2021 Annual Government-to-Government Report
For the Department of State Lands
December 15, 2021

This annual report is submitted in response to ORS 182.166 (3), which requires agencies to submit a report on agency activities under ORS 182.162 to 182.168.

Department of State Lands Policy on Relationship with Tribes

In 2006, the Department of State Lands (DSL) adopted the agency’s State Agency Coordination Program (SAC). Section 5 of the program outlines DSL’s efforts and procedures to coordinate with Tribal governments. DSL’s SAC program commits DSL to do the following:

– Include affected Tribal interests in the review/comment of agency actions likely to affect Tribal members or resources of Tribal interest.
– Carefully and thoughtfully consider Tribal comments concerning pending decisions and actions.
– Provide materials to natural resource agencies within each Tribal government that explain DSL’s roles and responsibilities in natural resource management.

DSL adopted an agency policy that works to establish, promote and improve government–to–government relations between DSL and Oregon’s federally recognized tribes.

Agency Contacts

Our primary agency contact is:

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To participate more fully in activities of the Cultural Resources and Natural Resources Workgroups, the agency will also be represented by:
Process to Identify Programs of DSL that Affect Tribes

The primary means DSL uses to identify agency programs and activities that may affect tribes is spelled out in the agency’s SAC Program. DSL regularly includes tribes in notification of possible actions on state lands owned and managed by DSL, giving the respective tribe(s) an opportunity to comment on the proposed action. Through trainings and presentations, DSL also raises staff awareness of the need to consult with tribes on a government-to-government basis.

Efforts to Promote Communication between DSL and Tribes / Government-to-Government Relations between DSL and the Tribes

During 2021, DSL’s efforts to promote communication between the agency and tribes included several areas. By program area, these efforts include:

Agency-wide

DSL staff, Meliah Masiba and Andrea Celentano, participated in the Cultural Resources and Natural Resources Workgroup meetings throughout the year. While no in person training opportunities were realized this year due to the Covid19 pandemic, the Annual State-Tribal Summit, held remotely on December 1st-2nd, was attended by the agency Tribal Liaison.

DSL’s Multicultural Appreciation Committee provides information on National American Indian Heritage Month for all staff and posts the Governor’s proclamation in November of each year.

Communications Manager Ali Ryan Hansen serves as the agency’s Citizen Advocate on the Environmental Justice Task Force (EJTF). One of her roles is to provide feedback on how environmental justice concerns may be incorporated into agency actions and decisions. Tribal communities are identified as communities who potentially have been affected by environmental justice issues. DSL is committed to building staff understanding of environmental justice to provide a common foundation for fostering further innovation for outreach with, and inclusion of, all communities potentially affected by environmental justice. The goal is to provide more effective interactions with these communities, including the tribes.

Operations Division: Real Property Unit & Aquatic Resource Management Program

DSL continues to participate in the Cultural Resources Cluster and the Natural Resources Workgroup. These forums are an excellent opportunity for updates on
agency rulemaking, policy issues and specific issues raised by Tribal representatives attending the meetings.

The Real Property Unit, now managed out of Bend, oversees management of all common school trust lands statewide as well as all land transactions such as sales, exchanges, release of mineral rights and granting of use authorizations such as leases and easements.

The Real Property Unit continues its policy of notifying potentially affected tribes regarding applications received for activities proposed on DSL owned and managed lands. The tribes are invited to comment on the proposed activities set forth in the applications, and staff work closely with Tribal staff to address any concerns they may have. The agency director is available for formal consultation on any agency action.

The Real Property Unit’s archaeologist continues to review all proprietary authorizations statewide. For agency-initiated ground disturbing projects, field surveys and testing are completed as needed.

Operations Topics of Interest

Elliott State Forest

In 2021, as directed by the State Land Board, DSL continued to work collaboratively with Oregon State University’s (OSU) College of Forestry to explore the concept of the Elliott as a public research forest.

1. DSL continued to work with the Advisory Committee to provide input and insight to OSU throughout the exploratory process. The Advisory Committee is made up of representatives from a variety of diverse interests in the Elliott, including tribes. The Cow Creek Band of Umpqua Tribe of Indians; the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians; the Confederated Tribes of the Grand Ronde; the Confederated Tribes of Siletz Indians; and the Coquille Indian Tribe were all invited directly to participate in the Advisory Committee. The Advisory Committee saw regular committee participation from the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians; the Confederated Tribes of the Grand Ronde Community; and the Confederated Tribes of Siletz Indians.

2. Habitat Conservation Plan (HCP) development continues: An administrative draft was submitted to the coordinating federal agencies on Oct. 8th. The NEPA process is anticipated to begin in early 2022.

3. Legislation: DSL, in coordination with OSU and the Advisory Committee, are preparing a legislative concept for February 2022 which will establish an independent public entity to retain public ownership of the forest and contract with OSU to manage day to day operations and research on the forest. The legislation will also emphasize the need for decoupling of the Elliott from the Common School Fund for the Elliott State Research Forest concept to continue.

Willamette Falls Fishing Platform
In 2018, the Confederated Tribes of the Grande Ronde’s application for an authorization to construct ceremonial fishing platforms at Willamette Falls drew comments from the Confederated Tribes of Warm Springs and the Confederated Tribes of the Umatilla Indian Reservation. Director Walker engaged in formal consultation with the Confederated Tribes of the Grande Ronde, the Confederated Tribes of Warm Springs, and the Confederated Tribes of the Umatilla Indian Reservation on the proposed project and application process. DSL issued a waterway structure registration for the proposed use. This authorization was contested through the administrative law process.

DSL engaged with Portland General Electric, the Confederated Tribes of the Grand Ronde, the Confederated Tribes of Warm Springs, the Confederated Tribes of the Umatilla Reservation, and the Confederated Tribes of Siletz Indians through a mediation process to resolve these issues. Efforts around resolution for the fishing platform will continue into 2022.

**Villines Mitigation Bank**

DSL has been working with the Cow Creek Band of the Umpqua Tribe of Indians on their proposal to sponsor the Villines Mitigation Bank to provide wetland credits in areas of Douglas County. The Tribe and DSL continue to work through the issues identified in the February 22, 2019 letter with the objective of getting an approved bank instrument.

**South Slough National Estuarine Research Reserve (Reserve)**

The Reserve Management Commission reserves one commission seat for Tribal representation to include consideration of Tribal issues in management of the Reserve. The seat is currently being held by the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians until September 7, 2021, and would be held by the Confederated Tribes of the Siletz Indians based upon the current schedule.

The Reserve maintains formal Memorandums of Understanding with both the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians and the Coquille Indian Tribe. These cooperative agreements facilitate the exchange of information and data, shared use of equipment and facilities, and joint proposal development and project management.

Reserve science staff continue to collaborate with the Coquille Indian Tribe and Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians to manage real-time water quality stations and to discuss data related to water quality in Coos Bay. Reserve staff have also been providing technical support to the Coquille Indian Tribe staff for new water quality monitoring efforts in Coos Bay and to help link Tribal station data to the Northwest Association of Networked Ocean Observation Systems. The Reserve’s Margaret A. Davidson Graduate Research Fellow, funded through the National Oceanic and Atmospheric Administration, is working with the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians to survey harmful algal blooms in the Coos estuary.
Both the Coquille Indian Tribe and Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians are active participants in the Partnership for Coastal Watersheds, a stakeholder group coordinated by the Reserve, that is currently sourcing and providing information for an update to Coos County’s Coos Bay Estuary Management Plan. The group is also working on projects throughout the Coos Bay estuary to assess vulnerability to hazards, inventory restoration wetland sites, and identify sites for future restoration projects. Tribal staff continue to participate in these ongoing efforts.

Reserve staff continue to work with Tribal staff to deliver education programs and trainings. Unfortunately, due to COVID-19 workshops and opportunities continue to be postponed, but we look forward to continuing that partnership in 2022.

The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians have donated approximately 200 camas bulbs, an important traditional food, to the Reserve. Some of these bulbs were planted in the raingarden at the Reserve Visitor Center, where their cultural connection is included in the interpretive signage. The remainder of the bulbs have been planted in a meadow on Indian Point. Reserve and Tribal staff worked together to assess the potential for establishing a camas meadow in this location and decided on a two-stage approach. Firstly, an experimental trial will be used to determine population success given high levels of deer browsing. If successful, Reserve staff will work with Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians and the Coquille Indian Tribe to establish a camas meadow to promote cultural uses of Reserve land and to facilitate communication of these practices to a general audience.

Reserve staff communicate regularly with the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians and the Coquille Indian Tribe staff to coordinate cultural reviews for restoration and research projects, maintenance work requiring soil disturbance, and newly acquired lands in the Reserve. Both Tribes serve as partners on the current Wasson Creek Watershed Restoration project and on the Indian Point Restoration project. The Tribes have been integral in providing staff support and information to meet National Historic Preservation Act Section 106 compliance for restoration planning.

The Reserve also regularly works with Tribal staff and Tribal members to provide opportunities for cultural plant gathering and Tribal program requests, as needed.

**Rulemaking for State Designated Essential Salmon Habitat**

On August 11, 2020, the Department sent letters to all nine federally recognized tribes in Oregon inviting participation in the Department’s upcoming rulemaking to revise state designated Essential Salmon Habitat (ESH) (OAR 141-102). ESH designations protect critical habitat by determining if a removal-fill permit is needed under ORS 196. The ESH designations were last updated in 2015.

Representatives of five tribal nations joined the Rules Advisory Committee (RAC) to provide input and give guidance for how future annual ESH updates should involve and seek engagement from tribal nations. RAC members included members from the Coquille Indian Tribe, the Confederated Tribes of Grand Ronde, the Confederated Tribes of the Umatilla
Indian Reservation, the Cow Creek Band of the Umpqua Tribe of Indians, and the Burns Paiute Tribe. Rule language was developed to formally state the Department’s policy on notification of the nine federally recognized tribes in Oregon in advance of annual revisions to ESH designations and to provide for opportunities outside of the public comment period for input and engagement.

The RAC process concluded May of 2021, with ESH maps anticipated to be updated in February of 2022.

**Anticipated Activities for 2020**

During 2022, DSL will:

- Continue participation in government-to-government activities such as the Cultural Resources and Natural Resources Workgroup meetings; and in providing tribes with opportunities to comment on DSL activities.

- Consult with tribes on the Elliott State Forest, South Slough National Estuary Research Reserve, and other projects as requested.

- Continue to highlight tribes through the Multicultural Appreciation Committee, focusing particularly on National American Indian Heritage Month in November.

- Continue participation on the Environmental Justice Task Force.

- Continue outreach efforts with Oregon tribes on searching for and claiming unclaimed property (lost funds) that the agency may be holding for Tribal members.

- Continue to cooperate and coordinate with representatives of the Coquille Tribe and Confederated Tribes of the Coos, Lower Umpqua, & Siuslaw Indians to locate and protect cultural heritage sites in the Reserve. Implement the cooperative agreements with both Tribal governments and continue Tribal participation on the Reserve Management Commission.

- Continue to participate in and/or coordinate educational and cultural experiences with local tribes.