

Government-to-Government 2007 Activity Report
Oregon Department of Transportation

Introduction

In accordance with SB 770 enacted in 2001, ODOT is submitting this report to the Governor and to the Commission on Indian Services. This report identifies the ODOT divisions and regions, and the names of the individuals in ODOT who are 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. The information in this report was provided by each of the ODOT Divisions and Regions and was compiled by ODOT's Geo-Environmental Section.

ODOT's mission is to provide a safe, efficient transportation system that supports economic opportunity and livable communities for Oregonians. To accomplish this mission, the Oregon Department of Transportation (ODOT) is organized into nine divisions under the overall direction of Matthew L. Garrett. These divisions are: **Central Services Division** (Audit Services, Financial Services, Human Resources, Information Systems, and Support Services); **Communications Division** (ODOT Headquarters Business Management, Public Information, and Strategic Communications and Production); **Driver and Motor Vehicle Services Division** (Customer Service, Field Services, Processing Services, and Program Services); **Motor Carrier Transportation Division** (Field Motor Carrier Services, Investigation/Safety/Federal Programs, Motor Carrier Audit, and Salem Motor Carrier Services); **Public Transit Division; Rail Division** (Crossing Safety and Rail Safety); **Transportation Safety Division; Transportation Development Division** (Planning, Transportation Data and Freight Mobility); and the **Highway Division** (Highway Finance Office, Office of Project Delivery, Office of Innovative Partnerships, Technical Services, Columbia River Crossing, Field Services, Office of Maintenance and Operation, and Regional Operations). Information on the Office of Civil Rights activities is also included. Each of these divisions has varying degrees of Tribal interaction and involvement, which will be discussed individually below.

HEADQUARTERS

Matthew L. Garrett, Director	(503) 986-3452
Joan Plank, Chief of Staff	(503) 986-4214

CENTRAL SERVICES DIVISION (CSD)

Maureen Bock, Fuels Tax Manager	(503) 986-3050
David Nemchik, Fuels Tax Operations Manager	(503) 378-3077
Anthony Buckley, Debt and Investments Manager	(503) 986-6634
Peter van den Berg, Deputy Chief Information Officer	(503) 986-4209

The following provides information on interactions with Tribal communities.

- Fuel Tax Refunds:
 - ODOT Fuels Tax Group administers the Fuels Tax refund program so the Tribes and/or Tribal members can obtain refunds of fuel taxes paid by Tribal members for fuel used on Tribal lands.

- The Group administers an intergovernmental agreement with the Confederated Tribes of the Umatilla Indian Reservation for the collection of fuel taxes on fuel sold at their service station and refunds for Tribal use. This agreement remains in effect and has been successful over the years.
- Debt and Investments Section:
 - Representatives from The Oregon Transportation Infrastructure Bank (OTIB) delivered a presentation to the State of Oregon Tribes Economic Development Cluster. As a result a number of Tribes have expressed interest in utilizing the OTIB as a funding resource. One Tribe has presented an initial project proposal for a loan of \$3,400,000 and another Tribe is finalizing their project proposal.

DRIVER AND MOTOR VEHICLE SERVICES DIVISION (DMV)

Tom McClellan, Acting Administrator

(503) 945-5100

- DMV titles and registers vehicles owned by Tribal members that are operated outside of reservations.
- DMV issues instruction permits and driver licenses to Tribal members who operate vehicles outside the reservation.
- Convictions for traffic violations occurring outside the reservation are entered to Tribal members' driving records, which may cause DMV to suspend or revoke driving privileges.
- DMV records driving convictions from Tribal courts that are authorized by the federal government to enter convictions into non-Tribal records.
- DMV works with Oregon Tribes to accept their Tribal identification cards as evidence of identity. DMV currently accepts eight different Tribal cards, based on secure issuance process and card security standards.
- During the past year, DMV worked with the Klamath and Siletz Tribes to verify and obtain new samples of their Tribal cards. The samples are used as reference guides by employees in DMV field offices to assist in verifying the cards.
- This year DMV also contacted the Bureau of Indian Affairs (BIA) in Portland to confirm that they still do not issue identification cards.
- The Division provides False Document Recognition training to Tribes engaged in gaming. The training helps gaming employees detect altered or counterfeit identity documents. This assistance is provided upon request.
- In previous years, the DMV has trained volunteers from both the Siletz and Grande Ronde Tribes as telephone agents. No training placements were made in 2007; however, DMV continues to affirm its interest in volunteers when contacted by Tribal representatives.
- The DMV works 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.

HIGHWAY DIVISION

Doug Tindall, Deputy Director

(503) 986-3435

The Highway Division is aware of its impact on local communities and continues to develop a cooperative relationship with Oregon Tribes. Through collaboration with Tribal officials in the planning and construction of highway projects, many of the Highway Division's 2007 activities resulted in enabling or enhancing economic growth of Tribal communities

In 2007, Highway Division staff attended workshops and other training that included sessions on:

- Government-to-Government relationships
- Tribal sovereignty, Tribal cultural history and employment requirements
- Held pre-construction conferences for projects with TERO requirements to educate the contractors of the employment goals.
- Attended the Oregon Transportation Commission meeting held at the Cow Creek Tribe facilities in Canyonville.

Columbia River Crossing Project (CRCP)

Oregon Staff

John Osborn	Project Director	(360) 816-2187
Heather Gundersen	CRCP Environmental Manager	(360) 816-2199
Hal Gard	ODOT Statewide Tribal Liaison	(503) 986-3508
Kurt Roedel	ODOT Cultural Resources Specialist, Archaeology	(503) 986-6571
Mary Turner	ODOT Cultural Resources Specialist	(503) 986-6591

Washington Staff

Doug Ficco	WSDOT Project Director	(360) 816-2200
Megan Beeby	Acting CRCP Tribal Liaison.	
Colleen Jollie	WSDOT HQ Tribal Liaison	
Jeanne McMinds	WSDOT Southwest Region Tribal Liaison	
Leslie Schwab	WSDOT Cultural Resources Specialist, Historian	

The CRCP coordinates with many more people; however, the staff listed above is primarily responsible for conducting the Tribal consultation and cultural resources work. The Columbia River Crossing project team has conducted extensive consultation with interested Tribes since December 2005. The project's Environmental Manager led the consultation effort until they arranged to have a Tribal Liaison dedicated to the project in January 2007. The CRC is expected to have some impacts to Fort Vancouver. To determine with which Tribes to consult, the CRC project team met with WSDOT and ODOT Tribal Liaisons. They also submitted a formal letter to the Oregon Commission on Indian Services requesting their input as required by Oregon law.

Seven Federally-recognized Tribes and one unrecognized Tribe were identified through these efforts. In addition, the National Park Service has a list of approximately 35 Tribes and Tribal organizations that have members buried within Fort Vancouver. The CRC project team sent a letter to each of these Tribes to determine if they were interested in consulting on this project. Only the Spokane Tribe responded and requested to be a consulting party. The other 34 Tribes on the National Park Service list are not being consulted on this project. The following is a list of the nine Tribes we are actively consulting with on this project. Each Tribe received a formal letter initiating consultation in December 2005. Four of the nine Tribes have treaty fishing rights on the Columbia River.

Federally Recognized Tribes

- Cowlitz Indian Tribe
- The Confederated Tribes of Grand Ronde

Comment [WAR1]: conflicts with second previous paragraph

- Nez Perce Tribe (Treaty Tribe)
- The Confederated Tribes of Siletz Indians
- Spokane Tribe of Indians
- Confederated Tribes of the Umatilla Indian Reservation (Treaty Tribe)
- Confederated Tribes of Warm Springs Reservation (Treaty Tribe)
- The Confederated Tribes and Bands of the Yakama Nation (Treaty Tribe)

Non-Federally Recognized Tribe

- Chinook Indian Tribe

Comment [WAR2]: What is their status? Are they being consulted?

The project team is consulting with both the natural and cultural resource offices of each affected Tribe. We periodically present / meet with Tribal councils and committees when requested.

If human remains are found on federal property within Fort Vancouver, the National Park Service is the lead agency for complying with the Archaeological Resources Protection Act (ARPA) and Native American Graves Protection and Repatriation Act (NAGPRA). If the remains are determined to be post-contact Native Americans, the park service will notify all 35 Tribes and Tribal organizations of the find.

Consultation Activities to Date

- Initiated consultation with the Tribes in December 2005
- Conducted face-to-face meetings with each Tribe (see meeting record below).
- Sent invitations to be participating agencies under SAFETEA-LU to all the Tribes in March 2006. The Grand Ronde and Cowlitz Tribes accepted.
- Held several meetings to solicit input on methods for analyzing impacts to resources in the DEIS, which the Cowlitz and Grand Ronde both attended.
- Consulted with Tribes on the following products:
 - Purpose and Need statement
 - Method and data reports
 - The range of alternatives
 - Area of Potential Effects for Section 106
 - Tribal consultation plan
 - Over water geotechnical boring Plan
 - Inadvertent Discovery Plan
 - Jurisdictional wetlands and waters technical report
 - Geology and Soils technical report
 - Water quality and soils technical report
 - Hazardous materials technical report
 - Ecosystems technical report
 - Acquisitions and Relations technical report
- The CRC project hosted a History Seminar on March 20, 2007. The purpose of the seminar was to educate the project team about the significant history of the area. Each Tribe sent a speaker to tell their history / experience in the area. There were also 4 historians that presented on the non-Tribal and environmental history of the project area.
- Coordinated with the Grand Ronde (as requested) to participate in the pedestrian archeology survey in July 2007.

- Consulted the affected Tribes and Agencies (including FHWA, FTA, NPS, Oregon and Washington SHPOs, WSDOT and ODOT archaeologists) on an Inadvertent Discovery Plan (IDP) for any ground disturbing activity on the project. Held two inter-tribal / interagency meetings to review the plan. Consulted on 4 drafts of the plan before it was “finalized” in October 2007. The plan is ready to apply to ground disturbing activities such as testing. This is a living document that we will amend in the future as needed. It will likely be revised before construction.
- Held multi-tribal / agency meetings to discuss preliminary findings for the natural and cultural resource discipline reports.

Comment [WAR3]: nonsensical

Current / Upcoming Consultation Activities

- Consult on the research plan archaeological testing and the cultural resources discipline reports.
- Conduct pre-DEIS meetings with individual Tribes between November and January. The purpose of these meetings is to identify any major issues to address in the DEIS.
- Host a leadership meeting modeled after one hosted by the Alaskan Way Viaduct and Seawall Replacement project. The meeting will include the leaders of Tribes, FHWA, FTA, WSDOT, ODOT, City of Portland, City of Vancouver, National Parks Service, Washington and Oregon Governor’s Offices and others. This meeting is to take place during the comment period on the DEIS.
- Develop contracts with Tribes to conduct oral history studies for the project area. Five Tribes have expressed an interest and submitted / will submit scopes of work. Four Tribes have declined.
- Develop service contracts with interested Tribes to conduct cultural resource monitoring during ground disturbing activities on the project.

Key Tribal Concerns expressed to project team:

- The high probability of disturbing human remains through project testing and construction.
- The high probability of disturbing cultural resources and sacred sites through project testing and construction.
- Impacts to fish and other marine life through project construction. Impacts to treaty fishing rights.

Meetings Conducted in 2007. (Unless otherwise noted, these meetings took place at the Tribal offices)

- On January 4, 2007, CRC staff met with the Grand Ronde Deputy Director and Cultural Resources staff to provide a project update. Also discussed were recommendations for the range of alternatives to be studied for the project, an inadvertent discovery plan and the preliminary cultural resources findings from the screening analysis conducted.
- On January 8, 2007 CRC staff met with a Cowlitz Council member and Cultural resources staff to provide a project update. Also discussed were recommendations for the range of alternatives to be studied for the project, an inadvertent discovery plan and the preliminary cultural resources findings from the screening analysis conducted.
- On January 24, 2007, CRC staff met with Umatilla Tribe Natural and Cultural Resource staff to provide a project update. Also discussed were recommendations for the range of alternatives to be studied for the project, an inadvertent discovery plan and the preliminary cultural resources findings from the screening analysis conducted.
- On January 25, 2007, CRC staff met with Warm Springs Tribe cultural and natural resources staff to provide a project update. Also discussed were recommendations for the range of alternatives to be studied for the project, an inadvertent discovery plan and the preliminary cultural resources findings from the screening analysis conducted.

- On February 5, 2007, CRC staff met with Yakama Nation Natural and Cultural resources staff to provide a project update. Also discussed were recommendations for the range of alternatives to be studied for the project, an inadvertent discovery plan, and the preliminary cultural resources findings from the screening analysis that was conducted.
- On February 27, 2007, CRC staff attended an Intertribal / Interagency cultural resources meeting in Portland. Also attending were the Cultural Resources managers from Grand Ronde, Cowlitz, Spokane and Yakama Tribes and the CRC Environmental Manager, CRC Tribal Liaison, FHWA, FTA, NPS, Oregon and Washington SHPOs, WSDOT and ODOT archaeologists, CRC cultural resources consultants (Parametrix and Heritage Resource Associates{HRA}). The purpose of the meeting was to discuss:
 - Inadvertent discovery plan
 - Scope of work for archaeology survey
 - Introduce the cultural resources consultant (Parametrix) and archaeological consultant (HRA) to the Tribes
- On March 1, 2007, CRC staff met with the Siletz Tribe Cultural resources staff to provide a project update, make recommendations for the range of alternatives to be studied for the project, discuss an inadvertent discovery plan, and discuss the preliminary cultural resources findings from the screening analysis conducted.
- On March 20, 2007 CRC staff met with, Chinook, Cowlitz, Grand Ronde, Nez Perce, Siletz, Spokane, Umatilla, Warm Springs, Yakama (Vancouver), representatives from project team, federal agencies, and other project partners to provide a History Seminar. This meeting provided the project team and its partners an opportunity to learn about the significant and diverse history of the project area.
- On June 5, 2007, CRC staff met with Cowlitz and Umatilla Cultural Resources staff (all Tribes were invited) in Vancouver. The purpose of this meeting was to discuss human remains examination protocols with Tribes.
- On July 24, 2007, CRC staff met with the Grand Ronde Ceded Lands coordinator (all Tribes were invited) in Portland. This was an interagency meeting, the purpose of which was to discuss natural resources discipline reports.
- On August 6, 2007, CRC staff met with the Umatilla (all Tribes invited) in Portland. Grand Ronde tried to call in, but there was difficulty with phones. The purpose of this interagency meeting was to discuss the cultural resources discipline reports.
- On September 10, 2007, CRC staff met with the Cowlitz (all Tribes invited) in Vancouver. The purpose of the interagency meeting was to discuss the cultural resources discipline reports
- On September 27, 2007, CRC staff met with the Cowlitz and Grand Ronde Natural Resources staff (all Tribes invited) in Vancouver. The purpose of the interagency meeting was to discuss the natural resources technical reports.
- On October 15, 2007, CRC staff met with the Grand Ronde Natural Resources staff to discuss the possibility of contracting with Grand Ronde to conduct an oral history study.

Upcoming Tribal Meetings in 2007. (FHWA, FTA and DAHP have been notified of these meetings in accordance with the WSDOT Section 106 programmatic agreement)

- On November 19, 2007, CRC staff is scheduled to meet with the Cowlitz Tribe. The purpose of this meeting is to provide a project update, discuss the DEIS and technical report findings
- On November 20, 2007, CEC is scheduled to meet with the Grand Ronde Tribe's Natural and Cultural Resources staff and the Tribal manager. Some Tribal Council members may sit in on the meeting. The purpose of this meeting is to provide a project update, discuss the DEIS and technical report findings.

- CRC staff is scheduled to meet with the Umatilla Tribe on December 4, 2007. The purpose of this meeting is to provide a project update, discuss the DEIS and technical report findings.
- CRC staff is scheduled to meet with the Spokane Tribe on December 17, 2007. Representation from the Tribal Historic Preservation office and interested members of the Cultural committee, will be attending. The purpose of this meeting is to provide a project update, discuss the DEIS, and technical report findings.
- CRC staff is scheduled to meet with the Nez Perce Tribe on December 18, 2007. The purpose of this meeting is to provide a project update, discuss the DEIS and technical report findings.

Highway Finance Office, Local Government Section

Darel Capps, Highway Finance Officer (503) 986-3880

Marty Anderson, Local Program Design Coordinator
 Jenny Short, Local Agency Liaison, Region 3
 Randi Kobernik, Local Agency Liaison, Region 4
 Doug Wright, Local Agency Liaison, Region 5
 Tom Weatherford, Interim Project Services Manager, Region 1

Information regarding the Local Government Section Government-to-Government activities is included in the Regional sections of this report.

Technical Services – GeoEnvironmental Section

Cathy Nelson, Technical Services Manager (503) 986-3305
 Hal Gard, Geo-Environmental Section Manager (503) 986-3508
 James Norman, Environmental Planning Unit Manager (503) 986-3514
 Frannie Brindle, Natural Resources Unit Manager (503) 986-3370

Technical Services directly supports the Regions with staff that has expertise in archaeology, cultural, and historic resources. The following details activities in which Technical Services staff collaborated with the Tribes.

ODOT Archaeologists:

Tobin C. Bottman, Regions 1E, 3, 4, interim Archaeology Program Coordinator
 Kurt Roedel, Regions 1W, 2
 Mary K. Turner, Regions 1, 2, 3, 4 Maintenance and Local Agency Projects
 Donna Turnipseed, Region 5

ODOT Archaeology staff continues to maintain strong working relationships with all of the federally recognized Tribes in Oregon. We continue with our quarterly and bi-annual meetings with the Tribes to discuss project development and share information. We invite ODOT Regional Environmental Coordinators and District Maintenance Managers, the SHPO liaison, the Oregon Bridge Delivery Partners (OBDP) Archaeologist and FHWA representatives to these meetings. This has allowed Tribal members the opportunity to ask broader, project related questions and has also provided other ODOT employees with the opportunity to interact and share information with the Tribes. We have also been working closely with a number of the Tribes on larger scale projects and have corresponded through meetings, letter, E-mail and telephone conversations.

This year, Region 5 hired archaeologist Donna Turnipseed to manage archaeology needs for Region 5 STIP, local agency and maintenance projects. Also this year, Mary K. Turner has been focusing on local agency programs in Regions 1, 2, 3 and 4. This helps to facilitate consultations and ensures that Tribal input is considered.

Burns Paiute Tribe:

Our archaeology staff has maintained contact with cultural resource representatives from the Burns Paiute Tribe regarding projects throughout Regions 4 and 5. Hal Gard, Mark Hanson, Tobin Bottman, Alex McMurry and Donna Turnipseed met with members of the Tribal council in November to discuss ODOT projects and general meeting protocol. ODOT staff continues to correspond with the Tribe via E-mail and telephone conversations.

Confederated Tribes of Grand Ronde

ODOT Archaeologists met with Khani Schultz and Erik Thorsgard in June and November to discuss projects. We continue ongoing correspondence regarding various projects via E-mail and telephone conversations. In February, ODOT Local Agency project liaison Scott Adams and archaeologists Tobin Bottman and Carolyn McAleer met with representatives from the Confederated Tribes of Grand Ronde and the Cow Creek Band of Umpqua Tribe of Indians to discuss an adverse effect issue for a project in Douglas County. Mitigation for this adverse impact was discussed.

Confederated Tribes of Siletz

Archaeology staff met with Robert Kentta, representative for the Confederated Tribes of Siletz Indians, for our annual meeting in November to discuss ODOT projects in Regions 1, 2, 3 and the Columbia River Gorge. We provided Mr. Kentta with current project data and maps. Also in attendance were our SHPO Liaison and an archaeologist from OBDP. In March, Carolyn McAleer met with Robert Kentta to delineate an archaeological site within the US20 Pioneer Mountain-Eddyville project boundary. Carolyn McAleer and Kurt Roedel met with Mr. Kentta in June during excavations at the site and returned in August to establish a no-work zone at the site. In April, Mary Turner met with Mr. Kentta in Depoe Bay to discuss and evaluate archaeological monitoring for a project.

Confederated Tribes of the Umatilla Indian Reservation:

The ODOT Archaeology staff continues meetings with the CTUIR. Meetings were held in January, June and September with the Cultural Committee to discuss ODOT Projects. In April, Tobin Bottman and Mary Turner provided Government-to-Government training in La Grande to Region 5 staff. This training featured presentations from Tribal members. We continue our consultation efforts through meetings, and telephone and e-mail exchanges.

Confederated Tribe of Warm Springs Reservation

Our staff has maintained communications with the Cultural Resources staff at Warm Springs via meetings, telephone conversations, E-mails and formal letters. We met in March with the Tribal Cultural committee to discuss projects. The meeting was also attended by ODOT Regional Environmental Coordinator for the north half of Region 4, the OBDP archaeologist, and representatives from FHWA.

Cow Creek Band of Umpqua Tribe of Indians

Archaeology staff continues to meet with Cow Creek Natural Resources Director Amy Amoroso and archaeologists Jessica Bochart and Alexis Sleight. We provided current project data at the meetings which were held in January, June and October to discuss pending and ongoing projects. Our staff maintains ongoing

communication with Cow Creek for project notification and development. In February, ODOT Local Agency project liaison Scott Adams and archaeologists Tobin Bottman and Carolyn McAleer met with representatives from the Confederated Tribes of Grand Ronde and the Cow Creek Band of Umpqua Tribe of Indians to discuss mitigation for an adverse effect to cultural resources due to a local agency project in Douglas County. In November, ODOT Region 3 staff, archaeologists Tobin Bottman and Mary Turner, Douglas County representatives, and the project contractor met with Amy Amoroso, Jessica Bochart and Tooter Ansures of the Cow Creek Band to discuss a local agency EA that is being developed in Douglas County. Mrs. Amoroso, Ms. Bochart and Mr. Ansures also participated in Government-to-Government training for Region 3 ODOT employees in November in Coos Bay. This training was developed by Tobin Bottman and Mary Turner and included representatives from the Coquille Indian Tribe and the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians.

Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians

ODOT Archaeology Staff continued meetings with the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians. We provided Ms. Arrow Coyote with project data and maps for ODOT projects during meetings in April and December. These meetings were also attended by ODOT Regional Environmental Coordinators, our SHPO Liaison, and the OBDP archaeologist. Arrow Coyote graciously participated in the Region 3 Government-to-Government training in November. In addition, we maintain contact regarding project notification, changes and other related issues, via E-mail and phone conversations.

Coquille Indian Tribe

Archaeology staff met with Don Ivy and Nicole Norris from the Coquille Indian Tribe. These are joint meetings with the Coquille and the Coos, Lower Umpqua and Siuslaw. We provided Mr. Ivy and Ms. Norris with project data and maps and discussed meeting protocol and non-project direct issues such as roadside vegetation management. In November, the Tribe offered to host the Region 3 Government-to-Government training at their community plank house. Mr. Ivy and Ms. Norris presented and participated in discussion sections. In addition, we maintain regular contact regarding project notification, changes and other related issues, via E-mail and phone conversations.

Klamath Tribes

Archaeology staff had scheduled a meeting with Perry Chocktoot from the Klamath Tribes in February but adverse weather conditions forced a cancellation. ODOT central and Region 4 staff met with Perry Chocktoot, Cultural Resources Protection specialist, and Gerald Skelton, Cultural Resources director, in June to discuss mitigation for a project with an adverse effect in Klamath County. In September, ODOT met with Perry Chocktoot and staff from other federal and state agencies to discuss Klamath Basin “stacked rock” features and discussed how to identify and protect them. Our staff maintains communication with the Klamath Tribes throughout the year via E-mail and telephone conversations.

The following details Cluster Representation and Participation by Technical Services staff.

Government-to-Government Cluster Members

Cultural Resources Cluster Group, James Norman
Natural Resources Working Group, Frannie Brindle
Economic Development Cluster Group, Hal Gard, Chairman
Economic Development Cluster Group, Louise Bos

Cultural Resources Cluster Representation and Participation

Archaeology staff has been actively participating in the Government-to-Government Cultural Resources Cluster meetings throughout the year. Staff attended the May, August and November meetings. In addition, Archaeology staff attended the Governor's Tribal Summit held at the State Capitol in April and participated in the afternoon panel discussions. Archaeologists Tobin Bottman and Mary Turner are continuing to offer the Government-to-Government training in each Region. Tribal members are asked to participate in the regional sessions and review the training materials.

Natural Resource Cluster Representation and Participation

The Natural Resources Work Group met on December 12, 2006 which coincided with the Tribal Summit meeting in Canyonville, Oregon. The meeting agenda was the Governor's budget for Natural Resource Agencies and Measure 37 impacts. ODOT sent their Natural Resource Manager to this meeting.

The Natural Resources Work Group met on March 9, 2007 in Salem. The agenda included a roundtable discussion regarding Legislative issues and Bills of interest. Committee administrators were asked to participate as well. ODOT was not able to send a representative to this meeting.

The last Natural Resources Work Group meeting for 2007 took place on November 7th at the Kah-Nee-Ta Resort. ODOT sent their Natural Resource manager who participated in round table discussions. Tribal members were updated on an Environmental Impact Statement with FHWA-Federal Lands Office on alternatives for the Highway 35 alignment in the Mt. Hood National Forest. ODOT's capability to create a GIS layer indicating high priority culverts to be replaced for fish passage was discussed. ODOT is willing to make this information available to Tribes. ODOT is now required to consult with Tribes for Corps permitting, both Nationwide as well as Individual permits. The Tribes asked ODOT to ensure that the Tribal Natural Resource members were contacted regarding future permitting issues.

Economic Development Cluster Representation and Participation

Hal Gard, Manager of Geo-Environmental Services represented ODOT and chaired the Economic Development Cluster meetings. The Cluster met on March 14, 2007 in Salem, September 27, 2007 at the Confederated Tribes of the Umatilla Indian Reservation and November 7, 2007 at the Confederated Tribes of Warm Springs Reservation. Members discussed projects underway or in the planning process that would promote responsible, sustainable economic growth of the Tribes.

The following details the 2007 Government-to-Government activities of the five ODOT Highway regions.

REGION 1 – (PORTLAND METROPOLITAN AREA, HOOD RIVER & COLUMBIA COUNTIES)

Jason Tell, Manager (503) 731-8256
Naveen Chandra, Project Delivery Manger (503) 731-3263

Department Employees responsible For Tribal interactions:

Rich Watanabe, Metro East Area Manager
Larry Olson, District 2C Manager
Tamira Clark, Region 1 Technical Center Manager (effective 12/17/07)
Tom Weatherford, Interim Project Services Manager

In September of 2004, archaeological artifacts were found at a staging area associated with the Hood River Bridge federal aid re-decking project. On September 21, 2004, ODOT's archaeologist (Schablitsky) coordinated with Washington State SHPO and the Tribal Nations. Over the next 2 years, ODOT, the Port of Hood River and WA SHPO proceeded with investigations and established plans to minimize the disturbance in coordination with the Tribal Nations.

- Copies of the damage assessment were sent to Tribal representatives.
- Then Region 1 Manager Matthew Garrett contacted Tribal representatives by phone and mail and met with Mr. Johnson Meninick of the Yakama Tribe in Toppenish Washington.
- ODOT Geo-Environmental Unit contacted the Confederated Tribes and Bands of the Yakama Nation; the Confederated Tribes of the Umatilla Reservation; the Confederated Tribes of the Warm Springs Reservation of Oregon; and the Nez Pierce Tribe.
- The project concluded in November 2006 with a Memorandum of Agreement and Intergovernmental Agreement for mitigation.
- ODOT Geo-Environmental Unit brokered a Memorandum of Agreement (MOA) for the Hood River Bridge project. The MOA was drafted between ODOT, the Washington Department of Archeology and Historic Preservation, and the Army Corps of Engineers. The MOA indicates that the Confederated Tribes and Bands of the Yakima Nation in Toppenish, Washington, the Confederated Tribes of the Umatilla Reservation, the Confederated Tribes of the Warm Springs Reservation and the Nez Pierce Tribe were consulted and had an opportunity to provide comments on the proposed mitigation.
- ODOT Geo-Environmental Unit brokered an agreement between ODOT and the Washington Department of Archeology and Historic Preservation. The two agencies will participate jointly in an archeological study that will assist in developing a list of sensitive sites in the Gorge. Identification of culturally and archaeologically sensitive sites will assist both states in avoiding future conflicts.

On November 3, 2006 ODOT staff (Jason Tell, Rich Watanabe, Hal Gard and Kristen Stallman) met with Rob Greene, the Tribal Attorney for the Confederated Tribes of Grande Ronde. The Tribe requested the initiation of Government-to-Government consultation regarding the proposed Cascade Locks Resort/Casino project. ODOT staff has been coordinating the review of several documents related to the proposed Warm Springs resort/casino in Cascade Locks and a new or modified access to the proposed project site. These documents include:

- Draft Access Decision Report
- Draft Environmental Impact Statement
- Draft Interchange Area Management Plan
- Given the expected development of Cascade Locks over the next 20 years and the resulting growth in traffic, the existing roadway system and connections to I-84 will not operate at an acceptable mobility standard.
- There is a demonstrated need to either modify or add access to the interstate system to serve regional trip purposes associated with the proposed project.
- The resort/casino could impact the Historic Columbia River Highway Historic District. ODOT in coordination the SHPO has been coordinating this discussion and the "conditions of No Adverse Effect" between the Historic Columbia River Highway Advisory Committee and the Tribe and their consultants as a component of the section 106 compliance.

REGION 2 – (Willamette Valley, North & Central Coast, Western Cascades)

Jeff Scheick, Manager

(503) 986-2631

Department employees responsible for Tribal interaction:

- Don Jordan, District 3 Manager
- Craig Black, Interim Traffic Manager
- Erik Havig, Planning and Development Manager
- John G. deTar, Senior Region Planner

Confederated Tribes of Grand Ronde

- Don Jordan met regularly with Tribal officials on all types of development, expansion and operational issues, including the Sprit Mountain Casino expansion, which is currently underway.
- Don is working with the Grand Ronde Tribe, Department of Justice and the Governor’s office in establishing a new compact with regard to the expansion. He is meeting with representatives of the Tribe and the Casino to develop a Memorandum of Understanding (MOU). The MOU will expand on the Compact that the Tribe and the Governor previously agreed to (with ODOT assistance).
- The Compact and the MOU call for the Tribe to pay up to \$9.45 million, adjusted for inflation, toward roadway improvements, specifically a new interchange or other improvements that address the additional congestion expected to be created by the expansion.
- Don has represented the Department of Transportation at many events hosted by the Tribe, which underscores the partnership between ODOT and the Grand Ronde Tribe.
- ODOT assures the Grand Ronde Tribe is notified of ODOT job openings, and District 3 employs at least one member of the Grand Ronde Tribe.
- Don joined Area 3 in a presentation at both the Grand Ronde and Siletz Tribal Casinos on the proposed STIP Preservation project for Highway 18. The presentation reviewed how ODOT would be working with the Tribes to mitigate the project’s impacts to the greatest extent possible.
- On OR36: Lingo Slough Bridge - ODOT notified the Confederated Tribes of Grand Ronde prior to excavation work and fenced off several sensitive areas on the project site. ODOT coordinated activities with Tribal officials, who made several field trips to observe the work. Tribal officials did not have issues with the construction activities.
- Preservation Project on Highway 18 (from Hwy 101 to McMinnville). Half of this project (from Grand Ronde west to U.S. 101) was completed during the summer of 2007. The remainder of the project, from Willamina east nearly to McMinnville, will be completed in the summer of 2008. Shane Ottosen, Project manager, and Cliff Rose, Assistant Project manager, met throughout the summer with Tribal representatives to coordinate potential traffic flow issues around Spirit Mountain Casino. Because the remainder of the project will not interfere directly with casino operations, meetings next summer will be less frequent.
- Sourgrass Creek Culvert Replacement (OR22 west of Grand Ronde). Periodic meetings were held throughout the course of this bridge construction project to avoid unnecessary delays during Tribal events, including the Pow-Wow held in August.
- Keizer Station/Spirit Mountain Casino. Staff continues to work with Tribal representatives on the development of Tribal property along the southwest corner of the I-5/ Chemawa Interchange.
- Fort Yamhill State Park on Three Rivers Highway (OR 22). ODOT staff has worked with Tribal representatives and Oregon State Parks and Recreation Department staff regarding the development of a new state park, Fort Yamhill, in Yamhill County on Three Rivers highway.
 - Fort Yamhill will be a multi-use park and will include forest management, recreational use,

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- camping, day use, cultural events and a Pow-Wow facility.
- Future plans include a Tribal museum and Education center.
- Highway improvements will coincide with site development.

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Confederated Tribes of Siletz Indians

- Bob Doran, District 4 manager, continued discussions with the Confederated Tribes of Siletz Indians to explore safety projects on the Siletz highway (Highway 229) that could utilize federal safety funds available through the U.S. Bureau of Indian Affairs. No viable projects have been identified at this time.

Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians

- Project Delivery staff invited Tribal representatives to be on the project team for the North Fork of the Siuslaw River Bridge project. ODOT was able to help the Tribes coordinate with the proper person(s) to resolve issues and concerns including a directional sign for the casino and obtaining a permit to install a mural on the Tribe’s retaining wall. The Tribes accepted ODOT’s invitation to participate in the selection of aesthetic improvements to the new bridge. The City of Florence and the Tribes will design, install and maintain murals on bridge pylons constructed by ODOT. “No work areas” were identified on the plans to protect areas in which artifacts are likely to be found. The Tribes have engaged Arrow Coyote, the Cultural Resource Protection Coordinator, to periodically monitor the project.
- ODOT will work with local Tribal community representatives to address Siuslaw River Bridge project cultural and historical considerations.
- ODOT coordinated construction activity with Tribal representatives prior and during excavation work on the North Fork of the Siuslaw River Bridge project. Tribal representatives have attended the environmental preconstruction meeting and have made several field trips to monitor construction activities.

REGION 3 (Southwest Oregon)

Paul Mather, Region Manager

(541) 957-3518

Department employees responsible for Tribal interaction:

Paul Mather, Region Manager
 Ingrid Weisenbach, Project Leader
 Ted Paselk, Project Manager
 Chris Hunter, Consultant Project Manager
 John Raasch, Environmental Specialist
 Gary Taylor, Right-of-Way & Survey Manager
 Steven Madison, Sr. Right-of-Way Agent
 Carol Windsor, Sr. Right-of-Way Agent
 Mike Baker, STIP Coordinator
 Jeff Waddington, Permit Specialist

Region 3’s Highway Division Government-to-Government activities in 2007 include negotiations and coordination with the Cow Creek Band of Umpqua Indians, Coquille Indian Tribe and Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians.

Cow Creek Band of Umpqua Tribe of Indians

Region 3 staff attended a Government-to-Government session held on November 14th in North Bend. It was attended by approximately 20 staff from Region 3 including a mix of managers, project leaders, and environmental staff. Below is a summary of issues that we discussed at the meeting.

- ODOT maintenance sprays, mows, grubs, and otherwise destroys vegetation in right-of-ways. Some of the vegetation destroyed is important to the Tribes. At issue is how we recognize Tribal values and resources with respect to vegetation resources and management. ODOT will determine what information will be presented to crews and what the crews will do with that information. The Tribe will present a short overview about the vegetation and sites that are important to the Tribe to selected crews.
- ODOT's contractors do not notify the Tribes before they open waste and borrow sites on non-state properties. ODOT reached an agreement on determining correct contact requirements for communications between the Tribe and contractors.
- The Tribe wants quality communication between ODOT and the Tribe, mostly focused on archaeological resources. The Tribe also wants one point of contact from ODOT for scheduling and project level issues. A single point of contact can be effective at the program level information but it does not produce quality communication at the project level. ODOT will identify and define roles and responsibilities for a primary contract. This can help satisfy the Tribe's need for streamlined communication. ODOT will streamline, with respect to Tribal issues, the processes for contracts, Region/OBDP and LAP.

Region 3 worked with the Tribes on the following projects:

Weaver Road Bridge Project

- Region 3 staff, representing FHWA, worked with the Cow Creek Band on the project.
- ODOT Environmental is the contract administrator for the project's environmental assessment for environmental work, permitting and a portion of the design.
- ODOT staff worked with the Band on the Technical Advisory Committee (TAC).

I-5 Exit 99 Interchange Improvements and Bridge Replacement (Key #12707)

- Cow Creek attends project development meetings including meetings between ODOT and FHWA. An ODOT/Tribe Intergovernmental Agreement is in effect.
- Region 3 Right-of-Way is working with Cow Creek and BIA on land transfers for the project.
- ODOT District 7 staff issued a utility crossing permit to Cow Creek for the project.

I-5 Exit 99 Cow Creek Rest Stop

- Cow Creek will design, construct and operate a private rest stop off I-5 Exit 99.
- Upon completion of the rest stop, ODOT will close the Cow Creek and South Umpqua Safety Rest areas.
- Region 3 Right-of-Way is working with Cow Creek for the transfer of a slope easement for the rest stop.
- Cow Creek has expressed interest in surplus property owned by ODOT adjacent to the rest stop project. Region 3 Right-of-Way is working with Cow Creek on this matter.

Exits 119/120 Interchange Area Management Plans (IAMPs)

- Cow Creek was invited to participate in the Technical Advisory Committee for each of the IAMPs.
- The Band reviewed and commented on IAMPs.

Hwy 138 Corridor Solutions

- Region 3 steering committee coordinated with Cow Creek on this project.

State Transportation Improvement Program (STIP)

- Region 3 discussed the STIP with Cow Creek through the Southwest Area Commission on Transportation (SWACT).
- On every STIP project, ODOT Project Leaders coordinate with the Band and keep them updated on progress, both in general and in terms of archeological surveys.

Coquille Indian Tribe

State Transportation Improvement Program (STIP)

- Region 3 notified the Tribe of the STIP and grant applications through the Southwest Area Commission on Transportation (SWACT). Region 3 did not have discussions with the Tribe.
- On every STIP project, ODOT Project Leaders coordinate with the Tribe and keep them updated on progress, both in general and in terms of archeological surveys.

2007 Government-to-Government Training

- Region 3 staff attended the Government-to-Government training for Maintaining Productive Relationships with Tribes.

Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians

State Transportation Improvement Program (STIP)

- Region 3 notified the Tribes of the STIP through the Southwest Area Commission on Transportation (SWACT). Region 3 did not have discussions with the Tribes.
- On every STIP project, ODOT Project Leaders coordinate with the Tribes to keep them updated on progress, both in general and in terms of archeological surveys.

REGION4 – (Central Oregon)

Robert W. Bryant, R4 Manager

(541) 388-6184

Department employees responsible for Tribal interaction:

Klamath Tribes

Michael Stinson	District 11 Maintenance/South Central Area Manager
Norman Hansen	South Central Area Manager
Hal Gard	Environmental Program Manager
Thomas Feeley	Project Manager
Dick Leever	Project Leader
Carolyn Mcaleer	Archaeologist
Tobin Bottman	Archaeologist
Mary Turner	Archaeologist
Gary Larson	Region 4 Environmental Coordinator
Devin Hearing	Planner

Confederated Tribes of Warm Springs Reservation

Gary Farnsworth	Central Oregon Area Manager
Sam Wilkins	District 9 Maintenance Manager
Joel McCarroll	Region Traffic Manager
Brad DeHart	Project Engineer
Ana Jovanovic	Planner
Teresa Brasfield	Region 4 Environmental Coordinator

Burns Paiute Tribe

Gary Farnsworth	Central Oregon Area Manager
Pat Creedican	District 10 Maintenance Manager
Tim McGinnis	Transportation Maintenance Coordinator 1
Teresa Brasfield	Region 4 Environmental Coordinator

Training

Region 4 staff did not participate in formal State/Tribal training during 2007; however, engagement with Tribes and Tribal members are described as follows.

Klamath Tribes

- The South Central Area office, District 11 Maintenance office, Regional, and Salem staff held quarterly meetings with the Klamath Tribe Cultural and Heritage chairman, Gerald Skelton and Cultural Resource Protection specialist, Perry Chocktoot (now Cultural and Heritage chairman) to review STIP and OTIA projects in different stages of development and construction. Planned maintenance activities were also discussed.
- ODOT staff made several presentations to the Tribal council and Cultural and Heritage committee during the year regarding maintenance issues, projects under development and construction. The purpose of these discussions was to gain support and approval and to resolve any cultural site protection issues.
- Tribal monitors were present during the Spring Creek Hill – Shady Pine Road construction project. One Tribal monitor was hired to protect sensitive sites within the project boundaries.
- Klamath Tribe and ODOT reached agreement on the Beatty Curve project on project design and mitigation measures this summer (2007). This concluded five years of negotiation. Phase 3 archaeological activities began late this summer and ODOT hired five to eight Tribal members to assist with recovery work at the site. Work will continue on this project next year.
- ODOT is continuing to work on an Inter Governmental agreement with the Klamath Tribe to establish roles and responsibilities of each government. The agreement includes guidelines for employing Tribal members and ODOT providing technical support during project development. It also provides guidelines for monitoring construction projects and protecting culturally sensitive sites.
- District 11 Staff completed work with the Klamath Tribe on the development of access to Highway 62 from a new subdivision for Tribal housing.
- District 11 Staff is continuing to work with the Klamath Tribe to develop new services associated with casino expansion. The Tribe is currently exploring adding a motel and a truck travel center. These improvements may have a significant impact on US97 access.

Confederated Tribes of Warm Springs Reservation

- Region 4 staff meets with the Tribal Transportation committee to discuss, review, coordinate and make decisions on transportation planning and highway projects. Staff:
 - Participates on a technical advisory committee for the Warm Springs Community Plan update.
 - Responds to Tribal inquiries on issues related to US26.
 - Identifies projects affecting state highways within the Warm Springs Reservation for consideration in the STIP.
 - Provides feedback on Tribal projects as they affect the highway system.
 - Evaluates opportunities to partner and increase efficiencies that would result in cost-savings for the Tribes and for ODOT
- Region 4 staff has also assisted the Tribes in an update of their long-range plan. Participating in the technical advisory committee and providing professional assistance will further the goals of both ODOT and the Tribes.
- District 9 obtained a permit from the Tribe to remove brush and danger trees from the easement along US26 and US216. We are planning on continuing this safety improvement project next year.
- Region 4 completed a safety improvement project on US26 between MP 94 and MP 96.4. The project widened the shoulders and improved the clear zone on that section of roadway.
- District 9 removed sanding material from the shoulders and under the guardrail to prevent it from entering Beaver Creek along US26.
- District 9 partnered with the Tribe to complete an Emergency Creek Bank Restoration project on Beaver Creek at MP 77 on US26. Working with the Tribe, we were able to get a permit and complete the project in less than two weeks. The project was completed before the steelhead spawning run.
- District 9 assisted Tribal emergency response personnel with numerous accidents along US26 and OR216. This may become an issue and ODOT staff is researching original agreements with regard to US26 access through Warm Springs Reservation.
- Urbana Ross from the CTWS is a member of the Lower John Day Area Commission on Transportation and attends the LJDACT meetings representing the Tribe.
- Lonny Macy from the CTWS is a member of the Central Oregon Area Commission on Transportation (COACT), including the COACT Executive Board. He consistently and actively participates in the meetings. Lonny correspondences with Region 4 Area Manager Gary Farnsworth regarding various COACT coordination and decision-making processes.

Burns Paiute Tribe

District 10 has met with Richard Craig, Environmental Law Enforcement officer as a technical reference on the ongoing Hwy 20 East shoulder building project.

REGION 5 – (EASTERN OREGON)

Monte Grove, Manager

(541) 963-3179

Department employees responsible for Tribal interaction:

Frank Reading, Northeast Area Manager
Jay Roundtree, Project Manager
Teresa Penninger, Region Planning and Program Manager
Craig Sipp, Consultant Project Manager
George Ruby, District 12 Manager
Mark Hanson, Bridge, Environmental, Geology Manager
Howard Postovit, Region 5 Environmental Lead
Donna Turnipseed, Region 5 Archeologist
Doug Wright, Federal Aid Specialist
Ken Patterson, Project Leader – District 13 Area
Henry Manjarres, Civil Rights Section, Tribal Liaison
Heather McLoren, Project Manager
Tim Rynearson, Project Leader – District 12 Area
Rocky Pietz, Project Leader – District 14 Area

Confederated Tribes of the Umatilla Indian Reservation

- ODOT has a Memorandum of Understanding (MOU) with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) ensuring 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 within a sixty mile radius of the Reservation. Each project occurring within TERO or MOU boundaries are subject to hiring goals, compliance fees, and Tribal subcontracting and are coordinated through our Region Tribal liaison.
- Region 5 participates in State-Tribal relations through the implementation of the TERO requirements on highway projects. Contractors are required to attend TERO Certification workshops in order to bid on MOU or TERO qualified projects. The Certification is good for two years.
- The CTUIR participated in 12 projects for 2007. There were 46 TERO workers referred to these projects.
- The CTUIR has continued a partnership with Region 5’s Workforce Alliance which is part of ODOT’s OTIA III Workforce Development plan. TERO participation will assist the Workforce Alliance by increasing diversity in employment and apprenticeship participation. It will provide more training resources and opportunities to Tribal members who wish to engage in highway construction careers.
- District 12 is currently working with CTUIR on access, utility permits and related infrastructure issues for the Coyote Industrial Park development near ODOT’s sand shed on the south side of I-84 at exit 216. The District 12 Manager has been assisting CTUIR in their efforts to start up a Road Maintenance department. ODOT has been sharing information through instructional documents, budget and tracking formats, and has provided a review of ODOT policies.
- CTUIR Road Department employees will be attending ODOT’s Maintenance Training Academy. Arrangements are being made for partnering during winter operations and sharing sanding and de-icing materials. The Tribes will be involved in the Academy, Back-Hoe/Track-Hoe School, and Grader School.

- Region 5 has regular contact with CTUIR. Quarterly meetings that have been instituted with CTUIR provide the ODOT Environmental staff an opportunity to discuss ongoing and upcoming projects that may affect the Tribes. During these meetings, ODOT staff answer questions from Tribal representatives and discuss anticipated resource surveys and survey results. The Tribes identify any issues or concerns they have with specific projects or resources.
- In 2007, Region staff initiated specific consultations with CTUIR staff regarding projects that are on or immediately adjacent to the reservation boundary including: OR 331 Access and I-84 Corridor Rock Fall Correction. The quarterly meeting held on January 16, 2007 highlighted the OR331 project. The Local Agency program was emphasized during the June 6, 2007 meeting. In addition to Environmental Staff, the Local Program liaison participated in the June meeting.
- At the September 18, 2007 quarterly meeting with CTUIR, the ODOT Environmental Team lead introduced the new Region 5 archaeologist, Donna Turnipseed, and outlined her role and responsibilities. Ms. Turnipseed will be the main point of contact for Region 5 cultural resources work including the built environment. The addition of a regional archaeologist enhances communications with Tribes and provides a quicker response when Tribal concerns are raised. The Region 5 Archaeologist sends e-mails and/or calls interested Tribal members with the status of projects. These frequent updates provide Tribes with additional opportunities to comment, raise issues, and ask questions about specific projects. Regular communication and collaboration between the Tribes and the Region 5 archaeologist will provide better understanding of Tribal concerns. The Region 5 archaeologist will bring Tribal concerns to the attention of ODOT team leaders and managers.
- During the September Quarterly meeting with CTUIR Tribal representatives, ODOT discussed the ongoing North Ontario Project and Ladd Canyon Snow Fence as well as presented details on twenty-two additional projects. In general, CTUIR voiced a concern of having data recovery used as the most favorable mitigation measure over other options such as site protection in place. Additionally, based on concerns with the potential presence of subsurface cultural materials during the proposed excavation of 8 large signs bases along I-84, ODOT drafted an Inadvertent Discovery Policy that will become part of the project package for the Burnt River Freight Improvement Project. Moreover, monitoring will occur during construction of the sign bases for the Burnt River Freight Improvement Project. The purpose of the monitoring is to identify inadvertent discoveries and take appropriate action if needed.
- Both the Umatilla and/or Burns-Paiute Tribes were hired to provide cultural monitoring on the Ladd Canyon Snow Fence project and the North Ontario Interchange Project. For the North Ontario Interchange project a MOU was developed between both the Umatilla Tribe and Burns-Paiute Tribe to provide for cultural mitigation, with the mitigation work continuing into 2008.
- Region 5 had a TERO involvement with the CTUIR on the I-84 Cabbage Hill Chain-up section in 2007. Region 5 had some archeology consultation with the CTUIR for the I-84 Corridor Rockfall Correction section. Region 5 also consulted for the maintenance work that was done to prep for the upcoming I-84: La Grande - Pendleton Chain Up project.
- In the past year Region 5 coordinated often with CTUIR for the North Ontario Interchange project in District 14. Initially, we anticipated disturbing a cultural site to the degree that recovery actions would be required. Through negotiations and design changes, we were able to significantly reduce impacts to the cultural site. In the upcoming year, we will be negotiating with the Tribes to determine the mitigation requirements for expected impacts. Tribal monitors will be present during construction activities that involve new ground disturbing activities.
- Region Project Delivery staff have been working with CTUIR Planning and Economic Development Departments to design the OR 331 Access Improvement Project identified in the 2006-2009 Statewide Transportation Improvement Program (STIP). During 2007, R5 has developed plans for this project that

are currently at the advanced plans stage. This project is currently scheduled to be advertised for bid in August of 2008. ODOT will be working with CTUIR and BIA staff to enter into an Intergovernmental Agreement to develop the OR 331 Access project and acquire additional right of way.

Burns Paiute Tribe

- ODOT initiated quarterly meetings with the Burns-Paiute after hiring the Region 5 archaeologist. The first quarterly meeting was held in Burns, Oregon on November 16, 2007. Six Tribal Council members and the Tribal Manager were present as well as the Region 5 archaeologist, Region 5 Geo-Environmental and Bridge Program manager, ODOT Cultural Resource Program coordinator, ODOT Archaeology Program coordinator, and Geo-Environmental Section Manager. The Region 5 Geo-Environmental and Bridge Manager introduced the new Region 5 Archaeologist and discussed her roles and responsibilities.
- The Region 5 archaeologist and the ODOT Archaeology Program coordinator described up-coming projects in Regions 4 and 5 which were of interest to the Burns Paiute Tribe. ODOT staff invited Tribal members to express their concerns associated with the projects. Tribal members raised safety, signing, and lighting issues for two specific intersections and asked to be updated as these concerns are addressed.
- In the past year, Region 5 coordinated with the Burns Paiute Tribe regarding the North Ontario Interchange project in District 14. Initially, we anticipated disturbing a cultural site to the degree that recovery actions would be required. Through negotiations and design changes, we were able to significantly reduce impacts to the cultural site. In the upcoming year, we will be negotiating with the Tribes to determine the mitigation requirements for expected impacts. Tribal monitors will be present during construction activities that involve new ground disturbing activities.

Confederated Tribes of Warm Springs Reservation

- Region 5 has regular contact with Warm Springs. Quarterly meetings have been instituted with Warm Springs and provide ODOT Environmental staff the opportunity to discuss ongoing and upcoming projects that are of interest to the Tribes. During these meetings, ODOT staff answer questions from Tribal representatives and discuss anticipated resource surveys and survey results.

MOTOR CARRIER TRANSPORTATION DIVISION (MCTD)

Gregg Dal Ponte, Division Administrator	(503) 378-6351
Gayle Green, Audit Program Manager	(503) 378-6658
David McKane, Intelligent Transportation Systems Program Manager	(503) 373-0884
Craig Bonney, Complaint Resolution Unit Technical Coordinator	(503) 378-4851

Comment [WAR4]: correct widow

- No training was provided or participated in by the Motor Carrier Transportation Division (MCTD) regarding State-Tribal relations in 2007. MCTD staff is aware of Government-to-Government law as it has been included in past management team meeting minutes that are distributed Division-wide.
- MCTD has a current non-compensation agreement with the Umatilla Tribe Police Department for participation in the Motor Carrier Safety Assistance Program. In 2007, the Tribes did not have any active, certified safety inspectors. No new activities, agreements or partnerships between MCTD and the Tribes were entered into in 2007. There are no planned Division activities, agreements, partnerships or other interactions with Tribes in 2008.

- MCTD staff responded to several individual Tribal member questions regarding the applicability of motor carrier regulations on and off Tribal land, but had no other contact with Oregon Tribal governments regarding programs in 2007.

OFFICE OF CIVIL RIGHTS (OCR)

Mike Cobb, Manager	(503) 986-5753
Jerry Hoffman, Emerging Small Business Coordinator	(503) 986-3016
Henry Manjarres, Civil Rights Specialist	(541) 962-0568

During the past year, the Office of Civil Rights, through its contractor, Cooper Zietz Engineers, completed a very successful Native American Employment Outreach Initiative. The results of this effort are outlined below:

- Contractor contacted a total of 606 Tribal members throughout Oregon.
- They conducted more than 10 job fairs and outreach events and attended another 25+ related events to spread the word about Employment Opportunities in the highway construction trades.
- Met with members of each of Oregon's nine Tribes throughout the project.
- Completed train-the-trainer activities to transfer the successful outreach strategies to each of the Tribes.
- Provided over \$10,000 in economic aid to Native Americans seeking to enter the trades.
- Conducted one-on-one counseling with most of these clients seeking assistance for completing the trades apprenticeship applications process.
- Authored a script for a comprehensive cultural competency workshop that is now being developed by the Department.
- From October 2004 to September 2007, participation in Joint Apprenticeship Training Councils for Highway trades saw an increase in real numbers of Tribal members from 73 to 188 during the life of the contract. This translates into an overall increase in Native American participation in the construction trades of 155%.

For TERO information, please see the Region 5 section.

PUBLIC TRANSIT DIVISION (PTD)

Michael Ward, Administrator	(503) 986-3413
Dinah Van Der Hyde, Transit Operations Manager	(503) 986-3885
Jean Palmateer, Special Transportation Program Manager	(503) 986-3472
Joni Bramlett, Capital Program Manager	(503) 986-3416
Matthew Barnes, Intercity Program Manager	(503) 986-4051
Sherrin Coleman, Statewide Public Trans. Planning Program Mgr.	(503) 986-4305
Sharon Peerenboom, Small City and Rural Program Manager	(503) 986-3416

Comment [WAR5]: widow

The PTD has several state and federal transit funding programs that may affect or be of interest to the Tribes:

- The Special Transportation Fund Program (STF) provides state funds to STF Agencies, including federally recognized Indian 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 is distributed as competitive discretionary grants.

- The Federal Transit Administration (FTA) §5310 program provides funds to public and private not-for-profit agencies for capital purchases that will benefit seniors and people with disabilities. The funds are distributed through a competitive discretionary grant program. Tribes are eligible to apply for vehicle purchases or other capital needs.
- The FTA §5311 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; some funds may also be available through the discretionary grant program. Tribes are eligible to apply for these funds to support general public transportation programs.
- 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, either as the recipient of funding or in a partnership with another agency.
- Two new funding programs are available as of 2007: FTA Job Access and Reverse Commute Funds, which are for transportation services benefiting people with low income, and FTA New Freedom Funds, which benefit people with disabilities. These funds are available through the discretionary grant program.
- The Transportation Options Program supports activities that encourage alternatives to driving alone. Rideshare programs, park and ride lots, telecommuting, marketing, education and incentive programs are some of the project types funded under this program. Opportunities exist for Tribes and other entities to work with PTD and ODOT Regions to identify and develop Transportation Options projects.
- PTD provides information on state and federal funding opportunities to all eligible agencies and entities in the state, including Tribes. Staff also provides technical assistance, training, scholarships and other support as needed to Tribes applying for and administering grants.

In 2007:

- Staff continues to work with the Tribes to develop their transit programs and providing on-site or phone technical assistance as requested. The majority of technical assistance topics have been related to service development, Special Transportation Fund program management, vehicle procurement and planning.
- Each of the Tribes has adopted or is in process of adopting a transit plan. This plan is required by the Special Transportation Fund program and the Federal Transit Administration. These plans (called Coordinated Plans) describe transit services needs and opportunities for developing transit services. The services will benefit people with disabilities, the elderly, people with low incomes, and the general public. These plans were developed in coordination with counties and transit districts, and include areas populated by Tribal members.
- In 2007, two Tribes (CTUIR and the Klamath Tribe) received discretionary grant funds for purchase of vehicles and operation of transit services. Purchase of vehicles and operation of transit services will be completed in June 2009.
- During 2007, the Tribes made excellent progress in developing transit services designed to meet their unique needs, which are summarized as follows:
 - **Confederated Tribes of the Umatilla Indian Reservation** is working with Community Connection of Union County to create a regional intercity transit link between La Grande and Mission. The service is designed to provide Tribal members and others access to work, education and other services in La Grande. It will also provide service to Pendleton, including the regional airport. In addition, CTUIR is planning to extend its transit service currently operated between Mission and Pendleton into rural Umatilla County to provide Tribal members access to work and community services. The funds used

for these projects are Special Transportation Funds, FTA §5311 and discretionary grant funds. CTUIR is also seeking federal FTA Tribal Transit Funds to support future operating costs.

- **Cow Creek Band of Umpqua Tribe of Indians** is working with Douglas County to provide countywide transit services to benefit both Tribal members and other county residents. The Tribe purchases transit service from Douglas County's "Umpqua Transit." The funds used for this project are Special Transportation Funds.
- The **Klamath Tribes** continues to operate a regional public transit service in North Klamath County with connection to Klamath Falls. The Tribe also provides dial-a-ride services for the elderly and people with disabilities. The Tribe supports these services with both Special Transportation Funds and state discretionary grant funds.
- **Confederated Tribes of the Grand Ronde** will be initiating new transit service pending receipt of federal grant funds awarded during 2006. The Tribes' service will link the Grand Ronde area with Dallas and McMinnville. The Tribes also purchased a vehicle to serve their senior programs. Funding for these services is Special Transportation Funds and FTA's Tribal Transit Program.
- **The Confederated Tribes of Siletz Indians** established a transportation program designed to provide access to Tribal services by the elderly and people with disabilities. The Tribes are working with Lincoln County Transportation Service district and Benton County to establish a regional connector service for Lincoln County communities, including Siletz, and Corvallis. This service is primarily for access to regional medical services. These projects are financed by Special Transportation Funds.
- **The Confederated Tribes of Warm Springs Reservation** started new transit service on the Warm Springs Reservation linking Warm Springs to Kah-nee-ta and Simnasho. They have also initiated a worker transportation program linking the Tribal lands to Mt. Hood Meadows Ski Area. Warm Springs finances these programs with Special Transportation Funds and discretionary grants. In addition, Warm Springs is working with Jefferson County to develop a regional transit program that will link Warm Springs to Madras and beyond.
- **Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians** have established a dial-a-ride program for the elderly and people with disabilities. This project provides access to Tribal health care and other services. The program is financed by Special Transportation Funds. In addition, the Tribes are working with Coos County Transportation Service district to develop a regional transit program serving Tribal members and other community member.
- The **Coquille Indian Tribe** has established a regional dial-a-ride service primarily to access Tribal health services. The Tribe is working with Lane Transit district to coordinate services in the Florence area, and is working with Coos County Transportation Service district and Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians to develop a regional transit program serving the Tribes and other community members in Coos County. The service is financed by Special Transportation Funds. The Tribe received a FTA Tribal Transit Planning Grant for further service development.
- The **Burns Paiute Tribe** is developing a dial-a-ride program to provide access to services and work in Harney County. The Tribe purchased a vehicle for this program. The service is financed by Special Transportation funds. The Tribe received a FTA Tribal Transit Planning Grant for further service development.
- During 2007, all Tribes received the Special Transportation Formula Funds allocated to them in the 2003-2005 and 2005-2007 bienniums. Two Tribes (CTUIR and Klamath) are currently receiving 2007-2009 funds. Warm Springs is currently applying and the process will be completed in December 2007. The remaining Tribes plan to apply in the next year.
- The Tribes are taking advantage of the various scholarship programs offered by the Division and FTA to attend a variety of training opportunities in- and out-of-state.

- Four Tribes sent representatives to the Oregon Transportation Conference in October 2007: CTS, CTUIR; The Klamath Tribe; and the Burns Paiute Tribe.
- The Division plans to host a series of technical assistance events in 2008. The Tribes will be invited and encouraged to attend. A schedule will be posted to the Division website.

RAIL DIVISION

Kelly Taylor, Division Administrator	(503) 986-4125
Charles Kettenring, Crossing Safety Section Manager	(503) 986-4273
John Johnson, Rail Safety Section Manager	(503) 986-4094

Rail Division activities/programs that could affect Tribes are:

- Railroad crossing safety issues on Tribal land, and;
- Railroad service and economic development issues.

The Rail Division had no interactions with the Tribes in 2007.

TRANSPORTATION DEVELOPMENT DIVISION (TDD)

Jerri Bohard, Division Administrator	(503) 986-4163
Barbara Fraser, Planning	(503) 986-4127
Dave Ringeisen, Transportation Data	(503) 986-4171
Julie Rodwell, Freight Mobility	(503) 986-3525

The following are the TDD agency programs or activities that affect Tribes:

- Transportation facility plans such as Corridor Plans, Refinement Plans and Interchange Area Management Plans.
- Statewide long range transportation plans such as the Oregon Transportation Plan and its mode and topic components.
- Statewide Transportation Improvement Program development including project identification, prioritization, development, and construction.
- Highway operations and maintenance activities.
- Transportation Enhancement Program.
- Transportation and Growth Management Program.
- Certified Mileage Report includes miles of public roads on Indian Reservations.
- Crash Reporting and Analysis Program.
- Incident Response.
- Connect Oregon Program investments.

TDD conducts the following to promote communication and positive Government-to-Government relationships with the Tribes:

- Invites Tribes to participate on planning teams and committees and project development teams, including program projects.
- Transmits information to Tribes about their eligibility for competitive Transportation and Growth Management program grants and application procedures.

- Participates in Tribal transportation and community planning committees.
- Encourages Tribal participation on the Area Commissions on Transportation (ACTs).
 - ACTS reviewed Connect Oregon projects as part of the selection process.
 - ACTs are an important part of major project prioritization activities and Statewide Transportation Improvement Program (STIP) development.
- Solicits Tribal comments on operations and maintenance activities.
- Solicits Tribal comments when updating long range plans such as the Oregon Transportation Plan and its mode or topic plans such as Freight Plan.
- 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.

TDD has projects and programs that range from very local and specific to ones with statewide impact, and they often necessitate public involvement and/or cooperation with other units of government. TDD staff examines the scope of a project as it begins in order to determine who will need to be involved for the project to be successful and who is impacted. Where TDD activities overlap with Tribal jurisdictions or where coordination is appropriate for improved project results, representatives from affected Tribes are invited and encouraged to participate in the activity. Success in communication and relationships with Tribes is determined by whether participation is achieved at an appropriate level for the project.

TRANSPORTATION SAFETY DIVISION (TSD)

Troy E. Costales, Division Administrator

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

Law enforcement training regarding:

- 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 around the casinos for highway safety efforts.

Community Programs/Safe Community Program - Tribes have access to project services including:

- Localized data
- Opportunities to participate 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