Oregon
John A. Kitzhaber, MD, Governor

Travel Information Council
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# 2013 Government-to-Government Annual Report

## November 1, 2013

This report identifies activities of the Travel Information Council (dba Oregon Travel Experience or OTE) in accordance with ORS 182.162 – 182.168, the Relationship of State Agencies with Indian Tribes.

1. Policy adopted by agency

The policy statement for Government-to-Government Relations was established on January 1, 2013 with enactment of Senate Bill 1591 giving OTE managerial authority over certain safety rest areas located on Oregon Highways. The policy recognizes the responsibilities of the Legislative Commission on Indian Services (LCIS) and the State Historic Preservation Officer (SHPO) for the protection of cultural resources and establishes the responsibilities of agency staff to uphold those protections and develop relations with the federally recognized tribes located in Oregon. The agency's policy statement is appended to this report.

2. Agency contacts

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*Agency Deputy Director/COO:*
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3. Agency programs that affect tribes

A. Safety Rest Areas

OTE manages 20 safety rest areas located on Oregon highways. As it is possible that cultural resources could be uncovered during a ground-disturbing activity, the agency consults with LCIS and SHPO, and contracts with professional archaeologists to assure protection of cultural resources before any planned major construction activity.

OTE manages safety rest areas in the following locations:

- French Prairie rest areas, I-5 south of Wilsonville
- Santiam River rest areas, I-5 south of Salem
- Manzanita rest areas, I-5 north of Grants Pass
- Memaloose rest areas, I-84 west of The Dalles
- Boardman rest areas, I-84 west of Boardman
- Stanfield rest areas, I-84 west of Stanfield
- Charles Reynolds rest areas, I-84 east of La Grande
- Baker Valley rest areas, I-84 west of Baker City
- Weatherby rest area, I-84 east of Baker City
- Ontario rest area, I-84 in Ontario
- Government Camp rest area, US 26 on Mount Hood
- Tillamook River rest area, US 101 south of Tillamook

OTE bases its rest area management on the needs of visiting motorists and collaborates with communities, industry partners and regional businesses to provide the best traveling experience possible. Rest area information centers provide visitors with travel displays and brochures about area hotels, restaurants, golf courses, museums and other attractions. The rest area "Free Coffee" program is a service sponsored by local non-profit organizations in the interest of public safety.

B. Highway Business Signs

OTE serves travelers and business interests through its business logo and guide signs program. Known for their iconic blue sign backgrounds, logo signs guide motorists to local services offering gas, food, lodging, camping and area attractions. On conventional highways, the agency also provides blue signs to tourist oriented businesses and brown signs to museums and historic sites.

C. Historical Markers

OTE also administers the Oregon Historical Marker program that restores and maintains the state's oldest wooden markers while creating a new generation of markers to tell Oregon's stories and reflect the changing perspective of the state's history. Newer historical markers include "Homeland of the Cow Creeks," and "Homeland of the Burns Paiute." New additions to this program are the collaborative "Regional Markers" that team up two or more organizations to tell the story of a larger area and honoring the people who have lived there.

4. Area of work and communication with tribes

A. Cultural Resources Survey at Memaloose Safety Rest Area

OTE contracted with Willamette Cultural Resources Associates to conduct an archaeological survey of the Memaloose eastbound rest area for the proposed placement of an office trailer. Because placement of the trailer would require a buried utility line, application was made to SHPO for a State of Oregon Archaeological Permit to conduct subsurface probes at the project

location as required by the Columbia River Gorge National Scenic Area rules. No archaeological resources were identified during the field investigation. A final report of the survey which included background research on the history and prehistory of the site was distributed to the Confederated Tribes of Grand Ronde Community, Confederated Tribes of Siletz Indians, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Warm Springs, and other governmental agencies.

B. Partnership Projects with Oregon Tribes in 2013:

Champoeg Historical Marker

OTE's Oregon Historical Marker Committee identified this marker as a priority for text revision. After consulting the LCIS, the committee worked with Robert Kentta of the Confederated Tribes of Siletz Indians and David Lewis with the Confederated Tribes of Grande Ronde Community to participate in the text revision. This sign is complete and will be re-installed in Champoeg State Park in the fall of 2013.

Jedediah Smith Historical Marker

The Oregon Historical Marker Committee identified this marker as a priority for text revision. During a meeting with Council members from Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians (CTCLUSI) in 2010, the revision was moved up in priority at their request. OTE received a grant from the Oregon Historic Trails Fund through Oregon Community Foundation to help pay for the project. The committee worked with CTCLUSI and the Governor's Oregon Historic Trails Advisory Council to create a new marker that tells Jedediah Smith's story in a balanced and neutral way. The marker design is complete and is currently in production.

Hollering Place Historical Markers

The City of Coos Bay sponsored four Oregon Historical Markers for the Hollering Place Wayside in Coos Bay. Two of the markers talk about the Coos people who lived around the bay. The city was able to get a grant to partially fund one of the four markers through the Three Rivers Foundation. The city and the Oregon Historical Marker Committee worked closely with CTCLUSI in the development of the markers, with text input from the Coquille Indian Tribe.

Dayton Historical Marker

The City of Dayton sponsored an Oregon Historical Marker that interprets the Dayton Courthouse Square and the Dayton Blockhouse. The military blockhouse was moved from the site of Fort Yamhill which sat at the eastern border of the Grand Ronde Indian Reservation. The Oregon Historical Marker Committee coordinated the information on the new marker with interpretation developed by Oregon Parks and Recreation Department and the Confederated Tribes of Grand Ronde Community with input from David Lewis, Tribal Historian.

Renaming Ceremony for French Prairie Rest Area

The Oregon Transportation Commission approved the proposal to change the name of the rest area located south of Wilsonville on I-5 from Baldock to French Prairie. On September 9, 2013 OTE hosted a special renaming ceremony to mark the event. Speakers at the event included Cheryle Kennedy of the Confederated Tribes of Grande Ronde Community and Sherry Addis of the Confederated Tribes of Siletz Indians.

5. Training and employee awareness

Tim Pickett and Jim Renner represented the agency at the 14th Annual Tribal-State Government to Government Summit held November 29, 2012 in Coos Bay. They also attended the pre-summit joint session and cultural resources cluster where they made a presentation about OTE and its programs including rest area management, highway signs, and historical markers. Jim Renner also represented the agency at Tribal Government Day held May 9, 2013 at the State Capital.

All OTE rest area staff received in-house training through an overview of agency policies and procedures concerning archaeological and cultural resources issues and operational procedures governing emergencies or inadvertent discoveries. Each rest area supervisor also received additional training regarding protocols and procedures specific to their rest area.

# Oregon Travel Information Council

## Government to Government Relations

## Policy Statement

**(January 1, 2013)**

**Introduction:** The Oregon Travel Information Council will as a matter of policy, ensure compliance with the provisions of ORS 182.162-182.168 (Relationship of State Agencies with Indian Tribes). The agency is committed to maintaining good relations and cooperation with Oregon's federally-recognized American Indian Tribes. The agency and its personnel will notify appropriate representatives and pursue guidance in all programs and projects that touch tribal interests.

**Justification:** All divisions of the agency are engaged in work across the state. Tribal lands and cultural interests are impacted by programs managed by the agency. The interests of the State of Oregon and of the Tribes are best served through communication and cooperation.

**Definitions:**

1. Legislative Commission on Indian Services (CIS): The representative group established under ORS 172.100 for the purpose of improving services with American Indians in the State of Oregon. CIS has the following statutory responsibilities:
    a. To compile information about services for American Indians.
    b. To develop programs to inform American Indians about services available to them.
    c. To advise public and private agencies about the needs and concerns of the American Indian community.
    d. To assess programs of state agencies operating for the benefit of American Indians and recommend program improvements.
    e. To report biennially to the Governor and the Legislative Assembly on all matters of concern to American Indians in Oregon.

    The CIS web site is: http://www.leg.state.or.us/cis.

2. State Historic Preservation Officer (SHPO): The Oregon State Historic Preservation Office was established in 1967 to manage and administer programs for the protection of the state's historic and cultural resources.
    a. The office operates within the Oregon Parks and Recreation Department
    b. Provides archeological information, site permits and oversight.
3. Designated Tribal Representative: Individual identified by the CIS to represent the appropriate Indian Tribe.
4. State Agency: Includes all officers, employees, agencies, boards, committees, and commissions of the legislative, executive, administrative and judicial branches of state government as per ORS 358.635.
5. Tribe: A federally-recognized Indian Tribe in Oregon

**Guidelines:**

CIS has broad statutory responsibilities concerning the protection of cultural resources in Oregon. Under ORS 390.235 (Archaeological Sites and Historic Material) CIS is mandated to participate with the State Historic Preservation Office in the archaeological excavation permit process. Under ORS 97.740-97.760 (Indian Graves and Protected Objects) and ORS 358.905-358.961 (Archaeological Sites and Objects) CIS is responsible for providing consultation and designating the appropriate tribe if an Indian burial or archaeological object is discovered.

In addition CIS provides consultation services to other state agencies when their Administrative Rules require them to discharge duties relating to American Indians or cultural resources.

This is of particular importance when, in the course of operations, human remains are discovered:

- Oregon laws (ORS 146.090 & 146.095) outline the types of deaths that require investigation and the accompanying responsibilities for that investigation. The district medical examiner and the district attorney for the county where the death occurs are responsible for the investigations. Deaths that require investigation include those *occurring under suspicious or unknown circumstances*.
- If human remains that are inadvertently discovered or discovered through criminal investigations **are not clearly modern**, then there is high probability that the remains are native Indian and therefore ORS 97.745(4) applies, which requires immediate notification with State Police, State Historic Preservation Office, Commission on Indian Services, and all appropriate Indian Tribes. To determine the "appropriate Indian Tribe" the responsible parties must first contact the Legislative Commission on Indian Services (CIS). To determine whether the human remains are native Indian the responsible parties must then contact the appropriate Indian Tribes at the initial discovery. It should be noted that there may be more than one appropriate Indian Tribe to be contacted.
- If the human remains are possibly native Indian then the area should be secured from further disturbance. The human remains and associated objects **must not be disturbed, manipulated, or transported from the original location until a plan is developed in consultation with the above named parties.** These actions will help ensure compliance with Oregon state law that prohibits any person willfully removing human remains and/or objects of cultural significance from its original location (ORS 97.745).
- All parties involved and the appropriate Indian Tribes shall implement a culturally sensitive plan for reburial.

In the case of known or suspected archeological sites not involving human remains, agency personnel will coordinate projects, in advance, through its Salem Headquarters with CIS.

**Exception:** None

**Responsibility:**

**Director/CEO:** Responsible to establish and enforce policies that effect protection of sites and the relations with the federally recognized American Indian Tribes located in Oregon.

**Deputy Director/COO:** Identify individuals in the agency responsible to implement programs, projects and activities that have the potential to affect tribes. Contact CIS to identify affected Tribes and the appropriate representative. Contact Tribal representatives, brief them on projects or incidents and coordinate with them regarding process and actions.

Promote substantive communication with tribes through regular and ad hoc meetings and correspondence regarding any program, plan or activity that impacts a sovereign tribe.

Develop a program in conjunction with Program Managers that ensures employees are properly educated about the legal status, legal rights and issues of concern to tribal governments and the methods for establishing effective communication and consultation with tribal groups.

Prepare a report, in conjunction with the Chief Rules and Policy Advisor and Program Managers that outlines the process established to identify programs which might affect tribes, describes the efforts made by the agency to promote communication and government-to-government relations with the tribes, and describes the training provided to agency employees regarding the intent of ORS182.162-182.168 and this policy. Submit the report to the Governor and CIS no later than December 15th of each year.

**Managers and Supervisors:** Identify projects, events and incidents defined within this policy. Communicate directly with the Rest Area Program Manager and COO to ensure that proper notification and follow up action is taken. Direct any inquiries from the public or Tribal Members to the Deputy Director/COO.

File reports in support of this policy and ensure that events involving cultural resources are reported through the Cultural Resources Clearance Form attached to this policy.