



Oregon Travel Information Council



2023 Annual Government-to- Government Report

Introduction

This report identifies activities of the Travel Information Council in accordance with ORS 182.162-182.168, the relationship of state agencies with tribes.

Policy

The policy statement for TIC's Government-to-Government Relations was established on January 1, 2013, with enactment of Senate Bill 1591 giving TIC managerial authority over certain safety rest areas located on Oregon Highways. (The agency's policy statement is appended to this report). The policy recognizes the responsibilities of the Legislative Commission on Indian Services (LCIS) and the State Historic Preservation Office (SHPO) for the protection of cultural resources and establishes the responsibilities of agency staff to uphold those protections and develop relations with the federally recognized tribes located in Oregon.

Agency Contacts

Tribal Relations Contact:

Beth Dehn

503-373-0864

beth.dehn@tic.oregon.gov

Agency Director:

Elizabeth Boxall

503-373-0946

elizabeth.boxall@tic.oregon.gov

Rest Area Program Administrator:

Heather Peck

503-373-0090

heather.peck@tic.oregon.gov

Agency Programs Affecting Tribes

Safety Rest Areas

TIC manages 39 safety rest areas at locations on Oregon highways throughout the state. As there is possibility that cultural resources could be uncovered during a ground-disturbing activity, the agency consults with LCIS and SHPO, and contracts with a professional archaeologist, if required, to ensure protection of cultural resources before any planned construction activity.

TIC manages safety rest areas in the following locations:

I-5 Rest Area Locations:

- French Prairie, north and southbound (just south of Wilsonville)
- Santiam, north and southbound (just south of Salem)
- Oak Grove, north and southbound (north of Eugene)
- Gettings Creek, north and southbound (I-5, south of Springfield)
- Cabin Creek, north and southbound (I-5, north of Roseburg)
- Manzanita, north and southbound (just north of Grants Pass)
- Suncrest, southbound (south of Medford)

I-84 Rest Area Locations:

- Memaloose, east and westbound (near The Dalles on I-84)
- Boardman, east and westbound (I-84)
- Stanfield, east and westbound (near Pendleton on I-84)
- Deadman's Pass, east and westbound (I-84, east of Pendleton)
- Charles Reynolds, east and westbound (east of La Grande on I-84)
- Baker Valley, east and westbound (near Baker City on I-84)
- Weatherby, westbound/eastbound access (I-84)
- Ontario, westbound (I-84)

Highway 97 Locations:

- Cow Canyon (on Hwy 97 near Madras)
- Beaver Marsh north and southbound (on Hwy 97 near Chemult)
- Midland (on Hwy 97 near Klamath Falls)
- Peter Skene Ogden (Hwy 97 near Redmond)

Other Locations:

- Government Camp (Hwy 26)
- Sunset (on Hwy 26 near Seaside)
- Tillamook (US Hwy 101, south of Tillamook)
- The Maples (Hwy 22 west of Detroit)
- Van Duzer Corridor east and westbound (on Hwy 18)
- Ellmaker (on Hwy 20)

TIC bases its rest area management on the needs of visiting motorists and collaborates with communities, industry partners and regional business to provide the best traveling experience possible. Rest area information centers provide visitors with travel displays and brochures about area hotels, restaurants, golf courses, museums, and other local and state attractions. The rest area "Free Coffee" program is a service sponsored by local area non-profit organizations in the interest of public safety.

Highway Business Signs

TIC serves travelers and business interests through its business logo and guide signs program. Known for their iconic blue sign backgrounds, logo signs guide motorists to local services offering gas, food, lodging, camping and area attractions. On conventional highways, the agency also provides blue signs to tourist-oriented businesses and brown signs to museums and historic sites.

Historical Marker Program

TIC administers the Oregon Historical Marker program that restores, updates, and maintains the state's oldest wooden markers while creating a new generation of markers that prioritizes sharing historically marginalized perspectives of Oregon's past.

Areas of Work and Communication with Tribes

Continued work with SHPO for Rest Area projects include:

- Restroom building renovation and pavement rehabilitation at Baker Valley Rest Areas on I-84 near Baker City, Oregon.
- Restroom building renovation and pavement rehabilitation at Deadman Pass Rest Areas on I-84 near Pendleton, Oregon.
- Restroom building renovation and pavement rehabilitation at Charles Reynolds Rest Areas on I-84 near La Grande, Oregon.

The Oregon Historical Marker Program has conducted the following outreach:

- TIC completed the second phase of a multi-year project to update and replace Oregon Trail interpretive panels in rest areas along I-84. Staff from Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of Warm Springs subcontracted on the design phase.
- The Historical Marker Committee consulted with the Klamath Tribal Council on replacement text for the Upper Klamath Lake Marker.
- The Historical Marker Committee consulted with the Cultural Resource Director at the Siletz on replacement text for the Yaquina Bay historical marker.

Training and Employee Awareness

All TIC rest area staff have received in-house training through an overview of agency policies and procedures concerning archaeological and cultural resources issues and operational procedures governing emergencies or inadvertent discoveries. Each rest area supervisor has also received additional training regarding protocols and procedures specific to their rest area.

The Executive Director and select staff represent the agency at the annual Tribal State Government to Government Summit (canceled for 2023). Staff coordinate directly with LCIS and Tribal partners on projects throughout the year.

Government to Government Relations

Introduction: The Oregon Travel Information Council will, as a matter of policy, ensure compliance with the provisions of ORS 182.162. The agency is committed to maintaining good relations and cooperation with Oregon's federally recognized Tribes. The agency and its personnel will notify appropriate representatives and pursue guidance in all programs and projects that touch tribal interests.

Justification: All divisions of the agency are engaged in work across the state. Tribal lands and cultural interests are impacted by programs managed by the agency. The interests of the State of Oregon and of the Tribes are best served through communication and cooperation.

Definitions:

1. Commission on Indian Services (CIS): The representative group established under ORS 172.100 for the purpose of improving services to American Indians in the State of Oregon. CIS has the following statutory responsibilities:
 - a. To compile information about services for American Indians.
 - b. To develop programs to inform American Indians about services available to them.
 - c. To advise public and private agencies about the needs and concerns of the American Indian community.
 - d. To assess programs of state agencies operating for the benefit of American Indians and recommend program improvements.
 - e. To report biennially to the Governor and the Legislative Assembly on all matters of concern to American Indians in Oregon.
2. State Historic Preservation Officer (SHPO): The Oregon State Historic Preservation Office (SHPO) was established in 1967 to manage and administer programs for the protection of the state's historic and cultural resources.
 - a. The office operates within the Oregon State Parks Department
 - b. Provides archeological information, site permits and oversight.
3. Designated Tribal Representative: Individuals identified in the Key Contact Directory maintained on the CIS web site: http://www.leg.state.or.us/cis/key_contact/agencies_and_clusters.pdf.
4. State Agency: Includes all officers, employees, agencies, boards, committees, and commissions of the legislative, executive, administrative and judicial branches of state government per ORS 358.635. [1979 c.205 para 5; 1991 c.240 para 1]
5. Tribe: A federally recognized American Indian Tribe in Oregon.

Guidelines:

CIS has broad statutory responsibilities concerning the protection of cultural resources in Oregon. Under ORS 390.235 (Historic Materials) CIS is mandated to participate with the State Historic Preservation Office in the archaeological excavation permit process. Under ORS 97.740 (Burial Law) and ORS 358.905 (Archaeological Sites and Objects) CIS is responsible for providing consultation and designating the appropriate tribe if an American Indian burial or archaeological object is discovered.

In addition, CIS provides consultation services to other state agencies when their Administrative Rules require them to discharge duties relating to American Indians or cultural resources.

This is of particular importance when, in the course of operations, human remains are discovered:

- Oregon laws (ORS 146.090 & .095) outline the types of deaths that require investigation and the accompanying responsibilities for that investigation. The law enforcement official, district medical examiner, and the district attorney for the county where the death occurs are responsible for deaths requiring investigation. Deaths that require investigation include those *occurring under suspicious or unknown circumstances*.

- If human remains that are inadvertently discovered or discovered through criminal investigations **are not clearly modern**, then there is high probability that the remains are Native American and therefore ORS 97.745(4) applies, which requires immediate notification with State Police, State Historic Preservation Office, Commission on Indian Services, and all appropriate Native American Tribes. To determine who the “appropriate Native American Tribe” the responsible parties should contact the Legislative Commission on Indian Services (CIS). To determine whether the human remains are Native American the responsible parties should contact the appropriate Native American Tribes at the initial discovery. It should be noted that there may be more than one appropriate Native American Tribe to be contacted.
- If the human remains are possibly Native American then the area should be secured from further disturbance. The human remains and associated objects **should not be disturbed, manipulated, or transported from the original location until a plan is developed in consultation with the above-named parties**. These actions will help ensure compliance with Oregon state law that prohibits any person willfully removing human remains and/or objects of cultural significance from its original location (ORS 97.745).
- All parties involved and the appropriate Native American Tribes shall implement a culturally sensitive plan for reburial.

In the case of known or suspected archeological sites not involving human remains agency personnel will coordinate projects, in advance, through its Salem Headquarters with CIS.

Exception: None

Responsibility:

Director/CEO: Responsible to establish and enforce policies that effect protection of sites and the relations with the federally recognized American Indian Tribes located in Oregon.

Deputy Director/COO: Identify individuals in the agency responsible to implement programs, projects and activities that have the potential to affect tribes. Contact CIS to identify affected Tribes and the appropriate representative. Contact Tribal representatives, brief them on projects or incidents and coordinate with them regarding process and actions.

Promote substantive communication with tribes through regular and ad hoc meetings and correspondence regarding any program, plan or activity that impacts a sovereign tribe.

Develop a program in conjunction with Program Managers that ensures employees are properly educated about the legal status, legal rights, and issues of concern to tribal governments and the methods for establishing effective communication and consultation with tribal groups.

Prepare a report, in conjunction with the Chief Rules and Policy Advisor and Program Managers the outlines the process established to identify programs which might affect tribes, describes the efforts made by the agency to promote communication and government-to-government relations with the tribes, and describes the training provided to agency employees regarding the intent of ORS182.162 and this policy. Submit the report to CIS no later than December 15th of each year.

Managers and Supervisors: Identify projects, events and incidents defined within this policy. Communicate directly with the Program Manager and COO to ensure that proper notification and follow up action is taken. Direct any inquiries from the public or Tribal Members to the Deputy Director/COO.

File reports in support of this policy and ensure that events involving cultural resources are reported through the Cultural Resources Clearance Form attached to this policy.

TIC CULTURAL RESOURCES CLEARANCE FORM

REST AREA: _____ ANTICIPATED PROJECT START DATE: _____

PROJECT MANAGER: _____ PHONE: _____ E-MAIL: _____

___ Archaeological Resources located in the following probability zone(s) – (Probability maps are located with the Rest Area Program Manager)

___ **Caution/Low Probability** – If the entire project is in the Caution zone, a clearance form is not required

___ **High Probability** – please complete the clearance form.

___ **Known Archaeological Site** – please complete the clearance form; archaeological investigations may be Necessary.

___ Historic Building/Structure – project is proposed on or within proximity of a building or structure that is 50 years old or older; please complete the clearance form.

___ Don't Know (please complete the clearance form)

Detailed Project Description:

___ I have attached a required USGS map and noted the project location. (Maps located with the RA Program Mgr)

___ I have attached the project information such as, plans, sketches, photos of project area and/or building or structures in the project area.

Please submit **at least 30 days prior to work** through the RA Administrator to the RA Program Manager at 1500 Liberty RD SE, Salem, OR 97302

ARCHAEOLOGY REVIEW:

___ **Approve; No Known Sites;** Project manager is required to halt the project and contact the RA Program Manager immediately in that event that artifacts, cultural materials and/or human remains are found during ground breaking activity.

___ **Approve with Monitoring; High Probability Area;** Rest Area Supervisor, or Assistant Supervisor will monitor all ground-disturbing activity and a qualified Archaeologist if needed.

___ **Culturally Sensitive; Additional Archaeological Work Required Prior to Approval;** The Rest Area Program Manager will contact the Project Manager.

___ **Adverse Effect;** Project is denied at the specified location.

___ **National Register Listed;** Specific limitations required, Rest Area Program Manager will follow up with the Rest Area Supervisor

TIC Signature: _____

Date _____

Historic Building/Structure Review:

National Register Listed Ineligible

Eligible None

OTE Signature: _____

Project Effect:

No Adverse

Adverse

Date: _____

SHPO Comments:

Township _____ Range _____ Section _____

Concur/Approve Additional Work Required Prior to Approval Do not Concur/Approve

SHPO Signature: _____ Date _____

No Signature required; No known sites affected

CIS Comments:

Tribe(s) Affected _____ Contact _____ E-mail _____

_____ Contact _____ E-mail _____

_____ Contact _____ E-mail _____

CIS Person Contacted: _____

OTE Representative Making Contact and Request _____ **Date** _____

Tribal Review

Concur/Approve Tribal Representative _____ Date: _____

Additional Information Required Description of Information Needed _____

Date Provided _____ By _____

Concur/Approve on Review Tribal Representative _____ Date: _____

Do Not Concur/Approve Tribal Representative _____ Date: _____

INSTRUCTIONS FOR EMERGENCIES AND INADVERTENT DISCOVERIES

EMERGENCIES:

Emergencies are unplanned events that can cause death or significant harm or injury to the public, OTE staff or significant damage to rest area resources, rest area property, or neighboring property. We should strive for resources compliance. However, there may be circumstances when activities need to be conducted to protect life or property without the ability to implement all laws, regulations, and policies as they are fully intended. This does not mean that emergencies give license for non-compliance.

Examples of situations that may cause cultural resource emergencies procedures to be taken:

- Earthquakes; Flood; Fire; Storms' Hazardous Materials Spill; Water or Sewer System Failure

In the case of emergency that necessitates work that may impact a cultural resource:

1. Call the TIC Rest Area Program Manager to report the location and nature of the emergency and steps that will be taken in the field to correct the problem. The RA Program Manager will contact SHPO and report the emergency and planned steps to them.
2. If an emergency happens during non-business hours, the call center will contact the Rest Area Program Manager who will contact SHPO the following workday.
3. After the emergency is corrected, submit the TIC Cultural Resources Clearance form and include the details describing the corrective action and what impacts the emergency and its solution had on the cultural resource(s). Provide details on whether any cultural material was discovered during correction of the problem. If the corrective measures were temporary, provide details of the proposed permanent solution for review and comment. If possible, provide photographs showing the emergency situation and the corrective measures taken.

INADVERTENT DISCOVERIES:

Please be aware that if during development activities you, or your staff, encounter any cultural material (e.g. prehistoric stone tools or flaking debris, human remains, historic material caches), all activities should cease and contact the Rest Area Program Administrator who will contact the State Archaeologist for procedures to address the discovery. NOTE: Under state law (ORS 358.905-955) it is a Class B misdemeanor to impact an archaeological site on public and/or private land in Oregon. Impacts to Native American graves and cultural items are considered a Class C felony (ORS 97.740-760).

In the case of emergencies or inadvertent discoveries, the TIC Executive Director or Rest Area Administrator will handle any consultation requirements with CIS and the Tribes.