



Government-to-Government 2013 Activity Report

Oregon Department of Transportation

Introduction

In accordance with Oregon Revised Statute (ORS) 182.162, the Oregon Department of Transportation (ODOT) is submitting this report to the Governor and to the Commission on Indian Services. This report identifies the ODOT divisions, regions, and individuals responsible for developing and implementing programs that affect tribes. It reports the processes ODOT has established to identify programs that affect tribes. It also reports on the efforts ODOT has made to promote communication and government-to-government relations. The report provides a description of the training provided and the methods ODOT has established for notifying its employees of legislative provisions regarding ODOT tribal relations. The information in this report was provided by each of the ODOT divisions and regions and was compiled by ODOT's Highway Division.

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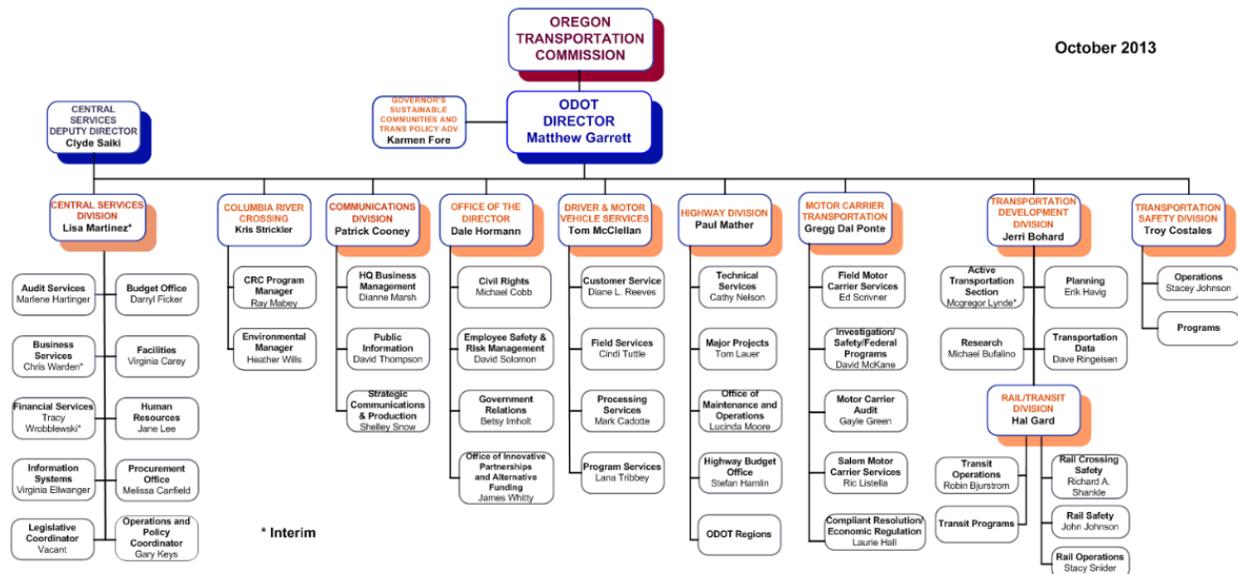
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ODOT's mission is to provide a safe, efficient transportation system that supports economic opportunity and livable communities for Oregonians. To accomplish this mission, ODOT is organized into eight divisions under the overall direction of Matthew Garrett. Each of these divisions has varying degrees of tribal interaction and involvement, which will be discussed individually in the report.

Oregon Department of Transportation

Organization Chart

October 2013



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Central Services Division (CSD)

Fuel Tax Group

ODOT's Fuels Tax Group (FTG) administers the fuel tax refund program that allows tribes to obtain refunds of fuels taxes paid by tribal members for fuel used on reservation lands. Under that program, FTG administers an intergovernmental agreement with the Confederated Tribes of the Umatilla Indian Reservation. The tribe collects state taxes on fuel sold at the Arrowhead Travel Plaza and remits the taxes collected to FTG. FTG refunds a portion of the taxes collected to the tribe for tribal use. This agreement remains operative and has proven successful over the years. The FTG also refunds tax for the Confederated Tribes of Warm Springs for tribal vehicles used on tribal land.

In 2013 the FTG was contacted by a representative of the Confederated Tribes of Warm Springs. They are currently considering construction of a travel plaza near their casino and have expressed an interest in establishing an inter-governmental agreement dealing with the collection of state fuel taxes. FTG and the Confederated Tribes of Warm Springs are in the early discussion stages and those talks are ongoing.

Driver and Motor Vehicle Services Division (DMV)

DMV accepts tribal identification cards and tribal issued birth certificates from all nine federally recognized tribes located in Oregon as proof of U.S. citizenship for the purposes of obtaining an Oregon driver license, permit or ID card.

DMV posts convictions to the tribal members' Oregon driving record for traffic violations reported to DMV that occur outside the reservation. Based on the convictions received DMV may also suspend or revoke a tribal member's driving privilege. In addition, the federal government authorizes DMV to post convictions on a tribal member's non-tribal driving record when received from tribal courts.

DMV also continues to title and register motor vehicles owned by tribal members that are operated outside reservations.

DMV contacts all tribal communities located in Oregon to ensure that they are aware of upcoming changes when implementing new or amended state or federal laws, administrative rules or DMV policies.

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DMV distributes newsletters, bulletins, fact sheets and frequently asked questions regarding upcoming changes in laws, rules and/or DMV policies several times before the effective date giving all stakeholders ample time to provide feedback. For example, DMV communicated its intent to issue alphanumeric customer ID numbers, in addition to the standard numeric-only assigned to customers today. DMV distributed this communication to DMV stakeholders, which included all tribal communities located in Oregon. All stakeholders were encouraged to contact the DMV project team with comments and concerns.

DMV also provides false document recognition training upon request. This type of training helps gaming employees detect altered or counterfeit identity documents.

DMV continues to affirm its interest in volunteers when contacted by tribal representatives and provides training upon request. In addition, DMV continues to work with tribal employment programs to place tribal members who are returning to work, transitioning into a new line of work, or who need additional work experience.

DMV is committed to continuing to reach out to all tribal communities located in Oregon regarding law, administrative rule, and DMV policy implementation and revisions. This includes requesting representatives from tribal communities to participate on committees as appropriate.

Highway Division

Geo-Environmental Section

General Summary

The Geo-Environmental Section provides stakeholder coordination under the National Environmental Policy Act and Section 106 consultation requirements under the National Historic Preservation Act. The Section has broadened its tribal outreach and communication efforts over the past few years to include natural resources coordination, specifically focusing on fisheries. We continue to provide government-to-government training and tribal coordination training statewide with a greater emphasis on our planning offices.

Coordination & Communication:

Early tribal coordination on all transportation projects helps keep projects on track and avoid unwanted delays due to lack of coordination. Face-to-face meetings with most of the tribes have continued throughout 2013 and focus on reviewing all projects within areas of tribal interest. When not meeting face-to-face, our staff frequently communicates with the tribes via phone or email regarding transportation projects (over 380 projects between October 2012 and October of 2013). Most projects require Section 106 consultation on behalf of Federal Highway Administration

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(FHWA) as well as coordination under ORS182.162. Our face-to-face meetings are a valued means to ongoing consultation to help fulfill those obligations.

Carolyn Holthoff is a member of the Cultural Resources Cluster Group which reports to the Legislative Commission on Indian Services.

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2013 Project Delivery Meetings

Confederated Tribes of the Grand Ronde Community of Oregon (CTGR)

ODOT Archaeologists, Project Managers, and Natural Resources Specialists met on May 16 and November 6, 2012 with the CTGR to discuss projects and coordination efforts. Discussions continue to focus on protections for cultural resources.

ODOT Cultural Resources Staff participated in a special workshop concerning on Tribal Cultural Landscapes held by the CTGR on August 28, 2013.

Confederated Tribes of Siletz Indians

ODOT Archaeology staff met with Confederated Tribes of Siletz Cultural Resources Director Robert Kentta on March 21, 2013, to discuss transportation projects within the Tribes' area of concern. In addition to this meeting, we've kept up regular communication with Robert regarding all of our projects.

Confederated Tribes of Umatilla (CTUIR)

Face-to-face meetings were held with the CTUIR Cultural Resources Committee on April 16 and October 15, 2013. Discussions focused on ongoing and upcoming projects. In addition to meeting with the Cultural Resources Committee, ODOT Cultural staff continued meeting with CTUIR Cultural Program staff to discuss program level issues.

During this time ODOT also amended our IGA with the CTUIR to provide Cultural Resources support services to Regions 4 and 5.

Confederated Tribes of Warm Springs

ODOT Archaeology staff met with representatives from of the Confederated Tribes of Warm Springs Reservation of Oregon on September 16, 2013. We continue to coordinate with the Cultural Resources staff at the Confederated Tribes of the Warm Springs throughout the year on various projects. In addition we are planning development of an Intergovernmental Agreement (IGA) with the Confederated Tribes of the Warm Springs to provide cultural resources services to ODOT.

Cow Creek Band of the Umpqua Indians

ODOT Archaeology staff met on February 7, 2013 and October 7, 2012 with the Cow Creek Band of Umpqua Tribe Cultural Resources staff in regarding various projects in Region 3. Project coordination efforts continued throughout the year via email, phone call and on site project meetings. Another meeting is scheduled for October 2013.

Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians (CTCLUSI)

ODOT Archaeology staff met once with the CTCLUSI staff regarding ODOT projects on September 23, 2013. In addition, we coordinated throughout the year with the cultural staff at CTCLUSI. Communication with the

Tribal Cultural Resources staff has occurred via phone calls, e-mails and one-on-one communication.

Burns Paiute Tribes

ODOT Archaeology staff met with Cultural Resources Staff from the Burns Paiute on April 30, 2013 to discuss ODOT projects and overall cultural resources coordination. We continued coordination efforts throughout the year via phone calls, e-mails and one-on-one communication with a representative from the Burns Paiute Tribes.

Coquille Indian Tribe

Communication with the Tribal Cultural Resources staff has occurred throughout the year via phone calls, e-mails and one-on-one communication. Efforts are underway to schedule a face- to- face meeting in fall 2013.

Klamath Tribes

ODOT Archaeology staff met twice with Perry Chocktoot regarding a number of transportation projects on April 25 and August 22, 2013. Communication continued throughout the year via phone call, emails and letters.

Natural Resource Program

The Environmental Resource Unit Manager, John Raasch, sits on the Quarterly Government-to-Government Natural Resources Workgroup organized by the Legislative Commission on Indian Services.

Fisheries Coordination and Enhancements

In early September 2013, Ken Cannon, ODOT Fisheries Program Coordinator, presented information to the Natural Resources Workgroup on the ODOT Fish Passage Program.

The Cow Creek Band of Umpqua Tribe is currently collecting lamprey presence-absence data to help ODOT plan future retrofit projects.

Highway Division: Portland Metropolitan Area, Hood River and Columbia Counties (Region 1)

Highway Regions



Communication with the Tribes

Region 1 regularly coordinates with tribal communities during the environmental review process for all projects. Region 1 uses archaeologist and cultural resource specialists within the Geo-Environmental Section in Salem for tribal contacts and coordination. No perceived barriers to positive tribal relations were identified during the 2012-2013 reporting period.

Confederated Tribes of the Grand Ronde

ODOT Region 1 provided the tribes with a project description and project area maps on the proposed US 26: Mt. Hood Highway Safety Improvements Project in Clackamas County. Cultural resources, including archaeological sites, are present in the Mt. Hood National Forest area; however, there were no sites identified that would be affected by the project. To keep tribes informed and provide an opportunity for them to comment, tribes participated in the Section 106 review process for the project.

The US 26 project will include tree removal in several locations within the project area. For carving and educational purposes, the Confederated Tribes of the Grand Ronde expressed interest in acquiring any large western red cedar trees that may be removed during construction. Because the trees are on Mt. Hood National Forest land, at the Forest Service’s request, ODOT provided the tribes with contact information for coordinating with Forest Service managers regarding their interest in the trees.

As part of the Historic Columbia River Highway State Trail: JB Yeon to Moffett Creek Project, Region 1 contacted all the tribes inviting them to attend and to participate in the trail dedication ceremony. The Confederated Tribes of Grand Ronde agreed to take part in the September 14 dedication. The tribes set up a table with native American crafts and provided nuts and dried berries for refreshments. The dedication ceremony included tribal drumming, and a blessing of the place.

Consultation was also made on all projects within the region that qualified for Categorical Exclusions (CE) under the National Environmental Policy Act. Examples of this coordination included:

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- Provided a project description and a map for the West Side Trail Project (Rock Creek to Bronson Creek) CE in Washington County. The tribes were also given a copy of the archaeological technical report for the project.
- Provided project information and met with the tribes in November 2012 regarding the South Fork Scappoose Creek (JP West Road) Bridge Replacement Project CE in Columbia County. The tribes were also provided a copy of the archaeological technical report for the project.
- Provided project description and maps of the OR99E Clackamas River Bridge – Dunes Drive Project CE in Oregon City. The Confederated Tribes of the Grand Ronde indicated the project area, near the confluence of two rivers, has a high probability for encountering archaeological resources and requested preparation of an inadvertent discovery plan for the project.
- Provided a project description and maps of the Blue Lake Regional Trail Project CE in Multnomah County. As requested by the tribe, ODOT provided additional detail concerning impact minimization and avoidance plans for archaeological sites in the area.

Confederated Tribes of the Warm Springs

ODOT Region 1 provided the tribes with a project description and project area maps on the proposed US 26: Mt. Hood Highway Safety Improvements Project in Clackamas County. Cultural resources, including archaeological sites, are present in the greater Mt. Hood National Forest area; however, there were no sites identified that would be affected by the project. To keep tribes informed and provide an opportunity for them to comment, tribes participated in the Section 106 review process for the project.

Consultation was conducted on all projects within the region that qualified for Categorical Exclusions (CE) under the National Environmental Policy Act. Examples of this coordination included:

- Provided the tribes with a copy of the archaeological technical report for the West Side Trail Project (Rock Creek to Bronson Creek) CE in Washington County.
- Provided the tribes with a copy of the archaeological technical report for the South Fork Scappoose Creek (JP West Road) Bridge Replacement Project CE project in Columbia County.
- Provided project description and maps of the OR99E Clackamas River Bridge – Dunes Drive Project CE in Oregon City.
- Provide a project description and maps of the Blue Lake Regional Trail Project CE in Multnomah County.

Confederated Tribes of Siletz Indians

Consultation was conducted on all projects within the region that qualified for Categorical Exclusions (CE) under the National Environmental Policy Act. Examples of this coordination included:

- Provided the tribes with a copy of the archaeological technical report for the West Side Trail Project (Rock Creek to Bronson Creek) CE in Washington County.
- Provided the tribes with a copy of the archaeological technical report for the South Fork Scappoose Creek (JP West Road) Bridge Replacement Project CE Project in Columbia County.

- The tribes were consulted on a local agency project to construct a bicycle path, crossings and fill gaps in the path from NE 28th Avenue to NE 185th Avenue along Marine Drive in Portland. A portion of the project is on the Multnomah County Drainage District (MCDD) dike and a known archaeological site is nearby. The tribes indicated they were unaware of plans to reinforce the levee because the MCDD did not initiate their own coordination. ODOT provided information to the tribes regarding project activities near the archaeological site and will follow-up with the tribes as the project continues.
- Provided project description and maps of the OR99E Clackamas River Bridge – Dunes Drive project CE in Oregon City.
- Provided a project description and maps of the Blue Lake project CE in Multnomah County and received a response indicating the tribe approved of the project plans and requesting advance notice prior to construction.

Confederated Tribes of the Umatilla Indian Reservation

ODOT Region 1 provided a project description and maps of the Blue Lake Project CE in Multnomah County and received a response indicating the tribe would defer to other tribes nearer the project site.

Highway Division: Willamette Valley, North and Central Coast, and Western Cascades (Region 2)

Coordination and Communication

Government-to-Government activities within Region 2 in 2013 included coordination and consultation with three federally recognized tribes and one non-federally recognized tribe.

The federally recognized tribes are:

- Confederated Tribes of Siletz Indians
- Confederated Tribes of Grand Ronde
- Confederated Tribes of Coos, Lower Umpqua, and Siuslaw

The non-federally recognized tribe is:

- Clatsop-Nehalem Confederated Tribes

Coordination and communication also conducted by region staff at many levels.

Area Commissions on Transportation

Routine contact, collaboration, and project coordination with tribal government representatives occur at Area Commissions on Transportation (ACTs) in the four Areas of Region 2. All ACTs in the Region have members, either voting or ex-officio, who are tribal representatives.

The Confederated Tribes of Grand Ronde hold a voting membership on the Mid-Willamette Valley ACT of Area 3 (Marion, Polk and Yamhill counties).

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The Confederated Tribes of Siletz Indians hold a voting membership on the Cascades West ACT of Area 4 (Linn, Benton, and Lincoln counties).

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The Confederated Tribes of Coos, Lower Umpqua, and Siuslaw hold a voting membership on the Lane ACT of Area 5 (Lane County).

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The Clatsop-Nehalem Confederated Tribes hold an ex-officio membership on the Northwest Oregon ACT of Area 1 (Clatsop, Tillamook, Columbia and western rural Washington counties). If the Clatsop-Nehalem Tribe receives formal federal recognition, it will hold a voting membership.

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Planning

Transportation Systems Plans

Region 2 provides funding for and participates in a variety of local Transportation System Plan (TSP) development and update processes. ODOT works with local governments to seek out tribal representatives to serve on stakeholder groups or as points of contact in areas where tribal interests are affected (Lincoln City, Depoe Bay, Clatsop County, Columbia County, Astoria).

Facility Plans

The Salmon River Highway Travel Options Plan

This plan was completed with a flex funds grant awarded to Lincoln County by the OTC. The plan identifies and recommends new transportation options and enhanced transit coordination and connections on the OR18/22 corridor between Lincoln City and Salem. OR 18 (Salmon River Highway) and OR 22 (Willamina Salem Highway) form a key connection for residents, workers, tourists, and freight moving between the Oregon Coast and Willamette Valley, as well as points between. An important consideration in this study was access to and between the two tribal casinos in the corridor: Chinook Winds in Lincoln City and Spirit Mountain in Grand Ronde.

Preparation of the study and development of the recommendations was closely coordinated with the Confederated Tribes of the Siletz Indians and the Confederated Tribes of the Grand Ronde Tribes, both of whom were active participants.

TGM Program

Lincoln City Bicycle and Pedestrian Plan

Representatives of the Confederated Tribes of Siletz Indians served on the Project Advisory Committee and were informed of project meetings and deliverables by e-mail notice. The Lincoln City Walking and Biking Plan identified a need for better bicycle and pedestrian connectivity between a tribal housing development in NE Lincoln City and tribal facilities to the west, including the Chinook Winds Casino owned by the Tribes.

Toledo Transportation System Plan

The Confederated Tribes of Siletz Indians were invited to participate on the Project Advisory Committee but did not respond with a representative to serve. Outreach to the

tribe was conducted early in the project because the tribe has an industrial site in Toledo on which they are seeking development and economic activity. The Toledo Transportation Plan includes projects to improve freight truck access to the Confederated Tribes of the Siletz Indians tribal industrial site.

South Albany Area Plan

Development of an Existing Conditions analysis included outreach to area tribes, including the Confederated Tribes of the Grande Ronde, Confederated Tribes of the Siletz Indians, and the Confederated Tribes of the Warm Springs tribes, to request their assistance with identifying any known or potential archeological sites in the study area. Identification of known or potential archeological sites was conducted with the assistance of the Cultural Protection Program Manager for the Confederated Tribes of the Grand Ronde tribe.

District 1 Coordination

ODOT reviewed how the dike removal and flooding of land adjacent to OR 202 would affect the integrity of the highway and worked with the tribe to develop mitigation measures. The project involves many agencies, private and public, with critical project timelines that required involvement by district and region technical staff.

Area 3 Projects

Area 3 management has regular contact and communication with the Confederated Tribes of Grand Ronde (CTGR) regarding the Newberg/Dundee Bypass project.

The Confederated Tribes of the Grand Ronde representative has been a regular participant of the Mid Willamette ACT, as well as the Yamhill Co. Parkway Committee.

District 3 Coordination

District 3 management and personnel routinely coordinate maintenance activities with members of the Confederated Tribes of Grand Ronde. This includes coordinating traffic control and communication during special events such as the CTGR Pow Wow, an event that substantially increases motor vehicle traffic near Valley Junction.

In addition, District 3 personnel include CTGR in all public outreach during highway closures, lane restrictions or weather events that impact the highways near Spirit Mountain Casino.

On July 31, 2013 ODOT District 3 and Traffic Management met with CTGR regarding traffic congestion issues caused by several simultaneous events at the Casino ending during rush hour. The largest of the backups caused reports of lengthy delays (over an hour) both navigating through Grand Ronde and exiting the parking lot of the Casino. Additionally, there were concerns regarding the flagging that occurred on the highway. The purpose of the meeting was to ascertain how ODOT and CTGR can better work together to limit the impacts to both the highway and to the Casino customers.

District 3 Management represented ODOT at the dedication of the electrical charging stations at the Grand Ronde tribal gas station next to the casino on May 29, 2013.

District 3 also worked with the Spirit Mountain Casino and the Confederated Tribes of the Grand Ronde Tribe in permitting an emergency access to the Casino parking lot. The access has been completed except for the gate.

Area 4 Projects

Lincoln City and the Confederated Tribes of the Siletz Indians have submitted a joint application to the CW ACT for the 2017-2020 STIP Enhance Funds. The proposed project, at the intersection of US101 and Neotsu, adds crosswalks, sidewalks and bike lines along US101 to connect area residents with shopping, work etc. The project also includes intersection improvements which will be developed during the design process. Should the project be funded, the residents of the Confederated Tribes of the Siletz Indian's newly constructed low income apartment complex located on Neotsu would benefit significantly from this project. Area 4 and ODOT staff and management worked extensively with Lincoln City and the Confederated Tribes of the Siletz Indians on this project submittal and project scoping. The project was approved as part of the Region's 100% list that will be forwarded to the OTC. The Confederated Tribes of the Siletz Indians has committed a \$360,000 match towards the project, which has an estimated cost of \$3,051,000.

District 4 Coordination

District 4, like District 3, works closely with CTGR in coordinating traffic control and communication during major tribal events, and stays in close and regular contact with Spirit Mountain Casino.

District 4 also coordinates maintenance activities with the Confederated Tribes of Siletz and includes the Confederated Tribes of Grand Ronde and the Confederated Tribes of the Siletz in all public outreach during highway closures, restrictions or severe weather events.

District 5

District 5 routinely includes the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw in communications regarding maintenance activities. This includes maintenance on the Siuslaw River Bridge in Florence, as well as any maintenance or extreme weather event that impact travel on OR 126W.

Highway Division: Southwest Oregon (Region 3)

ODOT Region 3's Civil Rights Field Coordinator made contact with or sent information to the Cow Creek Band of Umpqua Tribe of Indians, the Coquille Indian Tribe, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, the Confederated Tribes of Grand Ronde, and the Confederated Tribes of Siletz Indians about workforce-apprenticeship recruitment, Disadvantaged Business Enterprise, Minority, Women and Emerging Small Business recruitment, Disparity Study information/opportunities, the MWESB, Business and workforce opportunities, events, meetings with tribal representatives to present, educate and recruit for programs promoted by ODOT, and the "How to Do Business with ODOT"

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program. The coordinator has direct contact with the tribes by phone in response to telephone inquiries and opportunities.

Cow Creek Band of Umpqua Tribe of Indians

OR 42 Expressway Management Plan

The tribe is a member of the Technical Advisory Committee (TAC), which coordinates planning concepts with the Tribe.

OR 138E Corridor Solutions

The Region 3 Project Leader and Right-of-Way Liaison coordinated with the Tribe on the impacts to tribal property and ODOT's Access Management Strategy; they will be working with the Tribe and Bureau of Indian Affairs on the NEPA documents for this project. The Archeologist and Cultural Resources Tribal Liaison provided periodic updates to the Tribal Archaeologist and Natural Resources Director.

Region 3 staff requested the tribe and BIA consent to survey portions of four tax lots on tribal trust land where easements are needed related to the project and to perform hazardous material investigation on one tax lot that is on Tribal trust land. They provided a sketch map to the tribe and the City of Roseburg that identifies a portion of tribal trust land that may be donated and a portion of a city street (Spruce Street) that may be vacated related to the project.

State Transportation Improvement Program (STIP)

The Region 3 STIP Coordinator discussed the STIP with the tribe through the Southwest Area Commission on Transportation (SWACT) by sending them notices and meeting material. R3 Archeologist and Cultural Resources Tribal Liaison consulted with the Tribal Archaeologist and Natural Resources Director on all STIP projects to occur within the Tribe's ancestral homelands.

Tribal cultural resource monitors have observed the archaeological fieldwork associated with the Elkhead Rd. – Anlauf Paving I-5 STIP Project.

The Region 3 Project Leader and scoping team worked with the tribe to develop an application and scoping cost estimates for the tribe's proposed sidewalk project in Canyonville. This effort was part of the 2012/13 Transportation Enhancement/Bike & Pedestrian solicitation.

Transportation Growth Management (TGM)

The TGM Planner sent letters to the tribe soliciting applications for TGM grant projects and made follow-up phone calls.

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General Coordination

The Region 3 Archeologist and Cultural Resources tribal Liaison consulted with the Tribe on maintenance actions as well as Local Agency projects to occur within the tribe's ancestral homelands

A tribal coordination meeting was held on February 7, 2013 at the Cow Creek Band of Umpqua Tribe Government Offices in Roseburg, Oregon. A coordination meeting was also held October 7, 2013.

The region invited the tribe to be a signatory on the Memorandum of Agreement for the First and Main Street (Jacksonville) and the Central Point Parking Lot and Alleys (CMAQ) Local Agency Projects.

Coquille Indian Tribe Coos County TSP

R3 Planning invited the tribe to be a member of the Technical Advisory Committee (TAC).

US 101: North Bend-Coos Bay Pave, Signals, Side-walk Project

R3 R/W coordinated with tribe to survey and build sidewalks on tribal trust land located in front of tribal Government offices on US 101 and worked with the tribe and BIA to finalize the document: Grant of Easement for Right of Way.

R3 RAME and Development Review

ODOT's Traffic Engineer coordinated with the tribe on access to US 101.

State Transportation Improvement Program (STIP)

Region 3 staff notified the tribe about the STIP through the Southwest Area Commission on Transportation (SWACT) by sending them notices and meeting material.

The Region 3 Archaeologist and Cultural Resources Tribal Liaison consulted with the Tribal Archaeologist on all STIP projects to occur within the tribe's ancestral homelands.

Development Review/Access Management

R3 Development Review Team coordinated a Cooperative Improvement Agreement with the tribe for a land partition agreeing to closing existing private accesses and at grade crossings when a new public access to US 101 is installed.

Transportation Growth Management (TGM)

The Region 3 TGM Planner sent letters to the tribe soliciting applications for TGM grant projects and made follow-up phone calls. The tribe submitted a pre-application for a TGM grant and discussed feasibility with the Region 3 TGM Planner.

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541-957-3543

General Coordination

The ODOT Archeologist and Cultural Resources Tribal Liaison consulted with the Tribe on maintenance actions as well as local agency projects to occur within the Tribe's ancestral homelands.

ODOT has an intergovernmental agreement with the Coquille Indian Tribe for them to monitor ODOT projects to occur within their ancestral homelands.

A tribal coordination meeting may be held at the Coquille Government Offices in North Bend, Oregon prior to January of 2014.

Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians

State Transportation Improvement Program (STIP)

Region 3 staff discussed the STIP with the Tribe through the Southwest Area Commission on Transportation (SWACT) by sending them notices and meeting material.

The Region 3 Archeologist and Cultural Resources Tribal Liaison consulted with the Tribal Archaeologist on all STIP projects to occur within the Tribe's ancestral homelands.

Transportation Growth Management (TGM)

The Region 3 TGM Planner sent letters to the Tribe soliciting applications for TGM grant projects and made follow-up phone calls and worked with the tribe on a TGM application for redevelopment of the old naval base on Cape Arago Highway.

General Coordination

The ODOT Archeologist and Cultural Resources Tribal Liaison consult with the Tribe's Cultural Resources Director on maintenance actions as well as Local Agency projects to occur within the Tribe's ancestral homelands.

A tribal coordination meeting was held on September 23, 2013 at the tribal government offices in Coos Bay, Oregon.

The region invited the tribe to be a signatory on the Memorandum of Agreement for the First and Main Street (Jacksonville) and the Central Point Parking Lot Alleys (CMAQ) Local Agency Projects. While the Tribe maintained its consulting party status they did not elect to be a signatory on either MOA.

Confederated Tribes of the Grande Ronde

State Transportation Improvement Program (STIP)

The Region 3 Archeologist and Cultural Resources Tribal Liaison consulted with the tribe's Cultural Protection Coordinator, Cultural Resource Protection Specialist and Archaeologist on all STIP projects to occur with the tribe's ancestral homelands.

Transportation Growth Management (TGM)

The Region 3 TGM Planner sent letters to the tribe soliciting applications for TGM grant projects and made follow-up calls.

General Coordination

The Region 3 Archeologist and Cultural Resources Tribal Liaison consulted the Tribe's Cultural Protection Specialist on maintenance actions as well as Local Agency projects to occur within the tribe's ancestral homelands.

A tribal coordination meeting was held on May 16, 2013 at the Confederated Tribes of the Grand Ronde government offices in Grand Ronde, Oregon. One more coordination meeting will be held in November of 2013. Region invited the Tribe to be signatory on the Memorandum of Agreement for the First and Main Street (Jacksonville) and the Central Point Parking Lot and Alleys (CMAQ). While the Tribe maintained its consulting party status they did not elect to be a signatory on either MOA.

Confederated Tribes of Siletz Indians

State Transportation Improvement Program (STIP)

The Region 3 Archeologist and Cultural Resources Tribal Liaison consults with the tribe's Cultural Resources Director on all STIP projects to occur within the tribe's ancestral homelands.

Transportation Growth Management (TGM)

The Region 3 TGM Planner sent letters to the tribe soliciting applications for TGM grant projects and made follow-up phone calls.

General Coordination

The ODOT Archeologist and Cultural Resources Tribal Liaison consult with the Tribe's Cultural Resources Director on maintenance actions as well as Local Agency projects to occur within the tribe's ancestral homelands.

A tribal coordination meeting was held at the Confederated Tribes of the Siletz Government Offices on March 21, 2013.

The region invited the Tribe to be a signatory on the Memorandum of Agreement for the First and Main Street (Jacksonville) and the Central Point Parking Lot Alleys (CMAQ) Local Agency Projects. While the tribe maintained its consulting party status they did not elect to be a signatory on either MOA.

Klamath Indian Tribes

General Coordination

R3 ODOT Archeologist and Cultural Resources Tribal Liaison consulted with the Chairman and the Tribe's Culture & Heritage Director on the Siskiyou Summit Rail Revitalization Project.

Confederated Tribes of the Warm Springs Reservation

State Transportation Improvement Program (STIP)

The Region 3 ODOT Archaeologist and Cultural Resources Tribal Liaison consulted with the Confederated Tribes of Warm Springs Reservation, the Confederated Tribes of the Umatilla Indian Reservation, and the Burns Paiute Tribe regarding the I-5: R3 Deck Repair – MBM and the I-5 Martin Creek-Anlauf Paving Projects. The project included

bridges in Crook, Deschutes, Douglas, Gilliam, Jackson, Josephine and Lincoln counties.

Highway Division: Central Oregon (Region 4)

Coordination and Communication

Government-to-government activities in 2013 included coordination and consultation with three federally recognized tribes: Klamath Tribes, The Confederated Tribes of Warm Springs and Burns Paiute Tribe.

Klamath Tribes

The South Central Area Office, District 11 Maintenance Office, regional, and Salem staff held two quarterly meetings (April and August) with the Klamath Tribes' Cultural and Heritage Chairman, Perry Chocktoot and Cultural Resource Protection Specialist, Lillian Watah to discuss ODOT projects

In addition there was ongoing written and phone correspondence for these projects. Also there was a continuation of efforts negotiating an IGA for Tribal Monitoring. Please note that the IGA for Tribal Monitors has been an ongoing task for the last couple of years.

The South Central Area Office, Regional, and Salem staff made a site visit with the Klamath Tribe's Cultural and Heritage Chairman, Perry Chock-toot at the Malin Quarry site to discuss the potential use of the material source.

Burns Paiute Tribe

Region 4 and Salem staff met with cultural resources representatives Agnes Castronuevo and Amanda Stroud on April 30, 2013 to discuss ODOT projects. In addition, there has been ongoing written and phone correspondence for these projects.

Confederated Tribes of Warm Springs (CTWS)

Region 4 and Salem staff met with Cultural Resources Review and Compliance Coordinator and Cultural Committee member Roberta Kirk on September 16, 2013, to discuss ODOT projects. In addition, there has been ongoing written and phone correspondence for these projects. Much correspondence occurred for a Region 4 project currently under construction within the Confederated Tribes of Warm Springs Reservation boundaries.

District 11

District 11 made an inadvertent discovery near Adel. Contact was immediately made with the Klamath Tribes, Burns Paiute Tribe, and the Confederated Tribes of Warm Springs and all deferred to the

REGION 4 CONTACTS

Robert Bryant
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Pat Creedican
District 10 Manager
541-388-6169

Brad DeHart
Operations Engineer
541-296-2215

Pat Cimmiyotti
District 9 Manager
541-296-2215

Thomas Feeley
Project Manager
541-883-5780

Gary Farnsworth
Area Manager
541-388-6071

Norman "Butch" Hansen
Area Manager
541-883-5778

Devin Hearing
Senior Planner
541-388-6388

Ana Jovanovic
Transportation and Land Use
Planner
503-731-8469

California-based Ft. Bidwell Tribe. Re-internment was performed by the Ft. Bidwell Tribe.

Gary Larson
Environmental Coordinator
541-388-6386

District 10

District 10 has worked with the Confederated Tribes of Warm Springs over the past year on summer fires, ditch cleaning, shoulder repair, accident clean up, and use of their stock pile site for ditch cleaning material.

Joel McCarroll
Region Traffic Manager
541-388-6189

Michael Stinson
District II Manager
541-883-1002

District 9

District 9 has an intergovernmental agreement with CTWS to remove snow from the new tribal housing development at Celilo; this intergovernmental agreement allows ODOT and CTWS to continue to partner on the need for snow removal at Celilo.

Teresa Brasfield
Environmental Coordinator
541-388-6041

District 9 will continue to work with CTWS to obtain permits to remove brush and danger trees from the easement along US 26 and US 216 to improve the safety along highway.

Employee Responsible for
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Jeff Labhart
Region 4 Business Admin Mgr
541-388-6191

District 9, CTWS and other agencies are coordinating efforts to remove the contaminated soil from a significant fuel spill that occurred on US 26 on September 24, 2013 from a fuel truck accident.

ODOT finalized design and constructed the US26: Mill Creek – Warm Springs project, which built passing lanes, wider shoulders and flatter slopes on US26 on the CTWS reservation between Mill Creek and the Warm Springs Grade. The project also excavated material to remove a rock fall hazard near the bottom of Warm Springs Grade. The ODOT project development team and construction project manager's office worked closely and collaboratively with CTWS Natural Resources and other tribal stakeholders during the development of the project and throughout construction.

ODOT met with CTWS staff to discuss access across tribal and BIA lands to the Alkali Quarry site. This also involves developing a maintenance agreement for the access roads. This was happening in 2013 and continues.

ODOT completed a bank stabilization project on Beaver Creek in July. CTWS environmental and fishery staff provided input to the design.

CTWS and ODOT environmental, fishery and design staffs had representatives' onsite during the construction work to ensure the project's goals were achieved.

ODOT bridge and maintenance crews coordinate with Richard Craig, CTWS Environmental Enforcement Officer on highway and bridge work activities. District 9 and tribal emergency response personnel met on an annual basis to discuss process and improvements for emergency response.

District 9 responded to and assisted the tribal emergency response personnel with numerous accidents along US 26 and OR 216.

District 9 removes sanding material from the shoulders and under the guardrail to prevent it from entering Beaver Creek along US 26 every year, but detrimental impacts still occur due to the close proximity of the highway.

Beaver Creek is a sensitive and critical habitat for salmon, rainbow trout, and other aquatic species, and has been significantly impacted by the highway conditions; staff will work closely with CTWS staff to provide this detailed scoping and recommendations.

Highway Division: Eastern Oregon (Region 5)

Coordination and Communication

Confederated Tribes of the Umatilla Indian Reservation (CTUIR)

ODOT Region 5 participates in state-tribal relations through the implementation of the Tribal Employment Rights Office (TERO) requirements on highway projects. In order to bid construction jobs on the reservation or within the reservation MOU boundary, contractors are required to attend TERO Contractor Certification workshops. The certification is good for three years, and allows the contractor to bid on MOU or TERO qualified projects.

On April 2, 2013, ODOT met with the CTUIR Tribal Employment Rights Office (TERO) for our annual meeting to discuss upcoming construction projects within the Memorandum of Understanding (MOU) Boundary. The MOU with the CTUIR ensures that the provisions of the TERO code and the “Indian hiring preference” provisions are established and followed for all Federally-Funded projects located off the Reservation within a sixty-mile boundary. For each project occurring within TERO or MOU boundaries, hiring goals, compliance fees, and Tribal subcontracting are coordinated between TERO, ODOT’s Project Managers and Civil Rights Field Coordinator.

The following Region 5 projects were awarded since last year’s report:

- I 84: Mission Jct – Meacham Durable Striping
- I 84: Kamela Intchg – 2nd St U’xing
- I 84: WB Snow Fence @ Cully Lane Phase 1
- Region 5 ITS 2013
- Region 5 Rockfall Correction 2013
- Region 5 Rumble Strips
- Sperry Street: Sperry St – Morgan St Bridge (Heppner)
- I 84: Region 5 Chain Up Areas
- North Powder Elem School (North Powder)
- I 84: MP 216 Interchange Embankment & Guardrail
- District 12 - Cabbage Hill View Point Roof Replacements

REGION 5 CONTACTS

Monte Grove

Region Manager
541-963-1327

Craig Sipp

Area Manager
541-963-1328

Teresa Penninger

Region Planning & Program Mngr
541-963-1344

Marilyn Holt

District 12 Manager
541-278-6021

Ace Clark

Assistant District 12 Manager
541-278-6044

George Bornstedt

Bridge Environmental & Geology
Mngr
541-963-1595

Mike Barry

Local Agency Liason
541-963-1353

Jay Roundtree

Project Manager
541-963-1359

For these 11 projects, \$187,317 has been paid directly to the CTUIR TERO Office in compliance fees.

On May 21, The TERO Office presented the TERO Contractor Certification to ODOT project managers and staff at the La Grande Region 5 headquarters building. ODOT staff in attendance regularly work on projects that are subject to TERO.

In 2013, the Region 5 Local Program partnered with The Confederated Tribes of the Umatilla Indian Reservation, local agencies and consultants, on the North Powder Elementary School (North Powder) project. As the projects are constructed, the contractors work directly with the CTUIR TERO office to manage the TERO hiring goals.

Doug Johnson
Project Manager
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Ken Patterson
Project Leader
541-963-1365

Tim Rynearson
Project Leader
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Employee Responsible for
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Feather Sams Huesties
Civil Rights Field Coordinator
541-963-1575

Statewide Transportation Improvement Program (STIP)

Region 5 Project Leader Tim Rynearson assisted the CTUIR with submitting their projects through the new Enhancement process for the STIP and by communicating the needs and requirements of the new program between NEACT at a local level and to the OTC at the state level. Project Leader Tim Rynearson specifically assisted CTUIR employee Jim Beard and Holly Anderson in the planning department and assisted them with submitting their application and scope a project to be considered for funding.

LOCAL PROGRAM

In 2013, the Region 5 Local Program staff partnered with the Confederated Tribes of the Umatilla Indian Reservation, local agencies and consultants, on the North Powder Elementary School (North Powder) project. As the projects are constructed, the contractors work directly with the CTUIR TERO office to manage the TERO hiring goals.

Region 5 Local Agency Liaison, Michael Barry and Project Leader Tim Rynearson assisted Terry Warhol, CTUIR Public Works Director at the local program level to complete their Multi-Modal Transportation project; bus barn and repair and maintenance facility. That project was funded with ConnectOregon dollars through ODOT.

Region 5 Project Leader Ken Patterson negotiated an IGA through Allen Childs, CTUIR Fisheries Program, to fund construction costs for a fish passage project in Union County (OR 203: Branch Ladd Creek).

GENERAL COORDINATION

Meetings with the CTUIR CRPP staff and Cultural Resources Committee (CRC) were held on November 6, 2012, April 16, 2013, and October 15, 2013. In previous years these meetings had been held on a quarterly basis, but due to a reduction in the number and complexity of upcoming projects, ODOT and the CTUIR mutually agreed to a reduced number of face-to-face meetings during the current reporting period. During the meetings, ODOT provided project overviews and maps depicting the Area of Potential Effect for STIP, Local Agency, and Maintenance Projects. ODOT staff fielded questions from tribal representatives and discussed anticipated resource surveys as

well as results of completed surveys; any potential impacts to resources and means of mitigating those impacts were also discussed. At the meetings ODOT requested Tribal input on any issues or concerns they had with specific projects, in particular, issues concerning resources that might not be recorded in the Oregon State Historic Preservation Office database, or historic properties of cultural and religious significance to the Tribes.

For routine Maintenance projects, Geo-Environmental Archaeologists send e-mails and/or call interested tribes to inform them about the status of projects. These frequent updates provide Tribes additional opportunities to comment, raise issues, and ask questions about specific projects. Moreover, constant communication and collaboration with various Tribes by ODOT staff provides a better understanding of Tribal concerns and allows issues to be brought forward to ODOT District Managers.

ODOT engaged the CTUIR CRPP staff to provide cultural monitoring services for a joint ODOT/ODFW stream enhancement project on West Birch Creek south of Pilot Rock.

In July 2012, Carolyn Holthoff, ODOT Cultural Resources Program Manager, notified the CTUIR CRPP staff that ODOT would like to renew an Inter-Governmental Agreement for Cultural Services Work (archaeological surveys, construction monitoring, etc.) that was set to expire in October 2012. The IGA renewal process was completed on June 7, 2013. The IGA (ODOT Misc Contract and Agreement No. 29070) is effective through June 7, 2018

Region 5 District 12 continues to partner with The Confederated Tribes of the Umatilla Indian Reservation, by renewing the contract for cleaning services at the Deadman's Pass Safety Rest Area on I-84. The CTUIR continues to be formally notified and consulted on all reportable hazmat releases on highways within the Reservation boundaries.

ODOT continues to partner with the CTUIR's Road Department with an agreement to allow the CTUIR to obtain liquid roadway deicing materials (magnesium chloride) from ODOT storage tanks at MP 216 on I-84.

District 12 and the CTUIR Planning Office regularly consult on land use actions located in close proximity to State highways within the Reservation.

Region 5, District 12 continues to work with CTUIR in issuing Tribal Chain up Permits on ODOT's highway system, providing a seasonal employment opportunity for Tribal members and a benefit to the traveling public improving safety and operations on ODOT's system.

Region 5 Planning continues to meet with the CTUIR Transportation Department to discuss bicycle and pedestrian needs along the OR 331 Corridor. The CTUIR has developed a bicycle/ped plan and is pursuing funds to implement the plan.

BURNS PAIUTE TRIBE

In April of 2013, GES Archaeologists Tobin Bottman, Carolyn Holthoff and Kurt Roedel met with the cultural resources staff of the Burns Paiute Tribe at their government

offices in Burns, Oregon. During the meeting it was agreed that ODOT will now meet with Burns Paiute Tribe on at least an annual basis. The face to face meetings will be supplemented with ongoing email exchanges for newly proposed projects and ongoing issues.

OTHER TRIBAL CONTACT

Portions of Region 5 also include areas that were traditionally used by the Confederated Tribes of the Warm Springs Reservation, and the Klamath Indians. As appropriate, GES Archaeologists consult with representatives of those tribes about projects in their areas of interest.

Major Projects Branch (MPB)

OTIA III State Bridge Delivery Program

Throughout the OTIA III State Bridge Delivery Program, ODOT's Office of Civil Rights and bridge program diversity team have partnered with many governmental and non-governmental organizations to implement workforce training programs. The team is pleased to have worked with Oregon's Native American tribes to prepare tribal members to secure contracts for and work on bridge program projects. Begun in 2003, the bridge program is nearing completion. By the end of 2013, all but one project will be open to traffic.

MPB CONTACT

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Karen Jones-Jackley
Communications and Stakeholder
Management
503-986-6608

The following information details how tribal groups and ODOT region and bridge program staff worked together on the Interstate 5 Willamette River Bridge project, the largest in the bridge program.

- Continuing collaboration that began in 2011, the project team solicited input from members of the Confederated Tribes of Grand Ronde on design enhancements for the project, specifically on whether the designs dovetail with tribal traditions.

The first of three above-deck enhancements was installed in July 2013. Lillian Pitt's "River" is a 42-foot-long stainless steel depiction of a river and canoe flanked by camas flowers and cattails; it's located between the north and southbound bridge decks. Etched into the concrete pedestal are the names of the nine tribes that make up the Confederated Tribes of Grand Ronde.

- The "River" sculpture was a centerpiece for two celebrations of the new Whilamut Passage Bridge, on July 26 and August 3. Tribal members were central to both ceremonies: Esther Stutzman, a Coos and Komemma Kalapuya elder and an enrolled member of the Confederated Tribes of Siletz Indians, spoke and members of her family performed tribal songs and drumming at both events; Jon George, member of the Confederated Tribes of Grand Ronde Council, spoke on July 26; and tribal members Kevin Simmons delivered a prayer and David Lewis spoke on August 3.
- The Confederated Tribes of the Grand Ronde continues to work with ODOT to

develop interpretive signage specifically to represent the tribal heritage of the area. A tribal member and cultural interpretive specialist who have worked on other tribal interpretive signage projects are involved in this effort.

State Radio Project

The State Radio Project continues to work with tribal entities on the development of existing and new technologies in the effort to improve tribal public safety and reservation quality of life while protecting culturally significant resources. The radio project is the primary technology solution being developed in Oregon to link state radio users with regional and local system users, and it is leveraged to increase both operability and interoperability.

The radio project uses the Federal Communications Commission's Tower Construction Notification System process, which automatically notifies tribal organizations of radio project construction plans. This allows interested tribal organizations to be involved in advance of construction and ensure respect is maintained for their cultural heritage.

As a result of feedback received at two inter-tribal collaborative workshops in June 2012 focused on FCC noticing and procedural requirements, the radio project has exceeded the FCC's tribal coordination requirements through individual tribal coordination meetings. To date, the radio project has presented to the majority of the federally recognized tribes of Oregon, including:

- Confederated Tribes of Grand Ronde
- Confederated Tribes of Warm Springs
- Confederated Tribes of Siletz Indians
- Confederated Tribes of the Umatilla Indian Reservation
- Klamath Tribes
- Cow Creek Band of Umpqua Tribe of Indians
- Burns Paiute Tribe

The meetings provide a detailed overview of proposed sites within the tribes' area of interest, solicit feedback regarding proposed sites that may be of concern due to known cultural or archaeological sites, and outline a framework for continued radio project engagement with the tribes on an ongoing basis. The radio project provides the tribes with progress reports, a statewide map and a geographic information system data layer.

Through coordination with the Confederated Tribes of Grande Ronde, the radio project became aware of multiple significant cultural resources that would have been potentially impacted with the proposed action. The design of the network was evaluated, and the radio project was able to proceed with alternatives that eliminated the expressed impact.

In early 2012 the radio project, the FCC and the Columbia River Inter-Tribal Fish Commission consulted with the Yakama Nation to discuss cultural resource studies and past and proposed work at the Juniper site in Klickitat County, Wash. Through

coordination between CRITFC and the Yakama Nation, a suite of mitigation measures have been proposed that would sufficiently offset impacts of the project.

A Memorandum of Agreement has subsequently been signed by ODOT, FCC, Yakama Nation, CRITFC and Washington State Department of Archaeology and Historic Preservation incorporating the mitigation measures allowing the proposed work at the site to proceed. ODOT has contracted with the cultural resources department of the Yakama Nation to provide services during the construction of the improvements at the site.

FirstNet in Oregon

Oregon's First Responder Network Authority (FirstNet) efforts are currently managed by ODOT's Major Projects Branch with governance oversight coordinated by the State Interoperability Executive Council and the Governor's Office.

Oregon has been a major participant in public safety broadband development at the local and national levels for many years. Because of this involvement with FirstNet, Oregon is working on possible partnership opportunities in addition to the National Telecommunication Information Agency requirements and exploring interest by FirstNet in funding a public safety broadband pilot project.

The most notable partnership discussion is with Bend Broadband and the Confederated Tribes of Warm Springs. Major data centers are located in Oregon. Such fiber capability may provide options for FirstNet to establish a regional operations center in Oregon. This long-term operation would create employment opportunities and utilize Oregon's state-of-the-art technologies.

The concept for a FirstNet pilot project in Bend offers all parties involved a unique opportunity, with rural, tribal and federal lands within reach of the current Bend Broadband Long Term Evolution setup. Bend Broadband can connect to the Confederated Tribes of Warm Springs to include as part of the pilot.

This effort is in the early discussion stages, with no commitments made by FirstNet, the state or Bend Broadband. The ODOT Office of Innovative Partnerships and Alternative Funding would assist with this effort if it gains momentum.

Additional tribal interactions related to FirstNet during the course of this year include:

- In June 2013, ODOT's Statewide Interoperability Coordinator presented a FirstNet overview at the Oregon tribes' quarterly conference in Salem. All of Oregon's tribes were represented.

The Confederated Tribes of Warm Springs requested communications technical assistance through ODOT's Statewide Interoperability Coordinator, who helped coordinate the training by the federal Office of Emergency Communications. This work effort is ongoing

Oregon Passenger Rail Project

ODOT's Major Projects Branch and the Federal Railroad Administration began preparation of a Tier 1 Environmental Impact Statement for the Oregon Passenger Rail Project in August 2012. Soon thereafter, ODOT and FRA sought input from federally recognized tribes who have historic ties to the project location. These tribes included the Cowlitz Indian Tribe, the Nez Perce Tribe, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of Grand Ronde, the Confederated Tribes of Siletz Indians and the Confederated Tribes of Warm Springs.

Tribal input was initially solicited regarding key project issues, the draft purpose and need statement, and the alternatives evaluation framework.

Since Oct. 1, 2012, tribal coordination efforts for the project have included:

- On Oct. 17, 2012, ODOT met with the Confederated Tribes of Grand Ronde, at their request, to discuss the project and to hear CTGR issues and concerns.
- On Jan. 4, 2013, a project update was sent to the seven federally recognized tribes. The update solicited tribal feedback on draft project goals and objectives, maps of potential alignments and the preliminary screening of corridor alignments. The update also served as an invitation to a series of open houses and leadership meetings in January.
- On Sept. 19, 2013, a project update was sent to the tribes regarding the evaluation of preliminary passenger rail alternatives. The update invited tribal input on the results of the evaluation process and provided notification of several upcoming public events and committee meetings.

Motor Carrier Transportation Division (MCTD)

The Complaint Resolution Unit activities relate to determination of applicability of various trucking regulations to tribal trucking operations under the terms of governing treaties.

In addition, in cooperation with the U.S. DOT Federal Motor Carrier Safety Administration (FMCSA), Oregon is taking part in a nationwide effort to improve safety and reduce the number of crashes involving passenger buses and motor coaches. Oregon has been conducting passenger bus inspections at various locations along highways, along with scheduled inspections at bus terminals and destinations. MCTD's Safety Program Manager will be meeting with representatives of the Confederated Tribes of Grand Ronde soon to discuss the potential to conduct passenger bus inspections on site at tribal casinos.

MCTD CONTACT

Gregg Dal Ponte
Administrator
503-378-6351

David McKane
Safety, Investigations and
Federal Programs
503-373-0884

Employee Responsible for Compiling 2013 Tribal Coordination Data

Laurie Hall
Complaint Resolution Unit
503-378-4851

MCTD inspectors have garnered tribal agreement to inspect passenger buses at the Kla-Mo-Ya Casino on US 97 in Chiloquin, Oregon. It is associated with the Klamath Tribes.

Rail Division

The ODOT Rail Division activities/programs that could affect Tribes are railroad crossing safety issues on tribal land, and railroad service and economic development issues.

All tribes will be invited to participate in public comment for the Oregon State Rail Plan, which is currently in development.

Confederated Tribes of the Umatilla Indian Reservation

Railroad Crossing Safety staff are working with Terry Warhol, Public Works Director for the Confederated Tribes of the Umatilla Indian Reservation, to correct safety issues at Parr Lane and Niktyaway Road crossings of Union Pacific Railroad track.

Public Transit Division (PTD)

In 2012, Public Transit Division established transit coordinators as single points of contact for tribes within described geographic areas of the state, corresponding to ODOT Highway region boundaries. Regional transit coordinators are now available to assist tribes with public transportation program development, grants and payments, technical assistance and training, transit program questions and oversight of transit projects.

Public Transit Division Agency Programs that Affect Tribes

The Special Transportation Fund Program (STF) provides state funds to STF agencies, including federally-recognized tribes in Oregon, as financial support for transportation services benefiting older adults and people with disabilities. Distribution of the funds is largely based on a population formula. The STF Agencies with small populations (a situation affecting the tribes) receive a minimum allocation of \$40,000 per year.

The Federal Transit Administration (FTA):

Enhanced Mobility Program provides funds to public and private nonprofit agencies for capital purchases that will benefit seniors and people with disabilities. The funds are distributed through a formula based on population and needs to STF agencies, including federally-recognized tribes in Oregon. Tribes are eligible to apply for vehicle purchases or other capital needs, as well as operating, purchased service or vehicle maintenance projects.

RAIL CONTACT

Hal Gard
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Richard Shankle
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Alison Wiley
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Joni Bramlett
Region 4 Transit Coordinator
541-388-6185

Robin Phillips
Region 5 Transit Coordinator
541-963-1362

Employee Responsible for
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Marsh Hoskins
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503-986-3266

The Rural Program provides grant assistance to public and private not-for-profit agencies delivering transportation services to the public in communities of fewer than 50,000 people. Funds may be used for planning, operations, and capital purchases or technology improvements. The majority of funds are distributed through a formula program. Tribes are eligible to apply for Rural Program funds to support general public transportation programs and transportation services benefiting people with low income. Confederated Tribes of the Umatilla Indian Reservation and the Klamath Tribes are participating in the 2013-15 biennium, and the Confederated Tribes of Grand Ronde are working with Public Transit to meet requirements for participation in the 2015-17 biennium.

The FTA Intercity Program provides funding to develop intercity passenger services connecting rural communities to the larger intercity passenger network. A discretionary grant program distributes these funds and tribes with transportation services that fit program guidelines are eligible to participate in the program. The Confederated Tribes of the Umatilla Indian Reservation was awarded an Intercity grant for the 2013-15 biennium.

ODOT's Transportation Options Program supports activities that encourage alternatives to driving alone. Rideshare programs, park and ride lots, marketing and incentive programs are some of the project types funded under this program; opportunities exist for tribes to identify and develop transportation options projects.

Additionally, tribes are eligible to participate as direct recipients of federal FTA Tribal Transit funds if they meet National Transit Database reporting requirements. The Confederated tribes of the Umatilla Indian Reservation and The Confederated Tribes of Grand Ronde already participate. The Klamath Tribes began participating in 2013. The Confederated Tribes of Warm Springs received their letter of eligibility for this program in July 2013.

According to the US Census for 2012, tribal populations in Oregon equate to 3.2% of the total state population. ODOT Public Transit records show the tribes were awarded 3.8% of the total allocated funding administered by the division for the 2013-15 biennium.

Intergovernmental Agreements

PTD has intergovernmental agreements (IGA) with each of the nine Oregon federally-recognized tribes for STF; the IGA is required by state law as a conveyance of the funds.

Confederated Tribes of the Umatilla Indian Reservation (CTUIR) has an IGA for FTA §5311 and ARRA programs; the IGA is required by federal law as a conveyance of the funds. Capital and operating grants for §5311(f) (Intercity Bus Service) funds were awarded for the 2013-15 Biennium.

The Klamath Tribes met eligibility requirements and will receive §5311 funds in the second half of the 2013-15 biennium. An IGA is required by federal law as a conveyance of the funds.

Seven tribes (including CTUIR and The Klamath Tribes) have IGAs for the FTA §5310 program and were awarded projects in the 2013-15 biennium grant program for special needs transportation projects; an IGA is required by federal law as a conveyance of the funds.

In total for the 2013-15 biennium, Public Transit Division has thirty-six IGAs with tribes, administering approximately \$2.2M in grant funds. Another \$885,000 in federal Tribal Transit funds was awarded directly to the tribes by the FTA.

Coordination and Communication

PTD maintains an agency communication list that includes tribal contacts. PTD invites the tribes to attend all scheduled events, workshops and conferences. PTD provides information regarding state and federal funding opportunities to all eligible agencies and entities in the state, including tribes, and the Tribes are included in all PTD public involvement efforts. PTD provides financial support for coordinated transportation planning activities through the Special Transportation Fund program for each of the nine federally recognized tribes.

The Public Transit Advisory Committee (PTAC) provides a forum for public and special-needs transportation providers within Oregon. The committee also provides input regarding significant transportation issues to the Oregon Transportation Commission and the Public Transit Division. There is a designated seat on the Committee for a tribal representative, that seat is currently vacant. Public Transit division is attempting to fill the vacancy.

PTD Staff also provide technical assistance, training, scholarships and other support as needed and requested to tribes. In 2013, PTD has held training sessions on grant management, reporting, and Title VI requirements. The Division is also performing grant requirement compliance reviews, with associated technical assistance, for grant recipients. To date, the Confederated Tribes of the Umatilla Indian Reservation is the only tribe who has participated in a review. The remaining tribes will have scheduled reviews over the next two years.

In October 2013, PTD and the Oregon Transit Association hosted a Public Transportation conference in Bend. This is an annual conference, and attendees, including tribal representatives, are provided scholarships to assist with costs. Representatives from the Confederated Tribes of the Siletz, the Burns Paiute Tribe, The Klamath Tribes, the Confederated Tribes of Warm Springs and the Confederated Tribes of the Umatilla Indian Reservation.

Tribal Relations

The relationship between the tribes and PTD is good; the tribes are active participants in the federal and state transit funding programs and are expanding the scope of their public transit programs.

Steps to include tribal participation:

Staff continues to work with the tribes to develop their transit programs. Staff provides on-site or phone technical assistance as requested. The majority of technical assistance topics have been related to service design and development, Special Transportation Fund program management, vehicle procurement, and planning.

Joni Bramlett, Central Oregon Transit Coordinator, presented information on Public Transit and the tribes at the August 23, 2013 Tribal Cluster on Economic Development and Community Services meeting.

Transit Region Successes

With the exception of Region 1, where no tribes are currently headquartered, PTD has seen progress and successes in each of the Transportation Regions.

Eight of the nine tribes have adopted the transit plan required of the STF program and the FTA programs; the ninth tribe continues to pursue the planning requirements. These plans (called Coordinated Plans) describe needs and opportunities to develop transit services primarily benefiting people with disabilities, the elderly, people with low income, and for the general public. Plans were developed in coordination with counties and transit districts also providing transit services in the areas inhabited by tribal members.

The Confederated Tribes of Siletz Indians, Confederated Tribes of Warm Springs, Confederated Tribes of the Umatilla Indian Reservation, Cow Creek Band of the Umpqua Tribe of Indians, Confederated Tribes of Grand Ronde, Coquille Indian Tribe and the Klamath Tribes have partnered with other transit agencies in their regions to implement regional transit services that benefit both the tribal members and other citizens in the areas served.

Region 2 Northwest Oregon (Jean Palmateer, Regional Transit Coordinator)

The Confederated Tribes of Siletz Indians partners with Lincoln County Transit to provide financing to increase service levels in Lincoln County. The increased level of service allows tribal and other residents of Siletz to access jobs and services in Newport and Lincoln City. The tribe operates transit services for older adults and people with disabilities served by the tribe in several locations in Oregon, mostly associated with medical and other tribal services.

The Confederated Tribes of Grand Ronde partner with Yamhill County Transit Area and Salem Area Mass Transit to provide funding to increase service levels in the corridors between McMinnville and Grand Ronde, and between Spirit Mountain Casino and Salem. These services provide access to jobs at the casino, in Salem and in Yamhill County, as well as other services available in McMinnville and Salem.

A new transit service is being planned that will offer three round trips per day between Lincoln City Chinook Winds Casino to Spirit Mountain Casino. This service is led by a partnership that includes Siletz and the Confederated Tribes of the Grand Ronde tribes, Yamhill County, Lincoln County Transportation Service District, Tillamook County Transportation District and Salem Area Mass Transit District. The project is being funded by a grant from ODOT with the majority of the matching funds being provided by each of

the two tribes. The new service, called Salmon River Transit, has an anticipated start date of January 2014.

The Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians have entered into an intergovernmental agreement with Lane Transit District to provide funding to increase service levels in the area of Florence. The service, operated in Florence and called the Rhody Express, currently does not serve the casino. The additional service will create a transit stop and shelter at the Three Rivers Casino, providing access to the casino for work-related and other passengers. The service is projected to start in November 2013.

Region 3 Southwest Oregon (Alison Wiley, Regional Transit Coordinator)

The Coquille Indian Tribe provides transportation in a five-county area and is developing circulator service in Bandon during the tourist season by partnering with Coos County Area Transit.

In addition to the above-mentioned service in Florence, the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians is working on the tribe's first human service/transportation coordinated plan. The Cow Creek Band of Umpqua Indians continues to provide services in southern Douglas County.

Region 4 Central Oregon (Joni Bramlett, Regional Transit Coordinator)

PTD has reserved \$5311 Rural Program funds for the Klamath Tribes for implementing rural general public transit services in FY 2014. A pilot program started in April 2013 has more than tripled rides providing connections to services in Klamath Falls.

Joni Bramlett also works with Lonny Macy of Confederated Tribes of Warm Springs. She is providing assistance in discussions regarding service provision strategies, pros and cons, of having the tribe or Central Oregon Intergovernmental Council/Cascades East Transit (COIC/ CET) provide all or part of the Tribe's service through a contract arrangement.

Region 5 Eastern Oregon (Robin Phillips, Regional Transit Coordinator)

The Confederated Tribes of the Umatilla Indian Reservation have been building a ConnectOregon funded transit maintenance facility and bus barn. The paving, landscaping and tools were purchased through an FTA ARRA grant. Robin Phillips has been working with CTUIR

Transit Manager Jim Beard to identify an appropriate mechanic and maintenance shop program to support the maintenance of local transit vehicles that can benefit the entire tribal system and region.

Robin and Jim met with tribal representatives, including the Executive Director, Chief Operating Officer, Treasurer, Public Works Director and Grant Manager in August 2013 to align expectations and work toward successful launching of the new maintenance facility and program.

Robin Phillips met with Burns Paiute Tribal Planner Kenton Dick in August 2013 to discuss their program and look to the future. The tribe currently provides a well-used fixed route on the reservation and in Burns.

They are working on improving and increasing housing on the reservation and expect to have more members utilizing their services as new housing units are built.

Office of the Director

Office of Civil Rights

Confederated Tribes of Grand Ronde and Confederated Tribes of Siletz Indians

ODOT and BOLI partnered with the Northwest College of Construction to provide “Highway Construction Fundamentals” training to the Confederated Tribes of Grand Ronde and the Confederated Tribes of Siletz Indians (The Siletz Tribe) from March 18 through April 19, 2013.

The Confederated Tribes of the Grand Ronde reported that “the accomplishments and benefits realized by this program were beyond expectations.”

The Confederated Tribes of the Grand Ronde and the Siletz Tribe worked diligently on behalf of their members and the local community by recruiting, screening, and selecting the participants. Tribal employees provided case management, transport, and support for the training participants. BOLI and ODOT worked with the two Tribes to fund the program and associated accomplishments. The Confederated Tribes of the Grand Ronde provided indoor and outdoor facilities, and sack lunches for the training.

The Northwest College of Construction (NWCC) provided classroom materials, tools, construction materials and coordinated several instructors for the training. Local businesses provided goods and services ranging from lumber to portable restroom facilities for the five-week training that was conducted in a variety of settings:

- in the classroom,
- in a covered warehouse area (for hands-on tools and carpentry training)
- outside (for training in heavy equipment operation, pavement application, and reinforced concrete slab installation).

The participants gained personal gratification with their level of commitment (five straight weeks of all day training) and their acquisition or improvement of construction skills. The participants also saw evidence of their construction accomplishments in the form of

- three durable storage sheds,
- the transport and placement of gravel with heavy equipment,
- their paving of a handicap parking space
- the full-service installation and finish work of a reinforced concrete slab.

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Highway Construction Fundamentals, the successful participants were provided with a commencement ceremony and awarded a certificate of completion. Along the way, participants also completed Flagging Certifications, First Aid/CPR certifications, and OSHA 10 certifications.

The class received favorable press coverage from the local Tribal newspaper, Smoke Signals. The Confederated Tribes of the Grand Ronde distributed a press release to numerous other publications. The Confederated Tribes of the Grand Ronde also received an email from a contractor that was seeking information on the graduates of the training program. The Confederated Tribes of the Grand Ronde is working with engineers and contractors to find employment for completers.

In summary, the Confederated Tribes of the Grand Ronde reports:

The biggest challenge was time. Since this program was the first of its kind involving numerous agencies and institutions, coordination and set up of the program was time consuming. ... BOLI and ODOT have been great partners in this program and now that the first-time unknowns have been taken care of, any future programs would be smoother and more efficient. [The Confederated Tribe of the Grand Ronde] expresses sincere gratitude to BOLI and ODOT for providing the grant and opportunity to participate in this successful program.

Of the eight students from the Confederated Tribes of the Grand Ronde, two have since been registered to an apprenticeship program for Laborers.

The Siletz Tribe reported that they were “excited for the opportunity to participate in this partnership and training opportunity for our clients and Tribal members. The initial interest in the program was impressive and exceeded our expectations.”

Outreach by the Siletz Tribe included

- flyers provided to clients of the 477-Self Sufficiency Program and Siletz Vocational Rehabilitation Program
- an article in the Siletz newspaper, The Siletz News;
- an entry in the newsletter that is distributed to the Siletz Tribe offices in Portland, Salem and Eugene
- presentations at a job fair that took place at the Siletz Tribal RV Park in Salem.

The Siletz Tribe received back 24 completed applications for 10 available training positions. Rachelle Endres (Compliance Staff for 477-Program) and Kurtis Barker (477-Director) completed an evaluation of all applicants and selected 10 participants and 4 alternates for the training program.

Each selected participant was required to meet with a Tribal Services Specialist to complete a Case Plan and a second assessment to evaluate the need for support services and dedication to complete this intensive training. The Siletz Tribe provided



Siletz and Grand Ronde trainees pose with construction equipment

Siletz and Confederated Tribes of the Grand Ronde trainees pose with construction equipment

participants with the required bus passes, gas cards, boots and clothing.. All applicants completed a criminal history check and pre-employment drug screen.

All of the Siletz participants were housed in the Confederated Tribes of the Grand Ronde during the training week and traveled home on the weekends. The Siletz Tribe felt this was necessary for attendance purposes and it allowed the participants to create better working relationships outside the training site. Confederated Tribes of the Grand Ronde staff arranged transportation daily from the hotel to the training sites. Confederated Tribes of the Grand Ronde also coordinated for delivery of daily lunches. Siletz case workers traveled to the training site weekly to evaluate and check in with all the clients. The 477-Program hosted their April monthly meeting in Grande Ronde so they could all be present for the heavy equipment training.

Ten Siletz participants received First Aid/CRP certification. Nine Siletz participants received flagging certificates. Eight Siletz apprentices completed the OSHA 10-hour and also completed and graduated the Highway Construction Fundamentals Training Program. Participants received training in the following areas:

- Employability skills
- Communication skills
- Hand/power tools
- Materials Handling
- Construction math/drawing
- Basic rigging, Fasteners and Adhesives
- Wall & ceiling framing
- Roofing systems
- Heavy equipment operations
- Concrete construction/finishing

One completer started carpenter apprenticeship program for carpenters in May 2013. Another participant received employment opportunities through the City of Portland and Knife River. The Siletz Tribe continues to work closely with the other graduates to assist in finding employment or education opportunities in the construction field.

The Siletz Tribe provided this summary:

“The graduates are extremely motivated and determined to use this experience to better their life. Other clients and individuals are inquiring about offering training similar to this one in the future. We hope to offer this training or an extension to the previous training yearly. Hopefully the Oregon Department of Transportation and the Bureau of Labor and Industries can partner in the future to make that a reality. The Siletz Tribe is very interested in hosting training either on our own or again partner with the Confederated Tribes of the Grand Ronde.”

TERO Development with the Confederated Tribes of the Grande Ronde

The ODOT Office of Civil Rights, in concert with Region 2 Project Management and the Department of Justice, has been working with the Confederated Tribes of the Grand Ronde to develop a Memorandum of Understanding (MOU) under the Tribal Employment Rights Ordinance (TERO) Code. The purposes of the TERO Code are to:

- Prevent employment related discrimination against American Indians;
- Ensure compliance with this code that is intended to give preference in employment, contracting and sub-contracting, and training to American Indians; and
- Maximize utilization of Indian workers in all employment opportunities on and near the Confederated Tribes of the Grand Ronde Indian Reservation.
- Ensure the Indian workforce on the Confederated Tribes of the Grand Ronde Indian Reservation are trained and equipped to enter the workforce and maintain employment on highway construction projects.

Development or enactment of TERO requires a two-step process:

1. First, the Confederated Tribes of the Grand Ronde develops a Tribal Employment Rights Ordinance which states its inherent sovereign powers to promote the interests of self-governance and to insure that Indian people have employment, training, contracting, subcontracting, and other business opportunities on and near the Confederated Tribes of the Grand Ronde Reservation.

The purpose of the ordinance would be to:

- Provide Tribal laws and rules governing preference in employment and contracting within the Tribe's jurisdiction;
 - Increase employment of the Confederated Tribes of the Grand Ronde Tribal members and other Indians;
 - Provide a fair, enforceable and effective system of priorities in contracting or subcontracting where a significant part of the work will be performed on or near the Tribe's Reservation.
2. Then, the tribe will enter into an MOU with ODOT.
 - The purpose of the MOU would be to establish procedures to be followed by both parties to aid in ensuring that the provisions of the Ordinance and the "Indian Preference" provisions of the Federal-Aid Highway Program are complied with by ODOT contractors working on federally-aided projects.

Currently, drafts of the Ordinance are being reviewed by both parties in anticipation of developing the MOU.

Transportation Safety Division

Transportation Safety Division (TSD) provides information, direct services, grants and contracts to the public and to partner agencies and organizations. More than half of the funding comes from federal funds earmarked for safety programs.

TSD administers more than 550 grants and contracts each year to deliver safety programs to Oregon citizens. The following are the TSD agency programs or activities that affect or have been offered to the tribes.

- Law enforcement training:
- Child safety seats Safety belts Impaired driving Drugs and driving Speed
- Pedestrian safety operations
- Crash reconstruction

Equipment:

- Speed detection equipment
- DUII cameras
- Low or no-cost child safety seats
- Low or no-cost booster seats

Access to education programs.

- Trauma Nurses Talk Tough
- Think First (OHSU)
- Bicycle safety and awareness
- Driver educator training, and subsidy for driver and motorcyclist education programming.
- Free print materials and “fair” equipment such as videos, costumes, Safety Wheel, etc.
- Local traffic safety community grant opportunities.
- Cooperative programs for highway safety around casinos
- Community Programs and Safe Community Program access

Community Programs and Safe Community Program access.

- Localized data
- Safe Routes to School information and assistance
- Access to engineering training
- EMS pediatric training
- Opportunities to participation in local coalition meetings and activities
- Coalition support and materials Meeting effectiveness training for local traffic safety committees
- Training regarding starting and operating a traffic safety group
- Training regarding conducting local safety projects and programs

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Most tribal concerns regarding mobility safety issues, as expressed during the Transportation Safety Action Plan development process, tend to mirror the greater population of Oregon. The Transportation Safety Division continues to work on issues that the tribes expressed formal or informal interest in during the action planning process.

Transportation Development Division (TDD)

Programs or activities that affect Tribes

The Transportation Development Division involves Oregon tribes in the development of statewide transportation plans including the Oregon Transportation Plan, the Oregon Highway Plan and the Oregon Freight Plan Transportation facility plans. The facility plans include corridor plans, refinement plans and interchange area management plans and access management plans. Tribes are also involved in the development of the Statewide Transportation Improvement Program (STIP) including project identification, development and construction.

The involvement in plan development is accomplished through personal, email and hard copy communication of information and solicitation of comments. Specific tribal representatives have been identified in all ODOT regions and those individuals serve as the Transportation Development Division's first regional contacts. Tribes in all areas of the state are invited and welcomed as participants in the Area Commissions on Transportation (ACTS).

In addition to statewide and regional planning information is provided by ODOT's central and regional offices on the Immediate Opportunity Fund (IOF), Transportation Enhancement Program, Transportation and Growth Management (TGM) Program, Certified Mileage Report, (which includes miles of public roads on tribal lands), Crash Reporting and Analysis Program and *ConnectOregon* Program

Activities undertaken by the division to promote communication with the tribes include invitations to the tribes to participate on transportation planning teams and project development teams. Since communication is a two-way street ODOT is also cooperating with the tribes by participating in tribal transportation and planning committees.

The division solicits tribal comments when updating long-range plans and policies such as the Oregon Transportation Plan, Freight Plan, and Public Involvement Policy. The division solicited tribal comments in the development of the Statewide Transportation Improvement Program (STIP) User's Guide.

The division also transmits information to tribes regarding eligibility for competitive Transportation Growth Management (TGM) grants and community assistance services. It supports tribal maintenance training through ODOT's Technology Transfer center. It works with tribal police agencies to collect and report tribal location specific traffic safety information.

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A representative from the division represents the agency director's office by participating on the "Economic Development and Community Services Cluster" with the tribes, and serves as liaison between the tribes and other parts of ODOT. The representative attends periodic Government-to-Government training sessions to promote understanding and communication with tribes. The division includes tribal transportation and jurisdiction information in the Agency's "State of the System" annual report.