



# Oregon

Theodore R. Kulongoski, Governor

## Department of State Lands

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## 2009 Annual Government-to-Government Report

### State Land Board

For the Department of State Lands

Theodore R. Kulongoski

Governor

November 1, 2009

Kate Brown

Secretary of State

Ben Westlund

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 Clusters, 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 and Government-to-Government Relations between DSL and the Tribes**

During 2009, 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 attended the annual state-tribal meeting in November and participated in the Cultural Resources and Natural Resources Cluster meetings held in conjunction with the annual meeting, and throughout the year.

### Land Management

The Land Management Division continues its policy of mailing each potentially affected tribe a copy of applications received for land management. 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.

Land Management Division Staff worked closely with the affected tribes on rangeland development projects in eastern Oregon. The projects entailed fence restoration, juniper thinning and noxious weed spraying. Staff worked to address any comments that they had.

Staff continues coordination with the Burns Paiute Tribe on the Steens Mountain Advisory Group.

Land Management Division concluded archeological and cultural resources evaluations on approximately 3,600 acres of land to facilitate land sales and rangeland development projects.

Land Management staff continues coordination and funding of the Natural Resources Damage Assessment studies and Cost Allocation Process for the Portland Harbor Superfund site.

### Wetlands and Waters Conservation

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.

Staff in the removal-fill program worked closely with several tribes (Umatilla; Warm Springs; Burns Paiute; Nez Perce) on removal-fill authorizations. These authorizations were primarily for restoration activities in Eastern Oregon.

In September, the Western Region Manager in the removal-fill program met with Arrow Coyote, Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Cultural Resource Protection Coordinator. The purpose of the meeting was to clarify the removal-fill permit process and create a greater awareness of tribal concerns related to removal-fill activities. The outcome was a greater understanding of how the two agencies could coordinate more effectively and efficiently. The Department is exploring ways to condition permits to protect tribal interests for all activities authorized through the removal-fill permit program.

#### South Slough National Estuarine Research Reserve report for 2008-2009

##### *Tribal Representation on SSNERR Management Commission*

After gaining a tribal representative seat for the South Slough National Estuarine Research Reserve (SSNERR) Management Commission during the 2005 Legislative Session, the Reserve has included regular participation by a governor appointed tribal representative in management decisions at the Reserve.

##### *Encouraged tribal participation in coastal and estuarine research conference*

SSNERR staff are serving as local co-chair for the November 2009 meeting of the Coastal and Estuarine Research Federation (CERF). CERF is an international organization of professional scientists and coastal managers. The local co-chairs are working to encourage tribal participation in the conference.

##### *Cooperation with tribes on non-native marine snail research project*

During 2008, the SSNERR finalized an intergovernmental cooperative agreement with the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians. The agreement allows cooperative activities between the Tribe and SSNERR, such as use of shared equipment, joint grant applications and training. The agreement has been finalized and the first project specific task order has been finalized. The Task Order is linked to a \$100,000 research grant awarded to SSNERR to conduct research on a small, non-native saltwater snail that was first discovered in the Coos Estuary during the summer of 2007. Field work for this NOAA funded project was conducted in 2009 and included participation by tribal representatives. The project is scheduled to be completed in Early 2010. The Confederated Tribes and SSNERR staff conducted the bulk of the fieldwork and analysis in 2009.

##### *SSNERR hosted educational programs in partnership with Native American groups and people.*

In 2009, SSNERR hosted 2 education programs in collaboration with the tribes. On July 21, the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians brought 45 children from their summer program for a day of activities and cultural history at South Slough. On July 29, the Coquille Tribe brought 19 children from their summer program for an introduction to South Slough and a Wasson Creek hike led by Don Ivy of the Coquille Tribe.

In July 2009, SSNERR celebrated its 35<sup>th</sup> anniversary with those who support and who helped to establish the Reserve. Representatives from both tribes were recognized during the anniversary event. Tribal members who played a role in the establishment of the Reserve in 1974 were also recognized.

In September of 2009, SSNERR education staff participated in the Tsalila Festival and Education Days in Reedsport. The Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians are a major sponsor of the event, which focuses on the celebration of the salmon life cycle. SSNERR staff also participated in other local festivals where there was participation from one or both tribes, including the Clamboree in Empire and the Charleston Seafood Festival.

Members from both the Confederated and Coquille Tribes presented during Estuary Live, a virtual field trip hosted by the NERR program and broadcast over the internet to schools around the globe. Members of both tribes helped to tell the story both past and present of the Hollering Point in Empire. SSNERR reached into over 100 classrooms with this one event.

South Slough is part of a community where members of both the Coquille Tribes and the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians live, work and recreate. Members of both tribal groups attend local schools, who in turn participate in South Slough's educational programs. In 2009, students from Madison Elementary School, Millicoma Intermediate School, Sunset Middle School and Marshfield High School participated in programs at the Reserve. As we serve the community in which tribal members live, they also participate in SSNERR's interpretive programs as members of the general public. The Coquille Tribe supported this participation by sponsoring 2 children to attend South Slough's Summer Science Camps.

As part of SSNERR's Interpretive Programs we have hosted basketry classes, which incorporate the techniques and materials of local indigenous groups. SSNERR also supports the collection of native materials for these baskets.

During 2009, SSNERR staff and volunteers had the opportunity to paddle with members of the Coquille Tribe in their 10-person native canoe replica. This effort was led multiple times by South Slough resident and Coquille tribal member, Bob Younker.

### **Anticipated Activities During 2010**

During 2010, DSL will continue its on-going participation in Government-to-Government activities such as the Cultural Resources Cluster meetings and the Natural Resources Cluster meetings and in providing tribes with opportunities to comment on DSL activities.

Continue funding for Natural Resource Damage Assessment and Cost Allocation Process for the Portland Harbor Superfund site.

Begin outreach efforts with Oregon tribes on searching for and claiming unclaimed property that the agency may be holding for tribal members.

Continue tribal representation on the SSNERR management commission.

Identify additional research and education grant programs that hold potential as cooperative SSNERR/Tribal sponsorship. Develop at least one proposal in cooperation with PNW Coastal Tribes.

Continue coordination and planning efforts between SSNERR and area tribes via the Oregon Solutions planning team process.

Jointly sponsor and host educational programs with tribal members and groups.

SSNERR staff will continue to cooperate and coordinate with representatives of the Coquille Tribe to locate and protect cultural heritage sites in the SSNERR. SSNERR anticipates implementing the cooperative agreement with the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians and on-going tribal participation through the tribal representative on the SSNERR Management Commission.

Finally, DSL proposes to review its tribal relations policy to determine whether it needs to be updated and seek further opportunities to provide training for DSL staff.