



**OREGON**

Department of  
Land Conservation  
& Development

### **2023 Government-to-Government Report**

The Department of Land Conservation and Development (DLCD or the department) appreciates the opportunity to provide this 2023 report on Government-to-Government Relations in accordance with Oregon Revised Statutes 182.166. The report summarizes the department's Government-to-Government relations with Oregon's nine federally recognized Tribal Nations (Tribes) throughout 2023. The department developed two policies ([DO 06-01](#) and [DO 07-02](#)) to facilitate positive relations with Oregon's nine Federally recognized nine Tribes, working cooperatively on environment and economic development areas of interest.

Recognizing that each sovereign Tribal Nation has unique values and aspirations, the department works to provide customized support and assistance within the broad direction provided by state statute and executive orders. The department appreciates the support of and relationship with the Legislative Commission on Indian Services (LCIS), which includes serving on the LCIS working groups. Readers can access this and prior annual reports to the LCIS through the department's [Tribal Relations web page](#).

During 2023, DLCD staff continued or invited consultation on the following twelve rulemaking and major policy initiatives.

- Federal Consistency Consultation Processes in the Coastal Zone
- Coastal Access
- Federal Funding Opportunities, Land Acquisition Partnership
- Updates to Oregon's Territorial Sea Plan Part Four: Undersea Cables with respect to Goal 19: Ocean Resources
- Offshore Wind Energy (with the Bureau of Ocean and Energy Management)
- Climate Change Vulnerability Assessment / Implementation
- Sea Level Rise
- Cultural Resources and Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces
- Development of DLCD's 2023-2025 Policy Agenda (includes rulemaking for Goal 5 and Cultural Resources)
- Oregon Natural Hazards Risk Assessment Upgrade
- Rural Transportation Equity
- Oregon Coastal Management Program Evaluation with the National Oceanic and Atmospheric Administration

## Key Contacts and Policies

We have expanded the Tribal Liaison Program team at DLCD to include regional representatives. The team now includes twenty DLCD staff sharing information on a monthly basis. The department's primary and alternate key contacts are responsible for ensuring that the department is kept apprised of activities that may be of interest to the Tribes, to provide appropriate Tribal contacts, and to ensure that the Tribes are informed of department activities. The department recognizes that maintaining good communication is a benefit to the Tribes and to the State of Oregon.

### Primary Key Contact

Kirstin Greene, AICP  
Deputy Director and Tribal Liaison  
971-702-1585  
[kirstin.greene@dlcd.oregon.gov](mailto:kirstin.greene@dlcd.oregon.gov)

### Alternate Key Contact

Brenda Ortigoza Bateman, Ph.D.  
Director  
971-701-0213  
[Brenda.O.bateman@dlcd.oregon.gov](mailto:Brenda.O.bateman@dlcd.oregon.gov)

Deputy Director Kirstin Greene and South Coast Regional Representative Hui Rodomsky served as DLCD's liaisons for the Cultural Resources Cluster Work Group in 2022. Natural Resources Specialist Amanda Punton was DLCD's primary Natural Resources Work Group liaison, supported by Farm and Forest Specialist Hilary Foote. Economic Development Specialist Leigh McIlvaine is DLCD's primary contact to the Economic and Community Development Cluster Work Group.

The department's "Local and Tribal Government Communication Policy" (2006) and "Policy on Government to Government Relations with Oregon Tribes" (2007) are posted on [DLCD's Tribal Relations webpage](#) for reference.

## Department of Land Conservation and Development

DLCD is a relatively small state agency with a big mission. With approximately 75 staff, and a seven member commission, DLCD works in partnership with Tribal governments, federal and state agencies and local governments to address the land use needs of the public, communities, regions, and the state. Its mission is to help communities plan for, protect, and improve the built and natural systems that provide a high quality of life. In partnership with communities and local governments, DLCD fosters sustainable and vibrant communities and protects our natural resources legacy.

DLCD has been charged by the legislature with managing urban growth; protecting farm and forest lands, coastal areas, and natural resource lands; and providing for safe, livable communities in concert with the vision of the local communities. Under the statewide land use planning program, local governments are called upon to adopt and maintain comprehensive plans and implement zoning codes consistent with 19 statewide planning goals.

### Training Required

All DLCD staff receive an overview of Agency–Tribal relations and obligations. In 2024, new staff will be assigned Tribal History / Shared History Online Professional Development Course and will hear periodic updates about the Goal 5 Cultural Areas rulemaking process.

## **Oregon Coastal Management Program**

The department is the administering agency for the Oregon Coastal Management Program (OCMP). This federally approved management program results in two primary benefits to the state: (1) funding to administer the program and support coastal communities; and (2) federal consistency review authority. The Program includes 10 networked state agencies and 41 local jurisdictions in the coastal zone. OCMP staff encourage coordination with all Tribes on programmatic initiatives and strategic planning.

As a matter of practice, department staff members proactively coordinate with the Tribes in the review of federal permits and federal actions, in accordance with OCMP's federal consistency authority. During 2023, the OCMP implemented a new review notification procedure developed and communicated to tribes in 2022, issuing a total of 32 notifications to interested tribes regarding projects or other federal actions that underwent Federal Consistency review. These notifications included an invitation for formal consultation or informal staff-to-staff engagement for any questions or concerns regarding a proposed action's consistency with state coastal enforceable policies, including enforceable policies added in 2022 that address the protection of archaeological resources. Tribal staff responded to a small number of projects to communicate concerns or suggest conditions that the state should consider placing on its review concurrences to support the protection of historical or archaeological resources, which the OCMP incorporated into its decisions. Such conditions commonly involved proper notification of Tribes prior to ground disturbing activities or the development of an Inadvertent Discovery Plan. For one project, in response to concerns expressed by a coastal Tribe, OCMP staff coordinated a conversation between the Tribe, the project applicant, the State Historic Preservation Office (SHPO), and the US Army Corps of Engineers (USACE), which led to the identification of additional evaluations that needed to be completed before a decision could be rendered. The OCMP will continue to follow its Federal Consistency notification procedures and remains open to feedback on how its communication with and involvement of interested Tribes may be improved.

## **Coastal Public Access**

The Coastal Habitat Projects Coordinator partnered with Tribal representatives from the Coquille Indian Tribe and the CTCLUSI on the Coastal Access Advisory Team (CAAT) to develop a community-oriented policy framework that supports local, state, and tribal public access needs to coastal shorelines and waters (in alignment with Statewide Land Use Goal 17). This framework will help local governments maintain and improve their public access processes, coordination, and standards across time. One goal of the framework is to include tribal voices to enable a more equitable, sustainable, and coordinated public access program. The work developed within this framework is summarized in a Coastal Public Access Handbook for Local Planners document that is currently in draft format. As part of that Handbook, a Tribal Engagement Chapter was developed as general guidance when engaging with Tribes. This chapter has been reviewed by Tribal representatives on the CAAT, DLCD's Tribal Liaison staff, and staff from the Legislative Commission on Indian Services. The chapter was presented to the Cultural Cluster at its Oct. 31, 2023 meeting and feedback was provided by attendees. The draft chapter will also be shared at the December Natural Resources Cluster meeting. Once finalized, the Coastal Public Access Handbook for Local Planners will be distributed to local governments along Oregon's coast.

### **Federal Funding Opportunities, Land Acquisition Partnership**

The Oregon Coastal Management Program (OCMP) at DLCD is the eligible entity that can apply for new Coastal Zone Management Habitat Protection and Restoration Bipartisan Infrastructure Law (BIL) funding through the National Oceanic and Atmospheric Administration (NOAA). The objective of this funding is to increase resilience through landscape-scale habitat restoration and conservation in coastal ecosystems and to promote coastal resilience in underserved coastal communities as well as those most vulnerable to climate impacts. DLCD does not own or manage land, so the agency opened this funding opportunity to its eligible coastal partners to apply for the funding through DLCD/OCMP. Federally recognized Tribes are eligible entities to receive this funding, through DLCD/OCMP, for restoration planning, on-the-ground restoration activities, and/or habitat acquisition projects. The Coastal Habitat Projects Coordinator has been sharing information about this and other climate resilience federal funding opportunities with all nine Federally recognized Tribes in Oregon and regularly meeting with interested Tribes on project and application development. Once projects are funded, DLCD/OCMP provides funding administration, technical assistance, and support for all projects. In the first year of this funding, the one project in Oregon that was funded by NOAA was a land acquisition project for the Confederated Tribes of Siletz Indians to purchase a property rich in species and habitat diversity, and cultural and ecological significance. With this funding, CTSI will regain ownership and once again be the stewards of this land as a centerpiece of a regional tribal effort focused on invigorating cultural traditions. In the second round of this funding, OCMP was invited to submit full applications for two land acquisition projects -one of those being another central coast oceanfront land purchase with CTSI.

### **Territorial Sea Plan**

Coastal program staff including the Marine Affairs Coordinator, Andy Lanier, worked with staff from coastal Tribal Nations to complete the Territorial Sea Plan (TSP) Rulemaking Amendment process for two chapters of the TSP: Part Three – The Rocky Habitat Management Strategy (RHMS); and Part Four – the uses of the seafloor. Completion of the RHMS was focused on review and approval of new area-based designations, for which six new designations were established. Continued coordination and consultation on the implementation of the new sites were identified for follow-up in 2024. Completion of the TSP Part Four amendment for undersea cables included coordination and review of the amendment with coastal Tribal Nations.

### **Offshore Wind Energy**

The topic of offshore wind (OSW) energy development continues to be one of concern for both the State of Oregon and coastal Tribal Nations, with the Federal Bureau of Ocean Energy Management (BOEM) moving forward in the lease area planning process - the most recent public process step being the publication of Draft Wind Energy Areas (WEAs). OSW development, though likely to occur outside of state waters, has been of great interest to the Coquille Indian Tribe and Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. Andy Lanier will continue to serve as the staff-to-staff point of contact for the offshore wind energy leasing process. Prior to publication of the Draft WEAs, Andy worked with BOEM and its consultant to include state agency and Tribal Nation input to inform a [project](#) for the generation of visual simulations of OSW development within specific coastal viewsheds of importance. Results of the project demonstrate the potential – most conservative (highest impact) – representation of potential impacts if development were to proceed in the Call Areas. A

[suitability assessment](#) of the Call Areas was also completed ahead of draft WEA publication by the NOAA National Centers for Coastal and Ocean Science as a way of objectively determining the least conflict areas. The analysis was used by BOEM in its selection of the Draft WEAs. The OCMP provided a comment letter to BOEM on the Draft WEAs in collaboration with the Governor's Office and networked agency partners, identifying several issues of concern for OSW development in the areas ([online link to the published comment letter](#)). Staff remain committed to coordination and consultation with Tribal Nations on the topic of OSW as needed, as well as understanding that it may also be happening between higher levels of government.

### **Sea Level Rise**

Carl Hendrickson is a fellow with DLCD and OCMP working on sea level rise adaptation in Clatsop County. As part of the fellowship work, Carl Hendrickson, Elissa Connolly-Randazzo, Rhiannon Bezore, Chris Shirley, Brett Estes, and Kirstin Greene met with members of the Confederated Tribes of the Grand Ronde in Grand Ronde to discuss sea level rise impacts. DLCD shared its sea level rise resources, found online at ([Sea Level Rise \(coastalatlus.net\)](#)) as well as details about the fellowship project in Clatsop County. CTGR staff discussed their work to address sea level rise as well as their outlook on what the changes mean. DLCD plans to share the sea level rise GIS data layers as soon as possible. Additionally, the fellowship project engaged with the Confederated Tribes of the Siletz Indians through phone calls to talk about the fellowship project and sea level rise resources.

Carl is also supporting the development of a NOAA grant proposal to address sea level rise along the Columbia River specifically. The fellow reached out to numerous tribes to discuss the project idea and partner, including the CTGR, CTSI, and the Columbia River Inter-Tribal Fish Commission. The final application is due February 2024. Carl can be reached at (971-301-1849) | [carl.hendrickson@dlcd.oregon.gov](mailto:carl.hendrickson@dlcd.oregon.gov).

### **Program Review**

As the lead implementor of the Oregon Coastal Management Program (OCMP), DLCD went through a periodic review of its program with the National Oceanic and Atmospheric Administration (NOAA). The Coastal Zone Management Act calls for periodic performance reviews of state coastal programs, which includes the close participation of the program's network, state and local stakeholders, tribes, and other interested parties. NOAA assesses the accomplishments and needs of coastal programs and provides recommendations to enhance their programs. DLCD and NOAA sent invitations to the Tribal Historic Preservation Officers to notify them of this evaluation and offer an opportunity to participate in the evaluation process with NOAA staff. CTCLUSI staff participated in a few sessions, and we greatly appreciate their participation and partnership with the OCMP. The final evaluation findings from NOAA will be posted in early 2024.

Lisa Phipps (503-812-5448 | [lisa.phipps@dlcd.oregon.gov](mailto:lisa.phipps@dlcd.oregon.gov)) and Andy Lanier (503-206-2291 | [andy.lanier@dlcd.oregon.gov](mailto:andy.lanier@dlcd.oregon.gov)) are the DLCD contacts for regional ocean issues. Both are engaged with the West Coast Ocean Alliance, which is an ocean management coordinating body between the three west coast states, west coast Tribes, and federal agencies.

Jeff Burright is the contact for federal consistency in the coastal zone [jeff.d.burright@dlcd.oregon.gov](mailto:jeff.d.burright@dlcd.oregon.gov), (503) 991-8479.

### **Climate Change Vulnerability Assessment**

With guidance from an external work group and support from the University of Oregon Institute for Policy Research and Engagement, DLCDC's Climate Change Resilience Coordinator Christine Shirley conducted interviews, a survey, and a series of workshops associated with the Climate Change Vulnerability Assessment. These activities were aimed at better understanding how climate change affects Oregonians wellbeing, livelihoods, and sense of place. DLCDC staff notified and invited representatives of Oregon Tribes to participate in these activities with an offer of compensation to help support any engagement. DLCDC staff are grateful for the participation of tribal members from the Coquille Indian Tribe, Klamath Tribes, and the Confederated Tribes of the Umatilla Indian Reservation. As we acknowledge that the participation of a few tribal members is inadequate to represent native Oregonians concerns related to climate change. DLCDC plans enhanced outreach to tribes in 2024 prior to finalizing the assessment.

Christine Shirley is the primary contact for the assessment and may be reached at 971-239-9457 or [christine.shirley@dlcd.oregon.gov](mailto:christine.shirley@dlcd.oregon.gov),

### **Goal 5 Cultural Areas Rulemaking**

DLCD is grateful for representatives of the Coos, Lower Umpqua and Siuslaw Indians, the Coquille Indian Tribe, the Cow Creek Band of Umpqua Indians, the Klamath Indian Tribe, the Confederated Tribes of Grand Ronde, the Siletz Indian Tribe, the Confederated Tribes of Warm Springs and the Confederated Tribes of Umatilla Indians for their contributions on the Goal 5 Work Group this past year. With their guidance, staff recommended a charge for rulemaking and list of recommended interests to the Land Conservation and Development Commission at their meeting Nov. 2, 2023 in Medford Oregon. Commissioners endorsed the charge and directed staff to conduct rulemaking in 2024. Staff anticipate five meetings of a Rules Advisory Committee to prepare draft rule for a commission hearing in September 2024, with a final decision in December 2024.

Amanda Punton Amanda Punton is the subject matter lead contact for Goal 5 and may be reached at (503) 206-2291 or [Amanda.punton@dlcd.oregon.gov](mailto:Amanda.punton@dlcd.oregon.gov)

### **Natural Hazards Mitigation Planning**

DLCD natural hazards mitigation planners are supporting tribal nations in natural hazards mitigation plan (NHMP) and related projects.

The department received a grant from the Federal Emergency Management Agency (FEMA) to prepare an NHMP for the Confederated Tribes of Warm Springs. Work began in 2023 and will be completed in 2024. Staff also worked with Coos County to engage tribes in the county NHMP including the Coquille Indian Tribe; the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians; and the Cow Creek Band of Umpqua Tribe of Indians. FEMA approved that plan in February 2023. Staff are currently working on a FEMA grant application that, if awarded, would provide funding to prepare a NHMP update with the Burns-Paiute Tribe.



Staff are grateful for the participation of members from all nine Tribes in this work and we look forward to their continued participation throughout the project.

Matt Crall (503-798-6419, [matt.crall@dlcd.oregon.gov](mailto:matt.crall@dlcd.oregon.gov)) is the Planning Services Division Manager. His team includes the natural hazards mitigation planning team. Please feel free to contact Matt directly with any questions.

### **Rural Transportation Equity**

At the request of the Oregon Racial Justice Council, DLCD launched the Rural Transportation Equity program with advice and collaboration from the Oregon Department of Transportation. The program aims to support underserved communities, in rural areas, gain access to critical services and destinations by identifying and pursuing transportation options like biking, walking and public transportation.

Within this program and with grant support, the Confederated Tribes of Grand Ronde pursued work related to multimodal connectivity among facilities located on the Tribe's land holdings, in stride with the Tribe's recently adopted [shawash-ili?i 2033-nsayka k'hapa atqi \(Grand Ronde 2033–Our Future\)](#) Community Development Plan (November 2021), and ongoing Long Range Transportation Planning. The project work focused on engaging Tribal members in dialogue related to transportation access, existing challenges, and active transportation opportunities. Tribal Staff hosted a hybrid well-attended open house covering transportation and education topics, connecting consultant support staff with families with young children. Conversations stemming from this event connected the project team with youth leadership members as well as Tribal Elders, expressing the challenges faced by community members lacking access to personal vehicles.

Intercept surveys conducted at the Tribe's Food Bank identified some of the mobility impediments faced by some of the most vulnerable community members. Tribal Transportation Staff have incorporated feedback and findings into the Tribe's first Multimodal Chapter of their Long Range Transportation Planning document in hopes of addressing these challenges through future transportation system investments. Engagement and transportation analysis focused on walking, biking, and transit access well-positions the Confederated Tribes of Grand Ronde for future competitive funding opportunities from State and Federal partners.

### **Local Government Coordination**

The department continues to serve as a resource to local governments with questions relating to coordination with Oregon's Tribal Nations. Department staff recognize and seek to underscore the importance of Tribal relationships with local governments including but not limited to the area of local land use regulations on fee lands.

To ensure department wide awareness, DLCD provided regular training to staff members on government-to-government relations at all-staff meetings, at orientations, on Indigenous People's Day, and within Workday.

In 2023, DLCD formally extended the Tribal Liaison Program team to include all the agency's regional representatives.

**Fee to Trust Changes**

The Coastal Program and Farm Forest Specialist are responsible for the department's involvement in the Bureau of Indian Affairs (BIA) fee-to-trust process. To our knowledge, no fee-to-trust transfer notices were received in 2023.

**Other Activities of Interest***Oregon Housing Needs Analysis (OHNA)*

Staff are implementing House Bill 2001 (2023) to establish an Oregon Housing Needs Analysis methodology. Staff have invited consultation and are following up with Tribal representatives.

**Conclusion**

DLCD looks forward to continuing to strengthen its government-to-government relationships with Oregon's nine federally recognized Tribes. The department is grateful for Tribes' participation in agency programs, and for the guidance we receive as staff. The department will continue to strive to provide early opportunities for meaningful Tribal consultation and guidance in 2024. In 2024, the department anticipates working with representatives from and leadership of Tribal Nations on the Goal 5 Rulemaking for Cultural Areas, ocean and coastal issues, climate change adaptation and mitigation, hazards planning, and guidance for cultural resource protection.