



# Oregon

Theodore R. Kulongoski, Governor

## Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 378-3805

FAX (503) 378-4844

[www.oregonstatelands.us](http://www.oregonstatelands.us)

## 2008 Annual Government-to-Government Report

### State Land Board

For the Department of State Lands

Theodore R. Kulongoski

Governor

December 18, 2008

Bill Bradbury

Secretary of State

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.

Randall Edwards

State Treasurer

### 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:

Louise Solliday

Director

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279



Phone: (503) 986-5224  
Fax: (503) 378-4844  
Email: [louise.c.solliday@state.or.us](mailto:louise.c.solliday@state.or.us)

In order to participate more fully in activities of the cultural resources and natural resources clusters, the agency will also be represented by:

Steve Purchase  
Assistant Director, Land Management Division  
Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
Phone: (503) 986-5279  
Fax: (503) 378-4844  
Email: [steve.purchase@dsl.state.or.us](mailto:steve.purchase@dsl.state.or.us)

And:

Kevin Moynahan  
Assistant Director, Wetlands and Waterway Conservation Division  
Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
Phone: (503) 986-5259  
Fax: (503) 378-4844  
Email: [kevin.moynahan@dsl.state.or.us](mailto:kevin.moynahan@dsl.state.or.us)

### **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 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 and Government-to-Government Relations between DSL and the Tribes**

During 2008, DSL's efforts to promote communication between the agency and tribes included a number of areas. By program area, these efforts include:

### Agency-wide:

As part of DSL's observance of American Indian Heritage Month in November, Elizabeth Garrison, Education Curator of the Hallie Ford Museum of Art, spoke at our all staff meeting about the new exhibit called "The Art of Ceremony: Regalia of Native Oregon." She discussed tribal ceremonies and the regalia worn for these by Oregon's nine federally recognized tribes. Several staff visited the museum following the presentation.

Staff attended the annual Tribal Information Day at the State Capitol and participated in training there.

Finally, staff attended the annual state-tribal meeting in November and participated in the cluster meetings held on conjunction with the annual meeting.

### Land Management:

The Land Management Division continues its policy of mailing each potentially affected tribe a copy of applications received for land management. 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.

Land Management Division Staff worked closely with the affected tribes on rangeland development projects in eastern Oregon. The projects entailed fence restoration, juniper thinning and noxious weed spraying. Staff worked to address any comments that they had.

Staff continues coordination with the Burns Paiute Tribe on the Steens Mountain Advisory Group.

Land Management Division concluded archeological and cultural resources evaluations on approximately 1500 acres of land in Deschutes County as part of the State of Oregon indemnity selection process and 400 acres of land involving land sales and rangeland development projects.

Land Management staff continues coordination and funding of the Natural Resources Damage Assessment studies for the Portland Harbor Superfund site.

### Wetlands and Waters Conservation:

The Wetlands and Waterways Conservation Division continues its policy of mailing each potentially affected tribe a copy of applications received for removal-fill activities. 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.

Staff in the Removal-fill program worked closely with the Confederated Tribes of the Grand Ronde on a restoration project on Agency Creek designed as mitigation for the improvements to Grand Ronde Road. The project entailed restoring and stabilizing 150' of Agency Creek by sloping back the vertical bank, adding logs and boulders, removing non-native vegetation, and planting of riparian vegetation.

The Assistant Director of the Wetlands and Waterways Conservation Division and the Eastern Region Manager attended the "Building Effective Government and Business Relations with American Indian Tribes" training in January at the Confederated Tribes of the Umatilla Reservation. This was an interactive two-day professional development workshop designed for federal, state, and local government officials and business leaders who have a need to develop working relationships with American Indian tribes and organizations. The objective of this seminar/workshop was to provide Federal, state, and local government officials and business leaders the knowledge necessary to develop and conduct effective working relationships with American Indian Tribes and organizations (associations, coalitions, etc.).

The Assistant Director and Regulatory Streamlining Coordinator made a presentation in May to the Government to Government Natural Resources Cluster about agency efforts to streamline the permitting process for stream and other restoration projects. Joining in the presentation were other collaborators in the current DSL/Oregon Trout Oregon Solutions Project related to encouraging restoration projects.

#### South Slough National Estuarine Research Reserve:

##### *Tribal Representation on SSNERR Management Commission*

After gaining a tribal representative seat for the South Slough National Estuarine Research Reserve (SSNERR) Management Commission during the 2005 Legislative Session, the Reserve has regular participation by a governor appointed tribal representative who is involved in making management decisions for the Reserve.

##### *Coordination with Tribes on Coasts and Ocean's facility in Charleston*

Throughout 2008, the Oregon Solutions program supported a project team focused on creating a Coasts and Oceans facility in Charleston. SSNERR staff members and representatives of the Confederated Tribes of Coos Lower Umpqua and Siuslaw Indians are represented on the Oregon Solutions planning team. The Oregon Solutions team has learned that the Confederated Tribes are in the process of planning a multi-function facility on tribal property in Charleston, adjacent to the proposed location of the Coasts and Oceans facility. SSNERR staff have worked to coordinate the planning efforts of the Oregon Solutions Team with the planning efforts of the Confederated Tribes. A declaration of

cooperation regarding the Oregon Solutions project is expected in the summer of 2009.

*Encouraged tribal participation in coastal and estuarine research conference*

SSNERR staff are serving as local co-chair for the November 2009 meeting of the Coastal and Estuarine Research Federation (CERF). CERF is an international organization of professional scientists and coastal managers. The local co-chairs are working to encourage tribal participation in the conference. One of the special sessions proposed for the conference will emphasize projects undertaken by Native American people.

*Cooperation with Tribes on non-native marine snail research project*

During 2008, the SSNERR finalized an intergovernmental cooperative agreement with the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians. The agreement allows cooperative activities between the Tribe and SSNERR, such as use of shared equipment, joint grant applications and training. The agreement has been finalized and the first project specific task order has been finalized. The Task Order is linked to a \$100,000 research grant awarded to SSNERR to conduct research on a small, non-native saltwater snail that was first discovered in the Coos Estuary during the summer of 2007. This NOAA funded project is just getting underway. The Confederated Tribes and SSNERR staff will conduct the bulk of the fieldwork and analysis in 2009. During 2008, SSNERR staff worked jointly with Tribal staff and a team of invasive species scientists lead by Dr. James Carleton, to conduct on a weeklong aquatic snail survey in PNW estuaries. SSNERR and Tribal staff also participated in a half-day snail identification workshop lead by Dr Carleton. In addition, SSNERR and Tribal staff jointly hosted a two-day site visit from NOAA Aquatic Invasive Species program representative Theresa Geodeke

*SSNERR hosted educational programs in partnership with Native American groups and people*

In 2008 SSNERR hosted three educational programs focused on Native American history and heritage.

January 24 - Melody Caldera gave a presentation with pictures on the cultural history of South Slough to 12 people. About a quarter of the hour program focused on native peoples' use of South Slough.

May 20 - The Confederated Tribes gave a presentation in the South Slough Auditorium on tribal tools from the watershed to 52 students from Sunset Middle School. This included viewing a dugout canoe built by the chief of the confederated tribes.

July 30 - The Coquille Tribe brought their summer camp program to South Slough. 25 students in grades k-2 participated in a self-guided hike and tour of

the exhibits. 20 students in grades 3-6 participated in our program "In Search of the Treasure of South Slough", which was led by Tom Gaskill.

*Field work to identify cultural heritage sites in SSNERR.*

During the fall of 2008 SSNERR staff worked cooperatively with representatives of the Coquille Tribe who conducted fieldwork in SSNERR to locate a cultural heritage site in the Southern Portion of the Reserve.

Participation in Cultural Resources and Natural Resources Clusters

Throughout the year, staff from the Land Management Division and the Wetland and Waterways Conservation Division participated in meetings of the Cultural Resources Cluster and the Natural Resources Cluster.

**Anticipated Activities During 2009**

During 2009, DSL will continue its on-going participation in Government-to-Government activities such as the Cultural Resources Cluster meetings and the Natural Resources Cluster meetings and in providing tribes with opportunities to comment on DSL activities.

Continue tribal representation on the SSNERR management commission.

Implement NOAA's aquatic invasive species research project grant as per agreement with Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians.

Identify additional research and education grant programs that hold potential as cooperative SSNERR/Tribal sponsorship. Develop at least one proposal in cooperation with PNW Coastal Tribes.

Continue coordination and planning efforts between SSNERR and area Tribes via the Oregon Solutions planning team process.

Jointly sponsor and host educational programs with Tribal members and groups including regional basket making workshops slated for February and March of 2009

Encourage and facilitate Tribal participation in the November 2009 meeting of Coastal and Estuarine Research Federation to be held in Portland in November 2009.

SSNERR staff will continue to cooperate and coordinate with representatives of the Coquille Tribe to locate and protect cultural heritage sites in the SSNERR. SSNERR anticipates implementing the cooperative agreement with the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians and on-

going tribal participation through the tribal representative on the SSNERR Management Commission.

Finally, DSL proposes to review its tribal relations policy to determine whether it needs to be updated and seek further opportunities to provide training for DSL staff.