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Government-to-Government Relationships
Annual Report
January—December 2007

This report identifies Oregon Military Department (OMD) activities during the year 2007 regarding compliance with ORS 182.162-168 and Government-to-Government relationships with the Native American tribes in Oregon.

ACTIVITIES DURING 2007

The OMD's *Statement of Policy State/Tribal Government-to-Government Relations*, last revised 1 May 2006, was developed in accordance with ORS 182.164 and clearly reiterates the Department's commitment to sound Government-to-Government relations with the federally-recognized tribes of Oregon (see attached).

The OMD continued coordination with federally-recognized tribes of Oregon in accordance with the statewide Integrated Cultural Resources Management Plan (ICRMP) for OMD/Oregon Army National Guard facilities and actions throughout the state. The ICRMP, which was implemented in March 2002, defines OMD procedures for continuing Government-to-Government relationships in the spirit of ORS 182.162.

OMD staff participated in the November 2007 Governor's Summit and in Natural and Cultural Resource Cluster Group Meetings in May, August, and November 2007. In addition, the OMD has agreed to Chair the Cultural Resource Cluster Group for the coming year.

OMD staff received Tribal awareness training via the Tribal Information Day sponsored by the Legislative Commission on Indian Services. OMD staff also attended the week-long Archaeological Training Conference in October 2007, sponsored by the Oregon Parks and Recreation Department with assistance from several of the Oregon Tribes.

The OMD continued efforts to prepare a draft Environmental Assessment for four proposed weapons firing ranges at the Boardman Naval Weapons Systems Training Facility (Boardman Bombing Range). OMD staff briefed participating tribes at the November 2007 Natural Resource Cluster Group Meeting

The OMD continued efforts to revise existing Integrated Natural Resources Management Plans (INRMP) for three military training sites: Camp Adair in Benton County; Camp Rilea in Clatsop County, and Biak Training Center in Deschutes and Crook Counties. These plans were discussed at the November 2007 Natural Resource Cluster Group Meeting.

The OMD continues to encourage an open dialogue with the tribes where resource concerns may exist.

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STATEMENT OF POLICY
STATE/TRIBAL GOVERNMENT-TO-GOVERNMENT RELATIONS

PURPOSE

The Oregon Legislature adopted Senate Bill 770 during the 2001 Legislative Session, which has since been codified as Oregon Revised Statutes (ORS) Chapter 182. This law directs state agencies to promote government-to-government relations with federally recognized Native American tribes in Oregon, and to develop and implement policies that include the consideration of tribal interests in the development and implementation of state programs that affect any of the recognized tribes. The Oregon Military Department (OMD) recognizes and respects the sovereign status of the federally-recognized tribes in Oregon, their respective authorities on tribal lands, and their interests on non-tribal properties. As the administrative head of the Oregon National Guard, the OMD intends to maximize its government-to-government relations with affected tribes, resolve potential conflicts before they occur, and enhance an exchange of ideas, information, and resources for the greater good of all Oregon citizens.

STATUTORY AUTHORITIES

The OMD is a state agency with statutory authority necessary to supervise the military affairs of the state, while conforming to requirements of the laws of the United States and the State of Oregon for the maintenance, restoration, and protection of real property, including its natural and cultural resources. The OMD is comprised of an organized and unorganized militia, authorized and established under Oregon Revised Statute Chapter 396. For the purposes of this statement of policy, the "organized militia" is composed of the Oregon Army National Guard and the Oregon Air National Guard, hereinafter referred to as the Oregon National Guard (ORNG), and the Oregon State Defense Force. OMD is also required to comply with applicable policies and regulations of the Department of Defense (DOD), including the Department of the Army, Department of the Air Force, and the National Guard Bureau (NGB).

MISSION

The ORNG will provide the citizens of the State of Oregon and the United States with a ready force of citizen soldiers and airmen, equipped and trained to respond to any contingency.

"When we are needed, we are there."

VISION

Oregon National Guard - soldiers and airmen striving for excellence and focused on readiness

APPROACH AND PRIORITIES

Since the early 1980s, the OMD has managed programs to ensure OMD activities and operations comply with applicable federal, state and local environmental laws, as well as the Department of Defense, Department of the Army, Department of the Air Force, and NGB policy, regulations and implementing guidelines. ORNG environmental programs provide specific direction for environmental compliance and resource conservation in operations, training, and equipment maintenance at facilities throughout the state that are used for maintaining personnel readiness. These programs include goals to instill environmental stewardship in personnel; minimize impacts of military training on the environment; minimize the impact of environmental compliance on training and mission accomplishment; and provide appropriate guidance to commanders, facility managers, and supervisors in meeting environmental mandates.

The OMD adopted an Integrated Cultural Resources Management Plan (ICRMP) in 2001, and updates that plan in accordance with applicable guidance at least every five years. OMD requirements to maintain and enhance government-to-government relations with the tribes are addressed in that plan. Within the framework of those various requirements, the OMD seeks to ensure tribal interests are identified in advance and addressed in conducting its operations.

PRINCIPLES FOR TRIBAL GOVERNMENT PARTICIPATION

This policy is adopted in accordance with the provisions of ORS Chapter 182, as well as the requirements for federally-supported agencies found in federal Executive Order 13175, *"Consultation and Coordination with Indian Tribal Governments"*. In addition, the principles of the OMD policy are based on the Department of Defense (DOD) American Indian and Alaska Native Policy for interacting and working with federally-recognized American and Alaska Native governments. The principles are based on tribal input, federal policy, treaties, and other federal statutes. Coordination for review and consultation will be initiated for agency programs and activities, as discussed herein, that may affect tribes. Initiation of consultation will include consideration of the unique interests of each tribe when applying these principles to OMD facilities and operations. The OMD will make every effort to address and understand past, present, and future tribal concerns. Once identified, concerns will be addressed on matters that have a potential to significantly affect protected tribal resources, tribal rights, or Indian lands.

TRIBAL RELATIONS PROTOCOL

The Adjutant General (TAG) is responsible for implementing Native American consultation for the OMD. TAG has tasked the Deputy Director to ensure day-to-day activities of the agency comply with these requirements. As an effective means of maintaining an ongoing consultation relationship and ensuring consistency in consultation proceedings and outcomes, TAG has also appointed the Environmental Program Manager as the agency "Coordinator for Native American Affairs:, hereinafter referred to as the "Coordinator". Through OMD environmental staff, the

Coordinator will ensure the agency maintains the necessary training and experience in Native American concerns for effective policy development and implementation, and has the authority to enter into negotiations on behalf of the agency and develop draft policy and agreements for consideration by the Adjutant General.

The Coordinator will provide consistency in the agency consultation process with the tribes, as well as within the OMD. An informal process for consultation has been established and is on-going, whereby any major proposed action or management plan is discussed with the potentially-affected tribes. Routine participation in applicable cluster group meetings, particularly those for Cultural Resources and Natural Resources, and NGB-sponsored regional tribal consultation workshops have also been a part of the program since 1999. Some policies, which do not address all requirements, are included in the current ICRMP. As proposed agency policies and procedures become more refined, the OMD will consult with the tribes and incorporate relevant changes into the ICRMP, which from time to time must be revised in accordance with federal and state law and NGB requirements.

Finally, the OMD will present awareness and other required training every two years to appropriate OMD personnel to ensure they understand the intent and follow the consultation process required by ORS Chapter 182, applicable federal requirements, and the provisions of this policy and its internal implementing procedures; that they have access to required information to meet their responsibilities; and that they maintain the good-faith relationships that have been developed with tribal representatives through previous consultation efforts.

PROGRAMS POTENTIALLY AFFECTING TRIBES

Since the OMD primarily focuses on the readiness of its soldiers and airmen to perform assigned federal and state emergency mission tasks, it has few "programs" with the potential to affect the tribes. Nearly all agency efforts are in support of that primary focus, including the establishment of internal operating procedures, the development and maintenance of training facilities, and the planning and execution of major training operations. Therefore, in order to meet the spirit and intent of applicable requirements, the OMD will provide an opportunity for tribes to express tribal concerns as early as practicable in the planning process for OMD activities that have the potential for interest by any of the tribes. Consultation will be initiated through formal correspondence, telephone calls, and personal visits, as deemed appropriate, and in continued participation in the "cultural resources" and "natural resources" cluster group meetings. The OMD recognizes that some issues may require an extended period of time to resolve, and consultation agreements may take a similar amount of time to implement. In any case, it is of utmost importance to ensure good-faith efforts are made to resolve consultation issues. The importance of developing a sense of trust and mutual respect is paramount to building an effective government-to-government relationship, and the OMD is committed to developing and maintaining this trust and respect with the tribes. Finally, common interests may be shared

between the agency and one or more of the tribes. In fact, projects of mutual interest have been completed in the past. If opportunities arise, others may be pursued in the future.

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1 May 2006

DATE

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