



**2022 Legislative Commission on Indian Services
Government-to-Government Annual Report**

prepared by the
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with the
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submitted to the
Legislative Commission on Indian Services
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Introduction

Oregon Revised Statute 182.166 (ORS 182.166) requires that no later than December 15 of every year, state agencies submit a report to the Legislative Commission on Indian Services (LCIS) that summarizes the annual activities of the agency and its interactions with the nine federally-recognized Tribes of Oregon. While this report is intended to fulfill this requirement, this document more importantly highlights the Oregon Parks and Recreation Department's (OPRD) ongoing commitment to strengthening the agency's relationship with its Tribal partners and emphasizes OPRD's efforts to consult not only at the government-to-government level as mandated by law, but also in other meaningful ways as community partners, colleagues and neighbors. Consultation never truly ends and is on-going. In turn, OPRD is continually looking to improve its coordination and communication with the nine federally-recognized Tribes in Oregon.

Agency Information

The mission of OPRD is to provide and protect outstanding natural, scenic, cultural, historic and recreational sites for the enjoyment and education of present and future generations.

OPRD operates state parks through its headquarters in Salem, with support from three regional offices. OPRD is responsible for Oregon's Recreation Trails, the Ocean Shores Recreation Area, Scenic Waterways, Willamette River Greenway, and Heritage Division, including the State Historic Preservation Office (SHPO), Oregon Heritage Commission, State Advisory Committee on Historic Preservation, Historic Assessment Review Committee and Oregon Commission on Historic Cemeteries.

OPRD Policies Adopted under ORS 182.164 (ORS 182.166(3)(a))

ORS 182.164 requires state agencies to develop and implement policy on relationships or cooperation with the nine federally-recognized Tribes of Oregon. Currently, OPRD has three policies that directly relate to Tribal interactions.

CUL.010 Cultural Resources Policy

Purpose

The OPRD Cultural Resource Policy summarizes agency requirements for managing the wide range of cultural resources under the stewardship of OPRD. The purpose of this policy is to ensure that Oregon heritage is protected and shared for the understanding, appreciation, and enjoyment of all present and future Oregonians.

Goals

The goals of this policy are to:

- Further OPRD's mission to provide outstanding natural, scenic, cultural, historic, and recreational sites for the enjoyment and education of present and future generations.
- Promote meaningful partnerships, purposeful stewardship and protection best-practices concerning cultural resources.
- Establish a practical framework for managing the varied cultural resources in OPRD's care.

- Ensure compliance with all applicable state and federal cultural resource protection laws.

CUL.020 Tribal Relations Policy

Purpose

The purpose of this policy is to comply with ORS 182.164 which requires state agencies to develop and implement a policy on how they will relate and cooperate with federally-recognized Tribes in Oregon.

Goals

The goals of this policy are to:

- Maintain regular communications with the nine federally-recognized Tribes in Oregon.
- Foster positive agency relationships with the Tribes.
- Incorporate Tribal perspectives into the work, operations and decisions of OPRD.

CUL.030 Tribal Traditional Use Policy

Purpose

This policy is intended to waive the day-use fee for Tribal members wishing to participate in traditional cultural, religious, or community ceremonies activities and does not affect any rights or relationships of Tribal, federal, and state governments or any treaty rights.

Goals

The goals of this policy are to:

- Promote positive Tribal relations.
- Waive the day use fee for Oregon Tribal members wishing to access sacred sites located within park units for traditional cultural, religious, or ceremonial community activities.
- Encourage cultural collection practices and traditions within state parks by individual members of the nine federally-recognized Tribes in Oregon for personal use.

OPRD Program Contacts (ORS 182.166(3)(b))

General Responsibility

Overall responsibility for developing and implementing OPRD programs that may affect Tribes rests with the OPRD Director and the Deputy Directors (including Administration, Heritage Division Programs and Operations).

- Director and State Historic Preservation Officer: Lisa Sumption
 - 503-508-8165, lisa.sumption@oprds.gov
- Deputy Director of Statewide Operations: JR Collier
 - 541-678-2471, jr.collier@oprds.gov
- Deputy Director of Business Administration: Daniel Killam
 - 503-986-0772, Daniel.killam@oprds.gov
- Deputy Director of Heritage Division and Deputy State Historic Preservation Officer: Chrissy Curran
 - 503-986-0684, chrissy.curran@oprds.gov
- Deputy Director of Government Relations: Chris Havel
 - 503-986-0722, chris.havel@oprds.gov

- Deputy Director of Field Services: Matt Rippee
 - 541-786-4748, matt.riptide@opr.d.oregon.gov

Program Responsibility

The following OPRD Program Managers are directly responsible for developing and implementing programs that may affect Tribes:

- Associate Director of Park Improvement: Eric Timmons
 - 503-385-3314, eric.timmons@opr.d.oregon.gov
- Safety & Risk Manager: Frank Cardoza
 - 503-979-6015, frank.cardoza@opr.d.oregon.gov
- Central Resources Manager: Guy Rodrigue
 - 503-931-5557, guy.rodrigue@opr.d.oregon.gov
- Communications Division Manager: Jason Resch
 - 503-508-4149, jason.resch@opr.d.oregon.gov
- Financial Services Director: Rebecca Jasso
 - 971-283-5464, rebecca.jasso@opr.d.oregon.gov
- Chief Information Officer: Bob DeVylde
 - 503-689-3259, bob.devylde@opr.d.oregon.gov
- Procurement and Real Estate Services Manager: Bill Beaty
 - 971-701-4879, bill.beaty@opr.d.oregon.gov
- Grants and Community Programs Manager: Michele Scalise
 - 503-507-2249, michele.scalise@opr.d.oregon.gov
- Human Resources Director: Kristi Fox
 - 503-986-0781, kristi.k.fox@opr.d.oregon.gov
- Government Relations and Policy Manager: Katie Gauthier
 - 503-510-9678, katie.gauthier@opr.d.oregon.gov
- Associate Deputy State Historic Preservation Officer: Ian Johnson
 - 971-718-1137, ian.johnson@opr.d.oregon.gov
- Oregon State Archaeologist: John Pouley
 - 503-480-9164, john.pouley@opr.d.oregon.gov
- Heritage Outreach Manager: Kuri Gill
 - 503-986-0685, kuri.gill@opr.d.oregon.gov

Identifying Programs that Affect Tribes (ORS 182.166(3)(c))

When a new project or program is contemplated, the Deputy Director responsible shall notify the Deputy Director of Heritage Division who shall notify the OPRD Tribal Relations Coordinator Relations Coordinator, as appropriate, if in their opinion the new program might affect a Tribe. OPRD has appointed Helena Kesch as the agency’s Tribal Relations Coordinator who represents both OPRD and SHPO. Contact information for Helena Kesch is 503-881-4637, helena.kesch@opr.d.oregon.gov .

OPRD Tribal Relations Coordinator will have on-going communication and shall consult semi-annually with the Deputy Directors and the OPRD Program Managers that are responsible for developing and implementing programs that may affect Tribes in order to identify and confirm which OPRD programs and what upcoming work may affect Tribes. OPRD Tribal Relations Coordinator will periodically attend regular meetings where new projects or programs would be discussed.

Whenever a new program is contemplated, the Deputy Director responsible shall notify the OPRD Tribal Relations Coordinator or to determine if the new program might affect a Tribe.

The OPRD Tribal Relations Coordinator maintains an updated list of OPRD programs that affect Tribes including the names of the individuals who are the responsible managers. This list shall be the basis for development of communication protocols and routine consultation.

Projects, Consultation, & Communication (ORS 182.166(3)(d))

OPRD Summary for LCIS

Throughout 2022, OPRD has continued to participate in ongoing consultation as well as initiate consultation on new projects with the nine federally-recognized Tribes in Oregon across three agency regions comprised of approximately 113,000 acres, which includes the Coast, Valley and Mountain Regions. While not exhaustive, the following list highlights a selection of projects that demonstrate OPRD's efforts to promote communication between the state agency and the Tribes and government-to-government relations between the state and Tribes.

- OPRD has provided information to Representative Tawna Sanchez that addresses a gap in statute related to property transfers. Counties have statutory permission to convey real estate to tribes, but the state doesn't. OPRD was working cooperatively with the Confederated Tribes of Grand Ronde to transfer a property, but has stopped pending a change in statute.
- OPRD in partnership with Joanne Kittel, View the Future, Confederated Tribes of the Siletz Indians, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, Discover Your Northwest, Siuslaw National Forest, Yachats Trail Committee, Angell Job Corps, FEMA and City of Yachats, a newly redesigned 145-foot long suspension bridge was erected connecting Amanda's Trail, south of Yachats, to the Oregon Coast Trail.
- In 2021 Oregon Legislature passed SB 5506 that approved the issuance of \$50 million in general obligation (GO) bonds to fund state park facility improvements. The agency will receive two disbursements of \$25 million each with the first occurring in May 2022 and the second in March 2023. These funds must be spent within three years of payout. OPRD has been progressively notifying Tribes at the initial phase of these projects, inviting them to consultation. The following is a list of parks that have been selected for GO bonds:

Initial Park Capital Improvement Project List

May 2022

1. Beverly Beach Parkwide Rehabilitation: Upgrade outdated electrical systems throughout the campground, as well as upgrade campsites.

2. Champoeg State Heritage Area Camping Expansion: Add a new camping loop, riverside cabins, and restroom/shower building, as well as possible upgrades to the current drain field or develop an additional drain field and possible electrical and water systems upgrades.
3. Fort Stevens State Park Guard House Rehabilitation: Add a new roof and roof structure, repoint the bricks and replace windows and doors, as well as complete exterior access improvements, utilities and landscape improvements to stop water leaks in the basement, and upgrade water, sewer and electrical connections.
4. Fort Stevens State Park Utilities: Upgrade the utility services to four campground loops, including improving electrical, water, and wastewater utilities and wastewater lift stations. Replace a 1955 shower/restroom, upgrade other restrooms and replace the restroom at the Peter Iredale day-use area.
5. Kam Wah Chung State Heritage Site Interpretive Center and Collections Building: Expand the park by acquiring city park property and construct new facilities to house a visitor/interpretive center and collections materials.
6. Portland Women's Forum State Scenic Viewpoint Restroom and Parking Expansion: Construct a restroom building and expand. Initial design work is complete for both a restroom and 100-space parking lot that meets National Scenic Area requirements.
7. Silver Falls State Park Camping Expansion & North Falls Complex: Begin the north gateway development that includes a campground with restroom/shower facilities, a North Gateway Visitor Center, and a new North Canyon trailhead and parking lot. Infrastructure improvements such as water, electrical, and sewer systems included, as well as relocation of the current RV dump station.
8. Smith Rock State Park Visitor Center & Congestion: Build a new visitor center and restroom, as well as complete electrical upgrades, and make parking/traffic improvements to meet current and future visitor needs. Work to include some trail improvements.

March 2023

9. Cape Lookout State Park: Relocate A & B loops to higher ground, which includes new roads, new infrastructure and restroom/shower facilities. Remove facilities that are being lost to ocean erosion.
 10. Milo McIver State Park: Add a second loop with restroom/shower facilities to the campground. Upgrade the park sewer and water systems. The current water system provides water to both the park and the Oregon Department of Fish and Wildlife fish hatchery within the park.
 11. Nehalem Bay State Park Parkwide Upgrade and Yurt Loop: Upgrade existing utilities in three loops. Add a new cabin loop, tent sites, and new campground restrooms within the campground. Add seasonal staff housing, upgrades to several day-use facilities.
- OPRD Tribal Relations Coordinator, archaeologists, representatives from OPRD, both cultural resource staff and other divisions from within the agency were regularly in attendance at the Cultural Resource Cluster, Natural Resources Work Group, Interagency Cultural Resource Council meetings and the Tribal/State Annual Summit.
 - OPRD Archaeologists Nancy Nelson, Steve Jenevein, and Stacy Scott now report to a specific region of Oregon State Parks to better serve the agency and Tribes as they coordinate project

work for specific areas of the state. Nancy Nelson serves as the Valley Region Archaeologist; Steve Jenevein serves as the Mountain Region Archaeologist; and Stacy Scott serves as the Coastal Region Archaeologist. Each of the archaeologists continue to work with Tribes concerning a multitude of projects, planning sessions and site visits throughout the course of the year.

- OPRD has updated and adopted its new Tribal Relations policy in consultation with the nine federally recognized Tribes. In addition to revisiting these policies, OPRD is simultaneously revising and strengthening the procedures that accompany this policy in order to improve our best practices and ensure that we are effectively managing the cultural resources under our stewardship agency-wide.
- OPRD has created a tribal relations training that was delivered in-person at the Valley and Coastal all staff meetings in 2022. This training is also available on Workday Learning and intended for all internal staff as a high-level overview of our agency's commitment to meaningful relationship with Oregon Tribes.
- OPRD hired a new Central Parks Cultural Resource Specialist to assist in providing leadership, technical expertise and coordination with Region Archaeologists, Tribal Relations Coordinator, OPRD staff, other state, local and tribal agencies to provide a consistent and statewide approach to cultural resource management on OPRD properties. OPRD is actively recruiting for this position again as it has been recently vacated.
- After a two-year hiatus due to the pandemic, OPRD provided the Archaeology Awareness Training October 25-28th in Coos Bay, Oregon. The Archaeology Awareness Training was hosted by the Coquille Indian Tribe at the Mill Casino. Twenty-two instructors, including tribal members, tribal staff, state agency staff and university professors helped to deliver this 3 ½ day training. Forty-six participants attended the training with staff from OPRD, Oregon Department of Forestry, Oregon Department of Environmental Quality and Soil and Water Conservation Programs via Oregon Watershed Enhancement Board. Five tribal members attended on scholarship.
- OPRD is developing a Programmatic Agreement between OPRD and the SHPO.
- OPRD is represented on the Governor's Task Force on Cultural Items.

Heritage Division Summary for LCIS

The Oregon State Historic Preservation Office (SHPO), part of the Heritage Division, works with the nine federally-recognized Tribes on a regular basis through federal and state processes. These include or involve: The National Historic Preservation Act (NHPA), specifically Sections 101, 106 (and its implementing regulations 36CFR800), 110, and 304; the National Register of Historic Places (NRHP) (36CFR60) including National Register Bulletins 15, 16A, 38 and NPS 10-900 forms; National Environmental Policy Act (NEPA) Environmental Assessments (EA) and Environmental Impact Statements (EIS); American Indian Religious Freedom Act (AIRFA); Native American Graves Protection and Repatriation Act (NAGPRA); Archaeological Resources Protection Act (ARPA); Executive Orders (13007 and 13175); the November 5th 2009 Presidential Memorandum on Tribal Consultation; Oregon Revised Statutes (ORS) 358.653, 358.905-

961, 97.740-760, 390.235 (and associated Oregon Administrative Rule [OAR] 736-051-0000 to 0090), the Oregon Department of Energy's Energy Facility Siting Council (EFSC) statute ORS 469.300 and associated OAR 345-022-0090, exemptions from public disclosure ORS 192.345 and the importance of state agencies to consider their actions and effects to Oregon tribes (ORS 182.164).

Recently, we completed a rule revision for the archaeological permit statute (ORS 390.235) which was adopted by the Oregon Parks and Recreation Commission at the body's November 2022 meeting. The rule addresses the issuance of archaeological permits with the advice of Oregon tribes. The agency engaged in government-to-government consultation with Tribes throughout the process, and incorporated feedback into the final draft. The agency is currently developing the processes to implement the rule, which will take effect July 1, 2023.

SHPO is currently working with Tribes to develop standard data sharing agreements among federal, state, and local agencies and Tribes to facilitate the sharing of cultural resource data for project planning and disaster response. This phased project will first address data sharing among SHPO, Tribes and federal agencies with qualified cultural resource staff, and later will address other federal agencies, state agencies and local partners and other interested parties. Consultation with Tribes is ongoing.

In the last half of 2022, the agency began public outreach for the 2024-2029 Oregon Historic Preservation Plan. The plan addresses identifying and preserving historic places, collections, and traditional practices, educating the public about the State's history, and building support for the organizations that curate our cultural legacy. The Plan is required by the National Park Service in Washington DC. The agency partially funds the SHPO through a biannual grant under the provisions of the 1966 Historic Preservation Act. The current 2018-2023 Oregon Historic Preservation Plan is available on the agency website. The agency invited Tribes to government-to-government consultation in May 2022. The agency has since received unofficial comments from the Cow Creek Band of Umpqua Indians, the Coquille Indian Tribe, The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians. The plan will be published in late 2023.

Oregon SHPO is represented on the Governor's Task Force on Cultural Items, Culture Cluster, the Intergovernmental Cultural Resources Council (ICRC) and two workgroups within the Federal Columbia River Power System (FCRPS), Wana Pa Koot Koot, and Payos Kuus Cuukwe.

Oregon Heritage outreach teams works regularly with Tribes on training and conferences to provide orientation to people doing heritage work in Oregon and to provide resources to the Tribes. Here are some ways the teams have worked with the Tribes over the last year:

Grants

- Awarded the Oregon Heritage Grant to Burns Paiute Tribe and the Oregon Museum Grant to Confederated Tribes of the Warm Springs Reservation of Oregon.
- Notified appropriate Tribes of Federal Certified Local Government grants for development projects and provided time for Tribes' comments on the projects.
- Awarded grants to other organizations for projects that include the Tribes including High Desert Museum, Jefferson Museum and Historical Society, Native Arts and Cultures Foundation, Willamette Falls Trust, North Bend to document and archaeological site and train staff how to avoid and communicate in regard to the site.

Conferences or Workshops

- The 2022 Oregon Heritage Conference was scheduled to be in Corvallis, but was changed to online. The team was worked with various Tribes to highlight their work and resources for heritage in the state. In particular, given the conference's original location in Corvallis, one session highlighted an outreach/speaker program of Confederated Tribes of Grand Ronde. The team is beginning planning for the 2024 conference and will be reaching out to the Tribes in February 2023. The 2024 conference will include LCIS in an information discussion session.

Oregon Heritage Commission

- The commission is discussing an appropriate land/tribal recognition for the commission meetings. LCIS provided a presentation to the commission regarding the LCIS guidance.

Certified Local Government Program

- Participating local governments were provided LCIS contact information to develop relationships with the Tribes.

Agency Training & Notification (ORS 182.166(3)(e) and (f))

Current Employees

On a rotating basis, all applicable OPRD Program Managers and their employees who have regular communication with Tribes (as determined by their manager and a communication protocol) shall attend OPRD's Archaeology Awareness Training and other applicable trainings. OPRD's Heritage Division and Stewardship Section shall provide the Archaeology Awareness Training with curriculum relating to legal status, legal rights, and issues of concern to Tribes. OPRD Program Managers will be responsible for disseminating information from the training, as appropriate, to other OPRD employees under their supervision.

New Permanent Full-Time or Special Project Employees

OPRD Human Resources staff shall provide a copy of ORS 182.162 to 182.168 and a summary of the OPRD Tribal Relations policy to each new employee in their orientation package. A meeting (in person or via telephone) may be scheduled with the OPRD Tribal Relations Coordinator and the new employee to discuss the policy and its effect on the performance of their duties, as determined by the employee's supervisor.