



# OREGON DEPARTMENT OF AGRICULTURE

## Government-to-Government 2022 Annual Report

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### Mission

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Ensure healthy natural resources, environment, and economy for Oregonians now and in the future through inspection and certification, regulation, and promotion of agriculture and food.

## **Vision**

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The Oregon Department of Agriculture remains able to serve the changing needs of Oregon's diverse agricultural and food sectors to maintain and enhance a healthy natural resource base and strong economy in rural and urban communities across the state.

## **Core values**

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We value...

- Honesty, integrity, and fairness
- Diversity, equity, and inclusion
- Respect for people and property
- Practical collaborative approaches to problem solving
- Science-based approaches: technical and professional competence
- Transparency
- Quality Customer Service

The Oregon Department of Agriculture (ODA) recognizes the value of Oregon's tribal contributions to agriculture and the rich heritage they bring to all Oregonians. It is important that tribal interests are reviewed and considered in the ODA policy development process. To ensure Tribal input and communication, ODA will:

- Establish and maintain an agency liaison (tribal liaison) to foster good working relationships between ODA and Oregon's federally recognized tribes.
- Participate in the Natural Resources Workgroup and Cultural Resources Cluster meetings. The tribal liaison will provide relevant agency updates to the tribes at the meetings.
- The tribal liaison will notify the ODA Executive Team on issues/concerns identified by tribes and facilitate a process to address them.
- Communicating with tribes to identify their interests so that opportunities for tribal input into the planning, development, and implementation of agency programs and activities that may intersect with tribal interests occurs. This includes, but is not limited to, seeking tribal representation on ODA advisory committees and boards that may intersect with tribal interests.
- Maintain a process to notify Oregon tribes before destroying records listed on ODA's special record retention schedule.
- Provide an annual letter to Oregon tribes outlining future policy and rule development and invite tribal engagement on areas of interest.

Per ORS 182.166(3), below is a summary of the 2022 government-to-government interactions with Oregon's nine federally recognized tribes by program area.

## **Administration**

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Administration includes the Directors' Office, Communication, Administrative Services, Business Operations, Information Systems, and Special Projects, which are all integral to the successful operation of the ODA. The Directors' Office provides direction and management to all ODA

programs and associated activities. This office also works with the State Board of Agriculture and many other entities and individuals to support the mission and goals of the ODA.

In January 2022, ODA provided a letter to tribal leaders and staff on ODA's rulemaking and other key activities planned for 2022. The purpose was to assist in the advance communication and invitation to engage in areas of tribal interest. After tribal review and input, ODA's Government-to-Government Policy was finalized in December 2021 and provided to Tribal Leaders in January 2022 with the annual letter and activities report.

ODA's tribal liaison represented ODA at both the Cultural Resource Cluster (CRC) and the Natural Resource Workgroup (NRWG) meetings. In 2022, ODA's tribal liaison began a two-year term co-chairing the NRWG. The position is responsible to work with the tribal co-chair to set the agenda, lead meetings and assist agency members on state-tribal relations. At the meetings, the tribal liaison shared relevant agency information with tribal governments and arranged presentations on agency programs as requested by tribal partners. The tribal liaison then shared relevant information about the meetings with ODA's Executive Team.

In 2022, ODA aligned its record destruction process with Oregon's Secretary of State so that tribes receive the combined notifications twice a year. The record destruction notification process is a way for tribes to identify and receive items of interest before they are permanently destroyed. It also informs tribes on the types of records ODA maintains. ODA's tribal liaison continued to provide guidance to state agencies going through their respective inventory process and how best to identify and report to Oregon Tribes on records within their possession.

ODA has an [Oregon Tribes](#) webpage that houses information and resources for ODA's employees and the public. In 2022, ODA added the LCIS Land Acknowledgment Guidance Document as a resource for staff considering adding language to agency websites and documents. In January, the tribal liaison spoke at an administrative all-staff meeting for ODA employees to discuss what tribal engagement means and how to improve outreach when conducting ODA rulemaking, recruiting for board or committee assignments and planning program activities. ODA's tribal liaison participated in the Oregon State University's interview process to select the Assistant Dean of Inclusive Excellence and Tribal Relations within the College of Forestry.

As positions become open on ODA's boards, commissions and workgroups, recruitment to fulfill includes outreach to Oregon's tribes. In 2022, ODA reached out to Oregon tribes to recruit participation on the Agricultural Water Quality Rule Making Committee, Agriculture Water Quality Management Area Local Advisory Committees, and Oregon Confined Egg Laying Hen Rule Advisory Committee. ODA also successfully recruited multiple tribal representatives to participate in the Native Plant Conservation Stakeholder Group including the Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians and Confederated Tribes of the Siletz Indians. ODA will continue to identify ways to bring Oregon's Tribes enhanced opportunities to participate in the decision-making processes ODA oversees.

ODA's Assistant Director and tribal liaison represented the agency at the October Tribal-State Government-to-Government Annual Summit in Florence. Additionally, ODA participated in the State-Tribal Water Task Force and presented an overview of the work the Department does that relates to water.

Senate Bill 892 passed by Oregon Legislature created the Disaster Assistance Program with \$40 million dollars to help mitigate economic losses farmers and ranchers sustained because of the natural disasters in 2021, including the ice storm, the heat dome event in July and the ongoing drought statewide. The Legislature designed the loan program to act as a bridge loan or direct assistance while a federal program is developed and announced by the USDA. In February 2022, ODA reached out to Oregon Tribes to inform them of this resource.

As grant and funding opportunities become available, ODA passes the information onto Oregon Tribes. In 2022, funding opportunities shared included grants for the Oregon Seafood Industry, "Increasing Land, Capital and Market Access," and "From Learning to Leading: Cultivating the Next Generation of Diverse Food and Agriculture Professionals" (available through USDA), in addition to other opportunities listed within this report.

### **Natural Resource Programs**

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Natural Resource Programs include Agricultural Water Quality, Soil and Water Conservation Districts (SWCD), Confined Animal Feeding Operations (CAFO), Land Use, Fertilizer, Pesticide Compliance and Enforcement Program, Pesticide Licensing and Certification, Pesticide Product Registration, Pesticide Stewardship Partnership, and the Pesticide Analytical and Response Center.

The Confined Animal Feeding Operation (CAFO) program continued to update tribal partners on upcoming public notices associated with proposed CAFO permits within their respective ancestral homelands.

ODA continued coordination with the Department of Environmental Quality (DEQ), Bonneville Power Administration (BPA), and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) on the Birch Creek restoration project in Eastern Oregon. A part of the restoration project included the decommissioning of a permitted CAFO beef feedlot.

A regional Livestock Water Quality Specialist (LWQS) from the CAFO Program continued working with the Cow Creek Band of Umpqua Tribe of Indians with their permitted CAFO. ODA assisted DEQ/EQC in responding to a CAFO Dairy Air Quality rule making petition. The petition asked the agency to review/permit CAFO air quality impacts that may affect EJ communities and tribes. Though the EQC ultimately denied the petition, the agencies continue to work on understanding CAFO air quality impacts and emerging scientific air quality data and literature.

In April 2022, ODA reached out to Oregon tribes about a grant opportunity on research in the Lower Umatilla Basin Ground Water Management Area that aim to better understand the interaction of crop nutrient management, irrigation water management and soil and ground water nitrate levels, and the impact on the protection of ground water quality. Additionally, ODA's Soil Health Specialist gave a presentation at the April NRWG on their role and potential collaboration on future work addressing soil health in Oregon.

ODA continues to inform and engage Oregon tribes on pesticide collection events occurring around the State. These events are an opportunity for landowners, farmers, and other commercial pesticide users to rid storage facilities of unwanted or unused pesticide products. In October 2022, ODA reached out to tribes inviting them on opportunities to host an event in their area if there is a need, and tribes are interested in participating.

ODA's tribal liaison assisted the Pesticide Educational Resources Collaborative for Medical Professionals (PERC-med) at UC Davis on how to connect with medical professionals working in tribal communities to create relevant, pesticide education materials that could benefit tribal communities.

Statutory authority was granted to ODA by the 2021 legislature to phase in the Agricultural Drainage Channel Maintenance (ADCM) program across the state. In 2022, ODA invited Oregon's tribal nations to participate in the rulemaking process on how to implement the phased approach. Additionally, a training opportunity to learn more about the ADCM program was shared with tribal partners in August.

In March, ODA reached out to Oregon tribes to invite participation onto the Water Quality Program Rules Advisory Committee to update the Division 90 and 95 rules.

The Water Quality program filled positions held open due to COVID-related budget shortages and general turnover, added a dedicated staff member for the Klamath County area, and hired a new SIA Specialist. ODA invited the Klamath Tribes Tribal Chair to participate in the selection of the Klamath County Area WQ Staff member. Water Quality staff continued monitoring adjacent to Klamath Lake to address water quality concerns from agricultural activities. The Klamath Tribes are a part of a technical team that evaluate water quality data around the lake and develop projects with local landowners.

Upper Klamath Lakes Phosphorus Reduction Project and Monitoring Collaborative efforts between ODA, landowners, the Klamath Tribes, conservation partners, and state and federal agencies led to an estimated 72 percent reduction in phosphorus loading from agricultural pumps around Upper Klamath Lake from 2018-2021. The reduction was even greater in 2022. ODA water quality and quantity monitoring has captured this change.

Water quality staff continued work to address how to improve water quality conditions in the Ten Mile Lakes area of Coos County. A series of meetings with multiple partners including the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, Ten Mile Lakes Watershed

Council, Coos Soil and Water Conservation District, Oregon Department of Land Conservation and Development, Oregon Department of Environmental Quality, and others were part of the process to determine the best course of action. ODA plans to establish a SIA in the Ten Mile Lakes area within the next two to five years. Other partners in the group wanted to work on restoration, conservation easement, and acquisition projects prior to implementing a SIA. The Water Quality Program continues to seek tribal membership on Local Advisory Committees (LACs). LAC members provide a high level of citizen involvement and support in the development, implementation, and biennial review of the Area Plan and Area Rules.

The Water Quality programs at the Oregon Department of Agriculture (ODA) and the Oregon Department of Environmental Quality (DEQ) notified Oregon Tribes of plans to update the existing Memorandum of Agreement (MOA) between the Agencies relating to agricultural nonpoint source pollution. The purpose of the MOA is to describe the roles and responsibilities of the Agencies and how the Agencies will work together to protect and improve water quality related to agricultural lands and activities. The agencies provided an opportunity for Oregon's federally recognized tribes to participate in the discussion. ODA would like to thank the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) for participating in the public process and providing feedback on the MOU.

ODA Soil and Water Conservation District program continues to work with the Confederated Tribes of the Umatilla Indian Reservation on the business structure of the Tiicham Soil and Water Conservation District.

ODA Pesticide Licensing Program received inquiries from tribes about licensing pesticide applicators to apply pesticides on Oregon's non-tribal lands. Ongoing communication with interested tribes and the DOJ continued to identify how best to navigate this process in an equitable manner that is consistent with state law given the unique sovereignty of each tribal nation.

An ODA Pesticide Investigator participated in an EPA funded *Tribal Pesticide Inspector Residential Training* in Oklahoma in May. Pesticide complaints associated with federally recognized tribal land are referred to EPA, which has jurisdiction to determine how best to respond. ODA Investigators with EPA credentials may be asked by EPA to follow-up on pesticide investigations located on tribal lands on behalf of the federal agency.

### **Plant Protection and Conservation Programs**

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ODA Plant Protection and Conservation Programs includes Insect Pest Prevention and Management (IPPM), Native Plant Conservation, Noxious Weed Control, Hemp, and Nursery & Christmas Tree. These programs protect Oregon's agricultural industries and the natural environment from harmful plant pests, diseases, and noxious weeds; enhance the value and marketability of exported nursery stock; assist industry to produce hemp plants and products within regulatory guidelines; and conserve threatened and endangered plants.

ODA reached out to the Coquille Tribe to collaborate on releasing thrips, a biological control agent, onto tribally owned land that have significant stands of gorse. Gorse is an invasive plant that thrives in coastal areas. The thrips will build up slowly and exert herbivory pressure on the plants that weaken them over several years allowing a smooth transition to native shrubs from the existing seed bank. The thrips are present in the south pacific, Hawaii, Europe, ect. and have been for several decades or more with no reports of non-target impact to other species.

In late April of 2022, noxious weed partners collaborated in a comprehensive survey of Coos Bay and initiated an Integrated Pest Management control effort at the newly detected spartina population (cordgrass). Partners included ODA Noxious Weed Program staff, Portland State University, BLM (North Bend), South Slough National Estuarine Research Reserve (State Lands), Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians and Roseburg Forest Products. Additionally, the Coquille Tribe provided a cultural monitor to assess the project for any impacts to valued fish weirs in Coos Bay.

ODA assisted the United States Department of Agriculture Animal and Plant Health Inspection Service (USDA APHIS) with appropriate Oregon tribal contacts on how best to consult with on using an Environmental Assessment on the biological control of Russian olive trees.

The Department is collaborating with the Confederated Tribes of the Umatilla Indian Reservation on common crupina rust fungus release site establishment as part of a WA/ID/OR/CA multi-state UDSA-ARS research study utilizing a brand-new agent permitted for the first time in 2021/22.

ODA is working with the Confederated Tribes of Warm Springs to establish a new population of Russian knapweed gall wasps in Wheeler County.

In June 2022, the Emerald Ash Borer (EAB) was discovered in Forest Grove and is the first time it has been detected on the West Coast. EAB is a destructive wood-boring pest to ash trees. ODA, in collaboration with local, state and federal partners are working to detect and respond to EAB including ODF, ODFW, APHIS, US Forest Service and USDA. Oregon tribes have been invited to be a part of the EAB Task Force and will continue to be informed as new information and opportunities immerge on this topic.

Oregon tribes were invited to participate and provide feedback on a Rules Advisory Committee (RAC) for volunteer cannabis to help address the potential spread of unintentional growth of cannabis in Oregon.

In February, ODA informed Oregon tribes on grant and training opportunities to address priority noxious weed in Oregon. Grant funding include aquatic or riparian weed control projects that focus on treatment to protect and restore water quality, fish and wildlife habitat. Early Detection and Rapid Response (EDRR) weed control in areas that were impacted by fire that focus on treatment to protect and restore fish and wildlife habitat and new innovative noxious weed control projects, build on existing projects through the development of a cooperative

weed management area (CWMA) or other partnerships for more innovative on-the-ground projects.

The ODA Noxious Weed Control Program worked with tribes in connection to Oregon State Weed Board Grants. ODA continued to work with the Cow Creek Band of the Umpqua Indian Tribe to control of all known sites of Paterson's curse, *Echium plantagineum*, and Woolly distaff thistle, *Carthamus lanatus*, both state A-listed noxious weeds. These noxious weeds are present on tribal and adjacent lands in Douglas County and could have major impacts on grazing and oak woodlands if they were to spread. These control projects are a cooperative effort between ODA Noxious Weed Control Program, Oregon State Weed Board, Elk Creek Watershed Council, and the Tribe.

The ODA Noxious Weed Control Program continued to work with tribal members in Umatilla County to monitor and advise the Confederated Tribes of the Umatilla Indian Reservation (and neighboring landowners) on the control of the invasive Garlic Mustard, *Alliaria petiolata*, a state B-listed noxious weed that is located on or adjacent to tribal lands. Funding is provided to Umatilla County for this project via a State Weed Board grant.

African Rue, *Peganum harmala*, a state A-listed noxious weed was detected in the fall of 2008 by a Bureau of Indian Affairs contractor on The Burns Paiute Tribe's grazing allotments in the Harney Basin southeast of Burns. ODA surveyed the area and determined that the infestation was on both tribal lands and adjacent private lands. Through this cooperative effort, African Rue populations continue to be reduced within the treatment area and have been prevented from spreading to other areas. Harney County receives State Weed Board Grant funding to continue to implement containment and management strategies.

The Cultural & Ecological and Enhancement Network (CEEN) is based out of the Illinois Valley (Josephine County) and has a primary objective of protecting and restoring habitats valuable for materials used in basketry. CEEN works to promote the cultural resources valued by the Karuk, Yurok, Tolowa, and the Confederated Tribes of Grande Ronde. CEEN is the recipient of State Weed Board grant funding ODA assists with survey and eradication of A-rated noxious weeds that impact valued habitats and lands: Yellowtuft Alyssum (*Alyssum murale*, *Alyssum corsicum*), barbed goatgrass (*Aegilops triuncialis*) and the B-rated weed, Japanese knotweed (*Polygonum cuspidatum*).

### **Food Safety and Animal Health and Identification Programs**

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The Food Safety Programs include Food Safety Licensing, Regulatory Laboratory, Shellfish and Shellfish Plat Leasing, Animal Health, Animal Identification, Predator Control, Commercial Feeds, and the State Veterinarian's Office. These programs inspect all facets of Oregon's food distribution system (except restaurants) to ensure food is safe for consumption, protects and maintains animal health, and ensures animal feeds meet nutritional and labeling standards.



A staff member from the Columbia River Inter-Tribal Fish Commission (CRITFC) continues to sit on ODA's Food Safety Program Advisory Committee and provide insight on how certain rule changes may impact tribal activities.

ODA continues to work with a member of the CRITFC to address public safety concerns with vendors who are selling processed fish along the Columbia River. This is occurring where state food processing and/or retail food establishment licenses are necessary for public safety. Efforts on how to work with vendors to bring them into compliance is ongoing.

In March 2022 the World Organization for Animal Health confirmed a bald eagle found dead in British Columbia, Canada tested positive for the highly pathogenic avian influenza (HPAI) Eurasian strain H5N1. The detection is the first in North America's Pacific Flyway, since 2015. HPAI is a highly contagious, deadly disease in domestic poultry. According to the U.S. Centers for Disease Control (CDC) and Prevention, HPAI detections do not present an immediate public health concern. ODA kept Oregon tribes informed on progress and detection of positive cases of HPAI in Oregon and coordinated responses.

### **Market Access and Certification Programs**

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The Market Access and Certification Programs include Agricultural Development and Marketing, Certification Programs, Commodity Commissions, Commodity Inspection, Produce Safety, Smoke Management, and Plant Health Program. These programs help Oregon's agricultural producers successfully add value, sell, and ship products to local, national, and international markets by promoting and creating demand for products through marketing activities, inspection, and certification. The Weights and Measures and Motor Fuel Quality programs work together to facilitate commerce in the region by setting uniform standards for measurements equipment used in commerce, for the packaging and labeling of commodities, and for the overall quality of transportation fuels including gasoline and diesel. The caged egg-laying hen cage program sets standards for the confinement of egg-laying hens on commercial farms to promote the humane treatment of these animals.

ODA has been working with the Oregon Aquaculture Association to connect with tribal partners on aquaculture opportunities that may be of interest to Oregon tribes.

ODA informed Oregon tribes of a new Oregon Meat Processing Infrastructure and Capacity Building Grant opportunity in February 2022. The COVID-19 pandemic highlighted the need for more options in meat processing for livestock raised in Oregon. For more information about the Oregon Meat Inspection Program, please visit <https://oda.direct/MeatProcessing>.

In April, ODA's Market Access Certification Program Area Director and tribal liaison virtually met with a Klamath Tribal Council Member to explore avenues and resources to create an Agriculture Department within the Klamath Tribes to help members interested in pursuing agriculture. ODA provided some guidance and resources to help with this effort.

Although measurement devices on tribal lands are not subject to state weights and measures laws, Oregon tribes, and some tribal members have requested that the Weights and Measures program license and test their equipment.

In 2022, ODA licensed and inspected devices at the following locations:

- Confederated Tribes of the Umatilla Indian Reservation – fish market, Cascade Locks
- Cow Creek Band of Umpqua Tribe of Indians (multiple devices, multiple locations)