



ANNUAL REPORT TO THE LEGISLATIVE COMMISSION ON INDIAN SERVICES

Department of Geology and
Mineral Industries

December 2023



Overview

The Department of Geology and Mineral Industries' mission is to provide earth science information and regulation to make Oregonians safe and prosperous. The mission is implemented via two primary programs and a variety of mission areas and regulatory programs.

The Geological Survey and Services Program (GSS) conducts geoscience surveys of the state, serves as the cost-effective centralized source of geoscientific information in Oregon for the public and for government, and forms partnerships for the effective use of that information to reduce risk.

The Mineral Land Regulation and Reclamation Program (MLRR) is responsible for implementing the state's statutes and rules protecting the environment and reclamation relating to exploration and development of mineral and energy resources. It also serves as a steward of mineral production with attention paid to economic development, environment, reclamation, conservation, and other engineering and technical issues.

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 eleventh Government-to-Government Annual Report submitted by DOGAMI, and the eleventh year DOGAMI has responded to meet the objectives of Executive Order No. 96-30 – State/Tribal Government-To-Government Relations.

DOGAMI has developed effective partnerships 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. The Nez Perce Tribe of Idaho requested to be added in 2022; DOGAMI recognizes that the Tribes have interests in resources in their ceded lands, usual and accustomed areas, and other off-reservation ancestral lands. Tribal government representatives continue to have the exclusive opportunity to review and comment on all permit 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 2023

- Based on discussions with individual Tribal staff members DOGAMI utilizes an updated 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 engages Tribal representatives through early notice, sent to each Tribe individually at the beginning of the application process for new permits. This proactive approach regarding cultural resources allows additional time for coordination and consultation and helps limit the potential for delay near the end of the permitting process.
- DOGAMI continues to circulate all new permit applications for mineral exploration, surface mining, oil and gas, and geothermal development to the appropriate Tribal government staff for review and comment.
- DOGAMI staff continue to communicate individually with Tribal cultural resource staff to discuss ways to better share information and coordinate the review process.
- DOGAMI circulates all new permit applications for mineral exploration, surface 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.
- DOGAMI continues to coordinate with Tribal representatives on water resource 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 an early notification process – above and beyond circulation – to better coordinate and inform Tribes about proposed exploration, mine, oil and gas, and geothermal development projects under consideration.
- Provided the opportunity for tribal governments to review and comment on proposed exploration, mine, oil and gas, and geothermal development projects.
- Improved Tribal representative engagement at the early notice phase 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: Ruarri J. Day-Stirrat is the Director and State Geologist of DOGAMI. He 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:

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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 2023:

- Jason McClaughry attended the virtual Natural Resource Work Group (NRWG) meetings on January 17, 2023; April 20, 2023; August 17, 2023.
- Jason McClaughry participated in the virtual Cultural Resource Cluster (CRC) meetings on: January 19, 2023; March 14, 2023, June 20/21, 2023; October 31, 2023.
- Jason McClaughry participated in the virtual Legislative Commission of Indian Services (LCIS) meeting on March 19, 2023.
- DOGAMI provides notification of permit application materials received for aggregate mining operations. Every permit (transfer/amendment/new operating permit) DOGAMI issues comes with an Inadvertent Discovery Plan template to be used in the case of an inadvertent discovery of cultural resources. In 2023, cultural resource concerns were resolved without a cultural resource study on 2 exploration projects through direct coordination between the applicant and the Tribe(s).
- DOGAMI staff attended the Tribal Relations workshop at the Public Law Conference in October 2023.
- Calla Hagle and Diane Teeman with the Burns Paiute Tribe are members of the Grassy Mountain Mine Project Coordination Committee organized by DOGAMI.
- DOGAMI submitted the "*Grassy Mountain Mine Environmental Baseline Study Work Plans Modification Request to the Cultural Resources Baseline Work Plan*" to the archeologist at the State Historic Preservation Office on January 4th, 2023.
- DOGAMI staff performed cultural coordination work with the Confederated Tribes of the Grand Ronde Community of Oregon in relation to a permit amendment application.
- DOGAMI in consultation with the U.S. Geological Survey identified and reported on how all new DOGAMI proposed projects funded by the Federal Government will intersect with Tribal lands.
- Communicated with Tribes in southwest Oregon about how lidar data collections over tribal lands would be distributed: freely publicly available, omitted from collections, or delivered to Tribal governments only.
- In 2021/2022 the DOGAMI in collaboration with the Confederated Tribes of the Umatilla Indian Reservation Natural Resource Program submitted 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 is being conducted during 2023 and will continue into 2024. The focus of the work is developing hazard maps for educational and planning processes.

- DOGAMI published geologic mapping in the Athena 7.5' quadrangle in 2023 and is completing mapping in the Adams 7.5' quadrangle in 2023. These map areas cover the northern part of the reservation of the Confederated Tribes of the Umatilla Indian Reservation between Milton-Freewater and Pendleton in northeast Oregon. The focus of the mapping is to understand geologic controls on groundwater and geothermal resources, as well as earthquake hazards. DOGAMI 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 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.
- DOGAMI attended the Confederated Tribes of the Umatilla Indian Reservation Carbon Listening Session on Climate Pollution Reduction Grants at Mission October 5th and 6th, 2023. DOGAMI presented on the geology of northeast Oregon and Geologic Carbon Sequestration through several talks and development of an informational poster and accompanying page on DOGAMI's website.
https://www.oregon.gov/dogami/geology/Pages/carbon_seq.aspx
- 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 is actively seeking new member representation from additional Tribal Nations on the committee moving into 2024.
- Over the past year DOGAMI continued mapping landslide hazard areas in the Wasco and Grant Counties. Interested Tribal Natural Resource directors will be sent electronic copies of these reports when both are published.
- In May 2023, DOGAMI coordinated with the Confederated Tribes of the Grand Ronde Community on the development of a multi-hazard risk assessment for Polk County. DOGAMI requested Tribal guidance on the boundaries that define the community and requested a list of critical facilities. DOGAMI will submit the final report for early Tribal review prior to publication.
- In October, 2023 DOGAMI coordinated with the Cow Creek Band of Umpqua Tribe of Indians via the tribe's Emergency Management Director, Monte Bryan. DOGAMI GS&S received guidance on what tribal lands and residents should be excluded from the Douglas County Risk Report. The Tribal request was to only include assets found within the Trust Lands in the report. DOGAMI will submit the final report for early Tribal review prior to publication.
- DOGAMI and Tribal representatives have been present at the Governor's Post-Fire Science and monitoring group meetings and symposium. This group started soon after the 2020 Labor Day fires and has met as recently as November, 2023.

- DOGAMI contributed an essay to the 2023-2025 Blue Book on Oregon’s National Monuments from a scientific perspective that was paired with an essay about these special places from a Tribal perspective.

4) Promotion of Communication and Relationships

DOGAMI Response: Having an active participant in the Tribal-State Natural Resources Work Group 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 during the early notice stage of the application process for new permits. This is done to be proactive regarding cultural resources, to determine the potential for cultural resource impact, develop appropriate mitigation measures, and limit the potential for delays in the permitting process.

The agency is committed to encouraging Tribal governments’ participation as DOGAMI conducts meetings throughout the state and to attending Tribal meetings as requested.

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 once a month. The MLRR Program in Albany conducts staff meetings twice monthly; the GS&S program conducts staff meetings once a month. 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.
