

Draft Government-to-Government 2009 Activity Report
Oregon Department of Transportation

Introduction

In accordance with Oregon Revised Statutes 182.162 – 182.168, 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 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 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
Joan Plank, Chief of Staff

(503) 986-3452
(503) 986-4214

CENTRAL SERVICES DIVISION (CSD)

David Nemchik, Fuels Tax Operations Manager

(503) 378-3077

Did not report.

DRIVER AND MOTOR VEHICLE SERVICES DIVISION (DMV)

Tom McClellan, Administrator

(503) 945-5100

Tribal Interaction Activities

- DMV continues to work closely with all Oregon Tribes regarding the acceptability of the Tribal identification cards and Tribal-issued birth certificates as proof of legal presence for driver license and ID card issuance.
- 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 into a Tribal member’s driving records. Based on these driver records, DMV may suspend or revoke driving privileges.
- DMV records driving convictions from Tribal courts, and is authorized by the federal government to enter convictions into non-Tribal records.
- The DMV provides False Document Recognition training to Tribes engaged in gaming. The training helps gaming employees detect altered or counterfeit identity documents. Training is provided upon request.
- In previous years, DMV has trained volunteers from both the Siletz and Grande Ronde Tribes as telephone agents. No training or placements were made in 2009; however, DMV continues to affirm its interest in volunteers when contacted by Tribal representatives.
- 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

Did not report.

(503) 986-3435

Columbia River Crossing Project (CRCP)

Richard Brandman Project Director

(360) 816-2187

Did not report.

Highway Finance Office, Local Government Section

Darel Capps, Highway Finance Officer

(503) 986-3880

Did not report.

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

Technical Services – GeoEnvironmental Section (GES)

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

ODOT Archaeologists:

Carolyn McAleer, Archaeology Program Manager
Mary Turner, Local Agency & Maintenance Regions 1, 2, 4
Kurt Roedel, Regions 1W & 2
Tobin Bottman, Regions 1E, 4 and the Columbia River Gorge
Donna Turnipseed, Region 5
Jessica Bochart, Region 3

Tribal Interaction Activities

- ODOT Archaeology staff continues to maintain strong working relationships with all of the federally recognized Tribes in Oregon. We continue to meet regularly with many of the Tribes regarding statewide transportation projects and we maintain communication throughout the year. Most of our projects require Section 106 consultation on behalf of FHWA as well as under ORS182.162 and our meetings assist in maintaining ongoing consultation to fulfill these obligations.
- ODOT Archaeology Staff, in collaboration with ODOT’s GIS Division, will be rolling out a web-based application for Tribes, agencies, and the general public to obtain the current ODOT Project status as it relates to the archaeological program. A map of Oregon will show current statewide STIP, local agency, and maintenance projects. Users will be able to click on a polygon representing a particular project and a text box would appear that displays attributes, such as project name, key number, project description, status of archaeological fieldwork, archaeologist contact information, construction date, and hyperlinks to photographs of the project area. No sensitive archaeological data will be provided.
- ODOT Archaeology Staff has also been providing Government to Government Training to ODOT Staff. We hosted three Government to Government Trainings in June, July and again in October of this year. We are also working with video production staff to develop a new Tribal Coordination video for ODOT staff involved with Project Delivery.
- In March of 2009, ODOT Archaeology Staff, in coordination with ODOT Region Staff and Robert Kentta from the Confederated Tribes of the Siletz, transplanted dogbane from ODOT Right-of-Way to the E.E. Wilson Wildlife Area. This transplanting has allowed tribal members to harvest the plant in a safe environment rather than along side the roadway. This outreach project, organized by ODOT Archaeologist Kurt Roedel, has received national recognition from Federal Highway Administration. ODOT hopes to support more of these partnering opportunities in the future.

Project Delivery Meetings

- Confederated Tribes of the Grand Ronde Community of Oregon. ODOT Archaeologists met with Erik Thorsgard and Don Day in August of this year. Ongoing and new transportation projects were discussed. We have another meeting scheduled for December.
- Confederated Tribes of Siletz Indians. ODOT Archaeology staff will meet with Robert Kentta in December to discuss transportation projects within the Tribes' area of concern. In addition to this meeting, ODOT staff has met with Robert Kentta in the field to discuss the Pioneer Mountain-Eddyville Project.
- Confederated Tribes of Umatilla (CTUIR). The ODOT Archaeology staff met with Cultural Resources Committee on February 24th, June 2nd, and September 1, 2009 in Mission, Oregon. These meetings provided ODOT Archaeologists the opportunity to discuss ongoing and up-coming projects and to field questions from Tribal representatives.
- Confederated Tribes of Warm Springs. ODOT continues to share project information with the Warm Springs Cultural Resources staff. We coordinate project information via phone calls, e-mails and one-on-one communication.
- Cow Creek Band of the Umpqua Indians. ODOT Archaeology staff continue to meet with Cow Creek Cultural Resources Staff regarding several projects in Region 3. Meetings were held in June at the Tribal Offices and another meeting is scheduled for November 2009. In addition, regular meetings were held regarding Weaver Road, a local agency project, and were instrumental in keeping the Tribe informed regarding the progress of cultural resources work.
- Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians. ODOT Archaeology staff met with Arrow Coyote in April of 2009. We also coordinate project information via phone calls, e-mails and one-on-one communication.
- Burns Paiute Tribes. ODOT continues to share project information with the Cultural Resources staff with the Burns Paiute Tribes. We coordinate project information via phone calls, e-mails and one-on-one communication.
- Coquille Indian Tribe. ODOT Archaeology staff met with Nicole Norris in April of 2009 during a joint meeting with the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians. A number of transportation projects were discussed.
- Klamath Tribes. ODOT Archaeology staff continues to meet with Perry Chocktoot regarding transportation projects. This year, meetings were held in the field to discuss the Bly Mountain project.

Cluster Representation and Participation

- Cultural Resources Cluster. Carolyn McAleer, ODOT Archaeology Program Manager, participated in the Government-to-Government Cultural Resources Cluster Meetings in March and September of 2009. ODOT will be hosting the November 2009 Cultural Resources Cluster meeting at their Headquarters Building on the Capital Mall in Salem.

- Natural Resources Cluster. Frannie Brindle, Natural Resource Unit Manager represented ODOT in the Natural Resources Cluster meetings. A special meeting of the Natural Resources Work Group was convened on April 14, 2009 to discuss state and federal government funds dedicated to stimulus programs. Opportunities exist for tribes and state agencies to collaborate and partner on projects funded by the stimulus package. During the August 13, 2009 meeting at the Siletz Tribal Offices, a legislative update on the Jobs and Transportation Act (HB 2001) was provided. An update on the Wildlife Movement Strategy project was also presented. The Wildlife Movement Strategy is a component of the Oregon Conservation Strategy, which charts a course for the long-term conservation of our state’s fish and wildlife.

ODOT Highway regions

REGION 1 – (Portland Metropolitan Area, Hood River & Columbia Counties)

Jason Tell, Manager

(503) 731-8256

Did not report.

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

Jane Lee, Manager

(503) 986-2631

Did not report.

REGION 3 (Southwest Oregon)

Paul Mather, Region Manager

(541) 957-3518

Department employees responsible for tribal interaction:

- Mike Baker, STIP Coordinator
- Thomas Guevara Jr. Development Review Planner
- Elizabeth Stacey, Project Leader
- Gary Taylor, Right-of-Way & Survey Manager
- Carol Windsor, Sr. Right-of-Way Agent
- John Raasch, Environmental Project Manager

Region 3’s Highway Division Government to Government activities in 2009 included negotiations and coordination with the Cow Creek Band of the Umpqua Tribe of Indians, Coquille Tribe, and Confederate Tribes of Lower Umpqua, Siuslaw and Coos.

Cow Creek Band of Umpqua Tribe of Indians

- I-5 Exit 99
 - Improvement of south bound ramp.
 - Added signage.
 - R3 Project Leader coordinated with the Tribe for plan review and concept.
- Weaver Road Bridge Project
 - As FHWA’s representative, staff worked with the Tribe 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 Tribe on the Technical Advisory Committee (TAC).
 - Region 3 staff coordinated with Tribal staff to minimize the project footprint, resulting in minimization of adverse impacts to Tribal property and cultural resources. This collaboration resulted in changes to the proposed alignment, property access, and construction techniques. Fill slopes were replaced with retaining walls, floodplain mitigation was modified from excavation of a flowage channel on Tribal property to removing riparian vegetation.
 - A large archaeological site was discovered within the project footprint. ODOT coordinated closely with the Tribe to avoid and minimize impacts to the site. The Tribe reviewed and approved archaeological probing and recovery plans, and a Tribal observer was present during the probing and recovery field work.
- I-5 Exit 99 Interchange Improvements and Bridge Replacement
 - Cracked bridge replacement.
 - Addressed traffic from existing and planned developments around the interchange.
 - ODOT District 7 staff coordinated with the Tribe on a new road extension.
 - I-5 Exit 99 Cow Creek Rest Stop
 - The Tribe agreed to construct and operate 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.
 - The Tribe will design, construct and operate the rest stop.
 - The ODOT Project Leader provided letters of support to the Tribe for the ARRA funded project.
 - ODOT Right-of-Way is working with the Tribe to transfer an easement adjoining the truck stop property.
 - Exits 119/120 Interchange Area Management Plans (IAMPs)
 - The Tribe was invited to participate in the development of the IAMPs. The Tribe chose to review and comment on IAMPs.
 - Hwy 138 Corridor Solutions
 - Staff coordinated with the Tribe on the Technical Advisory Committee (TAC) and impacts to Tribe property.
 - State Transportation Improvement Program (STIP)
 - Staff discussed the STIP with the Tribe through the Southwest Area Commission on Transportation (SWACT) by inviting them to participate and sending them notices and meeting material.
 - The ODOT Archeologist coordinated with the Tribe on Region STIP projects, updating them quarterly on general progress and on any required ground disturbance or archeological surveys.
 - General Coordination
 - Environmental Section gives quarterly updates to the Tribe regarding maintenance and STIP projects.

Coquille Indian Tribe

- State Transportation Improvement Program (STIP)

- Staff discussed the STIP with the Tribe through the Southwest Area Commission on Transportation (SWACT) after inviting them to participate and sending notices and meeting material.
- The ODOT Archeologist coordinated with the Tribe on Region STIP projects, updating them quarterly on general progress and on any required ground disturbance or archeological surveys.
- General Coordination
 - Environmental staff provided quarterly updates to the Tribe regarding maintenance and STIP projects.

Confederate Tribes of Lower Umpqua, Siuslaw and Coos

- Development Review
 - Staff participated in a Coos County pre-application meeting with the Tribe for redevelopment of the Coos Head Naval Base. We provided preliminary comments regarding a traffic impact study for TPR compliance and access to Cape Arago Highway.
- State Transportation Improvement Program (STIP)
 - Staff discussed the STIP with the Tribe through the Southwest Area Commission on Transportation (SWACT) after inviting them to participate and sending notices and meeting material.
 - The ODOT Archeologist coordinated with the Tribe on Region STIP projects, updating them quarterly on general progress and on any required ground disturbance or archeological surveys.
- General Coordination
 - Environmental staff provides quarterly updates to the Tribe regarding maintenance and STIP projects.

REGION 4 – (Central Oregon)

Robert W. Bryant, Region 4 Manager

(541) 388-6184

Department employees responsible for Tribal interaction:

Klamath Tribes

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

Confederated Tribes of Warm Springs

Teresa Brasfield	Region 4 Environmental Coordinator
Brad DeHart	Project Engineer
Gary Farnsworth	Central Oregon Area Manager
Ana Jovanovic	Planner

Joel McCarroll Region Traffic Manager
Sam Wilkins District 9 Maintenance Manager

Burns Paiute Tribe

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

Klamath Tribe

- The South Central Area Office, District 11 Maintenance Office, Regional, and Salem Staff did not hold any quarterly meetings with the Klamath Tribe Cultural and Heritage Chairman (Perry Chocktoot) or the Cultural Resource Protection Specialist (Les Anderson). Les Anderson is no longer working for the Tribe and Perry Chocktoot was not available; however, utilizing our ODOT archeologist, we were able to continue communicating regarding the following projects:
 - We met twice for the OR 140 - Bly Mountain realignment.
 - We continue with ongoing correspondence and phone calls on 11 projects.
 - We negotiated intergovernmental IGAs during the year.
- District 11 Staff has been working with the Tribe on expansion at the Kla-Mo-Ya Casino facility to include a Travel Center (Truck Stop). We are waiting for them to get the Traffic Impact Study (TIS) approved and stamped by a registered Oregon Engineer. This is a requirement of ODOT Division 51 Rule and the Klamath Tribe Gaming Compact with the State of Oregon. We recently issued the Tribe a Temporary Construction Access Permit so they can begin construction while they are getting the TIS Oregon Engineer Stamp issue resolved. The TIS information provided so far is acceptable and the Engineer is getting his Oregon License Review this month.

Confederated Tribes of Warm Springs (CTWS)

- Staff met with the Tribal Transportation Committee to discuss, review, coordinate and make decisions on transportation planning and highway project issues. Projects included a road inventory, a Scenic Byway application, the Transportation Improvement Plan (TIP), and planning transit connections to employment centers near Warm Springs (Mt. Hood, Madras and Kahneeta).
- Staff responded to Tribal inquiries on issues related to US 26 and provided feedback on Tribal projects as they affect the highway system. Staff evaluated opportunities to partner and increase efficiencies that would result in cost-savings for the Tribes and ODOT and identified projects on state highways within the Warm Springs Reservation for consideration in the STIP.
- Staff participated on a technical advisory committee for the Warm Springs Community Plan update.
- ODOT staff assisted Warm Springs on the Pedestrian Pathways plan by participating in meetings and providing input on specific pathway projects planned along US 26.
- Staff assisted the Tribes in an update of their long-range plan by participating in the technical advisory committee and providing professional assistance to further the goals of both ODOT and the Tribes.

- District 9 obtained a permit from CTWS to remove brush and danger trees from the easement along US 26 and US 216. Brush and danger trees were removed from US 26 and OR 216 right-of-way. Region 4 plans to continue these safety improvements next year and in future years.
- Region 4 staff have been partnering with CTWS staff to provide detailed scoping for US 26 along Beaver Creek. Reoccurring incidents of overturned trucks containing toxic and hazardous materials have resulted in contamination of the creek. During winter months, pollutants (e.g., cinders) enter the creek as a result of routine highway maintenance. Beaver Creek is a sensitive and critical habitat for salmon, rainbow trout and other aquatic species, and has been significantly impacted by these highway conditions. ODOT and CTWS staff are evaluating alternatives to solve this problem, including next step recommendations and funding needs. District 9 removes sanding material from the shoulders and under the guardrail to prevent it from entering Beaver Creek along US 26 every year.
- District 9 partnered with the CTWS to complete an Emergency Creek Bank Restoration project on Beaver Creek at Mile Post (MP) 77 on US 26. Working with the Tribes, ODOT obtained a permit and completed the project in less than two weeks - in time for the steelhead run in this section of the creek.
- District 9 responded to and assisted the Tribal emergency response personnel with numerous accidents along US 26 and OR 216.
- Region 4 has proposed projects on US 26 in the Draft 2010 – 2013 STIP. The first, a safety improvement project between MP 92.7 and MP 94 will widen the highway shoulders and improve the clear zone. The second, a modernization project between MP 94 and MP 96.5, will construct passing lanes on roadway that was previously constructed under a past project for the purpose of accommodating these future passing lanes. It is anticipated that both projects will be combined into one construction project.
- District 9 set up intergovernmental agreement with the CTWS to crush and haul cinders from a Tribal cinder pit along US 26. ODOT crushed and hauled 18,500 cubic yards of cinders from the Tribal pit to the maintenance yard at Warm Springs Junction.
- ODOT removed 14 miles of damaged asphalt on US 26 from MP 71 to MP 85. New asphalt was laid and durable striping applied. Rumble strips were installed along the center line as a safety improvement.
- ODOT staff is researching the original agreements with regard to US 26 access through the Warm Springs Reservation.
- District 9 set up an intergovernmental agreement with the CTWS to remove snow from the new Tribal housing development at Celilo.

Burns Paiute Tribe

- Staff continues correspondence and phone contact with the Tribe on three projects.

Region 4 staff did not participate in any formal State-Tribal training during 2009.

Region 5 – (Eastern Oregon)

Monte Grove, Manager

Department employees responsible for Tribal interaction:

Frank Reading, Northeast Area Manager

Jay Roundtree, Project Manager

Teresa Penninger, Region Planning and Program Manager

Craig Sipp, 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

Tim Rynearson, Project Leader

Paul Woodworth, Project Manager

Sean Maloney, Project Leader

Confederated Tribes of the Umatilla Indian Reservation (CTUIR)

- 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 located off the Reservation within a sixty-mile boundary. For each project occurring within TERO or MOU boundaries, hiring goals, compliance fees, and Tribal subcontracting are coordinated 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 2009. There were 46 TERO workers referred to these projects.
- The CTUIR has continued to be a partner 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 and provide more training resources and opportunities regarding highway construction careers.
- District 12 is currently working with CTUIR on access, utility permits, and related infrastructure issues for the Industrial Park development near ODOT’s sand shed on the south side of I-84 at exit 216. ODOT also worked closely with CTUIR on the recent access management construction project near CTUIR’s Business Park on the north 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. Assistance has been in the form of sharing information, instructional documents, budget and tracking formats and policies.

- CTUIR Road Department has attended ODOT's Maintenance Training Academy and arrangements are being made for partnering during winter operations and sharing sanding and de-icer materials. The plan is to have the Tribes involved in not only the Academy, but Back-Hoe Track-Hoe School and Grader School as well. ODOT and Tribal Public Works participated in a joint training session of Grader School on Tribal and County roads during July of this year.
- ODOT D12 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.
- ODOT D12 has contracted with CTUIR through TERO to maintain the Deadman's Pass Safety Rest Area on I-84 and provide year around employment opportunity for Tribal members along with training and work force experience. This benefits both ODOT and CTUIR along with the traveling public.
- Having a regional archaeologist is an asset to the program, as communications with Tribes are enhanced and staff can provide quick responses when Tribal concerns are raised. Staff worked closely with CTUIR in addressing potential adverse impacts to a Traditional Cultural Place (TCP) during the planning stages of the Foothill Interchange Snow Fence Project. Consultation for this project is on-going with discussions focusing on site impacts and mitigation of those impacts. Traditional Cultural Places have also been a topic of discussion and consultation during the planning effort for the rehabilitation of the Minam Bridge at Minam, Oregon. Working closely with the Nez Perce Tribe of Idaho and the CTUIR, staff successfully addressed the need to protect sensitive areas by identifying no work zones and adding special stipulations to the project package.
- The Region 5 Archaeologist sends e-mails and/or calls interested Tribes on the status of various 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 Region 5 Archaeologist provides a better understanding of Tribal concerns and allows her to bring these issues to ODOT Team Leaders and Managers. By implementing frequent and early consultation in which the concerns of the Tribes are voiced to the ODOT managers, a positive working relationship has been launched for this project.
- In 2009, Region staff initiated specific consultations with CTUIR staff regarding projects that are on or immediately adjacent to the reservation boundary including: OR 331 Access, I-84 Corridor Chain-up Areas, and Court and Dorion project in downtown Pendleton. Consultation meetings were held with CTUIR on February 24, May 6, June 2, 2009 July 14, and September 1, 2009. ODOT presented information on 93 projects including STIP, maintenance, and Local Agency during the February 24, 2009 meeting. ODOT provided updates to CTUIR on many of these projects during the quarterly consultation meetings on May 6 and June 2, and September 1, 2009. During the May, June, and September meetings new projects were presented to CTUIR. On July 14, 2009, ODOT discussed the Foothill Snow Fence Project with CTUIR - specifically project effects and proposed mitigation measures.
- During the D Street Project an inadvertent discovery required quick response by ODOT to preserve the archaeological sites found under the pavement. Phone calls to CTUIR informed them about the find and the necessary response procedure that was followed. Emergency excavation permits were acquired and probes placed in areas where sidewalk excavation was planned. Based on concerns with the potential

presence of additional subsurface cultural materials during the proposed excavation, ODOT monitored the rest of the roadwork. The purpose of the monitoring was to identify inadvertent discoveries and take appropriate action if needed. Based on the archaeological concerns, the depths of the proposed road cuts were modified to prevent excavation of original soils. No action was required and monitoring proceeded smoothly throughout the project.

- The landscaping work at the Charles Reynolds Rest Areas (East and West Bound) along I-84 east of La Grande was monitored to address CTUIR concerns. Staff and consultants monitored work over 10 days in spring 2009. No cultural materials were unearthed during that work.
- An intergovernmental agreement was signed between ODOT and the CTUIR in October of 2007. This agreement allows for ODOT to hire the CTUIR for professional services as related to Cultural Resources. Region 5 has used this agreement to hire the CTUIR for Cultural Resource work (Phase I studies) on the Court and Dorion Project including the intersection reconfiguration; and the Pendleton West City Limits to Weston preservation project.
- The La Grande construction office administered one project: Grande Ronde River/UPRR Under crossing Upper Perry Arch Bridge which contains a 20% Native American Employment Preference Goal. The contractor has been working with the TERO office to meet these goals.
- ODOT met with the Nez Perce Cultural Committee on July 21, 2009 to discuss the Minam Bridge Rehabilitation project and measures to protect sensitive sites within the area of potential effect. The Tribe had an opportunity to raise concerns about this project. This meeting with the Nez Perce also presented an opportunity for Hal Gard, Geo-Environmental Section Manager and Agency Tribal Liaison, to introduce formally ODOT's archaeology program and Tribal consultation procedures.
- Region Project Delivery staff have been working with CTUIR Planning and Economic Development Departments on the Fisher Road and Cabbage Hill Quarry projects identified by ODOT Maintenance Crews. Completion of these two projects followed extensive planning and consultation with several departments of CTUIR.

MAJOR PROJECTS BRANCH, OTIA III STATE BRIDGE DELIVERY PROGRAM

Thomas Lauer, Major Projects Branch Manager

(503) 986-4412

Throughout the 10-year OTIA III State Bridge Delivery Program, ODOT's Office of Civil Rights (OCR) and bridge program diversity team have partnered with many governmental and non-governmental organizations to implement workforce training programs. The team has worked with Oregon's Native American Tribes to assist members in securing contracts for bridge program projects. The following information details how the Tribal groups and ODOT region and bridge program staff collaborated on projects across the state.

Training

- As of January 2009, responsibility for managing supportive services provided through the Region 2 Regional Workforce Alliance moved from ODOT's Office of Civil Rights to the Confederated Tribes of the Grand Ronde. OCR field specialists and members of the CTGR conducted several case management

services and orientations supporting apprenticeship on bridge program projects in Region 2. After the transition, the CTGR provided services under an intergovernmental agreement. As a result of this effort, three Tribal members applied to the Northwest College of Construction for carpenters, three to the ironworkers union and four to the laborers union.

- To meet the need for apprentices on bridge program Bundles 203, 205 and 414, the CTGR held an orientation session on April 8, 2009. CTGR and OCR field specialists registered nine clients for apprenticeships. Clients filled out information forms, scheduled individual appointments, and met weekly with the ODOT team for two months to track each applicant's progress toward apprenticeship. On May 6, 2009, the CTGR held a Career Fair and, partnering with the OCR field specialist, registered an additional eight new clients for apprenticeships. Clients also filled out information forms, scheduled individual appointments and registered for safety trainings.
- OCR field specialists from Region 3 and Region 4 attended the Tribal Employment Rights Office training hosted by the Confederated Tribes of the Umatilla Indian Reservation at its facility in Pendleton on Jan. 29, 2009. Approximately 50 contractors also attended to become TERO certified. ODOT requires that prime contractors bidding on TERO construction projects have TERO certification. The training covered the history of the CTUIR, the policies and procedures related to TERO, and the expectations of both the CTUIR and contractors working on projects within the Tribe's jurisdiction. The training was held in anticipation of upcoming bidding on Bundles 427 and 457 and continuing work on Bundle 414.
- On June 7, 2009, the Region 3 OCR field specialist dispatched a client from the Siletz Tribe to a job site on Bridge Program Bundle 404 with JAL Construction through the Umatilla TERO program. The specialist also worked with the Siletz Salem Office regarding opportunities for clients who were served through the Salem, Siletz and Eugene Siletz Tribal offices.
- On June 22, 2009, the CTGR held an orientation and registered 10 new clients for apprenticeships. The clients filled out information forms and applications for the concrete training program through the Polk Help Achieving Lifelong Objectives (HALO) program and for free OSHA 10-hour training. The Cement Masons Union scheduled individual appointments and provided a free team-building group activity on June 25, 2009. It also registered individuals interested in concrete training, which will help them apply for apprenticeship positions on Bridge Program projects.
- Through the HALO program, OCR field specialists scheduled job-readiness training, free OSHA 10-hour training, team-building and concrete training. As part of its support services, the CTGR bought a pair of boots and a pair of pants for a carpenter apprentice who was dispatched to work on bridge program Bundle 306, in addition to two gas vouchers for OSHA 10-hour training in Corvallis. On June 22, 2009, the OCR field specialist helped 10 clients from the CTGR prepare for the application process and interview with the HALO program.

Activities and Outreach

- On Bundle 414, the TERO program has been especially successful because the contractor (Wildish) has exceeded requirements. Wildish has worked with the TERO program to direct the majority of its job openings to TERO workers through the union. In addition, Wildish aggressively matched new apprentices with seasoned journey workers and included TERO workers as part of its own team. As a result, most of the

TERO workers will be retained through the slower winter season and into spring when construction picks up.

- From June 2008 to June 2009, the OTIA III State Bridge Delivery Program, CTUIR and CTGR collaborated to implement a Workforce Development Program. The Region 5 OCR field specialist attended progress meetings once a month. At Regional Workforce Alliance meetings, the diversity team planned how to place construction-ready candidates in JATC and NWCC apprentice pools.

Tribal Business Opportunities

Total Payments to Native American Contractors Received in 2008 and 2009 on Bundles in Region 5					
As of Oct. 23, 2009					
Company	Owner	Ethnicity	Contract Name	Contract Amount	Payment Amount
Dirt & Aggregate Interchange Inc.	Henry Pelfrey	Native American (Indian)	I-84: Irrigon Junction – Hilgard Interchange, Bundle 206	\$133,500	\$64,465
Dirt & Aggregate Interchange Inc.	Henry Pelfrey	Native American (Indian)	U.S. 395: McKay Creek to Silvies Slough (MSS), Bundle 414	\$234,479	\$24,460
Totals				\$367,979	\$88,925

MOTOR CARRIER TRANSPORTATION DIVISION (MCTD)

Gregg Dal Ponte, Division Administrator	503-378-6351
Gayle Green, Motor Carrier Audit Program Manager	503-378-6658
Craig Bonney, Complaint Resolution/Economic Regulation Manager	503-378-4851
David McKane, Safety, Federal Programs, and Intelligent Transportation Systems Manager	503-373-0884

- No training was provided to the Tribes or participated in by the Motor Carrier Transportation Division (MCTD) regarding State-Tribal relations in 2009. MCTD staff is aware of the government to government law as it has been included in management team discussions and past meeting minutes that are distributed throughout the Division.
- MCTD has a current non-compensation agreement with the Umatilla Tribal Police Department for participation in the Motor Carrier Safety Assistance Program. In 2009, the Tribe had one active, certified safety inspector. In 2009, there have been no new activities, agreements or partnerships with Tribes and there are no planned division interactions with Tribes in 2010.

- In 2009, MCTD Staff did not receive any Tribal member questions regarding the applicability of motor carrier regulations on or off Tribal land.

OFFICE OF CIVIL RIGHTS (OCR)

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

OCR Staff

Greg Azure, Title VI Manager
 Rick Whelan, Reg. 2 Field Coordinator
 Christie Meacham, Reg.3 Field Coordinator

Region 2

- ODOT entered into an Inter-Governmental Agreement with The Confederated Tribes of Grande Ronde (CTGR) on August 27, 2008. The agreement addressed the implementation of the Workforce Development Program specific to the workforce needs of ODOT Region 2 Mid-Willamette and Coastal Area. This agreement expired on June 30, 2009. The Workforce Development Program is designed to build and sustain a diverse skill construction workforce needed to support the growth of Oregon's highway construction industry. The intent of the workforce development programs is to increase diversity in employment, increase apprenticeship participation and increase training resources and opportunities for highway construction jobs in ODOT Region 2 and across the state. CTGR was instrumental in delivering this program to ODOT Region 2.

Region 3

- Region 3 is home to 3 Tribal Groups. Regular e-mail contact and invitations to participate through the Alliance is sent to Cow Creek Band of Umpqua Tribe of Indians and Coquille Indian Tribe members. Staff had periodic phone contact from the Tribes requesting and sharing information. Information sent through Alliance members include e-mails regarding Minority Women Emerging Small Business (MWESB) opportunities, small business opportunities fairs, and job and career fairs.
- On 10/29/09, we added the Confederated Tribes of the Coos-Lower Umpqua-Siuslaw Indians to the Alliance e-mail list and sent them some previous Alliance e-mails to give them an idea of what Alliance membership offers. Also, we provided them with information on opportunities with apprenticeships and Minority Women Emerging Small Business (MWESB) information.

Title VI

- There are no key or significant Tribal contacts or interactions to report.

Emerging Small Business (ESB) Manager

- All of our ESB programs are open to Native American contractors and consultants; however, the ESB program no longer has any outreach or program initiatives specific to Tribal governments

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
Alison Wiley, Transportation Options Program Manager	(503) 986-4131
Sherrin Coleman, Statewide Public Trans. Planning Program Manager	(503) 986-4305
Sharon Peerenboom, Small City and Rural Program Manager	(503) 986-3416

Agency Programs that Affect 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 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 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. 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.
- FTA Job Access and Reverse Commute Funds are available for transportation services benefiting people with low income, and FTA New Freedom Funds, which benefit people with disabilities. Tribes with transportation services that fit the program guidelines are eligible to participate in the statewide competitive 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.

Communication with Tribes

- PTD maintains an agency communication list that includes Tribal contacts.

- The Legislative Tribal Commission assisted to identify an individual to represent Tribal perspectives on the Public Transit Advisory Committee (PTAC). The PTAC is one of the modal committees that advise the Oregon Transportation Commission and PTD.
- 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.
- Staff also provides technical assistance, training, scholarships and other support as needed and requested to Tribes.

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.
- 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 Tribes for the Special Transportation Funds. The IGA is required by state law as a conveyance of the funds.
- Confederated Tribes of the Umatilla Indian Reservation has an IGA for FTA §5311 and ARRA programs. The IGA is required by federal law as a conveyance of the funds.
- Several Tribes have IGAs for the FTA §5310 program. The IGA is required by federal law as a conveyance of the funds.

Key Activities in 2009

- For 2009-2011, 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.
- CTUIR was eligible for American Recovery and Reinvestment Act (ARRA) funds (a one-time source of funds). These funds are being used to support capital equipment and preventive maintenance.
- Eight of the nine Tribes have adopted the transit plan required of the Special Transportation Fund program and the Federal Transit Administration 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 the Tribes.

- The Siletz, Warm Springs, Umatilla, Cow Creek, Grand Ronde, Coquille and 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.

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 2009.

TRANSPORTATION DEVELOPMENT DIVISION (TDD)

Jerri Bohard, Division Administrator (503) 986-4163
 Barbara Fraser, Planning (503) 986-4127
 Dave Ringeisen, Transportation Data (503) 986-4171
 Bernie Jones, Research (503) 986-2845
 Laura Wipper, Asset Management (503) 986-4232

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 includes miles of public roads on Indian Reservations.
- Crash Reporting and Analysis Program.
- *ConnectOregon* Program investments.

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 the Area Commissions on Transportation (ACTs). ACTs review *ConnectOregon* projects as part of the selection process.

- 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 about Tribes being eligible for competitive TGM grants.
- 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 the tribes and other parts of ODOT.
- Attended Government to Government training sessions
- Developed Title VI guidance for ODOT Planners
- Tribal transportation and jurisdiction information is included in the State of the System Report

TRANSPORTATION SAFETY DIVISION (TSD)

Troy E. Costales, Division Administrator

(503) 986-4192

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. 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/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