



Oregon

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State Land Board

2012 Annual Government-to-Government Report

For the Department of State Lands

November 1, 2012

John A. Kitzhaber, MD

Governor

Kate Brown

Secretary of State

Ted Wheeler

State Treasurer

This annual report is submitted in response to ORS 182.166 (3), which requires agencies to submit a report on agency activities under ORS 182.162 to 182.168.

Department of State Lands Policy on Relationship with Tribes

The government-to-government policy of the Department of State Lands (DSL) was originally established in August 1998 in response to the Governor's Executive Order No. EO 96-30 on state/tribal relations. This policy remains in effect and commits DSL to:

- Include affected tribal interests in the review/comment of agency actions likely to affect tribal members or resources of tribal interest.
- Carefully and thoughtfully consider tribal comments concerning pending decisions and actions.
- Provide materials to natural resource agencies within each tribal government that explain DSL's roles and responsibilities in natural resource management.

More specific information about coordination with tribal governments is included in the DSL State Agency Coordination Plan, which includes a separate section addressing coordination with tribal governments.

Agency Contacts

Our primary agency contact is:

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In order to participate more fully in activities of the Cultural Resources and Natural Resources Workgroups, the agency will also be represented by:

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Process to Identify Programs of DSL that Affect Tribes

The primary means that DSL uses to identify programs or activities of the agency that may affect tribes is spelled out in the agency State Agency Coordination Plan. DSL regularly includes tribes in notification of possible actions on state lands managed by DSL, giving the respective tribe an opportunity to comment on the proposed action. Additionally, when DSL receives an application to remove material from or fill in the waters of the state, the agency routinely provides the application to the potentially affected tribe for review and comment.

Through trainings and presentations, DSL also raises staff awareness of the need to consult with tribes on a government-to-government basis.

Efforts to Promote Communication between DSL and Tribes / Government-to-Government Relations between DSL and the Tribes

During FY 2012, DSL's efforts to promote communication between the agency and tribes included a number of areas. By program area, these efforts include:

Agency-wide

Staff attended the annual Tribal Information Day at the State Capitol and participated in training there.

Staff participated in the Cultural Resources and Natural Resources Workgroup meetings throughout the year.

The agency's biennial diversity training in September 2012 featured a session on "First Foods" presented by Wenix Red Elk of the Confederated Tribes of the Umatilla Indian Reservation.

Annually in November, DSL's Multicultural Appreciation Committee provides information on National American Indian Heritage Month for all staff and posts the Governor's proclamation.

Land Management Division

DSL continues to participate in the Cultural Resources Workgroup and is represented by Lanny Quackenbush, Eastern Oregon Region Manager of the Land Management Division. Representation is inclusive of the Wetlands and Conservation Division.

The Land Management Division continues its policy of mailing each potentially affected tribe a copy of applications received for activities proposed on Department managed lands. The tribes are afforded the opportunity to comment on the proposed activities set forth in the applications and staff work closely with tribal staff to address any concerns they may have.

Rangeland improvement projects have been focused on fire rehabilitation from 2011 fires including completing fence construction along Highway 78 over Summit Pass, limited seeding and noxious weed spraying, including on state lands leased by the Burns-Paiute Tribe. 2012 fires had relatively little impact on state-owned lands.

The Land Management Division's archaeologist has begun reviewing authorization applications for western Oregon as well as eastern Oregon.

Land Management Division staff continues coordination and funding of the Natural Resources Damage Assessment studies and Cost Allocation Process for the Portland Harbor Superfund site; and has reached out to the tribes to invite participation in the Department's Rules Advisory Committee for remediation and restoration activities on state-owned waterways.

Wetlands and Waterways Conservation Division

DSL continues to participate in the Natural Resources Workgroup and is represented by Bill Ryan, Assistant Director of the Wetlands and Waterways Conservation Division. Mr. Ryan has continued to provide updates on the removal-fill program and address issues raised by tribal representatives attending the workgroup meetings.

The Department is currently exploring the opportunity to assume Section 404 of the Clean Water Act (404 assumption). Tribes have indicated concerns with 404 assumption, particularly with respect to cultural resource protections and the potential loss of consultation under Section 106 of the National Historic Preservation Act. The Department is investigating potential gaps in cultural resource protections if 404 assumption is approved and will be working with tribal representatives to explore options for addressing those concerns.

The Wetlands and Waterways Conservation Division continues its policy of mailing each potentially affected tribe a copy of applications received for removal-fill activities. The tribes are afforded the opportunity to comment on the proposed activities set forth in the applications, and staff work closely with tribal staff to address any concerns they may have. The Department received several comments on permit applications this past year, including comments related to a mitigation bank proposal. In response to the comments, the Department required cultural resource surveys, on-site monitoring by tribal representatives during ground disturbing activities, and planting species of tribal importance on mitigation sites.

New standards for mitigation banks require that the bank sponsor designate a long-term steward and create an endowment to fund long-term management of mitigation banks after the monitoring period. DSL's mitigation banking specialist has continued to conduct outreach to encourage tribal stewardship of protected wetland mitigation bank sites.

A wetlands staff person in the Wetlands and Waterways Conservation Division participated on the Environmental Justice Task Force (EJTF) during 2012, in order to provide feedback on how environmental justice (EJ) concerns may be incorporated into agency actions and decisions. Tribal communities are identified EJ communities, which emphasizes the importance of the Department's government-to-government and tribal outreach efforts. The Department is committed to building staff understanding of EJ to provide a common foundation for fostering further innovation for outreach with, and inclusion of, EJ communities. The goal is to provide more effective interaction with potentially affected EJ communities, including the tribes.

Unclaimed Property Program

On June 20, 2012, unclaimed property staff provided an owner outreach booth at the Confederated Tribes annual Warm Springs Tribal Health Fair. This was the third year unclaimed property was asked to attend. The half-day event was comprised of diverse vendors promoting subjects from health and mental wellness to educational and social programs.

The fair was held in the community center, and more than 500 individuals and families attended. The unclaimed property booth provided attendees the opportunity to search for unclaimed funds being held by the Department. Approximately 150 attendees visited the unclaimed property booth. Thirty of the attendees claimed their unclaimed funds. Individuals completed claim forms on site, which were processed the following

day. Over \$9,700 was refunded to Warm Springs' organizations and residents this year.

Staff will continue to seek opportunities for outreach with tribal communities to help reunite owners with their unclaimed monies.

South Slough National Estuarine Research Reserve (SSNERR)

The South Slough National Estuarine Research Reserve hosted the 2012 Pacific Tribes' Native Species Conservation Conference, May 15, 16 & 17, 2012. This was an opportunity for environmental scientists and technical staff members from sovereign tribal nations in Oregon and northern California, and their guests, to exchange information, meet new people, discuss topics of mutual interest, and identify areas for future collaboration on the conservation of native species. Tribal and agency representatives and others discussed the state status of four species important to tribal cultures in Oregon and northern California coastal zones. Pacific lamprey was the primary focus of the discussions, but California condor, sea otter and native shellfish were also reviewed.

SSNERR education staff and volunteers participated in the 10th annual Mill-Luck Salmon Celebration and canoe races held in Coos Bay on September 9, 2012. The SSNERR canoe pullers were formally invited and formed a female team consisting of three SSNERR staff, a Friends of South Slough board member and three pullers from the Warm Springs tribe. The SSNERR big canoe, *CMHOOSH* won the heat and received an award plaque at the canoe family evening song and dance ceremony. The Reserve has been invited to participate again next year.

SSNERR education staff supported the local Alternative Youth Adventure Program. Students from local tribes participated in a 3½-day invasive species removal learning project at the Reserve in July and August.

SSNERR estuarine monitoring staff recently met with members of the Coquille and Coos, Lower Umpqua and Siuslaw tribes to provide technical assistance for a new water quality station and to discuss data quality issues related to water quality. The Coquille tribe has established a new water quality station in the Coos Estuary. SSNERR staff began initial discussions with tribal scientists about dovetailing the tribal water quality program with South Slough programs. Staff are working to determine if a formal agreement is needed to support this collaboration.

In August, SSNERR staff, Friends of South Slough and members of the Coquille tribe met at Sunset Bay State Park for an evening canoe paddle and picnic. The event was open to the community and provided opportunities for participants to experience pulling in a native-style canoe in an ocean environment.

Local Native American artist Nan MacDonald continues to offer weaving classes using Pacific Northwest native plants at the South Slough Reserve Interpretive Center. She

has provided several classes throughout the year and has two scheduled for the months of November and December.

Anticipated Activities During 2013

During 2013, DSL will:

- Continue participation in government-to-government activities such as the Cultural Resources Workgroup meetings and the Natural Resources Workgroup meetings and in providing tribes with opportunities to comment on DSL activities.
- Continue to highlight tribes through the Multicultural Appreciation Committee, focusing particularly on National American Indian Heritage Month in November.
- Continue participation on the Environmental Justice Task Force.
- Continue to work with interested tribes on development of a coordinated wetland monitoring and assessment program, as described in the Wetlands and Waterways Conservation Division section, above.
- Continue funding for Natural Resource Damage Assessment and Cost Allocation Process for the Portland Harbor Superfund site.
- Continue outreach efforts with Oregon tribes on searching for and claiming unclaimed property that the agency may be holding for tribal members.
- Continue to cooperate and coordinate with representatives of the Coquille Tribe to locate and protect cultural heritage sites in the SSNERR. Implement the cooperative agreement with the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians and on-going tribal participation on the SSNERR Management Commission.
- Review its tribal relations policy to determine whether it needs to be updated and seek further opportunities to provide training for DSL staff.