



OREGON
WATERSHED
ENHANCEMENT BOARD

2020 Annual Tribal Report

Oregon Watershed Enhancement Board
775 Summer Street NE, Suite 360, Salem, OR 97301-1290



Agency Overview

Key Contact

Meta Loftsgaarden, Executive Director
503-986-0180
meta.loftsgaarden@oregon.gov

Tribal Liaison

Ken Fetcho, Effectiveness Monitoring Coordinator
503-986-0035
ken.fetcho@oregon.gov

The Oregon Watershed Enhancement Board (OWEB) is a state agency with statutory authority to administer constitutionally dedicated funds for the purpose of protecting and enhancing Oregon’s watersheds and native fish and wildlife habitats. The responsibilities of the agency include:

- Managing a grant program for watershed protection and enhancement;
- Assisting in the development and implementation of watershed-scale restoration efforts; and
- Coordinating and supporting local infrastructure throughout the state to achieve voluntary cooperative conservation outcomes.

OWEB works with the nine federally recognized tribes in Oregon to address watershed scale restoration needs. OWEB operates grant programs that tribes can apply for to fund a variety of watershed management, protection, and restoration projects. Tribes can leverage those funds to meet their natural and cultural resource restoration goals and objectives.

OWEB is led by an 18-member policy oversight and decision-making board. Board members represent the public at large, federally recognized tribes, five state natural resource agency boards and commissions, Oregon State University Extension Service, and six federal land management and natural resource agencies. The agency provides grants and services to citizen groups, organizations, and agencies working to restore healthy watersheds in Oregon. OWEB actions support the Oregon Plan for Salmon and Watersheds, created in 1997. Funding comes from the Oregon Lottery as a result of citizen initiatives in 1998 and 2010, sales of salmon license plates since 1997, federal salmon recovery funds, and other sources.

Tribal Policy

In 2018, OWEB completed its process and revised its tribal policy with LCIS and tribal input. In 2020, OWEB’s tribal liaison and director continued to work together to communicate the intent of OWEB’s Tribal Policy and how staff can work effectively with tribes.

Summary of Programs and Process for Involving Tribes

OWEB works closely with tribes and involves them in programs and decision-making processes at all levels of the organization. The following sections describe the agency's interactions during 2020 with the nine federally recognized tribes in Oregon and the Nez Perce Tribe that occupies lands in Idaho and Oregon.

OWEB Board and Grant Programs Tribal Participation

Board Membership

The Governor appoints a tribal representative as a voting member of the OWEB Board. The position currently is occupied by Jason Robison, Tribal Programs Officer of the Cow Creek Band of Umpqua Tribe of Indians.

The tribal representative helps identify opportunities for collaboration and ensures the OWEB board and staff is aware of their responsibilities to involve and consider tribal interests. Robison is fully engaged in this process and actively participates on various committees and currently serves as the Board's co-chair to provide vital input and leadership.



Photo 1. Middle Fork John Day River, location where in 2020, restoration began by the Confederated Tribes of Warm Springs.

Grant Program

Grant Applicants

OWEB grants are available to a broad range of entities, including tribes [ORS 541.375(1)]. **Since 2006, OWEB has awarded just over \$8,400,000 in grants to tribal governments.** In addition to eligibility on their own, tribes are often members of, or partners with, local

watershed councils. Oregon statute describing watershed councils (ORS 541.388) specifically identifies “federally recognized Indian Tribes” as potential members of local watershed councils. Tribes are a critical partner in watershed restoration in Oregon and often contribute vital match funds to grants that our grantees such as watershed councils and SWCDs receive. In 2020, there were 22 completed grants that included tribal contributions. **Across all grant programs, tribes provided \$371,595 in cash and \$304,262 of in-kind support to OWEB grants in 2020.**

Small Grant Program

In OWEB’s Small Grant program (OAR Chapter 695, Division 35), tribes are eligible to be members of Small Grant Teams in each of the state’s 28 Small Grant areas. These Small Grant Teams have access to \$100,000 per biennium to recommend grants of up to \$15,000 for watershed restoration projects. Other team members include watershed councils and soil and water conservation districts. All small grant teams have reorganized the composition of their Teams for the 2019-2021 biennium. Representatives of all nine federal recognized tribes in Oregon and the Nez Perce Tribe serve on 20 of the 28 Small Grants Teams. This number has increased from 15 to 20 over the last biennium and is likely due to the increased outreach OWEB completed in 2019 before the new biennium began. There are some tribes that sit on several small grant teams and some small grant teams that have more than one tribe participating together.

Regular Grant Program

The economic downturn associated with the COVID -19 pandemic has had financial impacts to OWEB. As a result, OWEB took several immediate actions to reduce costs. This includes staff reductions totaling one-third of the agency (in the form of transfers and reassignments with other agencies). Operating with fewer staff limited the ability to hold new grant cycles after the funding decisions were made on the applications received in October 2019.

There were no grants awarded to tribes through the Regular Grant Program in 2020. However, one grant was awarded to the Lomakatsi Restoration Project to perform oak habitat restoration on two sites in the Willamette Valley. One of those locations include Noble Oaks near Willamina in Polk County, on conservation lands owned and managed by the Confederated Tribes of Grand Ronde.

Normally, OWEB solicits grant applications twice a year through the Regular Grant Program. However, based on the financial impacts described above, the agency solicited for only one grant cycle in 2020. Applications were received in July 2020. Tribal agencies have submitted two applications in this cycle, which are currently under review. It is likely that our board will make funding decisions at the March 2021 Board meeting.

OWEB’s Regional Program Representatives (RPRs) have regular contact with appropriate tribal staff. They meet with interested tribes prior to grant application submission and throughout the life of each grant to ensure tribes can meet their goals and objectives. In addition, tribes often partner with watershed councils and soil and water conservation

districts (SWCDs) by helping manage the projects and at times receive funding to implement projects as contractors.

Regular Grant Program – Regional Review Teams

Applications received through OWEB’s Regular Grant Program are reviewed by one of six Regional Review Teams, comprised of state, federal, and tribal natural resource professionals. All six regional review teams have at least one tribal natural resource professional participating in the review process. In 2020, seven tribal agency representatives participated on OWEB Regional Review Teams, including representatives from the Nez Perce Tribe, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Siletz Indians, Confederated Tribes of Warm Springs, Cow Creek Band of Umpqua Tribe of Indians, and the Confederated Tribes of Grand Ronde.

Land Acquisition Grant Program

OWEB’s land acquisition grant program provides funding for projects that acquire an interest in land from a willing seller to address the conservation needs of priority habitat and species. OWEB notifies all tribes after a land acquisition application is received to solicit input in the decision-making process. In addition, OWEB notifies tribes once a recommendation has been made allowing tribes to provide additional input prior to the OWEB Board’s funding decision.

Water Acquisition Grant Program

OWEB’s water acquisition grant program provides funding for programs or projects that acquire an interest or interests in water from a willing seller for the purpose of increasing instream flow. Similar to the land acquisition grant program, OWEB notifies tribes after a water acquisition grant application is received and once a recommendation has been made to allow multiple opportunities to provide input in the decision making process.



Photo 2. Granite Creek, site of future restoration that will be lead by the Confederated Tribes of the Umatilla Indian Reservation

Focused Investment Partnership Program

In 2020, tribes continued to participate in the Focused Investment Partnership (FIP) Program. The OWEB Board made the initial awards in the program in 2016.

Implementation funding provides opportunities for tribes and others to work collaboratively in partnerships on ambitious, long-term, and landscape-scale programmatic restoration initiatives aimed at creating measurable outcomes within priority areas that were identified by the OWEB Board.

OWEB invested in five new Implementation FIPs in 2019. Among these, the Clackamas Partnership includes the Confederated Tribes of Warm Springs; and the John Day Basin Partnership includes the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation, and the Burns Paiute Tribe. The technical review team for the John Day Basin Partnership FIP includes representatives from the Confederated Tribes of Warm Springs and the Confederated Tribes of the Umatilla Indian Reservation.

The FIP Program is another great opportunity for tribes to pursue and receive grant funding from OWEB. **In 2020, tribes received four grants for a total of \$1,062,432 through the John Day Basin FIP.** Tribes receiving these grants included the Confederated Tribes of Warm Springs and the Confederated Tribes of the Umatilla Indian Reservation.

In 2019, the OWEB Board approved a new grant program, which evolved from the previously offered Development FIP grant program. The new Partnership Technical Assistance grants offer two tracks: 1) Partnership Development to produce or enhance a Strategic Action Plan and governance documents, and 2) Partnership Capacity to support strategic action plan coordination and implementation. Partnership Technical Assistance applications were received in October 2019 and in January 2020 OWEB awarded six Partnership TA grants. **Four of the six partnerships that received grants in 2020 include tribes as core partners.**

Other Grant Program Involvements

The Confederated Tribes of Warm Springs continues to be a key participant in the Upper Middle Fork John Day River Intensively Monitored Watershed and received additional funding this year to continue their important work in this long-term restoration monitoring effort.

OWEB staff also participates in the Willamette Wildlife Mitigation Program (WWMP). The WWMP is the result of the State's 2010 agreement with Bonneville Power Administration for mitigation for the loss of fish and wildlife habitat due to the



Photo 3. John Schaefer (right), CTCLUSI biologist, working with Dr. Ben Clemens from ODFW on a lamprey monitoring project, co-funded by OWEB.

construction of 13 dams and reservoirs on major tributaries to the Willamette River from 1946-1964. Members from Confederated Tribes of the Warm Springs, Confederated Tribes of Grand Ronde, and Confederated Tribes of Siletz Indians participate in the WWMP, as they all have historic hunting, fishing, and trading areas in the Basin.

Promotion of Communication between OWEB and Tribes

Tribal Liaison

In conformance with OWEB's tribal policy, OWEB designated a staff person, Ken Fetcho, to operate as a tribal liaison for the agency. The tribal liaison is responsible for ensuring that OWEB's programs and policy development adheres to our tribal policy. This includes coordinating program and policy notices to tribal natural resource key contacts and providing training to staff as appropriate.

In 2020, OWEB's tribal liaison continued to emphasize the importance of OWEB's tribal policy to new employees and board members. Starting in 2019, each new employee and board member is briefed on the tribal policy and receives a copy of the current Annual Tribal Report.

The tribal liaison worked with Jennifer Karson-Engum to provide a tribal training at OWEB's All-Staff Meeting in November 2020. Jennifer is a cultural anthropologist and ethnographer for the Confederated Tribes of the Umatilla Indian Reservation. Jennifer's presentation taught staff about the Tribe's traditional areas of use that spread across the Western United States and how the importance of the Cultural Resources being integrated into the Natural Resources Department. She highlighted their efforts to document the traditional place names for a wide geography in NE OR and SE Washington. This training was extremely valuable to help OWEB staff learn more about the importance of place names and the rich information they provide for the Tribes and the broader public.

Oregon Water Vision

OWEB has been continuing to work with the Governor's Natural Resources Office (GNRO) in communicating with tribes related to Oregon's 100-year Water Vision to prepare a secure, safe, and resilient water future for all Oregonians. In late 2019 and early 2020, OWEB coordinated with the GNRO to participate in individual water vision meetings with tribes to receive feedback regarding the importance of water and the unique connections each tribe has with water and water infrastructure. The Governor's budget has identified financial resources in the 2021-2023 biennium that include a position at OWEB to help move the Water Vision forward in the next biennium. Director Loftsgaarden participated in a Water Vision Panel at the Annual Tribal Summit to discuss the importance of continuing to work on implementing this Vision in 2021.

Tribal Coordination on Natural and Cultural Resource Recovery

OWEB is part of a team helping to facilitate conversations about natural and cultural resource recovery related to this year's wildfires. Following the 2020 fires, the state established a task force to address State Recovery Function 7 – Natural and Cultural Resources. While the task force has had participation from the State Historic Preservation Office, the Bureau of Indian Affairs, and the Legislative Commission on Indian Services, it has been clear since its

establishment in October that a more focused conversation needed to occur with the nine federally recognized tribes in Oregon. The following is a summary of the structure that will be used to increase tribal engagement on natural and cultural resources across all fires.

Natural and Cultural Resource (NCR) Recovery Task Force – A letter was sent to each tribal chairman to invite an individual from the tribe to participate in the Task Force.

Tribal Work Group of the NCR Recovery Task Force – A formal work group was established in December 2020 under the Task Force to further address concerns and opportunities related to natural and cultural resources. The work group includes tribes, state and federal agencies and is convened by Danny Santos with LCIS, Keith Anderson (co-chair of task force) and Meta Loftsgaarden (co-convener of Executive Leadership group). The initial role of the group is to:

- Review assessments to determine if tribal cultural and natural resources are adequately reflected in the information provided.
- Identify best ways for tribes to participate in community-level conversations about fire recovery prioritization and investment
- Identify best ways to communicate with tribes about upcoming work on federal/state lands so tribes have the opportunity to contribute meaningfully to decision-making on public lands

As a result of the work group's first meeting, OWEB will be coordinating with the Oregon Department of Forestry to ensure interested tribes participate in reviewing assessments to include appropriate cultural and natural resource information in the synthesis for each fire.

Cultural Resources Protection Permits

OWEB continues to emphasize to grantees and grant project managers the importance of complying with regulations to protect cultural resources. OWEB grants pays for expenses to comply with cultural resource regulations to legally implement watershed improvement projects.

Focused Investment Partnership Ecological Priorities

At the end of 2019 OWEB staff initiated a process to reach out to tribes to seek their input prior to the OWEB Board approving the ecological priorities of significance to the State to be addressed by Focused Investment Partnership (FIP) Initiatives. "At least every five years, the Board shall approve ecological priorities of significance to the State to be addressed by Focused Investment Partnership Initiatives. Ecological priorities shall be determined with public input and scientific rigor and shall include maps and narrative describing the desired ecological outcomes for eligible Focused Investment Partnership Initiative activities" (OAR 695-047-0030). Pursuant to this rule, OWEB staff and the focused investments committee of the board initiated an assessment of the FIP Priorities in fall 2018 with the intent of having revised Priorities in place by January 2020.

In order to seek tribal input, additional efforts were made to present the draft ecological priorities to the tribes to consider this proposal and provide oral and written comments. This process involved direct engagement with tribal NR leadership, by presenting at the Tribal

Natural Resources Workgroup to discuss each ecological priority and the areas of the state in they were being proposed. OWEB also made an effort to email the draft document to all of the tribes and extended the deadline by two months to receive feedback from tribes to allow them sufficient time to prepare their comments. This process assisted OWEB in ensuring the new priorities that were approved by the OWEB Board in January 2020 reflected culturally important considerations by incorporating information from Tribal restoration plans that identified priority areas for lamprey and bull trout.

Annual Tribal Summit and Tribal Work Groups

OWEB's Executive Director and tribal liaison attended the Virtual Annual Tribal Summit and training hosted on December 1 and 2 to engage and listen to tribal representatives to understand the issues that are important to them. The tribal liaison also began to co-chair the Tribal Natural Resources Workgroup meetings in 2020 along with his fellow co-chair Mike Wilson, Natural Resources Director of the Confederated Tribes of the Grand Ronde. Their shared roles help to plan and convene regular meetings to share information and to better understand key initiatives tribes and state natural resource agencies are working on that may be relevant to each other. This arrangement has helped OWEB's tribal liaison foster and develop a strong relationship with co-chair Wilson and they saw increased participation from tribes and state agencies in the workgroup in 2020. OWEB's tribal liaison will continue to co-chair the Workgroup in 2021 with the new Tribal co-chair, Audie Huber, from the Confederated Tribes of the Umatilla Indian Reservation.

Administrative Rules

In April 2020, the OWEB Board adopted revised administrative rules for both the Water Acquisitions and Monitoring Grant programs. Representatives from the Confederated Tribes of Warm Springs, Confederated Tribes of Siletz Indians, and Confederated Tribes of the Umatilla Indian Reservation participated on these Rulemaking Advisory Committees to assist us in developing administrative rules that are reflective of standards that tribes deem important.

Assessment of Grant Practices Impact to Tribes

OWEB is interested in performing a programmatic assessment of its granting practices to better understand if there are negative impacts to federally recognized tribes' ability to apply for and receive funds to meet their watershed enhancement goals and objectives. In 2020, OWEB initiated the planning phase of this assessment by developing a draft approach and recruiting a master's student from Portland State University (PSU) with the assistance of Dirlle Callica and Rick Mogren from the Institute for Tribal Government at PSU. The tribal liaison will work with the Tribal Natural Resources Workgroup to communicate the intent of this program and contact tribes individually to schedule one-on-one interviews to better understand:

- if there is anything inherent in OWEB's granting practices (applicant eligibility, application review process, grant administration and reporting requirements) that creates a disadvantage to receive OWEB funding.
- the approach taken to decide if they should pursue OWEB funding and how that view might vary within a Tribe's organizational structure

- if they prefer to be the lead applicant or partner with another organization when applying for OWEB funds
- additional administrative or technical obstacles that create barriers to applying for and receiving OWEB funds.

This project will be implemented in 2021 and a final report that includes a recommendation of solutions to address any barriers/challenges will be shared with tribes.

Meetings with Tribes

The global pandemic affected OWEB’s ability to meet in person with the tribes in 2020. However, OWEB staff continued to work with technical staff from tribes on many levels to continue to administer grant funds for projects and respond to inquiries from them to develop and fund future watershed enhancement projects.

One effort that was greatly appreciated by OWEB included tribal participation on a Steering Committee to develop a workshop on stream restoration and monitoring. Stan Van Der Wetering, Supervising Fisheries Biologist for the Confederated Tribes of the Siletz Indians, provided his technical expertise to help develop the agenda and participated in the 2-day workshop. OWEB reached out to invite all the Federally Recognized tribes in Oregon and the Nez Perce Tribe to attend the workshop. In total 8 different tribes attended this workshop to share information and learn more about an innovative approach to restore streams to a more natural, pre-disturbance condition.

Tribal Cultural Items Survey

In 2020, OWEB’s tribal liaison worked to address the comments they received from the Task Force on Oregon Tribal Cultural Items on OWEB’s Cultural Items Survey Report. OWEB met with members of the Task Force to better understand how best to respond to their comments and discussed a concern the Task Force identified related to our grantees reporting information when they perform cultural surveys before a restoration project is initiated. The response to the Task Force’s comments was provided to tribal leaders and cultural resources staff for review on July 29, 2020. We look forward to their response as we tried to provide the information that was requested in a timely manner.

One of the pending items that has emerged from this effort is the Tribe’s review of the retention schedules with State Archives. While we understand that this conversation has been put on hold due to the pandemic and competing priorities, we do need to understand how Tribal comments will affect our retention schedule. We respectfully request that this task be addressed in 2021 and look forward to discussing how it will affect the way in which we manage our records over time.

It is through these interactions that relations are developed, and trust is built. OWEB looks forward to fostering these relationships in 2021 and in the years to come.

