



Oregon

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Department of Geology and Mineral Industries

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Date: November 14, 2013

TO: Karen Quigley, Director, Legislative Commission on Indian Services

FROM: Vicki S. McConnell, State Geologist/DOGAMI Director

SUBJECT: Department of Geology and Mineral Industries' 2013 Government-to-Government Report

I am pleased to submit this report in response to legislative direction ORS 182.162 – 182.168 (SB 770). The report describes activities and tribal contacts of the Department of Geology and Mineral Industries (DOGAMI) for 2013/2012.

Executive Summary

DOGAMI is a new member to the Natural Resources Work Group and Cultural Resource Cluster Group and as such, this is the first Government-to-Government annual report submitted by DOGAMI. Since the initial participation at the Natural Resources Work Group meeting in March 2012, by Asst. Director Gary Lynch, DOGAMI has responded to meet the objectives of Executive Order EO-96-30. DOGAMI has effectively developed a partnership with the LCIS, SHPO, and Oregon's Indian Tribal Governments. Working cooperatively, concerns raised at subsequent meetings have been addressed. Fossil hunters in Oregon are now aware they may not disturb archeological sites. Tribal government representatives now have the opportunity to review and comment on all applications to DOGAMI for mineral and energy development projects. DOGAMI continues to reach out to tribes that may want to be involved with geoscientific research or mapping. DOGAMI will continue to identify and address mutual goals and concerns that affect Tribal interests.

Major Highlights for 2013

- DOGAMI revised the agency web page under the fossils heading, adding the following language:
 - Please be aware it is illegal to alter, damage, or destroy an archeological site on any lands, per ORS 358.920.
<http://www.oregongeology.org/sub/learnmore/fossils.HTM>

- DOGAMI added new language to all new mine, oil & gas, and geothermal reports that accompany the final DOGAMI-issued Operating Permit:
 - **ORS 358.905 and ORS 97.740 protect archaeological sites, objects and human remains on state public and private lands in Oregon. If any cultural material is discovered during excavation activities, all work should cease immediately until a professional archaeologist can assess the discovery. Please contact the State Historic Preservation Office at (503) 986-0671 for further information or to report a potential discovery.**
- DOGAMI now circulates all new permit applications for mining, oil & gas, and geothermal development to the LCIS for distribution to the appropriate tribal government for review and comment.
- DOGAMI now circulates all new permit applications for mining, oil & gas, and geothermal development to SHPO for review and comment.
- All federally-recognized tribes in tsunami mapping and outreach project areas were invited to be members of local advisory committees, as well as invited to meetings to review draft tsunami evacuation maps. Tribes chose to participate with varying degrees of involvement, but these included the following:
 - Confederated Tribes of Siletz Indians (Dean Sawyer)
 - Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (Howard Crombie, Brad Kneaper, Paula Williams)

Department Relations with Indian Tribes

Oregon statutes (*ORS 182.162-182.168, SB 770*) require that state agencies that work with tribal governments submit annual reports describing their relationship in response to five factors that should be codified in an agency policy. Each of the factors is listed below, along with DOGAMI's response:

182.164 State agencies to develop and implement policy on relationship with tribes

ORS 182.164 directs state agencies to develop and implement a policy that:

- Identifies agency staff responsible for developing and implementing agency programs that affect the Tribes;
- Establishes a process to identify agency programs that affect Tribes;
- Promotes communication between DLCDC and Tribes;
- Promotes positive Government-to-Government relations; and
- Establishes a method of notifying agency staff of the statutory provisions and agency policy.

DOGAMI Response to ORS 182.164

DOGAMI has yet to formally establish an agency policy to conform with Executive Order EO-96-30. It is the intent to adopt an agency policy in 2014.

However, since attending the Government-to-Government Natural Resources Working Group

Meeting on March 14, 2012, in Pendleton, DOGAMI has moved forward to implement the goals of ORS 182.164. Specifically, DOGAMI has:

- Established several internal processes to better facilitate relations between the Tribes and DOGAMI staff.
- Provide notification to the public on the importance of protecting archeological sites in Oregon.
- Established a notification process to better coordinate and inform Tribes about proposed mine, oil & gas, and/or geothermal development projects under consideration.
- Provide the opportunity for tribal governments to review and comment on proposed mine, oil & gas, and/or geothermal development projects.
- Continue Government-to-Government relations on natural resource issues involving mineral and energy development, and geological data gathering.
- Participate in the natural resources working group and the cultural resource cluster group.
- Partnered with the Coquille and Grande Ronde Tribes in obtaining lidar imaging data.
- Provide quality control analysis on lidar imaging data obtained by the Confederated Tribes of the Warm Springs.
- DOGAMI's participates in a Technical Advisory Team lead by Confederated Tribes of the Umatilla Indian Reservation for the development of a groundwater model of the upper Umatilla River basin.
- The Burns-Paiute Tribe is one of our stakeholders on the FEMA Silvies Watershed project.

(a) *The name of individuals in the state agency who are responsible for development and implementing programs of the state agency that affect Tribes.*

DOGAMI Response to Subsection (a)

Dr. Vicki McConnell is the State Geologist (Director) and is the primary contact responsible for overall relations, and for development and implementing of agency programs that affect Tribes. Gary Lynch is Asst. Director of Mineral Land Regulation and Reclamation; Andre Pollack is Asst. Director Geologic Survey and Services, both are the alternate contact for the Director.

Primary Contact on Government-to-Government Relations:

Dr. Vicki McConnell, State Geologist
800 NE Oregon St. #28 Suite 965
Portland, OR 97232
971-673-1550
Vicki.McConnell@dogami.state.or.us

Alternate Contacts on Government to Government Relations:

Gary Lynch, Asst. Director Mineral Land Regulation & Reclamation Program
229 Broadalbin
Albany, OR 97321
541-967-2053

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gary.lynch@mlrr.oregongeology.com

Andree Pollock, Asst. Director Geologic Survey & Services Program
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Primary Contact to Natural Resources Working Group and Cultural Resource Cluster Group

Ben Mundie, Reclamationist
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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 ensure that the Tribes are informed of agency activities. The agency recognizes that maintaining good communication is a benefit to the Tribes and to the State of Oregon.

(b) The process the state agency established to identify the programs of the state agency that affect Tribes.

DOGAMI Response to Subsection (b)

DOGAMI informs the Tribes of agency programs that potentially affect the Tribes, primarily through agency participation in the Natural Resource Working Group and Cultural Resource Cluster Group which are comprised of representatives from other state agencies, and from the several 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 contacts assigned to the clusters provide 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 may also meet with governmental and natural resource representatives of individual tribes to address specific issues as they arise in geographic regions around the state. These department efforts have proven successful, given the diverse interests of the Tribes, the complexity of resource extraction issues that affect the Tribes' unique interests, and the diverse services that DOGAMI provides to the state.

DOGAMI participation in the Government-to-Government process is reflected in the following list of meetings:

- Natural Resources Working Group: Gary Lynch, Asst. Director and Ben Mundie participated in the meeting in Pendleton on March 14, 2012.
- Cultural Resources Cluster Group: The agency participated in the meeting in Eugene on June 3, 2013.
- Government-to-Government Summit: The agency participated in the Summit meeting

held in North Bend on November 11, 2012, participating in the Natural Resources Working Group meeting.

- (c) *The effort of the state agency to promote communication between the state agency and the Tribes, and Government-to-Government relations between the state and Tribes.***

DOGAMI Response to Subsection (c)

Being an active participant in the Natural Resources Work Group and Cultural Resource Cluster Group is a significant step towards promoting two-way communication and Government-to-Government relations. The agency's designated contacts and others have participated in cluster groups or working groups, as well as with the Tribes directly to insure potential impacts from mineral extraction and energy development activity are addressed prior to development.

DOGAMI recently initiated the process to include all Tribes in the review and comment process regarding proposed mineral extraction and energy development projects statewide. This process will help identify those proposed development projects with the potential to impact cultural and historic sites, and develop mitigation strategies.

The agency is committed to conducting meetings around the state as often as possible, and will continue to invite tribal governments to participate in the meetings themselves.

- (d) *A description of the training required by statute. (ORS 182.166(1) pertains to training(s) offered by the Department of Administrative Services at least once a year.)***

DOGAMI Response to Subsection (d)

On November 2, 2012, agency staff attended the Government-to-Government Annual Summit in North Bend and participated in the Natural Resources Workgroup. DOGAMI is committed to attend future Summit meetings as well as Cluster Group meetings. These meetings are an important source of training for department staff in a wide range of subjects of concern to the tribes. The information gained in this manner is shared with other members of the department.

- (e) *The method the state agency established for notifying employees of the state agency of the provisions of ORS 182.162 to 182.168 and the policy the state agency adopts under ORS 182.164.***

DOGAMI Response to Subsection (e)

DOGAMI holds Leadership Team Meetings in the Portland Office twice a month, and the Mineral Land Regulation and Reclamation Program in Albany conducts staff meetings at least once a month. The provisions of ORS 182.162 to 182.168 are a regular topic of discussion in both settings.

When new staff that may work with a Tribe is hired, the agency's primary and alternate

contacts brief them on cluster activities, and provide an overview of the statutory requirements for working with tribal governments on agency activities.