



# Oregon

Kate Brown, Governor

## Department of State Lands

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## 2022 Annual Government-to-Government Report

### Department of State Lands

**Dec 15, 2022**

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

### State Land Board

Kate Brown

Governor

Shemia Fagan

Secretary of State

Tobias Read

State Treasurer

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

In 2006 the Department of State Lands (DSL) adopted the agency's [State Agency Coordination Program \(SAC\)](#). Section 5 of the program outlines DSL's efforts and procedures to coordinate with Tribal governments. DSL's SAC program commits DSL to:

- Include 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.

DSL adopted an agency policy that works to establish, promote, and improve government-to-government relations between DSL and the nine federally recognized tribes within Oregon.

### Agency Contacts

Our primary agency contacts are:

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

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

DSL regularly includes tribes in notification of potential or pending actions on state lands owned and managed by DSL, giving the respective tribe(s) an opportunity to comment, or otherwise respond, on the proposed action.

DSL encourages staff participation in various state and Tribal trainings and workshops to raise awareness of Tribal interests, increase communication on work and projects of department and Tribal overlap, and improve government-to-government relationships. In 2022, DSL implemented a Tribal training to introduce all new department staff to the government-to-government commitment Oregon has taken and how that is implemented within DSL to improve Tribal relations.

## **Efforts to Promote Communication and Government-to-Government Relations with Tribes**

During 2022, DSL's efforts to promote communication between the agency and tribes included several areas. By program area, these efforts include:

### **Agency-wide**

DSL staff participated in the Cultural Resources and Natural Resources Workgroup meetings throughout the year. DSL relies on the cluster program to communicate regularly with all nine federally recognized tribes regarding department work. This year those updates included ongoing updates on the Elliott State Forest, an Executive closure at Crump Lake, and expanding conversations around abandoned and derelict vessels.

While no in-person training opportunities were realized this year due to lingering realities of the Covid-19 pandemic, the agency Tribal Liaison met monthly with the Director of the Legislative Commission on Indian Services and shared the department's interest in the return of trainings and workshops hosted by Tribes. These trainings are valuable and unique opportunities to learn about Tribal lands, cultural resources and values, and current priorities directly from the Tribal governments.

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

Communications Manager Ali Ryan Hansen serves as the agency's Citizen Advocate on the Environmental Justice Task Force (EJTF). One of her roles is to provide feedback on how environmental justice concerns may be incorporated into agency actions and decisions. Tribal communities are identified as communities who potentially have been affected by environmental justice issues. The department is committed to building staff awareness of environmental justice to provide a common foundation of understanding of concerns and potential impacts of environmental justice communities. The goal is to provide more effective interactions with these communities, including the tribes.

### **Operations Division: Real Property Unit & Aquatic Resource Management Program**

Through the department's participation in the Cultural Resources Cluster and the Natural Resources Workgroup, Real Property and Aquatic Resource Management staff engage with tribes by providing updates on agency rulemaking, policy issues and other specific issues raised by Tribal representatives.

The Real Property Unit continues its policy of notifying potentially affected tribes regarding applications received for activities proposed on DSL owned and managed lands. Tribes are invited to comment on the proposed activities set forth in the applications, and department staff work closely with Tribal governments to address any concerns they may have. The agency director is available for formal consultation on any agency action.

The Real Property Unit's archaeologist continues to review all proprietary authorizations statewide. For agency-initiated ground disturbing projects, field surveys and testing are completed as needed.

## **Operations Topics of Interest**

### *Elliott State Forest*

In February 2022, the department, working with Oregon State University (OSU) and the Elliott State Research Forest Advisory Committee, supported the passage of [Senate Bill 1546](#) which established an independent public entity to retain public ownership of the forest and contract with OSU to manage day-to-day operations and research on the forest. The legislation also authorized decoupling of the Elliott from the Common School Fund if the forest's financial obligations to the Common School Fund were satisfied. The decoupling was authorized by the Land Board at its December 13, 2022, meeting.

As directed by SB1546, DSL worked collaboratively with OSU to implement the transition to the Elliott State Research Forest. Throughout this process, the Advisory Committee continued to provide input and insight to OSU and DSL. The Advisory Committee is made up of representatives from a variety of diverse interests in the Elliott, including tribes. The Cow Creek Band of Umpqua Tribe of Indians; the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians; the Confederated Tribes of the Grand Ronde; the Confederated Tribes of Siletz Indians; and the Coquille Indian Tribe were all invited directly to participate in the Advisory Committee. The Advisory Committee saw regular committee participation from the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians; the Confederated Tribes of the Grand Ronde Community; and the Confederated Tribes of Siletz Indians.

December 13, 2022, the agency director formally dissolved the Advisory Committee, and the Land Board appointed the initial nine-member Board of Directors for the Elliott State Research Forest Authority created by SB1546 to oversee the management of the Elliott State Research Forest. The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, and the Confederated Tribes of Siletz Indians will both be represented on the newly established board.

### *Villines Mitigation Bank*

DSL continued work with the Cow Creek Band of the Umpqua Tribe of Indians on their proposal to sponsor the Villines Mitigation Bank to provide wetland credits in areas of Douglas County. While that effort was ultimately unsuccessful, the department continues to consider solutions that would increase mitigation banking availability.

### *Crump Lake*

In 2022 the department received reports from the Burns Paiute Tribe, as well as law enforcement and local landowners, of individuals entering the lakebed of Crump Lake and removing, damaging, or destroying cultural, environmental and state resources. The director enacted an emergency closure and

DSL is exploring options for long-term solutions to protect the area and its cultural resource artifacts and interests in future years and will continue to communicate with Tribal interests.

### **South Slough National Estuarine Research Reserve**

By statute, the Reserve Management Commission reserves one commission seat for Tribal representation at all times. The seat held by the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians since September of 2017 transferred to the Coquille Indian Tribe in the fall of this year.

The Reserve maintains formal Memorandums of Understanding with both the CTCLUSI and the Coquille Indian Tribe. These cooperative agreements facilitate the exchange of information and data, shared use of equipment and facilities, and joint proposal development and project management.

Reserve science staff continue to collaborate with the Coquille Indian Tribe and CTCLUSI to manage real-time water quality stations and to discuss data related to water quality in Coos Bay. Reserve staff have also been providing technical support to the Coquille Indian Tribe staff for new water quality monitoring efforts in Coos Bay and to help link Tribal station data to the Northwest Association of Networked Ocean Observation Systems. The Reserve's Margaret A. Davidson Graduate Research Fellow, funded through the National Oceanic and Atmospheric Administration, is working with the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians to survey harmful algal blooms in the Coos estuary.

Reserve staff continue to work with Tribal staff to deliver education programs and trainings and welcomed the return of in-person summer camps in 2022.

Reserve staff communicate regularly with the CTCLUSI and the Coquille Indian Tribe staff to coordinate cultural reviews for restoration and research projects, maintenance work requiring soil disturbance, and newly acquired lands in the Reserve. Both Tribes serve as partners on the current Wasson Creek Watershed Restoration project and on the Indian Point Restoration project. The Tribes have been integral in providing staff support and information to meet National Historic Preservation Act Section 106 compliance for restoration planning.

The Reserve also regularly works with Tribal staff and Tribal members to provide opportunities for cultural plant gathering and Tribal program requests, as needed.

### **Anticipated Activities for 2023**

During 2023 the department will:

- Continue participation in government-to-government activities such as the Cultural Resources and Natural Resources Workgroup meetings and looks forward to both state and Tribal training opportunities.
- Continue to prioritize improved communication with sovereign nations on matters of DSL action that may be of tribal interest.
- Consult with tribes on the Elliott State Forest and Shutter Creek facility, South Slough National Estuary Research Reserve, and other projects as requested.
- Highlight Tribal nations through the Multicultural Appreciation Committee, focusing particularly on National American Indian Heritage Month in November.
- Continue participation on the Environmental Justice Task Force.

- Continue to participate in and/or coordinate educational and cultural experiences with the nine federally recognized tribes in Oregon.

Please let us know if you have any questions or if we can be of any assistance. Past reports can be found on the [LCIS website](#).