



OREGON DEPARTMENT OF AGRICULTURE

Government-to-Government 2021 Annual Report

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Mission

Ensure healthy natural resources, environment, and economy for Oregonians now and in the future through inspection and certification, regulation, and promotion of agriculture and food.

Vision

The Oregon Department of Agriculture remains able to serve the changing needs of Oregon's diverse agricultural and food sectors to maintain and enhance a healthy natural resource base and strong economy in rural and urban communities across the state.

Core values

We value...

- Honesty, integrity, and fairness
- Diversity, equity, and inclusion
- Respect for people and property
- Practical collaborative approaches to problem solving
- Science-based approaches: technical and professional competence

The Oregon Department of Agriculture (ODA) recognizes the value of Oregon's tribal contributions to agriculture and the rich heritage they bring to all Oregonians. It is important that tribal interests are reviewed and considered in the ODA policy development process. To ensure Tribal input and communication, ODA will:

- Establish and maintain an agency liaison (tribal liaison) to foster good working relationships between ODA and Oregon's federally recognized tribes.
- Participate in the Natural Resources Workgroup and Cultural Resources Cluster meetings. The tribal liaison will provide relevant agency updates to the tribes at the meetings.
- The tribal liaison will notify the ODA Executive Team on issues/concerns identified by tribes and facilitate a process to address them.

- Communicating with tribes to identify their interests so that opportunities for tribal input into the planning, development, and implementation of agency programs and activities that may intersect with tribal interests occurs. This includes, but is not limited to, seeking tribal representation on ODA advisory committees and boards that may intersect with tribal interests.
- Maintain a process to notify Oregon tribes before destroying records listed on ODA's special record retention schedule.
- Provide an annual letter to Oregon tribes outlining future policy and rule development and invite tribal engagement on areas of interest.

Per ORS 182.166(3), below is a summary of the 2021 government-to-government interactions with Oregon's nine federally recognized tribes by program area.

Administration

Administration includes the Directors' Office, Communication, Administrative Services, Business Operations, Information Systems, and Special Projects, which are all integral to the successful operation of the ODA. The Directors' Office provides direction and management to all ODA programs and associated activities. This office also works with the State Board of Agriculture and many other entities and individuals to support the mission and goals of the ODA.

ODA's tribal liaison represented ODA at both the Cultural Resource Cluster (CRC) and the Natural Resource Workgroup (NRWG) meetings. At the meetings, the tribal liaison shared relevant agency information with tribal governments and arranged presentations on agency programs as requested by tribal partners. The tribal liaison shared relevant information about the meetings with ODA's Executive Team.

The tribal liaison seeks out educational opportunities to enhance skills to improve state-tribal relationships and meaningful engagement. In 2021, ODA's tribal liaison participated in *Tribal Relations 2.0: Engagement, Enterprise & Global Markets Workshop* put on by Portland State University's Institute for Tribal Government. Additionally, ODA has an Oregon Tribes webpage that houses information and resources for ODA's employees and the public. In June, ODA added, and shared with ODA staff, an article from the Journal of Northwest Anthropology Spring 2021 edition on Oregon Tribes.

At the end of 2020, ODA provided a letter to tribal leaders and staff on the ODA's rulemaking and other key activities planned for 2021. The purpose was to assist in the advance communication and invitation to engage in areas of tribal interest. A draft document of ODA's Government-to-Government Policy was also submitted for review and feedback. Modifications of the policy were made based on tribal representatives' feedback.

At the beginning of 2021, ODA executed a new process to notify Oregon's tribes before destroying records listed on the agency's special record retention schedule. Additionally, ODA assisted the Oregon's Secretary of State Office with creating a similar process for state agencies before authorizing the destruction of records housed at Oregon's State Records Center. Starting in 2022, ODA will be aligning the two processes together so that tribes receive the combined notifications twice a year. The record destruction notification process is a way for tribes to identify and receive items that are of interest, including information about cultural items that may be in ODA's possession.

ODA recognizes tribes and tribal members residing in Oregon comprise important parts of the state's agriculture and fisheries industry and included a section in the 2021 State Board of Agriculture Report (https://www.oregon.gov/ODA/shared/Documents/Publications/Administration/BoardReport.pdf?utm_medium=email&utm_source=govdelivery) that highlights contributions to this sector for the first time.

As positions become open on ODA's boards, commissions and workgroups, recruitment outreach to Oregon's tribes continue. In 2021, ODA reached out to Oregon tribes to recruit participation on the Confined Animal Feeding Operation Advisory Committee, Board of Agriculture, Agricultural Water Quality (AgWQ) Local Advisory Committees, AgWQ Rules Advisory Committee, and a potential Native Plant Conservation Program Stakeholder group, to name a few.

The ODA's tribal liaison represented the agency at the December 2021 Virtual Tribal-State Government-to-Government Annual Summit. ODA also invited key staff to attend breakout sessions that intersect with their work.

Natural Resource Programs

Natural Resource Programs include Agricultural Water Quality, Soil and Water Conservation Districts (SWCD), Confined Animal Feeding Operations (CAFO), Land Use, Fertilizer, Pesticide Compliance and Enforcement Program, Pesticide Licensing and Certification, Pesticide Product Registration, Pesticide Stewardship Partnership, and the Pesticide Analytical and Response Center.

The Confined Animal Feeding Operation (CAFO) program continued to update tribal partners on upcoming public notices associated with proposed CAFO permits within their respective ancestral homelands.

ODA coordinated with the Department of Environmental Quality (DEQ), Bonneville Power Administration (BPA), and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) on the Birch Creek restoration project in Eastern Oregon. A part of the restoration project included the decommissioning of a permitted CAFO beef feedlot.

A regional Livestock Water Quality Specialist (LWQS) from the CAFO Program continued working with the Cow Creek Band of Umpqua Tribe of Indians with their permitted CAFO.

A representative from the Confederated Tribes of the Umatilla Indian Reservation continued to serve on the Pesticide Stewardship Partnership Advisory Committee. The committee worked with ODA and other agencies to develop a strategic plan for the program and reviewed how the program is working in the watersheds where monitoring, outreach, and education are occurring.

ODA has invested a significant amount of time to stand up the new Agricultural Channel Drainage Maintenance program. ODA shared rulemaking plans with Oregon's tribal nations through emails and LCIS cluster meetings and invited comment on program forms and documents regarding tribal cultural resources. This resulted in specific contacts with, and rule feedback from, a subset of tribes as well as modifications to the program website and forms that describes landowner's legal responsibilities around tribal cultural resources. Additional statutory authority was granted by the 2021 legislature to phase in the program across the state. A rule

advisory committee is being convened to inform the subsequent rulemaking process and tribes have been informed and invited to participate.

ODA's tribal liaison continued working with Regional Water Quality Specialists (RWQS) to reach out and encourage tribal participation on Local Advisory Committees (LAC) that review Agricultural Water Quality Management Area Plans, Rules, and Program Implementation. Water Quality staff continued working with a group that has formed at the request of the Confederated Tribes of the Coos, Lower Umpqua, Siuslaw Indians (CTCLUSI) to focus on improving water quality in Tenmile Lakes (Coos County).

ODA has allocated resources to the Klamath basin watershed to address Department of Environmental Quality (DEQ) and Klamath Tribe water quality concerns. Water Quality staff are working to inspect and resolve identified concerns and communicate results back to the Tribe. Monitoring adjacent to Klamath Lake to address water quality concerns from agricultural activities continues. The Klamath Tribe is part of a technical team to evaluate resulting data and develop projects with local landowners to address concerns. ODA received dedicated funding in the Legislative 2021-2023 budget allocations to continue this work for the next biennium.

The chair of the Soil and Water Conservation Commission and ODA Water Quality Program Manager reached out to Oregon tribes regarding the work of Soil and Water Conservation Districts (SWCDs) and how district election eligibility criteria may affect tribal participation. The goal is to promote the work of SWCDs generally, and expand relationships to increase a more supportive DEI lens in participants.

ODA's Natural Resource Programs Director provided a Letter of Support for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians on a Tribal Wetland Program Development Grant application submitted to the United States Environmental Protection Agency (US EPA).

ODA's Ag Water Quality program modified its Agricultural Water Quality Program Management Areas' map to include tribal trust lands.

One of ODA's Pesticide Enforcement staff assisted a representative for the Yurok Tribe, a federally recognized tribe in California, regarding Oregon pesticide applicator requirements to lawfully apply pesticides in Oregon.

Plant Protection and Conservation Programs

ODA Plant Protection and Conservation Programs includes Insect Pest Prevention and Management (IPPM), Native Plant Conservation, Noxious Weed Control, Hemp, and Nursery & Christmas Tree. These programs protect Oregon's agricultural industries and the natural environment from harmful plant pests, diseases, and noxious weeds; enhance the value and marketability of exported nursery stock; assist industry to produce hemp plants and products within regulatory guidelines; and conserve threatened and endangered plants.

Oregon tribes were invited to participate and provide feedback on a Rules Advisory Committee (RAC) for volunteer cannabis to help address the potential spread of unintentional growth of cannabis in Oregon.

ODA's Plant Program interacted with a staff member from the Confederated Tribes of the Warm Springs Reservation of Oregon who was interested in participating in the nursery survey to sample for invasive species. Although ODA did not include the tribal nursery this year due to staffing capacity, ODA will continue to consider tribal sites for future surveys.

The ODA Noxious Weed Control Program worked with tribes in connection to Oregon State Weed Board Grants. ODA continued to work with the Cow Creek Band of the Umpqua Indian Tribe to control of all known sites of Paterson's curse, *Echium plantagineum*, and Woolly distaff thistle, *Carthamus lanatus*, both state A-listed noxious weeds. These noxious weeds are present on tribal and adjacent lands in Douglas County and could have major impacts on grazing and oak woodlands if they were to spread. These control projects are a cooperative effort between ODA Noxious Weed Control Program, Oregon State Weed Board, Douglas SWCD, and the Tribe.

The ODA Noxious Weed Control Program continued to work with tribal members in Umatilla County to monitor and advise the Confederated Tribes of the Umatilla Indian Reservation (and neighboring landowners on the control of the invasive Garlic

Mustard, *Alliaria petiolata*, a state B-listed noxious weed that is located on or adjacent to tribal lands. Funding is provided to Umatilla County for this project via a State Weed Board grant.

African Rue, *Peganum harmala*, a state A-listed noxious weed was detected in the fall of 2008 by a Bureau of Indian Affairs contractor on The Burns Paiute Tribe's grazing allotments in the Harney Basin southeast of Burns. ODA surveyed the area and determined that the infestation was on both tribal lands and adjacent private lands. Through this cooperative effort, African Rue populations continue to be reduced within the treatment area and have been prevented from spreading to other areas. Harney County receives State Weed Board Grant funding to continue to implement containment and management strategies.

The Cultural & Ecological and Enhancement Network (CEEN) is based out of the Illinois Valley (Josephine County) and has a primary objective of protecting and restoring habitats valuable for materials used in basketry. CEEN works to promote the cultural resources valued by the Karuk, Yurok, Tolowa, and the Confederated Tribes of Grande Ronde. CEEN is the recipient of State Weed Board grant funding ODA assists with survey and eradication of A-rated noxious weeds that impact valued habitats and lands: Yellowtuft Alyssum (*Alyssum murale*, *Alyssum corsicum*), barbed goatgrass (*Aegilops triuncialis*) and the B-rated weed, Japanese knotweed (*Polygonum cuspidatum*).

Food Safety and Animal Health and Identification Programs

The Food Safety Programs include Food Safety Licensing, Regulatory Laboratory, Shellfish and Shellfish Plat Leasing, Animal Health, Animal Identification, Predator Control, Commercial Feeds, and the State Veterinarian's Office. These programs inspect all facets of Oregon's food distribution system (except restaurants) to ensure food is safe for consumption, protects and maintains animal health, and ensures animal feeds meet nutritional and labeling standards.

A staff member from the Columbia River Inter-Tribal Fish Commission (CRITFC) continues sits on ODA's Food Safety Program Advisory Committee and provide insight on how certain rule changes may impact tribal activities.

In January, a Food Safety Manager worked with Columbia River Inter-Tribal Fishing Commission (CRITFC) and a Washington Tribal food processor to address recalled canned and smoked fish products from an independent retailer who made tribal affiliation claims on their packaging.

ODA is working with a member of the CRITFC and the Indian Health Board to address public safety concerns with vendors who are selling processed fish along the Columbia River. This is occurring where state food processing and/or retail food establishment licenses are necessary for public safety. Efforts on how to work with vendors to bring them into compliance is ongoing.

Market Access and Certification Programs (MAC)

The Market Access and Certification Programs include Agricultural Development and Marketing, Certification Programs, Commodity Commissions, Commodity Inspection, Produce Safety, Smoke Management, and Plant Health Program. These programs help Oregon's agricultural producers successfully add value, sell, and ship products to local, national, and international markets by promoting and creating demand for products through marketing activities, inspection, and certification. In 2021 the Internal Service & Consumer Protection Program area was dissolved and some of its programs were placed under the MAC Program area. The Weights and Measures and Motor Fuel Quality programs work together to facilitate commerce in the region by setting uniform standards for measurements equipment used in commerce, for the packaging and labeling of commodities, and for the overall quality of transportation fuels including gasoline and diesel. The caged egg-laying hen cage program sets standards for the confinement of egg-laying hens on commercial farms to promote the humane treatment of these animals.

ODA reached out to Oregon's tribes on the development phase of a Market Access Program project to assist small to mid-sized food and beverage businesses (particularly underrepresented, marginalized, and women owned businesses). The virtual roadmap is being designed to connect business ventures to services in Oregon that could enhance/grow their operations. A survey was disseminated out to Oregon tribes to connect them with tribal owned businesses.

ODA has been working with the Oregon' Department of Education (ODE) to identify barriers and opportunities for Oregon tribes to access the State's Farm to School (F2S) grant program. ODA's Farm to School (F2S) Manager has communicated with the State-Tribal Economic Development Cluster Co-Chairs on ways to connect with tribal members that could benefit from the F2S funds. This is an ongoing effort that will continue to develop over the biennium.

Although measurement devices on tribal lands are not subject to state weights and measures laws, Oregon tribes and some tribal members have requested that the Weights and Measures program license and test their equipment.

In 2021, ODA licensed and inspected devices at the following locations:

- Confederated Tribes of the Umatilla Indian Reservation – fish market, Cascade Locks
- Cow Creek Band of Umpqua Tribe of Indians (multiple devices, multiple locations)