



# Oregon

Theodore R. Kulongoski, Governor

## Department of State Lands

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## 2010 Annual Government-to-Government Report

### State Land Board

For the Department of State Lands

Theodore R. Kulongoski

Governor

December 7, 2010

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 Clusters, the agency will also be represented by:

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And:

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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 2010, 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 Cluster meetings throughout the year.

The video "Standing Strong: The Tribal Nations of Western Oregon" was shown in two parts at All Staff Meetings early in 2010.

### Land Management Division

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. In addition, staff met with representatives of the Burns Paiute Tribe and agreed to jointly develop an MOU to define our mutual interests.

Land Management Division hired a full-time professional archaeologist and is developing internal processes to complete archeological and cultural resources evaluations on all land disturbing projects and proposed land sales.

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.

### Wetlands and Waterways Conservation Division

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. This year, in response to concerns about cultural resources and placer mining, DSL reviewed the cultural resources information provided in our online placer mining permit. Changes to clarify and highlight permit conditions regarding cultural resources were developed and will be implemented along with new administrative rules on March 1, 2011.

A wetlands staff person in the Division participated on the Environmental Justice Task Force (EJTF) during 2010, 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. As a result, two educational opportunities were offered this year for Department staff to build understanding of EJ and provide a common foundation for fostering further innovation for outreach with, and inclusion of, EJ communities. As part of diversity training on September 16th, a general overview of EJ was offered to the entire staff, and was attended by 30 staff and a more detailed presentation of EJ concepts and requirements of the Oregon EJ statute (ORS 182.535-550) was provided to all agency managers on

October 13, 2010. The goal is to provide more effective interaction with potentially affected EJ communities, including the tribes.

In October 2010, DSL obtained a grant from EPA to develop a state-tribal coordinated wetland program plan focused on wetland monitoring and assessment. A wetlands specialist has 80% FTE dedicated to this effort. DSL will work closely with other state agencies and interested tribes to identify mutual interests and needs, and develop a five-year strategy for developing and implementing a wetland monitoring and assessment program. Completion of the coordinated plan will enhance the ability of tribes and state agencies to obtain future EPA wetland program grants. This project will be completed by December 31, 2011.

#### Unclaimed Property Program

In June 2010, Unclaimed Property staff took part in the Pi-Um-Sha Health Fair on the Warm Springs Reservation. The 300 attendees had the opportunity to search for their unclaimed funds on the Department's laptop and begin filing their claim. Staff found it to be very successful and several attendees found forgotten funds during the event. Staff also provided general information pamphlets about the Department and unclaimed property. We continue to look for additional events for owner outreach.

#### South Slough National Estuarine Research Reserve (SSNERR)

South Slough is a 4,800-acre research natural area operated by the Department of State Lands on the southern Oregon coast near Coos Bay. South Slough is an area of importance to Native American people. It is the site of multiple prehistoric fishing camps and villages that date back over 1,000 years before the present. In historic times, the South Slough watershed was the site of several Indian allotments that were inhabited by tribal members still alive today.

The South Slough Reserve located in a community where members of the Coquille Tribe and the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians continue to live, work and recreate. Members of both tribal groups attend local schools, who in turn participate in South Slough's educational programs. In 2010, students from Madison Elementary School, Millacoma 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 public. The Coquille Tribe supported this participation by sponsoring two children to attend South Slough's Summer Science Camps.

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

After gaining a tribal representative seat for the South Slough National Estuarine Research Reserve 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.

In early 2010, the staff of the Reserve worked in partnership with the Friends of South Slough Inc. The non-profit organizational affiliate group applied for a grant from the Coquille Tribal Community fund. In the spring of 2010, the Tribe awarded \$11,100 to the Friends of the Reserve to support the construction of an Aquarium Exhibit in the entry foyer to the Interpretive Center operated by the Reserve.

The stewardship, education and administrative teams at the SSNERR worked in coordination with natural resources staff of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians to plan for the future use and development of a small parcel of property that adjoins the shoreline of the Coos Estuary in the Barview district. The Charleston Sanitary District presently owns the shoreline parcel and proposed to donate it to the Confederated Tribes or the SSNERR. Through coordination with the Tribes and the sanitary district, the parties developed an agreement to transfer the property to the Tribes and to work cooperatively to develop the property as an estuary shoreline access and estuary interpretation point.

During 2010, SSNERR staff worked with members of the Coquille Tribe to gain experience navigating the waters of the South Slough in a large, multi-passenger canoe. The Tribe generously provided trained guides and the use of their recently commissioned twenty-six-foot long, ten-passenger canoe. The paddle craft trainings provided valuable on-water experience for SSNERR guides as well as support for multiple outings for shoreline cleanups and trips with volunteer youth crews.

This fall the Coquille Tribe invited the SSNERR to host an informational booth at the Coquille Tribe's annual salmon celebration in North Bend.

The South Slough Reserve hosts a variety of special educational workshops throughout the year. This year the reserve worked in cooperation with Native Americans to host workshops that highlight cultural traditions. Native Americans served as instructors to lead several basket making and wild edible foraging workshops at the Reserve.

As part of the 2010 recognition of National estuaries day, local Native American basket makers provided a demonstration of basket making technology. During the course of the day, basket maker, Nan McDonald produced a willow lamprey trap. Following the completion of the trap, Ms. McDonald donated it to the Reserve where it is displayed as part of the exhibits at the Interpretive Center. During 2010, a member of the Coquille Tribe served as an active member of the board of directors of the Friends of South Slough NERR, the non-profit affiliate organization associated with the Reserve.

During 2010, The Friends of South Slough purchased a twenty-three-foot long, eight-passenger canoe that the "Friends" donated to the Reserve. The canoe will be named to honor the memory of a member of the Coquille Tribe who grew up on the shore of the South Slough watershed and played a personal role in the

designation of the Reserve. The canoe will be named, Schmoosh – “One who floats with the tide.”

### **Anticipated Activities During 2011**

During 2011, 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 participation on the Environmental Justice Task Force, dependent upon whether or not it is continued by Governor Kitzhaber.
- Work with interested tribes on development of a coordinated wetland monitoring and assessment program, as described in the Wetlands & 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 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.