



ANNUAL REPORT TO THE LEGISLATIVE COMMISSION ON INDIAN SERVICES

Department of Geology and
Mineral Industries

December 2020



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 eighth Government-to-Government Annual Report submitted by DOGAMI, and the eighth 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 2020

- DOGAMI continues to circulate all new permit applications for mining, oil and gas, and geothermal development to the appropriate Tribal government staff for review and comment. Based on discussions with individual Tribal staff members, DOGAMI utilizes an up-dated listing of Tribal areas of interest by county to circulate all proposed permit actions to those Tribal governments whose interests lie within that geographical region. DOGAMI strives to allow as much time as possible for coordination and consultation.
- 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 and submitted the agency Cultural Items Taskforce Report to the Task Force in November 2019. In February 2020 the Cultural Items Task Force requested additional information of DOGAMI after review of the Report. Subsequently DOGAMI submitted the requested follow-up information to the Task Force on September 30, 2020. DOGAMI will continue to explore ways to provide easy access to electronic information that may have Tribal cultural interest. On an annual basis the agency Tribal liaison reminds all DOGAMI employees of the need to identify, record, and preserve items of Tribal cultural significance.

- DOGAMI staff continue to communicate 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 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 drafted an agency policy to conform to Executive Order EO-96-30. The DOGAMI draft policy was reviewed by the LCIS Executive Director and was circulated to the nine federally recognized Tribes in Oregon for review and comment. Comments received from the LCIS Executive Director, Confederated Tribes of Grand

Ronde, and the Confederated Tribes of the Umatilla Indian Reservation were incorporated into the DOGAMI policy and on May 15, 2019 the DOGAMI Policy on Tribal Government-To-Government Relations was signed and adopted.

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.

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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, cultural resource, 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 2020:

- Tribal representatives were invited to attend a Project Coordinating Committee (PCC) meeting for the Grassy Mountain Gold Mine Project on February 12, 2020 at the Four Rivers Cultural Center in Ontario, Oregon.
- Becky Johnson and Ben Mundie attended the Cultural Resource Cluster (CRC) meeting in Corvallis on March 2-3, 2020. Ben Mundie participated in virtual CRC meetings on May 28, 2020 and August 26, 2020.
- After the March CRC meeting DOGAMI became aware that proposed project notifications were not being sent to all interested Tribes. DOGAMI individually contacted Tribal Cultural Resource staff from all nine federally recognized Tribes and confirmed the correct contact person and reaffirmed the correct geographic area of interest for each Tribe.
- Ben Mundie participated in the virtual Natural Resource Work Group (NRWG) meetings on: March 19, 2020; June 24, 2020; and October 22, 2020.
- Ben Mundie participated in the virtual Intergovernmental Cultural Resource Council (ICRC) meeting on June 11, 2020.
- Sarah Lewis and Ben Mundie attended the virtual 2020 Annual Tribal-State Government-to-Government Summit on December 1-2, 2020.
- In response to Executive Order No. 17-12, DOGAMI compiled and submitted an Oregon Tribal Cultural Items report to the LCIS and the nine federally recognized Tribes of Oregon on November 14, 2019 and submitted a Cultural Items Taskforce follow-up report on September 30, 2020.
- In January 2020 DOGAMI-MLRR consulted with the Confederated Tribes of the Warm Springs Reservation of Oregon Tribal Historic Preservation Office (THPO) in response to concerns on potential impacts to cultural resources from a proposed new aggregate mine site in Morrow County.
- In January 2020 DOGAMI-MLRR consulted with the Coquille Indian Tribe THPO and the Confederated Tribes of Grand Ronde THPO in response to concerns on potential impacts to cultural resources from the expansion of an existing aggregate mine site in Douglas County.
- In February 2020 DOGAMI-MLRR consulted with the Confederated Tribes of Grand Ronde THPO in response to concerns on potential impacts to cultural resources from a proposed new aggregate mine site in Josephine County.
- In March 2020 DOGAMI-MLRR consulted with the Confederated Tribes of the Umatilla Indian Reservation THPO in response to concerns on potential impacts to cultural resources from a proposed exploration project for limestone in Baker County.

- In July 2020 DOGAMI-MLRR consulted with the Confederated Tribes of the Warm Springs Reservation of Oregon THPO in response to concerns on potential impacts to cultural resources from a proposed oil and gas exploration drill hole in Malheur County.
- In September 2020 DOGAMI-MLRR consulted with the Coquille Indian Tribe in response to concerns on potential impacts to ground and surface water from an oil spill at an existing aggregate mine site in Coos County.
- In September 2020 DOGAMI-MLRR consulted with the Confederated Tribes of the Warm Springs Reservation of Oregon THPO and the Klamath Tribes THPO in response to concerns on potential impacts to cultural resources from a proposed new aggregate mine operation in Klamath County.
- In September 2020 DOGAMI sent Public Notices to the Natural Resources Directors of the nine federally recognized Tribes of Oregon requesting participation and comments on proposed new rules that will govern aggregate mining on high value farm soils in the Willamette Valley. The new rules stem from the passage of HB 2202 during the 2013 legislative session. The Rules Advisory Committee held a virtual public meeting on October 8, 2020 seeking external guidance on the rule language and identifying potential impacts of rule implementation.
- In October 2020 DOGAMI-MLRR consulted with the Burns Paiute THPO in response to concerns on potential impacts to cultural resources from a proposed lithium exploration project in Malheur County.
- In October 2020 DOGAMI-MLRR consulted with the Confederated Tribes of Grand Ronde THPO in response to concerns on potential impacts to cultural resources at an existing aggregate extraction site in Clackamas County.
- In November 2020 DOGAMI-MLRR consulted with the Burns Paiute THPO and Confederated Tribes of the Warm Springs Reservation of Oregon THPO in response to concerns on potential impacts to cultural resources from a proposed gold exploration project in Malheur County.
- Over the past year the DOGAMI Eastern Oregon Regional Geologist has collaborated with and advised the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) on a geothermal energy exploration project on CTUIR Nation lands.
- Over the past year the DOGAMI Eastern Oregon Regional Geologist coordinated with the Burns Paiute Tribe in the completion of geologic mapping projects in the Burns area.
- Going into 2021 the DOGAMI Eastern Oregon Regional Geologist will be coordinating with the Confederated Tribes of the Umatilla Indian Reservation in order to compile geologic maps between Milton-Freewater and the Weston/Athena area.

- Over the past year the DOGAMI Geological Survey and Services program has mapped landslide hazard areas in the coastal areas of Clatsop, Lincoln, Lane, and Douglas Counties. Interested Tribal Natural Resource directors will be sent electronic copies of these reports when published.

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, energy development, and geologic investigation activities are addressed prior to earth disturbing actions.

DOGAMI includes all interested 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, coordination, and consultation 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 2020, DOGAMI personnel worked directly with Tribal representatives on individual proposed mineral extraction project sites to determine the potential for cultural resource impact and appropriate mitigation measures.

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. The Mineral Land Regulation and Reclamation Program in Albany conducts staff meetings weekly. 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.

On an annual basis the DOGAMI Tribal liaison reaches out to DOGAMI employees to ensure all personnel have been acquainted with the importance of identifying cultural items and the process of protection and preservation.
