

OWRD 2020



## ***Government-to-Government Report***



*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.*





**2020 Government-to-Government Report  
Oregon Water Resources Department**

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## **DEPARTMENT STATEMENT AND POLICY**

The Oregon Water Resources Department (Department) 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 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.

### **Items of Tribal Cultural Interest**

In November of 2019, the Department submitted an Inventory of Items of Tribal Cultural Interest to the nine federally recognized Oregon Tribes, the Governor's Office, and the Legislative Commission on Indian Services (LCIS). This 2020 Report is to provide an update to the 2019 Inventory, if additional items of cultural interest were discovered. In 2020, no additional items of cultural interest beyond those identified in the previous report have been identified.

### **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. The Surface Water Section continues to coordinate and communicate any soil disturbance activities related to stream gaging activities with tribal cultural resource representatives across the state.

### **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. 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 2020, 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 Tribes and the 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 Tribes to engage in the review process include:

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

- Providing comment during the 30-day public comment period on the TRT ranking and funding recommendations.

### **Water Resources Development Program Progress and Next Steps**

In 2020, LCIS determined that all nine Tribes may have 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 2020 project proposals based on potential public benefits in three categories: economic, environmental, and social/cultural. The Department's practice is to share all comments with the TRT to be considered as they score and rank projects and develop a funding recommendation list. No government-to-government comments were received this year.

By statute, storage projects receiving Water Project Grants & Loans funding and meeting certain requirements must have a Seasonally Varying Flow (SVF) developed for the project. SVF 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 Water Projects Grants & Loans. The Department establishes SVFs in consultation with biologists and hydrologists from the Oregon Department of Fish and Wildlife (ODFW) and appropriate Tribes. Last year, the Department 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 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 assessed the process used during the initial SVF development, including the consultation process with affected Tribes. The Department consulted with the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of Warm Springs, for their input on the review of the SVF development process. A larger assessment of SVF development was put on hold due to the impacts of the coronavirus pandemic.

Additionally, the Department conducted an assessment of the Feasibility Study Grants and the Water Project Grants & Loans funding opportunities. The purpose of the assessment was to 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 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. Feedback from Tribes were incorporated into a prioritized list of recommended actions. These actions will be addressed over the next several years as part of an annual Continuous Improvement Plan. For example, one recommended action slated to be

completed in 2021 is to “Include racial justice as a business requirement for consistent consideration.” Other recommended actions included as a result of feedback from one or more Tribes include:

- Engage stakeholders, Tribes, and other external groups to gather feedback on the SVF requirement, when the timing is right – While we consulted with the Confederated Tribes of Warm Springs and the Confederated Tribes of the Umatilla Indian Reservation for feedback on the first SVF, broader engagement of Tribes was postponed due to the coronavirus pandemic.
- Further engage Tribes in evaluating the public benefit language or guidance to make appropriate revisions to promote benefits to Tribes consistent with legislative intent. We received feedback that some public benefits invoking benefits to Tribes may not actually benefit Tribes. This action would include engaging the Tribes to evaluate those benefits and revise as needed to address environmental justice and to provide opportunities to revise materials and approach.

The Department began 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 important participants as the assessment continues in 2021 and the State looks at the future of place-based water resource planning.

## **WORKING WITH OREGON’S TRIBES**

### **The 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, and explore watershed enhancement opportunities through funding agencies.

The Department and the U.S. Geological Survey (USGS) 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 served 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 in early 2021. More information can be found here: <https://www.oregon.gov/OWRD/programs/GWWL/GW/HarneyBasinStudy/Pages/GWSAC.aspx>.

Within one year following publication of the Groundwater Study Report, 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 those 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: <https://harneywaterfuture.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.

## **The Confederated Tribes of the Umatilla Indian Reservation**

The State of Oregon, the Confederated Tribes of the Umatilla Indian Reservation, 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 the Confederated Tribes of the Umatilla Indian Reservation to achieve a shared goal of satisfying the region's long-term water needs.

### **Water Right Negotiations**

The Department, the Confederated Tribes of the Umatilla Indian Reservation, 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. Department staff continue to provide water rights information to the Confederated Tribes of the Umatilla Indian Reservation and have offered to meet as needed.

### **Walla Walla Basin**

The Department is actively participating in the Walla Walla Bi-State Flow Enhancement Steering Committee, which is currently evaluating strategies for restoring flows in the Walla Walla River for fish in cooperation with the Confederated Tribes of the Umatilla Indian Reservation and various other members of the Committee. The Department is also participating in the Walla Walla Water 2050 Strategic Planning process, which is being led by the Washington State Department of Ecology. Lastly, the Department is continuing to engage with the State of Washington and the Confederated Tribes of Umatilla Indian Reservation in high-level discussions on the mutual interests of water management across the Oregon-Washington state line.

### **Cooperative Basin Study**

Department staff are currently engaged with the 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 the Confederated Tribes of the Umatilla Indian Reservation to discuss collaboration on the basin study, provide feedback on scope development, and identify significant management points in the basin.

### **Water Rights**

In the Wallowa River Basin, staff have worked with the Confederated Tribes of the Umatilla Indian Reservation and The Freshwater Trust on a series of complex transactions, which included instream leases and Allocation of Conserved Water (ACW) projects. The ACW projects have been completed and instream water right certificates were issued; however, the parties have continued to lease portions of the water rights instream.

### **Water Management**

The Department's Salem office provided the Confederated Tribes of the Umatilla Indian Reservation 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 the

Confederated Tribes of the Umatilla Indian Reservation 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;
- Continuing to discuss water management and monitoring in the Walla Walla Basin, including the installation of a co-managed stream gage;
- 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 Confederated Tribes of the Umatilla Indian Reservation and results in periodic consultation and/or collaboration associated with Confederated Tribes of the Umatilla Indian Reservation's 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; and
- Monitoring and protecting instream leases negotiated by the Confederated Tribes of the Umatilla Indian Reservation.

The Department has also completed work on drafting a Memorandum of Understanding with Wallowa Lake Irrigation District, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, and ODFW regarding instream releases from Wallowa Lake Reservoir after rehabilitation of the existing dam. The MOU was signed by partners and submitted to the Governor's Office.

The Director's Office is also working with the Confederated Tribes of the Umatilla Indian Reservation and Washington's Department of Ecology to explore opportunities to work together as co-managers of water in the Walla Walla Basin. The three sovereigns met a number of times throughout 2020 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 5 and working to identify potential solutions to water needs. The planning group intends to finalize a plan in mid-2021. The Confederated Tribes of the Umatilla Indian Reservation are 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 Confederated Tribes of the Umatilla Indian Reservation 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.

## **The Confederated Tribes of Warm Springs**

### **Water Rights**

In 2018, the Department issued a final order for an instream lease between the Tribes 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 2020, the Department issued two additional final orders for instream leases submitted by the Tribe (IL-1430 and IL-1808). The instream leases are both in effect through September 30, 2024, and both provide 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 the Confederated Tribes of Warm Springs 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, among many others, participated in the Deschutes Basin Water Collaborative which is facilitated by the Central Oregon Intergovernmental Council staff and Executive Director of the Deschutes River Conservancy, and co-lead by the Confederated Tribes of Warm Springs. The purpose of this group is to take the next steps in implementing and investigating much of the findings of the Deschutes Basin Study.
- The Confederated Tribes of Warm Springs 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 2020, 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 Confederated Tribes of Warm Springs. 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 Confederated Tribes of Warm Springs and others.

- The District 21 Watermaster's office in Condon continues to work with the Confederated Tribes of Warm Springs 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.
- The Confederated Tribes of Warm Springs commented on the Deschutes Basin Mitigation Program Five-Year Evaluation in August and indicated a desire to continue conversations with the Department and participate in the evaluation.

### **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 planning partnership.

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.

## **The Confederated Tribes of Siletz Indians**

### **Water Resources Development Program**

The Department is managing a grant with Seal Rock Water District 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 Siletz Indians is participating in this process as a member of the coordinating committee and the Mid-Coast Water Planning Partnership. The Tribes 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>). For more information visit: [www.midcoastwaterpartners.com](http://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 eighth year of water use regulation, the Department continues 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 discussions on 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 that will increase stream flows, improve water quality, and restore riparian corridors.

In 2020, 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 2020, the District 17 Watermaster continued the weekly conversations with the Tribal liaison. These conversations provided for a more timely response to Tribal questions and concerns. Additionally, Department 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' desire 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.

Department staff continue to meet with Klamath Tribal representatives to discuss the physical groundwater system and groundwater-surface water interaction in the basin.

Department staff worked closely with Tribal staff on streamflow measurement and data collection activities, as validation of the call for regulation occurred. Additionally, Department 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. 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 Confederated Tribes of Grand Ronde**

#### **Water Resources Development Program**

The Department invited the Confederated Tribes of 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 continued to monitor and regulate two instream leases for the Cow Creek Band of Umpqua Tribe of Indians during the 2020 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 2020.

#### **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 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.

## **The Confederated Tribes of Coos, Lower Umpqua and Siuslaw**

### **Water Resources Development Program**

The Department invited the Confederated Tribes of Coos, Lower Umpqua and Siuslaw 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**

- 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.

## **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.



## **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 Tribe(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.