



# Oregon

John A. Kitzhaber, MD, Governor

## Department of State Lands

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### State Land Board

## 2011 Annual Government-to-Government Report

For the Department of State Lands

November 1, 2011

John A. Kitzhaber, MD

Governor

Kate Brown

Secretary of State

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.

Ted Wheeler  
State Treasurer

### 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 2011, 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.

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

### Land Management 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. Significant proposals this year have included leases for geothermal and solar projects in Lake County. No actual development has yet occurred.

Rangeland improvement projects have been limited by reduced budget allocations. Projects Included fence construction along Highway 78 to the north of Summit Pass, limited juniper thinning and noxious weed spraying.

Land Management Division's archaeologist has surveyed and cleared proposed range improvement projects and proposed agricultural conversions, as well as reviewing records for area management plans and proposed land sales. Consultation was solicited on the Central Oregon Area Management Plan with no response received. Tribes were invited to be present as additional site testing was carried out on a site being prepared for conversion to agriculture. No significant resources were found and the site has been cleared by SHPO.

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 DSL 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 provided updates to the workgroup during the 2011 state legislative session and an overview at the close of the session of new legislation potentially affecting the tribes.

DSL made changes to clarify and highlight the permit conditions regarding cultural resources in developing the new administrative rules that went into effect March 1, 2011. The Department is in the process of revising the online placer mining authorization form to make the conditions regarding cultural resources more prominent to applicants and to ensure that the conditions are included on the printed authorization.

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. Agency responses to tribal comments included reopening public review periods requiring submittal of cultural resource surveys to tribes in permit conditions, and requiring the presence of tribal monitors on-site during ground disturbing activities.

A wetlands staff person in the division participated on the Environmental Justice Task Force (EJTF) during 2011, 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.

In October 2010, DSL obtained a grant from EPA to develop a state-tribal coordinated wetland program plan focused on wetland monitoring and assessment. The project includes collaborating with state and tribal partners on a five-year Wetlands Program Plan that includes a strategic plan for developing a wetland monitoring and assessment program for Oregon. Completion of the coordinated plan will enhance the ability of tribes and state agencies to obtain information regarding the status and trends of wetlands in Oregon. A wetlands specialist has 80% FTE dedicated to this effort. DSL has worked closely with other state agencies and interested tribes to identify mutual interests and needs. As part of the outreach for this effort, DSL Wetland Program staff attended the June 2011 Tribal Wetland Summit at the Oregon Institute of Technology in Klamath Falls and gave a presentation regarding the project. The plan will be completed and available by April 2012.

In discussions with several mitigation bankers in western Oregon, DSL's mitigation banking specialist suggested to the bankers that they consider approaching local tribes as potential long-term stewards of protected wetland mitigation bank sites. DSL requires ongoing management of mitigation banks, but many areas are underserved by land trusts to take on this watchdog role. In previous conversations, for example, with Mike Karnosh of The Confederated Tribes of Grande Ronde, tribal representatives have expressed interest in this sort of partnership with particular interest in sites for sustainable harvest of traditional cultural plant materials that are free of pesticide residue. DSL will continue to pursue opportunities with the tribes regarding mitigation banking in Oregon.

#### Unclaimed Property Program

On June 21, 2011, unclaimed property staff attended the annual Warm Springs Tribal Health Fair; this was the second 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 high school gym, 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 100 visitors visited the unclaimed property

booth, 25 of whom actually had property with the state. Individuals completed claim forms on site, which were processed the following day. 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)

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 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 2011, students from Madison Elementary School, Millacoma Intermediate School, Sunset Middle School and Marshfield High School participated in programs at the Reserve. The services provided by the Reserve are available to tribal members as well as the public.

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

Since 2005, the Reserve has included a governor-appointed tribal representative on the South Slough National Estuarine Research Reserve Management Commission; the body tasked by the Oregon Legislature to carry out the day to day operations of the Reserve. In addition to a tribal representative on the Management Commission, a member of the Coquille Tribe served during 2011 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. Tribal members also participate in the steering committee of a grant supported program entitled "the Partnership for Coastal Watersheds."

In the spring of 2010, the Coquille Tribal Community fund 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. During 2011, the staff of the Reserve worked in partnership with the Friends of the Reserve to finalize the design of the aquarium exhibit. Support from the Coquille tribal community fund will be recognized following Installation of the exhibit in February 2012.

During 2011, SSNERR staff worked with members of the Coquille Tribe to gain experience navigating the waters of the South Slough in a traditional , multi-passenger canoe. The Tribe generously provided trained guides and the use of their 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. In the fall of 2010 the Friends of South Slough purchased a twenty-three-foot long, eight-passenger canoe that the "Friends" donated to the Reserve. The canoe was named *Schmoosh* – "one who floats with the

tide” – 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. Coquille tribal members led the canoe naming ceremony in July 2011 in partnership with the Friends of South Slough and Reserve staff.

The South Slough Reserve hosts a variety of public programs and 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 Reserve’s 2011 recognition of National estuaries day, members of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians displayed traditional canoes and fishing technologies at the Coos Bay Boat Building Center. Tribal members also prepared food as part of a joint fundraiser for the Friends of South Slough and the Coos Bay Boat Building Center. .

### **Anticipated Activities During 2012**

During 2012, 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.