



# Oregon

John A. Kitzhaber, MD, Governor

## Department of State Lands

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### State Land Board

## 2013 Annual Government-to-Government Report

For the Department of State Lands

December 13, 2013

John A. Kitzhaber, MD

Governor

Kate Brown

Secretary of State

Ted Wheeler

State Treasurer

This annual report is submitted in response to ORS 182.166 (3), which requires agencies to submit a report on agency activities under ORS 182.162 to 182.168.

### Department of State Lands Policy on Relationship with Tribes

The government-to-government policy of the Department of State Lands (DSL) was originally established in August 1998 in response to the Governor's Executive Order No. EO 96-30 on state/tribal relations. This policy remains in effect and commits DSL to:

- Include affected tribal interests in the review/comment of agency actions likely to affect tribal members or resources of tribal interest.
- Carefully and thoughtfully consider tribal comments concerning pending decisions and actions.
- Provide materials to natural resource agencies within each tribal government that explain DSL's roles and responsibilities in natural resource management.

More specific information about coordination with tribal governments is included in the DSL State Agency Coordination Plan, which includes a separate section addressing coordination with tribal governments.

### Agency Contacts

Our primary agency contact is:

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In order to participate more fully in activities of the Cultural Resources and Natural Resources Workgroups, the agency will also be represented by:

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### **Process to Identify Programs of DSL that Affect Tribes**

The primary means that DSL uses to identify programs or activities of the agency that may affect tribes is spelled out in the agency State Agency Coordination Plan. DSL regularly includes tribes in notification of possible actions on state lands owned and managed by DSL, giving the respective tribe an opportunity to comment on the proposed action. Additionally, when DSL receives an application to remove material from or fill in the waters of the state, the agency routinely provides the application to the potentially affected tribe for review and comment.

Through trainings and presentations, DSL also raises staff awareness of the need to consult with tribes on a government-to-government basis.

### **Efforts to Promote Communication between DSL and Tribes / Government-to-Government Relations between DSL and the Tribes**

During FY 2013, DSL's efforts to promote communication between the agency and tribes included a number of areas. By program area, these efforts include:

### Agency-wide

Agency leadership attended the Tribal Summit in November 2012, and again in December 2013.

Staff attended the annual Tribal Information Day at the State Capitol.

Staff participated in the Cultural Resources and Natural Resources Workgroup meetings throughout the year.

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

### Land Management Division

DSL continues to participate in the Cultural Resources Workgroup and is represented by Lanny Quackenbush, Eastern Oregon Region Manager of the Land Management Division. Representation is inclusive of the Wetlands and Waterways Conservation Division.

The Land Management Division continues its policy of mailing each potentially affected tribe a copy of applications received for activities proposed on Department owned and managed lands. The tribes are afforded the opportunity to comment on the proposed activities set forth in the applications and staff work closely with tribal staff to address any concerns they may have.

The Land Management Division's archaeologist continues to review authorization applications for western Oregon as well as eastern Oregon.

Land Management Division staff continues coordination and funding of the Natural Resources Damage Assessment studies and Cost Allocation Process for the Portland Harbor Superfund site; and has reached out to the tribes to invite participation in the Department's Rules Advisory Committee for remediation and restoration activities on state-owned waterways.

### Wetlands and Waterways Conservation Division

DSL continues to participate in the Natural Resources Workgroup and is represented by Bill Ryan, Assistant Director of the Wetlands and Waterways Conservation Division. Mr. Ryan has continued to provide updates on the removal-fill program and address issues raised by tribal representatives attending the workgroup meetings.

The Department is currently exploring the opportunity to assume Section 404 of the Clean Water Act (404 assumption). Tribes have indicated concerns with 404 assumption, particularly with respect to cultural resource protections and the potential loss of consultation under Section 106 of the National Historic Preservation Act. The Department continues to investigate potential gaps in cultural resource protections if

404 assumption is approved and will be working with tribal representatives to explore options for addressing those concerns.

The Wetlands and Waterways Conservation Division has worked to refine the public notice process to tribes for removal-fill permit applications. The Department received information from two of the tribes that a public notice on an application of interest was not received. In response, the Department is meeting with all of the tribes to refine the areas and activities of interest to facilitate coordination on removal-fill permit applications.

The Department received comments from several tribes regarding the Coyote Terminal LLC permit application for a dock at the Port of Morrow that would be used to transport coal down the Columbia River. The Department is working with the applicant to resolve the issues raised by the tribes prior to making a permit decision.

During this reporting period, the Department has held several meetings with tribal representatives to discuss proposed rulemaking and seek input on placer mining and essential salmonid habitat designations.

In June of 2013, the Department sponsored an interagency workshop on *Lamprey Biology, Conservation Measures and Cultural Importance* for two Oregon tribes. The Department hopes to host another workshop next year to explore what other tribes are doing for Lamprey conservation.

A wetlands staff person in the Wetlands and Waterways Conservation Division participated on the Environmental Justice Task Force (EJTF) during 2013, in order to provide feedback on how environmental justice (EJ) concerns may be incorporated into agency actions and decisions. Tribal communities are identified EJ communities, which emphasizes the importance of the Department's government-to-government and tribal outreach efforts. The Department is committed to building staff understanding of EJ to provide a common foundation for fostering further innovation for outreach with, and inclusion of, EJ communities. The goal is to provide more effective interactions with potentially affected EJ communities, including the tribes.

#### Unclaimed Property Program

On June 26, 2013, unclaimed property staff provided an owner outreach booth at the Confederated Tribes of the Warm Springs Annual Pi Ume Sha Health Fair. This was the fourth year unclaimed property was asked to attend. The half-day event was comprised of diverse vendors promoting subjects from health and mental wellness to educational and social programs.

The fair was held in the community center, and more than 350 individuals and families attended. The unclaimed property booth provided attendees the opportunity to search for unclaimed funds being held by the Department.

During the year, staff researched potential funds owed and issued claim forms to confederated tribes around the state that totaled over \$11,500. Staff will continue to seek opportunities for outreach with tribal communities to help reunite owners with their unclaimed monies.

### South Slough National Estuarine Research Reserve (SSNERR)

SSNERR science staff continues to collaborate with the Coquille and Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians (CTCLUSI) to manage the real-time water quality station at North Spit/BLM Boat launch and to discuss data quality issues related to water quality in Coos Bay. The Coquille tribe is working toward establishing their first water quality station in the Coos estuary near the Mill Casino. This collaboration was formalized by the Partnership for Coastal Watersheds project, a joint community-based project between SSNERR and the Coos Watershed Association to understand watershed conditions and local climate change impacts in the Coos estuary. Recently, the Partnership for Coastal Watersheds project completed expansion of the Coos estuary water quality network to include four new stations as well as the two stations run by CTCLUSI, the proposed Coquille station, and the four established South Slough System-Wide Monitoring Program stations. SSNERR and CTCLUSI established a cooperative agreement to facilitate working together including exchanging information and data, shared use of equipment and facilities, and joint proposal development and project management. SSNERR and the tribes developed a NERRS Science Collaborative proposal to add real-time equipment to the new expanded network of water quality stations as well as educational display kiosks, that was ultimately unsuccessful but may be pursued in the future for other funding opportunities.

SSNERR education staff participated in the 11th annual Mill-Luck Salmon Celebration and canoe races held in Coos Bay on September 14, 2013. They joined men's, women's, and co-ed teams that included members of the Friends of South Slough and other volunteers. Three SSNERR staff members joined a team of canoe pullers from the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians to compete in a dugout canoe race. Named for South Slough's tribal-style canoe, Chmoosh teams were awarded third place in both the men's and the women's races. SSNERR has been invited to participate again next year.

- In August SSNERR staff, the Friends of South Slough, and the Coquille Indian Tribe sponsored an evening paddle-and-picnic at Sunset Bay State Park featuring native canoes. The event was open to the public.
- Nan MacDonald, a local Native American artist, continues to offer classes in Native American weaving techniques, using Pacific Northwest plants, at the SSNERR interpretive center.

## **Anticipated Activities for 2014**

During 2014, DSL will:

- Continue participation in government-to-government activities such as the Cultural Resources Workgroup meetings and the Natural Resources Workgroup meetings; and in providing tribes with opportunities to comment on DSL activities.
- Continue to highlight tribes through the Multicultural Appreciation Committee, focusing particularly on National American Indian Heritage Month in November.
- Continue participation on the Environmental Justice Task Force.
- Continue to work with interested tribes on development of a coordinated wetland monitoring and assessment program, as described in the Wetlands and Waterways Conservation Division section, above.
- Continue funding for Natural Resource Damage Assessment and Cost Allocation Process for the Portland Harbor Superfund site.
- Continue outreach efforts with Oregon tribes on searching for and claiming unclaimed property that the agency may be holding for tribal members.
- Continue to cooperate and coordinate with representatives of the Coquille Tribe to locate and protect cultural heritage sites in the SSNERR. Implement the cooperative agreement with the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians and continue tribal participation on the SSNERR Management Commission.
- Continue to participate in and/or coordinate educational and cultural experiences with local tribes.
- Review its tribal relations policy to determine whether it needs to be updated and seek further opportunities to provide training for DSL staff.