

Government-to-Government 2006 Activity Report
Oregon Department of Transportation

ODOT Mission Statement

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)

Maureen Bock, Acting Fuels Tax Manager
Diane Hopper, Debt and Innovative Finance Manager
Peter van den Berg, Deputy Chief Information Officer

(503) 986-3050
(503) 986-3922
(503) 986-4209

The following provides information on interactions with Tribal communities.

- Fuel Tax Refunds:
 - ODOT Fuels Tax Group administers the Fuels Tax refund program so the Tribes and/or Tribal members can obtain refunds of fuel taxes paid by Tribal members for fuel used on Tribal lands.
 - The Group administers an intergovernmental agreement with the Confederated Tribes of the Umatilla Indian Reservation for the collection of Fuel Taxes on fuel sold at their service station and refunds for Tribal use. This agreement remains in effect and has been successful over the years.
 - No discussions were held with Native American Tribes about Fuel Tax agreements; however, the Fuels Tax Group continues to be interested in these agreements.

- The Fuels Tax Group responded to several questions about Tribal sovereignty related to fuel taxes.
- Debt and Innovative Finance Section:
 - The Oregon Transportation Infrastructure Bank (OTIB) received an inquiry from another area of ODOT regarding whether it is possible for the OTIB to loan to Tribal governments. Bank staff responded affirmatively to this question.
 - Although there have been no other inquiries regarding Tribal loans in the past year, the OTIB is still an option for financing Tribal transportation projects.
- Columbia River Intertribal Fisheries Enforcement:
 - The State of Oregon is in the process of formally entering into a partnership with the Columbia River Intertribal Fisheries Enforcement (CRITFE) to assist financially and materially in the development of high capacity digital microwave system in the Columbia River Gorge.
 - The system will extend from Portland to Hermiston and will consist of 15 communication sites located in CRITFE and State facilities.
 - Once the system is in place, it will allow both CRITFE and the State systems to operate independently,
 - ODOT has been instrumental in moving forward with this partnership by providing matching funds in the amount of \$171,000 to the CRITFE Federal grant, and committing to providing funding and material support to upgrade all State facilities necessary for successful implementation.

DRIVER AND MOTOR VEHICLE SERVICES DIVISION (DMV)

Lorna Youngs, Administrator

(503) 945-5100

- 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 to Tribal members' driving records, which may cause DMV to suspend or revoke driving privileges.
- DMV records driving convictions from Tribal courts that are authorized by the federal government to enter convictions into non-Tribal records.
- DMV works with Oregon Tribes to accept their Tribal identification cards as evidence of identity. We currently accept eight different Tribal cards, based on a secure issuance process and card security standards.

- During the past year, DMV worked with the Klamath and Siletz Tribes to verify and obtain new samples of their Tribal cards. The samples are used as reference guides by employees in DMV field offices to assist in verifying the cards.
- This year DMV also contacted the Bureau of Indian Affairs (BIA) in Portland to confirm that they still do not issue identification cards.
- The Division provides False Document Recognition training to Tribes engaged in gaming. The training helps gaming employees detect altered or counterfeit identity documents. This assistance is provided upon request.
- In previous years, the DMV has trained volunteers from both the Siletz and Grande Ronde Tribes as telephone agents. No training placements were made in 2006; however, DMV continues to affirm its interest in volunteers when contacted by Tribal representatives.
- The 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

(503) 986-3435

The Highway Division is aware of its impact on local communities and continues to develop a cooperative relationship with Oregon Tribes. Through collaboration with Tribal officials in the planning and construction of highway projects, many of the Highway Division’s 2006 activities resulted in enabling or enhancing economic growth of Tribal communities

In 2006, Highway Division staff attended workshops and other training that included sessions on:

- Government-to-Government relationships
- Tribal sovereignty, Tribal cultural history and employment requirements
- Held pre-construction conferences for projects with TERO requirements to educate the contractors of the employment goals.

Columbia River Crossing Project (CRCP)

Oregon Staff

John Osborn	Project Director	(360) 816-2187
Heather Gundersen	CRCP Environmental Manager	(360) 816-2199
Hal Gard	ODOT Statewide Tribal Liaison	(503) 986-3508
Kurt Roedel	ODOT Cult. Res. Spc., Archaeology	(503) 986-6571
Mary Turner	ODOT Cultural Resources Specialist	(503) 986-6591

Washington Staff

Megan Beeby	Acting CRCP Tribal Liaison.
Colleen Jollie	WSDOT HQ Tribal Liaison
Jeanne McMinds	WSDOT Southwest Region Tribal Liaison
Trent deBoer	WSDOT Cultural Resources Specialist, Archaeology
Leslie Schwab	WSDOT Cultural Resources Specialist, Historian

The CRCP coordinates with many more people; however, the staff listed above is primarily responsible for conducting the Tribal consultation and cultural resources work

We are consulting with the natural and cultural resource offices of the following affected Tribes. We will periodically present / meet with Tribal councils and committees as appropriate.

Federally Recognized Tribes

- Cowlitz Indian Tribe
- Confederated Tribes of Grand Ronde
- Nez Perce Tribe
- Confederated Tribes of Siletz Indians
- Spokane Tribe of Indians
- Confederated Tribes of Umatilla Indian Reservation
- Confederated Tribes of Warm Springs Reservation
- Confederated Tribes and Bands of the Yakama Nation

Non-Federally Recognized Tribes

- Chinook Indian Tribe

Activities in 2006

- Following Section 106 consultation initiation in December 2005, followed up with phone calls to arrange face-to-face meetings.
- Attended face-to-face meetings with the Tribes detailed below .
- Sent invitations to be participating agencies to all the Tribes in March 2006 (Grand Ronde and Cowlitz Tribes accepted).
- Held several meetings to solicit input on methods for analyzing impacts to resources in the Draft Environmental Impact Statement (DEIS), which the Cowlitz and Grand Ronde
- Held a Tribe-only meeting to discuss natural and cultural resources in September 2006
- The Tribes held a 'Tribe-only' meeting in November to discuss amongst themselves how they will work together and with the project staff. The CRCP staff did not attend this meeting, but Colleen Jollie, WSDOT Tribal Liaison did.

Meetings

- On February 21, 2006 the Environmental Staff of CRCP met with the Umatilla Cultural Resources Sub-Committee to introduce the Columbia River Crossing project and to present initial baseline cultural resource information.

- On March 3, 2006, FHWA Division Administrators, CRCP Co-Directors, the Deputy and the Environmental Manager met with the Grande Ronde Tribal Council to discuss Tribal involvement in the CRC project.
- On March 7, 2006, the CRCP Co-Director, Deputy Director and the Environmental Manager met with the Nez Perce Natural Resource Sub-Committee to introduce the project and present baseline natural resource information to the Nez-Perce Natural Resource Sub-Committee.
- On March 14, 2006, the CRCP Environmental Manager met with the Umatilla Natural Resource Sub-Committee to introduce the project and present baseline natural resource information to the committee.
- On May 17, 2006, the CRCP Environmental Manager met with the Spokane Tribe Historical Preservation Office to discuss the CRC project and provide cultural resource information to the Tribe.
- On September 28, 2006, the CRCP Environmental team, WSDOT and ODOT Tribal liaisons and archaeologist met with Yakama, Grand Ronde, Cowlitz and Siletz Tribal staff to discuss preliminary findings for natural and cultural resources.
- On November 3, 2006, the WSDOT Tribal Liaison met with the Yakama, Grand Ronde, Spokane, Nez Perce, Cowlitz and Siletz Tribal staff to discuss how the Tribes will coordinate with each other on this project.

CRCP Tribal Liaison:

The first recruitment for a Tribal liaison for our project was unsuccessful. Our interim plan is to borrow Megan Beeby from WSDOT Headquarters. Megan will help us development of an Inadvertent Discovery Plan, schedule one-on-one meetings with the Tribes, help plan the history symposium, and begin developing intergovernmental agreements with some Tribes to conduct oral histories, monitor archeological investigations, and other tasks for the project

Tribal Consultation Plan

We have been working closely with headquarters staff, including Colleen Jollie, Megan Beeby and Linda Mullen (consultant) to help guide the process. We developed a Tribal Coordination Plan, which is summarized below to help guide our consultation process.

At a minimum, we plan to consult during each of the major project milestones including, but not limited to:

- Project scoping (completed)
- Purpose and Need (completed)
- Criteria for Alternatives selection (completed)
- Methods for Analysis (completed)
- Range of Alternatives (in progress)
- Preliminary Draft Environmental Impact Statement
- Draft Environmental Impact Statement and discipline reports
- Preliminary Final Environmental Impact Statement
- Final Environmental Impact Statement

- Record of Decision (FHWA)

We expect intensive consultation to occur on the following issues:

Cultural resources issues

- History symposium
- Scopes of work for cultural resources investigations
- Inadvertent discovery plan
- Oral history studies
- Discipline reports
- Any mitigation

Natural resource issues

- Identification of any treaty protected fishing rights affected
- Endangered Species Act
- Wildlife discipline reports
- Resolution of impacts to treaty projected resources (if any).

Highway Finance Office, Local Government Section

Darel Capps, Highway Finance Officer

(503) 986-3880

Marty Anderson, Local Program Design Coordinator

Tamira Clark, Local Agency Liaison, Region 1

Jenny Short, Local Agency Liaison, Region 3

Randi Kobernik, Local Agency Liaison, Region 4

Doug Wright, Local Agency Liaison, Region 5

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

Technical Services – GeoEnvironmental Section

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

Frannie Brindle, Natural Resources Unit Manager

(503) 986-3370

Technical Services directly supports the Regions with staff that has expertise in archaeology, cultural, and historic resources. The following details activities in which Technical Services staff collaborated with the Tribes.

ODOT Archaeologists:

Carolyn McAleer, Archaeology Program Coordinator

Mary Turner, Statewide Maintenance

Kurt Roedell, Regions 1, 2, and 5

Tobin Bottman, Regions 3, 4 and the Columbia River Gorge

ODOT Archaeology staff continues to maintain strong working relationships with all of the federally recognized Tribes in Oregon. We continue with our quarterly and bi-annual meetings with the Tribes to discuss project development and share information. In addition, we have started inviting ODOT's Regional Environmental Coordinators as well as District Maintenance Managers to these meetings. This has allowed Tribal members the opportunity to ask broader, project related questions and has also provided other ODOT employees with the opportunity to interact and share information with the Tribes. In addition, we have been working closely with a number of the Tribes on larger scale projects and have corresponded through meetings, letter, E-mail and telephone conversations.

Burns Paiute Tribes:

Our archaeology staff has maintained contact with Charisse Snapp, cultural resources contact with the Burns Paiute, regarding projects throughout Regions 4 and 5. We have corresponded via E-mail and telephone conversations. In July, Region 5 Archaeologist Kurt Roedell, Carolyn McAleer, Archaeology Program Coordinator and representatives from Region 5, met with Ms. Snapp and members of the Cultural Committee to discuss the North Ontario Interchange project. We continue to discuss possible mitigation options with the Burns Paiute regarding this project.

Confederated Tribes of Grand Ronde:

ODOT Archaeologists met with Khani Schultz in February, April, June and December to meet new staff and discuss projects. Our December meeting was also attended by Alex McMurray, ODOT Cultural Resources Program Coordinator, two Regional Environmental Coordinators from Region 2, as well as our SHPO Liaison and Archaeologist for the Oregon Bridge Delivery Unit (OBDU). We continue ongoing correspondence regarding various projects via E-mail or telephone conversations.

Confederated Tribes of Siletz:

Our Archaeology Staff met with Robert Kentta in November, to discuss ODOT projects in Regions 1, 2, 3 and the Columbia River Gorge. We provided Mr. Kentta with current project data and maps. Also in attendance were our SHPO Liaison and an Archaeologist from the OBDU. In October, several of the archaeology and Region 2 staff conducted a field visit with Robert Kentta to discuss possible protection measures for an archaeological site.

Confederated Tribes of Umatilla (CTUIR):

The ODOT Archaeology staff continues meetings with the CTUIR. Meetings were held in March and August with the Cultural Committee to discuss ODOT Projects. This year, ODOT regional maintenance staff was asked to attend one of the meetings with the CTUIR to discuss maintenance activities which may be of concern to the Tribes. Our spring meeting was also attended by Alex McMurray, ODOT Cultural Resources Program Coordinator and a representative from the OBDU. ODOT Archaeology staff and Region 5 employees have been working closely with the Umatilla on the development of the North Ontario Interchange Project. We continue with our consultation efforts.

Confederated Tribes of Warm Springs:

Our staff has maintained communications with the Cultural Resources staff at Warm Springs via meetings, telephone conversations, E-mails and formal letters. We met in March with the Tribal Cultural Committee to discuss projects. The meeting was also attended by ODOT Regional Environmental Coordinator for the North

Half of Region 4, Alex McMurray, the Cultural Resources Program Coordinator, and a representative from the OBDU. We discussed ODOT projects throughout, Regions 2, 4, 5 and the Gorge.

Cow Creek Band of the Umpqua Indians:

ODOT Archaeology Staff continues to meet with the Cow Creek Cultural Resources representative Amy Amoroso. Meetings in May and August were held to discuss pending and ongoing projects. We provided current project data at all meetings. Our staff maintains ongoing communication with the Cow Creek for project notification and development.

Confederated Tribes of the Coos, Lower Umpqua and Siuslaw:

ODOT Archaeology Staff continued meetings with the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw. We provided Ms. Arrow Coyote with project data and maps for ODOT projects during our April and October meetings. These meetings were also attended by ODOT Regional Environmental Coordinators, our SHPO Liaison, and an Archaeologist from OBDP. In addition, we maintain contact regarding project notification, changes and other related issues, via email and phone conversations.

Coquille Indian Tribe:

ODOT Archaeology Staff has also begun meetings with Don Ivy from the Coquille Indian Tribe. We were fortunate to meet with both Don and Arrow Coyote from the Coos, Lower Umpqua, Siuslaw, in joint meetings. We provided Mr. Ivy with project data and maps. In addition, we maintain contact regarding project notification, changes and other related issues, via E-mail and telephone conversations.

Klamath Tribes:

ODOT Archaeology staff has maintained quarterly meetings with the Klamath Tribes throughout the year. During 2006 we met Perry Chocktoot, Cultural Resources Protection Specialist, several times during the year to discuss projects in Region 4 and 5. Meetings were also attended by the Region Environmental Coordinator, District Maintenance Managers and project managers. ODOT Archaeologist, Tobin Bottman, met with Perry Chocktoot in the field to discuss project development and site protection for sites in the Klamath area. Our staff maintains communication with the Klamath Tribes throughout the year via E-mail and telephone conversations.

The following details Cluster Representation and Participation by Technical Services staff.

Government-to-Government Cluster Members

Cultural Resources Cluster Group, James Norman
Natural Resources Working Group, Frannie Brindle
Economic Development Cluster Group, Hal Gard, Chairman
Economic Development Cluster Group, Louise Bos

Cultural Resources Cluster Representation and Participation

The ODOT Archaeology Staff have been actively participating in the Government-to-Government Cultural Resources Cluster Meetings throughout the year. We had staff in attendance at the February, May, September and December meetings. In addition, the ODOT Archaeology Staff attended the Governors Tribal Summit held at the State Capitol in April and participated in the afternoon panel discussions. Currently, ODOT Archaeologists Tobin Bottman and Mary Turner are working on updating the Agency's Government-to-Government Training which should be completed and ready for review in the spring of 2007. They have asked

Tribal members to participate in and review the training materials. Once complete, this workshop will be provided to ODOT regional staff in the spring.

Natural Resource Cluster Representation and Participation

The Natural Resource Cluster met on February 28th, May 31st and September 22nd in 2006. During these meetings, the Cow Creek Band of the Umpqua elevated an ODOT-planned fish passage project through the Natural Resources Cluster. The culvert crossing was identified as Jordan Creek Bridge No. 00586A on I-5 at milepost (MP) 99.74. The Tribe was concerned that the retrofit, which consisted of installing baffles in the culvert to alter flow, would not be effective in allowing passage of adult and juvenile fish. ODOT and other agency staff attended a site meeting with the Tribe to assess the project and answer questions. After considering the options and costs, the Tribe concurred with the retrofit project. The Jordan Creek culvert retrofit was completed on September 6, 2006 by Region 3 maintenance staff. The Tribe was advised in advance of the project so that a Tribal monitor would be present during the work. The project appears to be a success as an adult Coho salmon was observed upstream of the culvert in mid-November.

Economic Development Cluster Representation and Participation

Hal Gard, Manager of Geo-Environmental Services represented ODOT and chaired the Economic Development cluster meetings. The Cluster met on October 11, 2006 and December 12, 2006. Members discussed projects underway or in the planning process that would affect economic growth of the Tribes. They also discussed Tribal Enterprise Zones and the Industrial “shovel ready” program. At the October 11th meeting, Representative Susan Morgan discussed the upcoming legislative session and how it might affect economic growth. Several projects for 2007 were also discussed.

The following details the 2006 Government-to-Government activities of the five ODOT Highway regions.

REGION 1 – (PORTLAND METROPOLITAN AREA, HOOD RIVER & COLUMBIA COUNTIES)

Jason Tell, Manager	(503) 731-8256
Charlie Sciscione, Region 1 Deputy Manager	(503) 731-3263

Department Employees responsible For Tribal interactions:

Rich Watanabe, Metro East Area Manager
Bill Barnhart, District 2C Manager
Tamira Clark, Project Support Manager

In September of 2004, archaeological artifacts were found at a staging area associated with the Hood River Bridge federal aid re-decking project. On September 21, 2004, ODOT's archaeologist (Schablitsky) coordinated with Washington State SHPO and the Tribal Nations. Over the next 2 years, ODOT, the Port of Hood River and WA SHPO proceeded with investigations and established plans to minimize the disturbance in coordination with the Tribal Nations.

- Copies of the damage assessment were sent to Tribal representatives.
- Then Region 1 Manager Matthew Garrett contacted Tribal representatives by phone and mail and met with Mr. Johnson Meninick of the Yakama Tribe in Toppenish Washington.

- ODOT GeoEnvironmental Unit contacted the Confederated Tribes and Bands of the Yakama Nation; the Confederated Tribes of the Umatilla Reservation; the Confederated Tribes of the Warm Springs Reservation of Oregon; and the Nez Pierce Tribe.
- The project concluded in November 2006 with a Memorandum of Agreement and Intergovernmental Agreement for mitigation.

ODOT staff has been coordinating the review of several documents related to the proposed Warm Springs resort/casino in Cascade Locks and a new or modified access to the proposed project site.

- These documents include:
 - Draft Access Decision Report
 - Draft Environmental Impact Statement
 - Draft Interchange Area Management Plan
- Given the expected development of Cascade Locks over the next 20 years and the resulting growth in traffic, the existing roadway system and connections to I-84 will not operate at an acceptable mobility standard.
- There is a demonstrated need to either modify or add access to the interstate system to serve regional trip purposes associated with the proposed project.
- The resort/casino could impact the Historic Columbia River Highway Historic District. ODOT in coordination with the SHPO has been coordinating this discussion and the "conditions of No Adverse Effect" between the Historic Columbia River Highway Advisory Committee and the Tribe and their consultants as a component of the section 106 compliance.
- On November 3, 2006 ODOT staff (Jason Tell, Rich Watanabe, Hal Gard and Kristen Stallman) met with Rob Greene, the Tribal Attorney for the Confederated Tribes of Grande Ronde. This Tribe requested the initiation of government-to-government consultation regarding the proposed Cascade Locks Resort/Casino project.
- The Local Government Section brokered a Memorandum of Agreement (MOA) for the Hood River Bridge project. The MOA was drafted between ODOT, the Washington Department of Archeology and Historic Preservation, and the Army Corps of Engineers. The MOA indicates that the Confederated Tribes and Bands of the Yakama Nation in Toppenish, Washington, the Confederated Tribes of the Umatilla Reservation, the Confederated Tribes of the Warm Springs Reservation and the Nez Pierce Tribe were consulted and had an opportunity to provide comments on the proposed mitigation. The MOA is expected to be signed soon.
- The Local Government Section brokered an agreement between ODOT and the Washington Department of Archeology and Historic Preservation. The two agencies will participate jointly in an archeological study that will assist in developing a list of sensitive sites in the Gorge. Identification of culturally and

archaeologically sensitive sites will assist both states in avoiding future conflicts. This agreement is expected to be signed shortly.

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

Jeff Scheick, Manager

(503) 986-2631

Department employees responsible for Tribal interaction:

Don Jordan, District 3 Manager

Bruce Erickson, Traffic Manager

Erik Havig, Planning and Development Manager

John G. deTar, Senior Region Planner

Confederated Tribes of Grand Ronde (CTGR)

Highway 18 and Highway 22 Interchange:

- Don Jordan met with Grand Ronde Tribe on a new Compact (with the Governor's office and Attorney Generals staff) many times over several months in early 2006 completing negotiations that called for the Tribe to pay a portion of the needed interchange on Hwy. 18 near Hwy 22 and the casino access and closure of their existing approach to the highway.
- The Tribe will be paying a share of the interchange up to a cap of \$9.45 million with a 2.5% inflation factor until it is built. This improvement is to mitigate their impacts due to expansion along with meeting a past agreement they made when they went in to share in future improvements.
- Additional discussions are needed with the Grand Ronde Tribe to work out the Memorandum of Understanding (MOU) around the Compact and its participation requirement on the interchange. Don Jordan will obtain a copy of the full Compact so discussions can be initiated.

Preservation Project on Highway 18 (fro Hwy 101 to McMinnville):

- Don Jordan met with the Grand Ronde Tribe on November 20 to discuss the roadway preservation project.
- The project is scheduled to be constructed in 2007 and 2008.

Keizer Station/Spirit Mountain Casino:

- Staff continues to work with Tribal representatives on the development of Tribal property along the Southwest corner of the I-5 and Chemawa Interchange.

Fort Yamhill State Park on Three Rivers Highway, OR-22:

- ODOT staff has worked with Tribal representatives and Oregon State Parks and Recreation Department staff regarding the development of a new state park, Fort Yamhill, in Yamhill County on Three Rivers Highway.
- Fort Yamhill will be a multi-use park and will include forest management, recreational use, camping, day use, cultural events and a Pow Wow facility.
- Future plans include a Tribal Museum and Education Center.
- Highway improvements will coincide with the scheduled site development and park opening and consist of a southbound left-turn lane and a northbound right-turn lane

Confederated Tribes of the Siletz (CTS)

Siletz River, OR-229:

- The CTS has received funding authorization through the Indian Reservation Roads program for safety improvements on the Siletz River Highway, OR-229.
- ODOT is working with the CTS to identify appropriate improvements.

Lincoln City:

- CTS is developing a low-income housing complex in the Neotsu area near Lincoln City.
- ODOT and Tribal staff and determined that a traffic impact analysis was not needed.

Chinook Winds Casino Golf Course:

- Chinook Winds Casino Golf Course is being substantially revised. As part of the course revision, land owned by the CTS adjacent to Devils Lake and on the opposite side of US-101 from the existing golf course will become part of the course.
- ODOT staff has met several times with the CTS representatives regarding construction of a golfer/golf cart tunnel under US-101 to provide access to this area.

Cascades West Area Commission on Transportation (CWACT):

- CTS continues to be an active member of the Cascades West Area Commission on Transportation (CWACT).
- They have participated in the Commission by assisting in determining regional priorities for transportation projects in the STIP.

REGION 3 – (SOUTHWESTERN OREGON)

John Vial, Manager

(541) 957-3518

Department employees responsible for Tribal interaction:

John Vial, Region Manager
Ingrid Weisenbach, Project Leader
Ted Paselk, Project Manager
Matt Malone, Project Analyst
Lee Sparks, Asst. District 7 Manager
Jerry Marmon, Environmental Specialist
Gary Taylor, Right-of-Way Manager
Steve Madison, Sr. Right-of-Way Agent
Mike Baker, STIP Coordinator
Lisa Cortes, Transportation Planner
John Crager, Permit Specialist
Jeff Waddington, Permit Specialist

Region 3's Highway Division Government-to-Government activities in 2006 include 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

Creekside Truck Park Grant Application

- R3 staff helped Cow Creek prepare grant application.

I-5 Exit 99 Interchange Improvements and Bridge Replacement (Key #12707)

- Total Project Budget: \$7.19 million (Tribe's contribution: approximately \$1-2 million)
- Project Let Date: May 2006
- Project Scope: To address traffic from existing and planned developments around the interchange, and cracked bridge replacement.
- The Tribe is involved in project development meetings; meetings between ODOT and FHWA; and ODOT/Tribe Intergovernmental Agreement.
- R3 right-of-way is working with Tribe and BIA on land transfers for the project.
- District 7 staff issued utility crossing permit to the Tribe for the project.

State Transportation Improvement Program (STIP)

- R3 discussed STIP with the Tribe through the Southwest Area Commission on Transportation.

I-5 Exit 99 Cow Creek Rest Stop

- The Tribe to construct and operate private rest stop off I-5 Exit 99.
- ODOT's contribution to the project includes \$600,000 towards the Exit 99 Interchange Project.
- Upon completion of the rest stop, ODOT will close Cow Creek and South Umpqua Safety Rest Areas.
- The Tribe will design, construct and operate the rest stop and are actively involved in the development of the ODOT/Tribe Intergovernmental Agreement.

Exits 103, 106 & 108 Interchange Area Management Plans (IAMPs)

- The Tribe was invited to participate in the Technical Advisory Committee for each of the IAMPs.
- The Tribe reviewed and commented on IAMPs.

Exits 119/120 Interchange Area Management Plans (IAMPs)

- The Tribe was invited to participate in the Technical Advisory Committee for each of the IAMPs.
- The Tribe reviewed and commented on IAMPs.

Hwy 138 Corridor Solutions

- R3 coordinated with the Tribe on the steering committee.

Coquille Indian Tribe

State Transportation Improvement Program (STIP)

- R3 notified the Tribe of the STIP and grant applications through the Southwest Area Commission on Transportation.
- R3 did not have discussions with the Tribe.

Confederate Tribes of Lower Umpqua, Siuslaw and Coos

State Transportation Improvement Program (STIP)

- R3 notified the Tribe of the STIP through the Southwest Area Commission on Transportation.
- R3 did not have discussions with the Tribe.

- The Local Government Section brokered a Cooperative Improvement Agreement between Region 3 and the Cow Creek Band of Umpqua Tribe on March 8, 2006. Through this agreement, the Tribe contributed Tribal funds to ODOT to assist with this ODOT project. The project consists of intersection improvements at I-5, Exit 99. The project consists of realignment of the south bound off-ramp at Exit 99, realignment of the Irwin Road under crossing, Main Street, Stanton Park Road and Creekside Road. The project is under construction now.
- The Tribe has a casino in the immediate area of the interchange. They have opened an RV Park and a golf course is under development.
- The South Umpqua River/Pruner Road Bridge project is a local agency project in Douglas County that will be awarded through an ODOT Commission Services contract. The project is a bridge replacement requiring a detour structure and right-of-way acquisition from the Cow Creek Band of Umpqua Tribe. Right-of-way acquisition is being negotiated with the Tribe by the Local Government Section.
- ODOT needed access to the Tribe's property and obtained a Right-of-Entry permit to conduct archeological investigations for the South Umpqua River/Pruner Road Bridge project through facilitation by the Local Government Section. Tribal members were on-site when ODOT performed the investigations.

REGION 4 – (CENTRAL OREGON)

Robert W. Bryant, R4 Manager

(541) 388-6184

Department employees responsible for Tribal interaction:

Klamath Tribes

Michael Stinson	District 11 Maintenance/South Central Area Manager
Norman Hansen	South Central Area Manager
Hal Gard	Environmental Program Manager
Thomas Feeley	Project Manager
Dick Leever	Project Leader
Brad Grimm	Project Leader
Carolyn Mcaleer	Archaeologist
Tobin Bottman	Archaeologist
Mary Turner	Archaeologist
Gary Larson	Region 4 Environmental Coordinator

Confederated Tribes of Warm Springs

Gary Farnsworth, Central Oregon Area Manager
 Sam Wilkins, District 9 Maintenance Manager
 Joel McCarroll, Region Traffic Manager
 Brad DeHart, Project Engineer
 Ed Moore, Senior Planner
 Teresa Brasfield, Region 4 Environmental Coordinator

Training in 2006

Region 4 staff did not participate in formal State-Tribal training during 2006; however, we did have interaction with the Tribes as follows:

Klamath Tribe

- The South Central Area Office, District 11 Maintenance Office, Regional, and Salem Staff held quarterly meetings with the Klamath Tribe Cultural and Heritage Chairman, Gerald Skelton and Cultural Resource Protection Specialist, Perry Chocktoot. They reviewed STIP and OTIA projects in the different stages of development and construction, and they planned maintenance activities during the year.
- ODOT participated as a member of the Governor's Economic Revitalization Team in meetings with the Klamath Tribe. The team discussed how state agencies could assist the Tribe in economic growth and improvements.
- Tribal monitors were present on three construction projects: The Spring Creek Hill – Shady Pine Road, the Klamath River Spencer Bridge, and the Silver Creek Bridge. The projects had one or two Tribal members present to monitor and protect sensitive sites.
- Unidentified cultural sites discovered in 2005 on the Spring Creek Hill – Shady Pine Road project were mitigated for in 2006. The Project Manager, Regional and Salem staff collaborated with the Klamath Tribes Cultural and Heritage and Forest Service staff to determine appropriate mitigation for, and protection of, damaged sites. ODOT made several presentations to the Cultural and Heritage Committee during the year and developed consensus on several issues regarding projects under development and construction. As a result, ODOT obtained support and approval for the methodology for protecting cultural sites during construction.
- ODOT is working on an Inter Governmental Agreement with the Klamath Tribe to establish roles and responsibilities of both governments. Defining these roles will ensure Tribal members will have the needed technical support during the development stage of projects. The agreement will also ensure there will be monitors for the protection of culturally sensitive sites during the construction stage of projects.
- District 11 Staff is continuing to work with the Klamath Tribe to develop access to Highway 62 from a new subdivision for Tribal members.
- District 11 Staff has begun work with the Klamath Tribe on improvements in development at the Casino. The Tribe is looking into adding a motel and a truck travel center. These improvements could have significant impacts to US 97 access.
- ODOT staff is scheduled to meet with the Klamath Tribe to discuss Tribal issues with the Beatty Curve Project.

Confederated Tribes of Warm Springs (CTWS)

Region 4 staff (principally Ed Moore) met monthly with the Tribal Transportation Committee to discuss and make decisions on transportation planning and highway project issues. Region 4 activities are as follows:

- Participated as a member of a technical advisory committee for the Warm Springs Community Plan update.
- Responded to Tribal inquiries on issues related to US 26.
- Identified projects on state highways within the Warm Springs Reservation for consideration in the STIP.
- Provided feedback on Tribal projects that affected the State highway system.
- Evaluated partnering opportunities that would increase efficiency and cost-savings for the Tribes and ODOT
- Assisted the Tribes in updating their long-range plan by participating in the technical advisory committee and providing professional assistance.
- District 9 obtained a permit from the Tribe to remove brush and danger trees from the right of way along US-26 and US-216. A number of danger trees along 216 were cut; however, we were unable to remove brush due to scheduling issues.
- District 9 obtained a permit from the Tribe to implement a safety improvement project on US-26. District 9 will remove material from the right of way and use it to widen the shoulders from mile 85 to 96. This project is in our work plan for 2007.
- District 9 obtained a permit to repair guardrail along Beaver Creek at mile 77 on US-26.
- District 9 assisted the Tribe with a hazardous material cleanup at about mile 80 on US-26.
- District 9 responded to and assisted Tribal emergency response personnel with accidents along US-26. Assisting the Tribe may become an issue because it is not known if the original agreement with the Tribe included accident response. ODOT staff is researching the original US 26 access agreements.
- Lony Macy from the CTWS is a member of the Central Oregon Area Commission on Transportation (COACT) Exec Board. CTWS members regularly attend the full COACT meetings.

REGION 5 – (EASTERN OREGON)

Monte Grove, Manager

(541) 963-3179

Department employees responsible for Tribal interaction:

Frank Reading, Northeast Area Manager

Jay Roundtree, Project Manager

Teresa Penninger, Region Planning and Program Manager

Craig Sipp, Consultant Project Manager

George Ruby, District 12 Manager

Mark Hanson, Bridge, Environmental, Geology Manager

Howard Postovit, Region 5 Environmental Lead
Ken Patterson, Project Leader – District 13 Area
Henry Manjarres, Civil Rights Section, Tribal Liaison
Heather McLoren, Project Manager
Tim Rynearson, Project Leader – District 12 Area
Rocky Pietz, Project Leader – District 14 Area

- We have 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. 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 and understand the TERO codes.
- The CTUIR participated on 9 projects for 2006. There were 52 TERO workers referred to these projects.
- The CTUIR has partnered 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 Maintenance, headquartered in Pendleton, coordinates with CTUIR officials by responding to emergency situations on the portion of Interstate 84 crossing the reservation. This includes Tribal police, fire department and Hazardous Materials personnel.
- District 12 is active in the planning, scoping, and interacting with the Project Team and Tribe for the Highway 331 access project. This relationship and interaction will continue through the Access Permit process, Utility Permit process, and the construction of the project.
- District 12 has a working relationship with CTUIR concerning the issuance and regulation of Chain-up permits; the Tribe issues an equal number of permits under ODOT’s system and guidance.
- The District 12 Manager and Assistant Manager attended a CTUIR Cultural Resources Committee (CRC) meeting on 1 August 2006 to discuss maintenance programs and precautions taken to avoid inadvertent disturbance to known and unknown archaeological resources.
- Region Project Development and Environmental Staff attend quarterly meetings with the CTUIR Cultural Resource Committee and Fish and Wildlife Commission.
 - ODOT staff provided updates on project development, construction, and upcoming projects;

- Staff also fielded questions from Tribal representatives and discussed anticipated resource surveys and results.
- In 2006, Region staff initiated specific consultations with CTUIR staff regarding projects that were on or immediately adjacent to the reservation boundary including:
 - OR 335, Havana-Helix Highway at Adams Road
 - Greasewood Creek Bridge
 - Cabbage Hill Chain-up
 - OR 331 Access
- With the addition of an Environmental Coordinator for Maintenance, Region 5 has increased efforts to consult with CTUIR staff regarding proposed maintenance activities prior to commencing work.
- Although no prehistoric cultural resources were found, ODOT had archaeological monitors present during excavations at two sites due to recommendations from CTUIR cultural staff. These sites were:
 - Charles Reynolds Rest Area, south of LaGrande
 - During a modernization project in the City of Richland.
- In the past year we coordinated with the CTUIR and Burns-Paiute Tribe for the North Ontario Interchange project.
 - We anticipated that a cultural site disturbance would require mitigation.
 - Through negotiations and design changes we were able to reduce impacts to the cultural site.
 - In 2007, we will be negotiating with the CTUIR and Burns-Paiute for required mitigation.
 - Monitors from both Tribes will be present during construction activities that require ground disturbance.
- Region Planning and Project Delivery staff continues to work with the CTUIR Planning and Economic Development Departments to plan and design the OR 331 Access Improvement Project identified in the 2006-2009 Statewide Transportation Improvement Program (STIP). During 2006, R5 entered into an Intergovernmental Agreement to develop the OR 331 Access Implementation Strategy and Circulation Plan to refine the scope of the STIP project. This project was successfully completed in August.
- Region staff has also worked with the CTUIR and Oregon Economic and Community Development staff in preparation of an Immediate Opportunity Funds request in support of Cayuse Technologies. Cayuse Technologies is a firm that will bring approximately 250 jobs to Northeast Oregon.

MOTOR CARRIER TRANSPORTATION DIVISION (MCTD)

Gregg Dal Ponte, Division Administrator	(503) 378-6351
Gayle Green, Audit Program Manager	(503) 378-6658
David McKane, Intelligent Transportation Systems Program Manager	(503) 373-0884
Craig Bonney, Complaint Resolution Unit Technical Coordinator	(503) 378-4851

- No training was provided or participated in by the Motor Carrier Transportation Division (MCTD) regarding State-Tribal relations in 2006. MCTD staff is aware of Government-to-Government law and has included this information in past management team meeting minutes that are distributed Division-wide.
- MCTD has a non-compensation agreement with the Umatilla Tribe Police Department for participation in the Motor Carrier Safety Assistance Program. In 2006 that Tribe had no active, certified safety inspectors.
- In 2006, no new activities, agreements or partnerships with the Tribes were negotiated or implemented. No Division activities, agreements, partnerships or other interactions with the Tribes in 2007 are planned.
- MCTD staff responded to several individual Tribal member questions regarding the applicability of motor carrier regulations on and off Tribal land. No other contact with Oregon Tribal governments regarding programs in 2006 occurred.

OFFICE OF CIVIL RIGHTS (OCR)

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

Indian Employment Outreach & Cultural Competency Training

- During 2006, OCR extended the contract with our consultant, Cooper Zietz Engineers to continue their successful outreach efforts with members of Oregon’s Native American Tribal communities through the end of the 2005-2007 biennium (June 30, 2007). These activities focused on informing Tribal members about career opportunities and challenges in the highway construction trades, including apprenticeship and on-the-job training programs. During the contract period, the consultant communicated with over 300 Tribal members from every Tribal community.
- After a successful meeting with representatives from the Tribes in September of 2005, a curriculum for “Highway Contractor Cultural Competency Training” was completed. A script was drafted in 2006 and we are currently creating a training DVD, which will be distributed to highway contractors as another method of preparing these businesses to work with the Tribes in or near Tribal lands.

- Cooper Zietz, an Indian-owned firm, provides assistance to Tribal members, helping them to enroll in the apprenticeship program and to achieve apprenticeship active status. Since the inception of the contract, the consultant has assisted a total of 172 Tribal members in enrolling in the apprenticeship process. Sixty Tribal members were employed in highway construction trades during 2006.

For TERO information, please see the Region 5 section.

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
Sherrin Coleman, Statewide Public Trans. Planning Program Mgr.	(503) 986-4305
Sharon Peerenboom, Small City and Rural Program Manager	(503) 986-3416

The PTD has several state and federal transit funding programs that may affect or be of interest to the Tribes:

- The Special Transportation Fund Program (STF) provides state funds to STF Agencies for transportation services to benefit seniors and people with disabilities. As a result of Senate Bill 180, Tribes are eligible to receive STF formula and discretionary funds directly from PTD. Distribution of these funds is based on a population formula. Funds for entities with the smallest populations are available to supplement the population-based allocation. The remainder of the funds are distributed as competitive discretionary grants.
- The Federal Transit Administration (FTA) Section 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 competitive discretionary grant program. Tribes are eligible to apply for vehicle purchases or other capital needs.
- The FTA Section 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; some funds may also be available through the discretionary grant 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 of 2,500 or more to larger adjacent market economies. A discretionary grant program distributes these funds. Tribes with transportation services that fit the program guidelines are eligible to participate in the program, either as the recipient of funding or in a partnership with another agency.
- The Transportation Options Program encourages development of services and facilities to help ODOT manage transportation system capacity and pollution control. Rideshare programs, park and ride lots,

telecommuting, and incentive programs to encourage the use of alternatives to driving alone are some of the project types funded under this program. Opportunities exist for Tribes and other entities to work with PTD and ODOT Regions to identify and develop Transportation Options projects.

- PTD provides information on state and federal funding opportunities to all eligible agencies and entities in the state, including Tribes. Staff also provides technical assistance and support to Tribes applying for and administering grants.

In 2006:

- Staff continued to work with the Tribes to develop their transit programs, providing on-site or phone technical assistance as requested.
- PTD hosted two grant-related trainings for all grantees, including the Tribes. Representatives from each Tribe attended both sessions.
- PTD provided financial support for a Siletz representative to attend a two-week Transit Manager Certificate Course offered by Willamette University's Atkinson School of Business in spring 2006.
- Three Tribes sent representatives to the Oregon Transportation Conference in October 2006: The Confederated Tribes of Siletz (CTS), The Confederated Tribes of Umatilla Indian Reservation (CTUIR), The Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians (CTCLUSI).
- PTD staff participated in three workshops organized by the Northwest and Alaska Tribal Technical Assistance Program sponsored by Eastern Washington State University. The primary purpose of these workshops was to present information related to transit funding, provide networking opportunity and technical assistance.
- In 2005, four Tribes (CTUIR, CTS, Confederated Tribes of Warm Springs (CTWS), and the Klamath Tribes) received PTD grant funds for purchase of vehicles and operation of transit services. The Tribes continue to make progress with their projects, which will be completed in June 2007.
- Eight Tribes (CTWS, CTS, Klamath Tribes, CTUIR, CTCLUSI, Burns-Paiute Tribes, Confederated Tribes of Grande Ronde and Coquille Indian Tribe) are receiving Special Transportation Formula Funds. The Cow Creek Band of the Lower Umpqua will be signing an agreement and initiate receipt of the STF money soon.

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 2006.

TRANSPORTATION DEVELOPMENT DIVISION (TDD)

Jerri Bohard, Division Administrator	(503) 986-4163
Barbara Fraser, Planning	(503) 986-4127
Dave Ringeisen, Transportation Data	(503) 986-4171
Julie Rodwell, Freight Mobility	(503) 986-3525

The following are the TDD agency programs or activities that affect Tribes:

- Transportation facility plans such as Corridor Plans, Refinement Plans and Interchange Area Management Plans
- Statewide Transportation Improvement Program including project identification, development and construction.
- Highway operations and maintenance activities.
- Transportation Enhancement Program.
- Transportation and Growth Management Program.
- Certified Mileage Report includes miles of public roads on Indian Reservations.
- Crash Reporting and Analysis Program.
- Incident Response.
- Connect Oregon Program investments.

TDD conducts the following to promote communication with the Tribes:

- Invites Tribes to participate on corridor 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 reviewed Connect Oregon projects as part of the selection process.
- Solicits Tribal comments on operations and maintenance activities.

- Solicits Tribal comments when updating long range plans such as the Oregon Transportation Plan and Freight Plan.
- Solicits 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.

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. In general the following are the TSD agency programs or activities that affect or have been offered to the Tribes:

Law enforcement training regarding:

- 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 around the casinos for highway safety efforts.

Community Programs/Safe Community Program - Tribes have access to project services including:

- Localized data
- Opportunities to participate 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