIS of any new applications filed for hydroelectric projects and this notice is forwarded to the appropriate tribal representatives.
- As part of the Environmental Justice Task Force, the Department encourages public participation and considers environmental justice issues in decisions that affect those traditionally underrepresented in public processes, including Tribal communities.
- In 2019, the Department participated in Tribal and State agency coordination meetings related to the proposed Jordan Cove LNG and Pacific Connector Gas Pipeline Project. Discussions with some of the Tribes on issues related to water needs for the proposed project included the construction of the terminal in Coos Bay, construction and pipeline pressure testing, and ongoing water needs after project completion.

GOVERNMENT-TO-GOVERNMENT MEETINGS AND TRAINING

- The Natural Resources Workgroup and the Cultural Resources Cluster offer a valuable forum to share information on agency programs, efforts, rulemaking, and legislative concepts. The Department attends these workgroups and participates in the annual Tribal information and training day, Spring Gathering, and State-Tribal Summit.
- Staff attended a 2019 spring training on Tribal Cultural Items put on by the LCIS and the Governor’s Office. This training queued up the Tribal Cultural Items reports provided by each agency in November. Additionally, several brown-bag lunches were attended at LCIS to foster communication and ideas around State-agency generated inventories of Tribal cultural items.

OREGON WATER RESOURCES DEPARTMENT POLICY ON RELATIONSHIPS WITH TRIBES

The Water Resources Commission and Department will communicate and collaboratively problem-solve with the nine Oregon Tribes. The Water Resources Department has established the following guidelines to foster and maintain its relationship with each of the nine Tribes:

1. Maintain parallel contact directories: 1) Agency personnel available to the Tribes(s) for immediate contact, and 2) A list of tribal leaders or staff who can be contacted to initiate discussion quickly. (In the Department's case, the initial contact is at our Regional office, with a Salem office follow-up.)
2. Spot issues quickly, and get accurate details as soon as possible. That is, be aware of water use issues that may create conflict between the state government and a Tribe or the federal government as the Tribe's trustee. Once the issue is identified, research the details both factual and legal so that the issue can be scoped and accurate, and appropriate contact can be initiated.
3. When an issue arises, Department staff will offer to meet face-to-face with Tribal leadership as soon as possible to ensure that clear, constructive communication is initiated promptly.
4. During initial contact on an issue, be positive and stress common interests and goals indicating that a cooperative solution is most likely possible.
5. Keep the agencies' other (non-Indian) constituents advised, and where appropriate involve the non-Indian community in discussions with the Tribal leadership.
6. As issues arise and are addressed, establish a system or protocol for future issues—building on successes.

The Department believes that its relationship with Oregon's nine Tribes must be based on two essential attributes. First, we must honor and protect existing Tribal water rights to the use of water, and second, we must continue to forge partnerships with Tribes to support our mutual interest in water issues.