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 ninth Government-to-Government Annual Report submitted by DOGAMI, and the ninth 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 inadvertent archeological discoveries. DOGAMI will continue to identify and address mutual goals and concerns that affect Tribal interests.

Highlights for 2021

- 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.
- 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 coordinates with Tribal Cultural and Natural Resource Departments in mapping geology, understanding resources such as groundwater, and identifying natural geologic hazards on Tribal lands for educational and planning processes.

• 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, the former Director and State Geologist retired from his position with Oregon State Government in September 2021. Sarah Lewis, Mineral Land Regulation and Reclamation (MLRR) Program Manager, is currently the interim Director and State Geologist and is the primary contact responsible for overall relations, and for development and implementation of agency programs that affect Tribes.

Primary Contact on Government-to-Government Relations:
Sarah Lewis, Interim Director and State Geologist/MLRR Program Manager
229 Broadalbin St SW
Albany, OR 97321
541-967-2053
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Primary Contact on Tribal-State Natural Resources Workgroup/Cultural Resource Cluster Group, and agency liaison to the LCIS:
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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 to 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 2021:

- Ben Mundie attended the virtual Natural Resource Work Group (NRWG) meetings on February 11, 2021; June 23, 2021; August 26, 2021; October 14, 2021; and December 15, 2021.
- Ben Mundie participated in the virtual Cultural Resource Cluster (CRC) meetings on: April 6, 2021; August 8, 2021; and December 7, 2021.
- Ben Mundie participated in the virtual Legislative Commission of Indian Services (LCIS) meetings on May 5, 2021 and October 6, 2021.
- DOGAMI-MLRR provides notification of permit application materials received for aggregate mining operations. In 2021, a total of 6 Cultural Resource surveys were requested, completed and submitted to the SHPO and interested Tribal Historic
Preservation Offices (THPOs) for review and concurrence in response to concerns on potential impacts to cultural resources.

- In January 2021 DOGAMI-MLRR consulted with the Confederated Tribes of the Warm Springs Reservation of Oregon THPO and the Confederated Tribes of the Umatilla Indian Reservation THPO in response to concerns on potential impacts to cultural resources from a proposed new aggregate mine site in Baker County.
- In January 2021 DOGAMI-MLRR consulted with the Coquille Indian Tribe THPO, the Confederated Tribes of Grand Ronde THPO, and the Cow Creek Band of Umpqua Tribe of Indians 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 2021 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 new aggregate mine site in Grant County.
- In March 2021 DOGAMI-MLRR consulted with the Confederated Tribes of the Umatilla Indian Reservation THPO, and the Confederated Tribes of the Warm springs Reservation of Oregon in response to concerns on potential impacts to cultural resources from a proposed new aggregate mine site in Hood River County.
- In July 2021 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 site in Klamath County.
- In September 2021 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 new aggregate mine site in Morrow County.

- In 2021 the Geological Survey and Services (GS&S) Program collaborated with the Confederated Tribes of the Umatilla Indian Reservation Natural Resource Program in submitting a grant application to the Federal Emergency Management Agency – Cooperating Technical Partners Program for funding to map channel migration zones on the Umatilla River and McKay Creek in Umatilla County. This grant was awarded and work will commence in 2022. The focus of the work is developing hazard maps for educational and planning processes.

- The GS&S Geologic Mapping Program is currently mapping the Athena 7.5’ quadrangle between Milton-Freewater and Pendleton. The focus will be looking at geologic controls on groundwater and geothermal resources, as well as earthquake hazards. The southeast 1/3 of the quadrangle, south of Wildhorse Creek includes,
lands of the Confederated Tribes of the Umatilla Indians (CTUIR). GS&S has actively engaged with staff at CTUIR and they are providing access to tribal lands for research as well as in-kind support for field work and data analysis. This work builds on a long-term relationship with CTUIR going back to USGS STATEMAP-funded work by Mark Ferns, Ian Madin, Ron Geitgey, and Vicki McConnell in the Umatilla Basin in the mid-2000s. DOGAMI’s geologic data will help CTUIR plan for use and allocation of groundwater resources and help them plan for use of mineral-energy geologic resources to continue to improve the self-sufficiency of the CTUIR Nation.

- Jason McClaughry, GS&S Eastern Oregon Regional Geologist continues to be a consulting partner on the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) geothermal resource assessment project. This project is exploring the geothermal potential on CTUIR Tribal Lands, with the goal of providing long-term and renewable energy resources for the CTUIR Nation. Project partners include DOGAMI, CTUIR, USGS, and other regional interests. Initial phases of the project produced and aeromagnetic survey of Northeast Oregon. Additional unpublished data will eventually be released.

- Kate Ely, hydrogeologist with the Confederated Tribes of the Umatilla Indian Reservation continues to serve as a voting member on the Oregon Geologic Mapping Advisory Committee (OGMAC). DOGAMI - GS&S are actively seeking new member representation from additional Tribal Nations on the committee moving into 2022.

- On October 18, 2021, five members of the DOGAMI-MLRR staff attended the virtual Tribal Relations session of the 2021 Oregon Attorney General’s Public Law Conference.

- Over the past year the DOGAMI - GS&S Program continued mapping 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.

Diane Teeman, Culture and Heritage Director for the Burns Paiute Tribe was appointed by the Governor and confirmed by the Senate to a four-year term on the DOGAMI Governing Board. She has served on the Governing Board since 2018.

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 will reach out to all DOGAMI employees to ensure all personnel have been acquainted with the importance of identifying cultural items and the process of protection and preservation.

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