



# Government-to-Government 2012 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 Central Services Division.

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 nine 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.

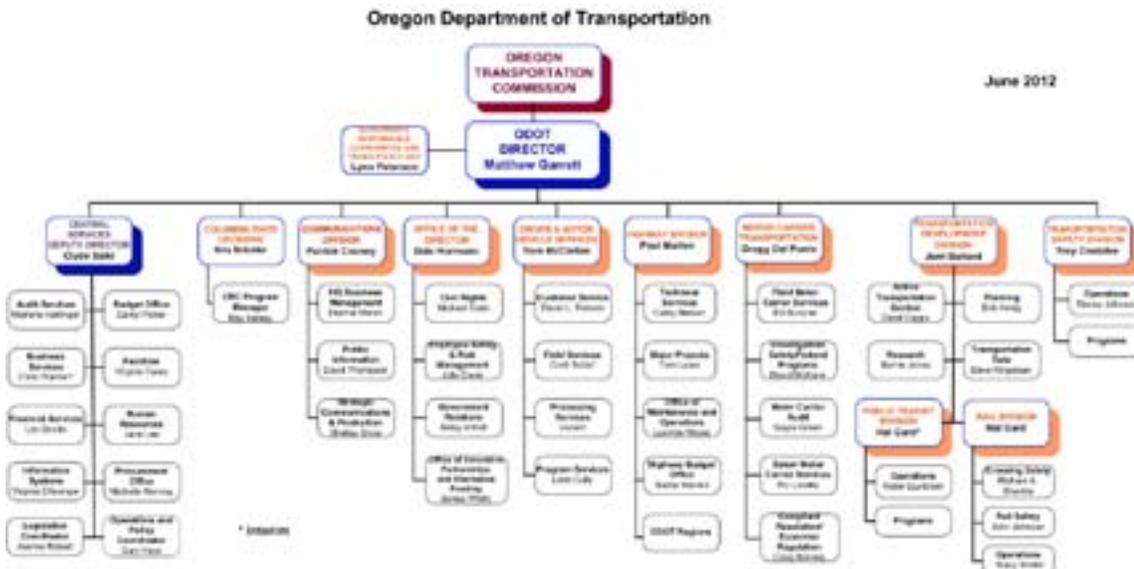
### HEADQUARTERS

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### ORGANIZATION CHART



## Table of Contents

Central Services Division (CSD)	3
Driver and Motor Vehicle Services Division (DMV)	3
Columbia River Crossing (CRC) Project	4
Geo-Environmental Section	5
Highway Division: Portland Metropolitan Area, Hood River and Columbia Counties (Region 1)	7
Highway Division: Willamette Valley, North and Central Coast, and Western Cascades (Region 2)	9
Highway Division: Southwest Oregon (Region 3)	12
Highway Division: Central Oregon (Region 4)	17
Highway Division: Eastern Oregon (Region 5)	18
Major Projects Branch (MPB)	21
Motor Carrier Transportation Division (MCTD)	24
Rail Division	24
Public Transit Division	25
Transportation Development Division (TDD)	27
Transportation Safety Division (TSD)	28

## Central Services Division (CSD)

### Fuel Tax Group

ODOT's Fuels Tax Group (FTG) administers the fuels 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 for the collection of fuels taxes on fuel sold at their service station and refunds 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 2010, the Klamath Tribes contacted the Fuels Tax Group about an intergovernmental agreement for the collection of fuels tax at the Tribes' newly-opened fueling station. Fuels Tax Group attempted to negotiate an agreement, which was unsuccessful for legal reasons. During the negotiation period, FTG staff met with the Tribes to provide training about the fuels tax programs. This year, the Klamath Tribes supplied additional information which resolved the legal issues and the Fuels Tax Group is continuing its efforts to negotiate an agreement with the Tribes.

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## Driver and Motor Vehicle Services Division (DMV)

For the purposes of obtaining an Oregon driver license, permit or ID card 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.

DMV posts convictions for traffic violations reported to DMV that occur outside the reservation to the tribal members' Oregon driving record. 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 received from tribal courts on a tribal member's non-tribal driving record. DMV also continues to title and register motor vehicles owned by tribal members that are operated outside reservations.

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

DMV distributes newsletters, bulletins, fact sheets and frequently asked questions regarding up coming changes in law, rule and/or DMV policy several times before the effective date giving all stakeholders ample time to provide feedback. For example, DMV has already begun communicating the upcoming change to include alphanumeric customer ID numbers, in addition to the standard numeric-only assigned to customers today. DMV is distributing this communication to DMV stakeholders, which includes all tribal

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communities located in Oregon. All stakeholders encouraged to contact the DMV project team with comments and concerns.

DMV also continues to provide 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 continues to provide 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 DMV committees as appropriate. In addition, DMV continues to provide administrative rule changes to the tribal communities for comment when the rule changes are distributed for public comment.

## Columbia River Crossing (CRC) Project

The CRC project has a signed MOA that includes commitments to mitigation for impacts that the tribes are participating in. In 2012, the Cowlitz and Grand Ronde were offered the opportunity to monitor archaeological investigations related to The Drilled Shaft Test Project. The Cowlitz accepted the opportunity and were on site in both Portland and Vancouver.

CRC offered all 11 tribes the opportunity to contract for support with several mitigation documents. Three tribes, Cowlitz, Grand Ronde, and Umatilla accepted the offer. Contracts are in process.

CRC submitted the Marine Archaeological Survey report and the initial concept document for the Bridge Marketing Plan to all 11 tribes for review.

CRC's project team convened two fol-

low-up workshops (January 19, 2012 and February 28, 2012) with CRITFC, tribal fish biologists from the Warm Springs and Grand Ronde as well as federal and state fisheries biologists specifically in an effort to identify current methods for assessing the distribution and abundance of lamprey life stages in the project area for the purpose of assessing potential impacts and potential mitigation related to Pacific lamprey.

CRC has maintained an active dialogue with the interested consulting tribes since 2005, including sponsoring leadership summits with agency representatives, as well as holding meetings with individual tribes.

For 2012, communication to date has consisted of consultation on various aspects of the cultural resource program,

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and for mitigation related to the Pacific lamprey. CRC works to ensure tribal participation on all cultural resource related activities, providing them copies of reports for review and comment. CRC responds to all comments provided by the tribes. All of the tribes either signed the Section 106 MOA, or provided a statement that they had no objection to the MOA, but did not wish to sign.

The Section 106 Memorandum of Agreement was signed in late 2011.

CRC contracted with Cowlitz for monitoring of archaeological investigations related to the Drilled Shaft Test project. Contracts are being written for the Cowlitz, Grand Ronde, and Umatilla to assist with various mitigation measures in the Section 106 MOA.

## 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 2012 and focus on reviewing all projects within areas of tribal interest. When not meeting face-to-face, our staff is in constant communication with the tribes via phone or email regarding transportation projects (over 375 projects between January and August of 2012). Most projects require Section 106 consultation on behalf of FHWA as well as coordination under ORS182.162. Our face-to-face meetings are a valued

means to maintain ongoing consultation to help fulfill those obligations.

ODOT identified Best Management Practices (BMPs) for Tribal coordination for planning for our Region 1 staff. The BMPs are designed to guide planners through Tribal coordination on large scale planning projects or other planning initiatives.

### 2012 Project Delivery Meetings Confederated Tribes of the Grand Ronde Community of Oregon (CTGR)

ODOT Archaeologists, Project Managers, and Natural Resources Specialists met once this year with the CTGR to discuss projects and coordination efforts. Discussions continue to focus on protections for cultural resources. Another meeting is planned for later in 2012.

Additional efforts are under way on future access/planting/harvesting of three wetland mitigation areas in Region 2. Coordination is occurring with members from the CTGR & Siletz.

The Cultural Resources Program Manager and two staff members from Oregon State Radio Project met with Cultural Resources staff at the CTGR in August to

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discuss specific tower locations in Western Oregon within the CTGR's area of interest.

#### **Confederated Tribes of Siletz Indians**

ODOT Archaeology staff met with Robert Kentta once this year 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)**

Two face-to-face meetings were held with the CTUIR Cultural Resources Committee between January and August of 2012. 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. Another meeting is planned for later in 2012.

We are currently renegotiating our IGA with the CTUIR to provide Cultural Resources support services to Regions 4 and 5. We hope to extend this agreement for several more years.

#### **Confederated Tribes of Warm Springs**

ODOT has continued to coordinate with the Cultural Resources staff at the Warm Springs throughout the year on various projects. We are planning to meet face-to-face with the Cultural Resources Committee in the fall of 2012.

#### **Cow Creek Band of the Umpqua Indians**

ODOT Archaeology staff met with Cow Creek Cultural Resources staff in March 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 September.

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

ODOT staff coordinated throughout the year with the CTCLUSI.

Communication with the Tribal Cultural Resources staff has occurred via phone calls, e-mails and one-on-one communication. Efforts are underway to schedule a face-to-face meeting for fall 2012.

#### **Burns Paiute Tribes**

ODOT staff 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 2012.

#### **Klamath Tribes**

ODOT staff met in January and May with Perry Chocktoot regarding a number of transportation projects. Communication continued throughout the year via phone call, emails and letters.

#### **Natural Resource Program**

The Natural Resource Unit Manager sits on the Quarterly Government to Government Natural Resources Cluster organized by the Legislative Commission on Indian Services.

#### **Fisheries Coordination and Enhancements**

During 2012 discussions took place with the Grand Ronde, Coquille, Warm Springs and Cow Creek Tribes. The discussions focused on identifying ways that ODOT and the Tribes can work together to improve fish passage in high priority watersheds.

Besides improving passage for salmonids there is much interest in lamprey.

A pilot project was completed in coordination with the Warm Springs Tribe to improve lamprey passage at two culverts on 3-Mile Creek in The Dalles. The culverts were retrofitted with ramps and are currently being monitored to determine if the ramps are providing the desired level of passage.

ODOT biologists also enjoyed lamprey fish salvage training provided by Warm Springs Natural Resource staff. The tribes are concerned for impacts to lamprey ammocoetes during in-stream construction activities. The training provided ODOT staff with a better sense for how to minimize impacts to this culturally significant species.

The Cow Creek Band is currently collecting lamprey presence-absence data to help ODOT plan future retrofit proj-

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

### Communication with the Tribes

Tribes are provided opportunities for input on all Region 1 environmental projects. Tribal communication for the region is coordinated through cultural resource specialists in the GeoEnvironmental Unit in Salem. There were no perceived barriers noted to positive tribal relations in 2012.



### HIGHWAY REGIONS

### Confederated Tribes of the Grand Ronde

Coordinated on the Sunrise JTA Project: I-205 to SE 122nd Avenue, consisting of communication regarding the proposed project actions and potential impacts within the project area.

Provided tribe with copy of Programmatic Agreement Memo regarding finding of non-eligibility for Site 35CL384 in the Sunrise JTA Project area.

The tribe was contacted regarding the availability for tribal use of cedar and yew trees removed for the Sellwood Bridge Project.

Consultation regarding potential impacts associated with projects that qualified for Categorical Exclusions (CEs) under the National Environmental Policy Act. All CE projects were reviewed in Region 1, some of which required coordination with the Grand Ronde Tribe.

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Shelli Romero  
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**Confederated Tribes of the Warm Springs**

Coordinated on the Sunrise JTA Project: I-205 to SE 122nd Avenue, consisting of communication regarding the proposed project actions and potential impacts within the project area.

Provided tribe with copy of Programmatic Agreement Memo regarding finding of non-eligibility for Site 35CL384 in the Sunrise JTA Project area.

Consultation regarding potential impacts associated with projects that qualified for Categorical Exclusions (CEs) under the National Environmental Policy Act. All CE projects were reviewed in Region 1, some of which required coordination with the Warm Springs Tribe.

**Confederated Tribes of Siletz**

Coordinated on the Sunrise JTA Project: I-205 to SE 122nd Avenue, consisting of communication regarding the proposed project actions and potential impacts within the project area.

Provided tribe with copy of Programmatic Agreement Memo regarding finding of non-eligibility for Site 35CL384 in the Sunrise JTA Project area.

The tribe was contacted regarding the availability for tribal use of cedar and yew trees removed for the Sellwood Bridge Project.

Consultation regarding potential impacts associated with projects that qualified for Categorical Exclusions (CEs) under the National Environmental Policy Act. All CE projects were reviewed in Region 1, some of which required coordination with the Siletz Tribe.

**Confederated Tribes and Bands of the Yakama Nation**

Coordinated on the Sunrise JTA Project: I-205 to SE 122nd Avenue, consisting of communication regarding the proposed project actions and potential impacts within the project area.

Provided tribe with copy of Programmatic Agreement Memo regarding finding of non-eligibility for Site 35CL384 in the Sunrise JTA Project area.

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

### Coordination and Communication

Government to government activities within Region 2 in 2012 included coordination and consultation with three federally recognized tribes and one non-federally recognized tribe.

The federally recognized tribes are:

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

The non-federally recognized tribe is:

- Clatsop-Nehalem Confederated Tribes

Much of the direct tribal contact is performed by the Department's Geo-Environmental staff. However, coordination and communication are 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).

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

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

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.

### Planning

#### Chemawa Interchange Area Management Plan

A final draft of the Chemawa Interchange Area Management Plan (IAMP) was completed in late 2011 and is currently working its way through the local adoption process in Keizer, Salem, and Marion County. The study and management area for this document includes both land owned by the Confederated Tribes of Grand Ronde that is available for commercial development within Keizer, southwest of the interchange, and over 300 acres of land within Salem used by the Chemawa Indian School southeast of the interchange.

The Chemawa Indian School is the oldest continuously operating boarding school in the United States. It is one of four remaining off-reservation boarding schools funded and operated by the Bureau of Indian Education (BIE). It is an accredited high school with grades nine through twelve. Most of the students come from reservations and communities in the western United States. Enrollment at a BIE school requires membership in a federally recognized American Indian tribe or Alaska Native village.

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Recommended state and local policies in the Chemawa IAMP support and encourage continued use of the school property for educational purposes. Transportation projects that significantly impact the school property are not recommended in the IAMP. The only potential transportation changes to the school property involve possible relocation and signalization of the property's main access to align with a possible new local road north of the main campus. Due to funding constraints, none of the project recommendations in the Chemawa IAMP are currently anticipated during the 20-year planning horizon. Multiple coordination activities, including having a school representative on the stakeholder committee, took place with school representatives and tribal interests during the development of the IAMP.

### **Transportation System Plans**

Region 2 provides funding for and participates in a variety of local Transportation System Plan (TSP) development and update processes. In addition to seeking out tribal representatives to serve on stakeholder groups or as points of contact in areas where tribal interests are affected (Florence, Lincoln City, Clatsop County, Astoria), ODOT staff has recently coordinated with the Confederated Tribes of Grand Ronde to help conduct an archeological review of an area of South Albany where a TSP refinement planning project is being conducted with funding from the Transportation and Growth Management Program (TGM) that ODOT jointly administers with the Department of Land Conservation and Development (DLCD).

### **Facility Plans**

Region 2 has also had contact with tribal representatives on other facility plan efforts like the Camp Rilea to Surf Pines Facility Plan on US 101 in Clatsop County. This area of Clatsop County has a rich tribal history and several tribes with interests in this area were contacted at the outset

of the project (in 2010) to inform them about the study, to consult with them about cultural resource issues, and to provide an opportunity for them to participate in the planning process. The following Federally-recognized tribes were contacted: Confederated Tribes of Grand Ronde Community of Oregon, Confederated Tribes of Siletz, and Confederated Tribes of Warm Springs Reservation of Oregon. The following non-Federally recognized tribes were also contacted: Clatsop-Nehalem Confederated Tribes, and Chinook Indian Nation.

### **Grants**

Region 2 also seeks out other opportunities to coordinate with tribal governments in implementing projects that are supported by planning documents. In 2012, a representative of the Confederated Tribes of Siletz provided assistance to ODOT in preparing an application for a federal Scenic Byways Grant. The Siletz Tribal Planner provided photo images of the project section that were included in the application.

### **Areas and Districts**

#### **Area 3 Projects: Newberg/Dundee Bypass**

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

A member of the CTGR Tribal Council is a member of the Yamhill County Parkway Committee.

In 2012, Area 3, Oregon Department of Justice (DOJ) and CTGR collaborated on contract language to alter a compact between the state and CTGR. This allowed for the movement of \$4 million in obligated funds from a future interchange project at OR 18 and OR 22, to Phase 1 of the Newberg/Dundee Bypass project.

#### **District 3**

District 3 management and personnel routinely coordinate maintenance activities with members of the Con-

federated 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.

#### **Area 4 Projects: Pioneer Mountain Eddyville (PME): UPRR to Eddyville**

Area 4 staff relies on Geo-Environmental staff for direct contact with most tribal representatives. However, the PME: UPRR to Eddyville Project should be recognized as providing a special effort at coordination with the Confederated Tribes of Siletz. The new alignment of US 20 travels through a corridor of archaeological and culturally significant areas for the Tribe. ODOT has worked extremely closely with the Tribe to protect these areas and in the process, has developed strong and valuable working relationships.

#### **District 4**

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 is also coordinating the placement of a Magnesium Chloride (de-icer) tank facility in the community of Grand Ronde. This will enable ODOT to place de-icer more effectively in higher traffic zones near Grand Ronde. ODOT archaeologists have worked closely with representatives of the CTGR in determining how to monitor the area during building excavation.

District 4 also coordinates maintenance activities with the Confederated Tribes of Siletz. For example, an ODOT training program to be held on OR 229 (Siletz Hwy.) was coordinated so that it did not conflict with a tribal Pow Wow and bicycle ride planned along the highway.

District 4 also 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.

#### **Area 5**

Area 5 has coordinated with the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw on a major highway reconstruction and pavement preservation project on OR 126 (Florence-Eugene Hwy.) The road construction and paving will affect travel to and from the Three Rivers Casino, and Area 5 has engaged tribal representatives in all communications regarding the construction staging and traffic impacts of the project.

Area 5 has also engaged the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw in the OR 126W Facility Plan. The plan is studying needed improvements to the highway between Eugene and Veneta. The tribal representatives have been encouraged to provide input and have been engaged in communications regarding the plan.

#### **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)

### Cow Creek Band of Umpqua Tribe of Indians

#### OR 42 Expressway Management Plan

The Tribe is a member of the Technical Advisory Committee (TAC).

#### Weaver Road Bridge Project

As FHWA's representative, R3 staff worked with the Tribe on the project. ODOT Environmental Section is the contract administrator for the project's environmental assessment for environmental work, permitting and a portion of the design. R3 staff worked with Tribe on the Technical Advisory Committee (TAC). R3 staff coordinated closely with tribal staff in developing the project footprint in a manner to minimize adverse impacts to tribal property and cultural resources.

This collaboration resulted in changes to the proposed alignment, property access, and construction techniques to avoid negative impacts to tribal property. Fill slopes were replaced with retaining walls to minimize impacts to tribal property, floodplain mitigation was modified from excavation of a flowage channel on tribal property to removal of riparian vegetation in response to tribal concerns.

A large archaeological site was discovered within the project footprint. ODOT coordinated closely with the Tribe to avoid and minimize impacts to the site. This included tribal review and approval of archaeological probing and recovery plans, regular meetings to discuss the archaeological work and having a tribal observer present during the probing and recovery field work.

R3 Local Government Liaison coordinated design of the project with the Tribe

on right-of-way and design aspects.

#### I-5 Exit 99 Creekside Trucking Facility Rest Area

District 7 is continuing to work with the Tribe on the Jordan Creek Rest Stop to ensure signing to and from the rest stop is adequate. The district is working through permitting and agreement process to allow the Tribe to install and maintain landscaping on ODOT R/W at I-5 Exit 99.

District 7 is working through the permitting process to allow the tribe to install sidewalks on R/W. R3 Project Leader worked with the Tribe to apply for a grant for a VMS board southbound at Mile-Point 105 to warn motorists of weather related incidents south of Canyonville. R3 Local Agency Liaison provided letters of support to the Tribe for the ARRA funding for this project. R3 Project Leader, Local Agency Liaison and ODOT Environmental staff worked with the Tribe on the trucking facility's parking grant. R3 Facilities Manager worked with the Tribe on the rest room facilities at the Tribe's rest area. R3 Project Leader worked with Tribe to apply for a Transportation Enhancement Grant for the Stanton Creek Sidewalks project.

#### OR 138E Corridor Solutions

R3 Project Leader and Right-of-Way Liaison coordinated with the Tribe on impacts to tribal property and ODOT's Access Management Strategy. R3 Archeologist and Cultural Resources Tribal Liaison provided periodic updates to the Tribal Archeologist and Natural Resources Director.

#### Development Review/Access Management

R3 RAME coordinated access management with the Tribe for the new Business Incubator Office on OR 138E.

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District 7 entered into an agreement with the Tribe to close two accesses and that the Tribe will plant and maintain the landscape strip that ODOT installed in conjunction with building sidewalks in front of the Incubator Office on OR 138E.

**State Transportation Improvement Program (STIP)**

R3 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 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 numerous STIP projects, including the FFO - US 199: Aplegate River Bridge, I-5: Glendale-Hugo Paving / Sexton Climbing Lane, and the I-5 Evans Creek Bridge Strengthening Projects.

**Transportation Growth Management (TGM)**

R3 TGM Planner sent letters to Tribe soliciting applications for TGM grant projects and made follow-up phone calls.

**General Coordination**

R3 Archeologist and Cultural Resources Tribal Liaison consulted 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 March 19, 2012 at the Cow Creek Government Offices in Roseburg, Oregon. A coordination meeting is scheduled for September 17, 2012.

R3 Civil Rights Field Coordinator contacted the Tribe for workforce-apprenticeship recruitment, DBE, Minority, Women and Emerging Small Business recruitment, and Disparity Study information/opportunities.

R3 Civil Rights Field Coordinator sends the Tribe information on MWESB, Business and workforce opportunities, and has direct contact with the Tribe by phone, as needed.

R3 Civil Rights Field Coordinator reaches out to Tribal representatives at events, and has direct contact with tribal representatives in response to telephone inquiries and opportunities.

R3 Civil Rights Field Coordinator schedules meetings with Tribal representatives to present, educate and recruit for programs promoted by ODOT.

R3 Civil Rights Field Coordinator reaches out to Tribal representatives when organizing/coordinating the “How to Do Business with ODOT” program to invite members who own businesses.

District 7 is a co-applicant with the Tribe for a Bike and Pedestrian Grant. The Grant made it to the second round at this time.

**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, Sidewalk Project**

R3 R/W coordinated with Tribe to survey and build sidewalks on tribal trust land located in front of Tribe Government Offices on US 101.

R3 RAME and Development Review Traffic Engineer coordinated with the Tribe on access management to US 101.

**State Transportation Improvement Program (STIP)**

R3 discussed the STIP with the Tribe through the Southwest Area Commission on Transportation (SWACT) by sending them notices and meeting material.

**Employee Responsible for Compiling 2012 Tribal Coordination Data**

Frank Reading  
Region Manager  
541-957-3543

R3 Archeologist and Cultural Resources Tribal Liaison consult with the Tribal Archaeologist on all STIP projects to occur within the Tribe's ancestral homelands.

**Transportation Growth Management (TGM)**

R3 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 consulted the Tribe on maintenance actions as well as Local Agency projects to occur within the Tribe's ancestral homelands.

ODOT has executed an Intergovernmental Agreement with the Coquille Tribe for them to monitor ODOT projects to occur within their ancestral homelands.

A Tribal coordination meeting will likely be held at the Coquille Government Offices in North Bend, Oregon prior to January 2013.

R3 Civil Rights Field Coordinator contacted the Tribe for workforce-apprenticeship recruitment, DBE, Minority, Women and Emerging Small Business recruitment, and Disparity Study information/opportunities.

R3 Civil Rights Field Coordinator sends the Tribe information on MWESB, Business and workforce opportunities, and has direct contact with the Tribe by phone, as needed.

R3 Civil Rights Field Coordinator reaches out to Tribal representatives at events, and has direct contact with tribal representatives in response to telephone inquiries and opportunities.

R3 Civil Rights Field Coordinator schedules meetings with Tribal representatives to present, educate and recruit for programs promoted by ODOT.

R3 Civil Rights Field Coordinator reaches out to Tribal representatives when or-

ganizing/coordinating the "How to Do Business with ODOT" program to invite members who own businesses.

**Confederate Tribes of Coos, Lower Umpqua and Siuslaw Indians State Transportation Improvement Program (STIP)**

R3 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 on all STIP projects to occur within the Tribe's ancestral homelands.

**Transportation Growth Management (TGM)**

R3 TGM Planner sent letters to the Tribe soliciting applications for TGM grant projects and made follow-up phone calls.

**General Coordination**

R3 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 will likely be held at the tribal government offices in Coos Bay, Oregon prior to January of 2013.

R3 Civil Rights Field Coordinator contacted the tribe for workforce-apprenticeship recruitment, DBE, Minority, Women and Emerging Small Business recruitment, and Disparity Study information/opportunities.

R3 Civil Rights Field Coordinator sends the Tribe information on MWESB, Business and workforce opportunities, and has direct contact with the Tribe by phone, as needed.

R3 Civil Rights Field Coordinator reaches out to Tribal representatives at events, and has direct contact with tribal representatives in response to telephone inquiries and opportunities.

R3 Civil Rights Field Coordinator schedules meetings with Tribal representatives to present, educate and recruit for programs promoted by ODOT.

R3 Civil Rights Field Coordinator reaches out to Tribal representatives when organizing/coordinating the “How to Do Business with ODOT” program to invite members who own businesses.

### **Confederated Tribes of the Grande Ronde Community of Oregon State Transportation Improvement Program (STIP)**

R3 Archeologist and Cultural Resources Tribal Liaison consulted with the Tribe’s Cultural Protection Coordinator, Cultural Resource Protection Specialist and Archeologist on all STIP projects to occur within the Tribe’s ancestral homelands.

### **Transportation Growth Management (TGM)**

R3 TGM Planner sent letters to tribe soliciting applications for TGM grant projects and made follow-up phone calls.

### **General Coordination**

R3 Archeologist and Cultural Resources Tribal Liaison consulted the Tribe’s Cultural Protection Coordinator, Cultural Resource Protection Specialist and Archeologist 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 14, 2012 at the Grand Ronde Government Offices in Grand Ronde, Oregon. One more coordination meeting will likely be held prior to January of 2013.

R3 Civil Rights Field Coordinator contacted the Tribe for workforce-apprenticeship recruitment, DBE, Minority, Women and Emerging Small Business recruitment, and Disparity Study information/opportunities.

R3 Civil Rights Field Coordinator contacted the Tribe for workforce-apprenticeship

recruitment, DBE, Minority, Women and Emerging Small Business recruitment, and Disparity Study information/opportunities.

R3 Civil Rights Field Coordinator sends the Tribe information on MWESB, Business and workforce opportunities, and has direct contact with the Tribe by phone, as needed.

R3 Civil Rights Field Coordinator reaches out to Tribal representatives at events, and has direct contact with tribal representatives in response to telephone inquiries and opportunities.

R3 Civil Rights Field Coordinator schedules meetings with Tribal representatives to present, educate and recruit for programs promoted by ODOT.

R3 Civil Rights Field Coordinator reaches out to Tribal representatives when organizing/coordinating the “How to Do Business with ODOT” program to invite members who own businesses.

### **Confederated Tribes of the Siletz State Transportation Improvement Program (STIP)**

R3 Archeologist and Cultural Resources Tribal Liaison consult with the Tribe’s Cultural Resources Director on all STIP projects to occur within the Tribe’s ancestral homelands.

### **Transportation Growth Management (TGM)**

R3 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, 2012.

R3 Civil Rights Field Coordinator contacted the Tribe for workforce-apprenticeship recruitment, DBE, Minority, Women and Emerging Small Business recruitment, and Disparity Study information/opportunities.

R3 Civil Rights Field Coordinator sends the Tribe information on MWESB, Business and workforce opportunities, and has direct contact with the Tribe by phone, as needed.

R3 Civil Rights Field Coordinator reaches out to Tribal representatives at events, and has direct contact with tribal representatives in response to telephone inquiries and opportunities.

R3 Civil Rights Field Coordinator schedules meetings with Tribal representatives to present, educate and recruit for programs promoted by ODOT.

R3 Civil Rights Field Coordinator reaches out to Tribal representatives when organizing/coordinating the “How to Do Business with ODOT” program to invite members who own businesses.

### **Smith River Rancheria**

#### **US 101 Corridor Plan**

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

#### **State Transportation Improvement Program (STIP)**

R3 ODOT Archeologist and Cultural Resources Tribal Liaison consulted with the Tribe’s NAGPRA/THPO Officer and the Natural Resources Director on all STIP projects to occur within the Tribe’s ancestral homelands.

#### **Transportation Growth Management (TGM)**

R3 TGM Planner sent letters to the Tribe soliciting applications for TGM grant projects and made follow-up phone calls.

### **General Coordination**

R3 ODOT Archeologist and Cultural Resources Tribal Liaison consult with the Tribe’s NAGPRA/THPO Officer and the Natural Resources Director on maintenance actions as well as Local Agency projects to occur within the Tribe’s ancestral homelands.

R3 Civil Rights Field Coordinator contacted the Tribe for workforce-apprenticeship recruitment, DBE, Minority, Women and Emerging Small Business recruitment, and Disparity Study information/opportunities.

R3 Civil Rights Field Coordinator sends the Tribe information on MWESB, Business and workforce opportunities, and has direct contact with the Tribe by phone, as needed.

R3 Civil Rights Field Coordinator reaches out to Tribal representatives at events, and has direct contact with tribal representatives in response to telephone inquiries and opportunities.

R3 Civil Rights Field Coordinator schedules meetings with Tribal representatives to present, educate and recruit for programs promoted by ODOT.

R3 Civil Rights Field Coordinator reaches out to Tribal representatives when organizing/coordinating the “How to Do Business with ODOT” program to invite members who own businesses.

R3 Civil Rights Field Coordinator will contact the Tribe to see if they want to be on the Alliance/Business e-list.

### **Klamath Indian Tribes**

#### **General Coordination**

R3 Civil Rights Field Coordinator contacted the tribe for workforce-apprenticeship recruitment, DBE, Minority, Women and Emerging Small Business recruitment, and Disparity Study information/opportunities.

R3 Civil Rights Field Coordinator sends the Tribe information on MWESB, Business and workforce opportunities, and has direct contact with the Tribe by phone, as needed.

R3 Civil Rights Field Coordinator reaches out to Tribal representatives at events, and has direct contact with tribal representatives in response to telephone inquiries and opportunities.

R3 Civil Rights Field Coordinator schedules meetings with Tribal representatives to present, educate and recruit for programs promoted by ODOT.

R3 Civil Rights Field Coordinator reaches out to Tribal representatives when organizing/coordinating the “How to Do Business with ODOT” program to invite members who own businesses.

## Highway Division: Central Oregon (Region 4)

### Coordination and Communication

Government-to-government activities in 2012 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 four quarterly meetings (January, April, July and October) with the Klamath Tribes’ Cultural and Heritage Chairman, Perry Chocktoot and Cultural Resource Protection Specialist, Lillian Watah to review about 18 STIP and JTA projects this year.

In addition there was ongoing written and phone correspondence for these STIP 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 as well as the University of Oregon (OSMA, Tom Connolly) had site visits with the Klamath Tribe’s Cultural and Heritage Chairman, Perry Chocktoot at the Williamson River Bridge, and

Ritter Rd – Deer Run Rd (Bly Mtn).

#### Burns Paiute Tribe

Communication from Salem and Regional staff about STIP projects.

#### Confederated Tribes of Warm Springs

Joel McCarroll worked with Ana Jovanovic, Bill Hilton and Della Mosier to finalize the MOU with CTWS for the Indian Head Casino, review plans for the road improvements, permit the road improvements and provide support on implementation.

Coordination with Pat Cimmiyotti and Brad DeHart on providing input on proposed location of a truck stop on the CTWS reservation.

#### District 11

District 11 staff has continued to have dialog with the Tribes on the expansion at the Kla-Mo-Ya Casino facility including the casino, travel center and the future motel. District 11 has worked with the Tribes on signing and access issues for tribal properties.

#### District 10

Madras crews have contacted the tribe 5 or 6 times over the last year for the fire last summer, ditch cleaning, shoulder

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Archeology Specialist  
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Teresa Brasfield  
Environmental Coordinator  
541-388-6041

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

repair, accident clean up, paving, use of tribal land fill, and use of their stock pile site for ditch cleaning material.

**District 9**

A partnering meeting between ODOT staff and CTWS Natural Resource staff has been scheduled for October 16th to discuss ongoing operational and construction issues along Highway 26.

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.

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.

District 9 responded to and assisted the tribal emergency response personnel during the fire of 2011 that closed US 26 numerous times; ODOT staff and the Tribes worked together at the fire command center to coordinate the fire operations and closures of US 26.

District 9 and tribal emergency response personnel met 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.

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 complete the work while achieving everyone's goals of the project.

ODOT Bridge and Maintenance crews coordinate with Richard Craig, CTWS Environmental Enforcement Officer on highway and bridge work activities.

Norman "Butch" Hansen  
Area Manager  
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Devin Hearing  
Senior Planner  
541-388-6388

Ana Jovanovic  
Transportation and Land  
Use Planner  
541-388-6046

Gary Larson  
Environmental Coordinator  
541-388-6386

Joel McCarroll  
Region Traffic Manager  
541-388-6189

Michael Stinson  
District II Manager  
541-833-1002

**Employee Responsible  
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**Highway Division: Eastern Oregon (Region 5)**

**Coordination and Communication**

On March 1st, 2012, ODOT met with the CTUIR Tribal Employment Rights Office (TERO) for our annual meeting to discuss upcoming construction projects within the MOU Boundary. The Memorandum of Understanding (MOU) with

the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) ensures that the provisions of the Tribal Employment Rights (TERO) code and the "Indian hiring preference" provisions are established and followed for all Federally-Funded projects located off the Reservation within a sixty-

**REGION 5 CONTACTS**

Monte Grove  
Region Manager  
541-963-1327

Craig Sipp  
Area Manager  
541-963-1328

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 projects have been subject to TERO in 2012:

Grande Ronde River/INPRR (Indian Creek) Bridge Bundle 462

Minam Viaduct & Wallowa River Bridge Bundle 460

US730: Umatilla River Bridge

OR11 Athena-Milton Freewater & District 12 Chip Seal

I-84 Meacham/Glover

Region 5 Low Volume Chip Seals

US 395: Freight Improvements (Phase 1)

US395: Freight Improvements (Phase 2)

I-84: Mission Jct – Meacham Grinding & Striping

OR334: Athena Main Street Improvement

US 730: Irrigon – Diagonal RD Section

May 2nd & 3rd, ODOT OCR Field Coordinator and Region 5 Project Manager attended the Pacific Northwest TERO Spring meeting hosted at the Wildhorse Resort on the Umatilla Indian Reservation. Project Manager Jay Roundtree was invited on behalf of TERO to present on the existing partnership between ODOT and the Tribes.

Last year, the Region 5 Local Program partnered with The Confederated Tribes of the Umatilla Indian Reservation, local agencies and consultants, to develop the following 3 projects that are currently under construction for 2012:

Grande Ronde River Greenway Bike/Ped Bridge

West Dearborn Street Sidewalk & Lighting, Phase 1

Mainstreet: Bonanza-front Sidewalk Streetscape

The Indian Employment Preference Goal on each of these projects is 25%. As the projects are constructed, the contractors are working directly with the CTUIR TERO office to manage these goals.

Region 5 participates in State-Tribal relations through the implementation of the 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. ODOT is currently working with the CTUIR TERO office to plan for and advertise a reduced rate TERO Contractor Certification that will enable more contractors to get certified with TERO and help to diversify the pool of qualified bidders.

In 2012, ODOT Geo-Environmental Section (GES) Archaeologists (Kurt Roedel, Tobin Bottman, and Mary Turner) and Region 5 staff (Howard Postovit, Region Environmental Coordinator) had regular contact with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program (CRPP) staff to provide information and seek input about upcoming projects, and to forward archaeological and built environment documentation prepared for projects. Additionally, ODOT Region 5 Environmental Staff and Geo-Environmental Section Archaeologists held face-to-face quarterly meetings with the CTUIR to discuss ongoing and up-coming projects that could be of interest to the Tribes.

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Region Planning and Program Manager  
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Marilyn Holt  
District 12 Manager  
541-278-6021

Ace Clark  
Assistant District 12 Manager  
541-278-6044

George Bornstedt  
Bridge, Environmental and Geology Manager  
541-963-1595

Mike Barry  
Local Agency Liason  
541-963-1340

Jay Roundtree  
Project Manager  
541-963-1359

Doug Johnson  
Project Manager  
541-823-4021

Ken Patterson  
Project Leader  
541-963-1356

Tim Rynearson  
Project Leader  
541-963-1364

**Employee Responsible for Compiling 2012 Tribal Coordination Data**

Feather Sams Huesties  
Civil Rights Field Coordinator  
541-963-1575

Quarterly meetings with the CTUIR CRPP staff and Cultural Resources Committee (CRC) were held on October 18, 2011, February 21, 2012, and July 17, 2012; due to scheduling conflicts the 2nd quarter 2012 meeting was canceled. During the quarterly 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 quarterly 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 SHPO database, or historic properties of cultural and religious significance to the Tribes.

Tobin Bottman, ODOT Archaeologist, also tried to coordinate quarterly meetings with the Burns Paiute in 2012. However, because that tribe has limited staff ODOT was not able to have any consultation meetings with the Burns Paiute this year. Portions of Region 5 also include areas that were traditionally used by the Confederated Tribes of the Warm Springs Reservation, the Klamath Indians, the Yakama Tribe of Washington, and Nez Perce Indians of Idaho. As appropriate, GES Archaeologists consult with representatives of those tribes about projects in their areas of interest.

For routine Maintenance projects, Mary Turner, Geo-Environmental Archaeologist, sends e-mails and/or calls interested tribes to inform them about the status of numerous 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 the ODOT staff provides a better understanding of Tribal

concerns and allows issues to be brought forward to ODOT District Managers.

The ODOT LaGrande/Pendleton Construction Office (Project Manager) and private Contractors working on Federal Aid highway projects engaged the CTUIR CRPP staff to provide cultural monitoring services for four construction projects in 2012: US730 Umatilla River (Umatilla) Bridge; OR334: Athena Main Street Improvements; West Dearborn Sidewalk & Lighting, Phase 1 (Union); and Grande Ronde River Greenway Bike/Ped Bridge

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 is set to expire in October 2012. ODOT and the CTUIR are currently reviewing the IGA signed in 2007 and updating it to include references to a National Historic Preservation Act Section 106 Programmatic Agreement signed by Federal Highway Administration-Oregon Division, Oregon State Historic Preservation Office, ODOT, and the Advisory Council on Historic Preservation in December 2011.

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 partnered with the CTUIR's Road Department by entering into 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.

Two recent examples of successful collaborations in 2012 between ODOT and the CTUIR are the OR 204 Hazard Tree Removal project and the Cable Creek Quarry Project.

OR 204 Hazard Tree Removals: District 12 Maintenance approached ODOT Region 5 Tech Center Environmental Services regarding numerous Hazard Trees adjacent to the Tolgate Highway. ODOT needed to have the trees removed as they posed a hazard to the traveling public. Knowing that the CTUIR was in need of large trees complete with root wads to be used for fish habitat restoration projects, ODOT coordinated with the CTUIR to remove the hazard trees within ODOT's Right of Way. The result was a Win-Win for ODOT and the local Tribes both of whom had a need through this partnership.

Region 5 estimates that from 2008 to present, approximately 1,700 trees have been donated for fish habitat improvement/enhancement projects.

Cable Creek Quarry Project: ODOT Maintenance worked with the USFS and CTUIR to produce rock from an ODOT quarry. ODOT needed material for maintenance related projects in District 12, and both the USFS and CTUIR needed rock for fish habitat projects. Again, the result was a Win-Win for ODOT, the USFS and the local Tribes, as well as ODOT was able to provide the CTUIR with enough Rip Rap and large trees to complete their restoration projects.

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. CTUIR issued 5 permits in 2012.

Region 5 Planning participated in a meeting in March, 2012 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.

## 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. The following information details how the tribal groups and ODOT region and

bridge program staff collaborated on the Interstate 5 Willamette River Bridge, the largest project in the bridge program.

Continuing collaboration that began in 2011, the project team has worked with Confederated Tribes of Grand Ronde staff members to plan an event to commemorate the renaming of the I-5 Willamette River Bridge to the Whilamut Passage Bridge.

At the naming event, scheduled for Sept. 29, speakers will include

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Karen Jones-Jackley  
Communications and Stakeholder Management  
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Grand Ronde Tribal Council Chairwoman Cheryle Kennedy and Esther Stutzman, a Coos and Komemma Kalapuya elder and an enrolled member of the Confederated Tribes of Siletz.

The Grand Ronde is coordinating with ODOT to develop interpretive signage specifically to represent the tribal heritage of the area. A tribal member and cultural interpretive specialist who has worked on other tribal interpretive signage projects is 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.

**Federal Communications Commissions Inter-Tribal Collaborative Workshops**

In June 2012 the radio project held two workshops focused on FCC noticing and procedural requirements. The FCC partnered with ODOT to host these collaborative learning sessions between federal and state agencies, cultural resource specialists from the tribes, local public safety officials and communication industry consultants.

The first workshop, held June 26, was

a tribal learning session focused exclusively on tribal needs and interests regarding tower project notice and consultation. There were 20 attendees from regional tribes, the FCC, the State Historic Preservation Office and ODOT. Six of Oregon’s nine federally recognized tribes were in attendance:

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

Washington State’s Confederated Tribes and Bands of the Yakama Nation and representatives from the Columbia River Inter-Tribal Fisheries Commission also attended. Major themes from that session included a review of best practices for providing timely comment on significant cultural landscapes and sites, the importance for applicants to engage early, and how to address limitations in staff and resources.

A second, larger historic preservation training was held June 28. At this session, more than 100 participants attended, with private-sector consultants and wireless industry, state and federal agencies, public safety officials and tribal representatives in attendance. The Tribal Historic Preservation Officer from the Confederated Tribes of Grand Ronde gave a presentation at this session regarding the importance of engaging the tribes during tower siting and review processes.

At both sessions FCC representatives explained the FCC Section 106 process and how the Tower Construction Notification System assists tower builders in providing

proper tribal notice and review prior to tower permitting and construction. These outreach sessions reinforced how early planning and notice can assist with protection of significant religious or cultural sites, foster better working relationships, and save projects time and money.

In February 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. Construction at the Juniper site is on hold pending execution of a Memorandum of Agreement between the parties that will formalize the proposed mitigation and roles and responsibilities of the various parties involved. The radio project anticipates this MOA will be executed in fall 2012 at which time work can commence.

On August 20, representatives from the radio project and ODOT’s tribal liaison met with tribal cultural resource specialists with the Confederated Tribes of Grand Ronde. The purpose of the meeting was to provide a detailed overview of proposed sites within the tribe’s 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 tribe on an ongoing basis. The radio project provided the tribe with progress reports, a statewide map and a geographic information system data layer, and committed to developing a tracking tool for sites of potential tribal concern or interest.

### Oregon Passenger Rail Project

In August 2012, ODOT Major Projects Branch and the Federal Railroad Administration began preparation of a Tier 1 Environmental Impact Statement for the Oregon Passenger Rail Project. In conjunction with start of the EIS process, ODOT sent letters to seven potentially affected tribes seeking their participation during project scoping. In a separate but related effort, the FRA sent letters to the same tribes to initiate government-to-government consultation pursuant to Section 106 of the National Historic Preservation Act. The potentially affected tribes include:

- Confederated Tribes and Bands of the Yakama Nation
- Confederated Tribes of Siletz
- Confederated Tribes of Grand Ronde
- Confederated Tribes of Umatilla
- Confederated Tribes of Warm Springs
- Cowlitz Indian Tribe
- Nez Perce Tribe

During the scoping period, the project team will seek tribal input on key project issues, their comments on the Purpose and Need statement and evaluation framework, and will request tribal information pertinent to potential project impacts. As development of the EIS progresses, the project team intends to maintain regular coordination with the natural and cultural resource offices of each affected tribe and will periodically meet with tribal councils and committees as appropriate.

## 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. The most significant involvement has been related to providing letters of exemption based on treaty provisions to tribal members of the Yakama Indian Nation, a non-Oregon tribe. This is ongoing work.

Other Oregon tribal matters include the continuing participation of the Umatilla Tribal Police Department as a non-compensated partner in the Motor Carrier Safety Assistance federal program performing truck and driver safety inspections under the direction of the Safety Program of the Motor Carrier Transportation Division of ODOT.

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 unsuccessfully attempted to obtain cooperation with the Confederated Tribes of The Grand Ronde Community of Oregon to conduct passenger bus inspections on site at tribal casinos.

### MCTD CONTACT

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Administrator  
503-378-6351

David McKane  
Safety, Investigations and  
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### Employee Responsible for Compiling 2012 Tribal Coordination Data

Laurie Hall  
Complaint Resolution Unit  
503-378-4851

## Rail Division

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

### Confederated Tribes of the Umatilla Indian Reservation

Railroad Crossing Safety staff worked successfully with Terry Warhol to correct safety issues noted at the Old River Rd., #927, crossing, which crosses the Union Pacific Railroad.

### RAIL CONTACT

Hal Gard  
Administrator  
503-986-4077

Richard Shankle  
Crossing Safety Manager  
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Dinah Van Der Hyde  
Senior Policy Analyst  
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## Public Transit Division

In 2012 Public Transit Division established a transit coordinator as a single point of contact for tribes within six described geographic areas of the state. The Regional Transit Coordinator assists tribes with public transportation program development, grants, connection to training opportunities, answer transit program questions and provide 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. Distribution of the funds is 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 remainder of the funds are distributed as discretionary grants.

The Federal Transit Administration (FTA) §5310 Enhanced Mobility program provides funds to public and private nonprofit agencies for capital purchases that will benefit older adults and people with disabilities. The funds are distributed through a formula based on population and needs to tribes. Tribes are eligible to apply for vehicle purchases or other capital needs.

The FTA §5311 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 these funds to support general public transportation programs and transportation services benefiting people with low income.

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; tribes with transportation services that fit the program guidelines are eligible to participate in the program.

The 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.

### 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. PTD provides financial support for coordinated transportation planning activities through the Special Transportation Fund program for each of the nine federally recognized tribes.

Staff also provides technical assistance, training, scholarships and other

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support as needed and requested to tribes; grant Management training was offered during 2012.

### **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.

### **Intergovernmental Agreements**

PTD has intergovernmental agreements (IGA) with each of the nine 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 2011-2013 Biennium.

Several tribes have IGAs for the FTA §5310 program; the IGA is required by federal law as a conveyance of the funds; six tribes were awarded projects in the 2011-2013 biennium grant program for special needs transportation.

For 2011-2013, PTD allocated a planned amount of funds from the §5310 and STF programs to each of the tribes; seven of the nine tribes identified qualifying projects for the funds.

Salmon River Highway Corridor Plan Development -In 2012 Public Transit Division partnered with ODOT Region 2 and Lincoln County to develop transportation options for the Salmon River Corridor., The Grand Ronde and Siletz Tribes are participants in the project with other communities. The purpose of this multi-county planning project is to develop a travel alternatives plan for a highway corridor involving Highways 18 and 22 between the Oregon Coast in Lincoln County, through Tillamook, Yamhill, and Polk Counties, and connecting with Salem in Marion County. This project will identify and recommend specific strategies to reduce traffic congestion, improve safety, enhance travel choices for corridor residents, and promote transit coordination and connectivity between Lincoln City and Salem. Of primary concern is to improve safe travel options for low income workers and for tourist travel.

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; these 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 the Grand Ronde Community of Oregon, 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.

PTD has reserved \$5311 funds for the Klamath Tribes as they explore the possibility of implementing rural general public transit services. Regional Transit Coordinator Joni Bramlett is working with Joyce Berry and Curtis Raines of The Klamath Tribes -- providing technical assistance to assist them as

they prepare to apply for 5311 funds to initiate general public service.

Joni Bramlett is also working with Lonny Macy of Confederated Tribes of Warm Springs. She is providing assistance in discussions regarding service provisions 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.

## Transportation Development Division (TDD)

### Programs or activities that affect Tribes

Statewide plans including the Oregon Transportation Plan, the Oregon Highway Plan and the Oregon Freight Plan Transportation facility plans such as Corridor Plans, Refinement Plans and Interchange Area Management Plans and Access Management Plans. Statewide Transportation Improvement Program (STIP) including project identification, development and construction.

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, ConnectOregon Program investments, and Flexible Funds Program.

### Activities to promote communication with the Tribes

Invites Tribes to participate on transportation planning teams and project development teams. Participates in Tribal transportation and community planning committees. Encourages Tribal participation on Area Commis-

sions on Transportation (ACTs). ACTs review ConnectOregon projects as part of the selection process and recommend projects for the STIP.

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

Transmits information to Tribes regarding eligibility for competitive Transportation Growth Management (TGM) grants and community assistance services.

Supports Tribal maintenance training through ODOT's Technology Transfer center. Works with Tribal Police Agencies to collect and report Tribal location specific traffic safety information. Solicit input from Bureau of Indian Affairs for Certified Road Mileage report.

Participates on the "Economic Development and Community Services Cluster" with the Tribes, and liaison work between

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the Tribes and other parts of ODOT. Attends periodic Government to Government training sessions to promote understanding and communication with tribes. Includes Tribal transportation and jurisdiction information in the State of the

System Report. Solicited Tribal participation on the Statewide Transportation Strategy Technical Advisory Committee (SB 1059 – Oregon Transportation GHG Emission Reduction Planning)

## Transportation Safety Division (TSD)

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.

The division 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 school education programs.

Trauma Nurses Talk Tough  
Think First (OHSU)

Oregon Partnership (alcohol and drug intervention and awareness)

Bicycle safety and awareness

Free print materials and “fair” equipment such as videos, Vince and Larry costumes, Safety Wheel, etc.

Local traffic safety community grant opportunities.

Cooperative programs for highway safety around casinos.

### Community Programs and Safe Community Program access.

Localized data

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.

Transportation Safety Division contacted the tribes to engage them in the Transportation Safety Action Plan (strategic highway safety plan for Oregon). Having the tribes involved is an Federal Highway Administration (FHWA) rule. The tribes chose not to participate in this planning process.

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