

**Oregon Parks and Recreation Commission**  
**February 26-27, 2024**

Agenda Item: 10c **Informational**

Public comment allowed: Yes

Topic: Legislative Commission on Indian Services Annual Report

Presented by: Chris Parkins

Oregon Revised Statute 182.166 (ORS 182.166) requires that no later than December 15 of every year, state agencies submit a report to the Legislative Commission on Indian Services (LCIS) that summarizes the annual activities of the agency and its interactions with the nine federally recognized Tribes of Oregon.

The 2023 report is attached. It highlights the Oregon Parks and Recreation Department's (OPRD) ongoing commitment to strengthening the agency's relationship with its Tribal partners and emphasizes OPRD's efforts to consult not only at the government-to-government level as mandated by law, but also in other meaningful ways as community partners, colleagues, and neighbors. Consultation never truly ends and is ongoing; OPRD is continually looking to improve its coordination and communication with the nine federally recognized Tribes in Oregon.

**Action Requested:** None

**Attachments:** 2023 Legislative Commission on Indian Services Government-to-Government Annual Report

**Prepared by:** Lucille Harris, Central Parks Cultural Resource Specialist



**2023 Legislative Commission on Indian Services  
Government-to-Government Annual Report**

*prepared by the*

Oregon Parks & Recreation Department  
725 Summer St. NE, Suite C, Salem, Oregon 97301

*with the*

Oregon State Historic Preservation Office  
725 Summer St. NE, Suite C, Salem, Oregon 97301

*submitted to the*

Legislative Commission on Indian Services  
900 Court St. NE, Room 167, Salem, OR 97301

*on*

December 15, 2023



## Introduction

Oregon Revised Statute 182.166 (ORS 182.166) requires that no later than December 15 of every year, state agencies submit a report to the Legislative Commission on Indian Services (LCIS) that summarizes the annual activities of the agency and its interactions with the nine federally recognized Tribes of Oregon. While this report is intended to fulfill this requirement, this document more importantly highlights the Oregon Parks and Recreation Department's (OPRD) ongoing commitment to strengthening the agency's relationship with its Tribal partners and emphasizes OPRD's efforts to consult not only at the government-to-government level as mandated by law, but also in other meaningful ways as community partners, colleagues, and neighbors. Consultation never truly ends and is on-going. In turn, OPRD is continually looking to improve its coordination and communication with the nine federally recognized Tribes in Oregon.

## Agency Information

The mission of OPRD is to provide and protect outstanding natural, scenic, cultural, historic, and recreational sites for the enjoyment and education of present and future generations.

OPRD operates state parks through its headquarters in Salem, with support from three regional offices. OPRD manages a statewide Recreation Trails support program, and is responsible for the Ocean Shores Recreation Area, Scenic Waterways program, Willamette River Greenway, and a Heritage Division which includes the State Historic Preservation Office (SHPO), Heritage Commission, and Oregon Commission on Historic Cemeteries.

## OPRD Policies Adopted under ORS 182.164 (ORS 182.166(3)(a))

ORS 182.164 requires state agencies to develop and implement policy on relationships or cooperation with the nine federally recognized Tribes of Oregon. Currently, OPRD has three policies that directly relate to Tribal interactions.

### **CUL.010 Cultural Resources Policy**

#### *Purpose*

The OPRD Cultural Resource Policy summarizes agency requirements for managing the wide range of cultural resources under the stewardship of OPRD. The purpose of this policy is to ensure that Oregon heritage is protected and shared for the understanding, appreciation, and enjoyment of all present and future Oregonians.

#### *Goals*

The goals of this policy are to:

- Further OPRD's mission to provide outstanding natural, scenic, cultural, historic, and recreational sites for the enjoyment and education of present and future generations.
- Promote meaningful partnerships, purposeful stewardship and protection best-practices concerning cultural resources.
- Establish a practical framework for managing the varied cultural resources in OPRD's care.

- Ensure compliance with all applicable state and federal cultural resource protection laws.

### **CUL.020 Tribal Relations Policy**

#### *Purpose*

The purpose of this policy is to comply with ORS 182.164 which requires state agencies to develop and implement a policy on how they will relate and cooperate with federally recognized Tribes in Oregon.

#### *Goals*

The goals of this policy are to:

- Maintain regular communications with the nine federally recognized Tribes in Oregon.
- Foster positive agency relationships with the Tribes.
- Incorporate Tribal perspectives into the work, operations, and decisions of OPRD.

### **CUL.030 Tribal Traditional Use Policy**

#### *Purpose*

This policy is intended to waive the day-use fee for Tribal members wishing to participate in traditional cultural, religious, or community ceremonies activities and does not affect any rights or relationships of Tribal, federal, and state governments or any treaty rights.

#### *Goals*

The goals of this policy are to:

- Promote positive Tribal relations.
- Waive the day use fee for Oregon Tribal members wishing to access sacred sites located within park units for traditional cultural, religious, or ceremonial community activities.
- Encourage cultural collection practices and traditions within state parks by individual members of the nine federally recognized Tribes in Oregon for personal use.

## **OPRD Program Contacts (ORS 182.166(3)(b))**

### **General Responsibility**

Overall responsibility for developing and implementing OPRD programs that may affect Tribes rests with the OPRD Director and the Deputy Directors (including Administration, Heritage Division Programs and Operations).

- Director and State Historic Preservation Officer: Lisa Sumption
  - 503-508-8165, lisa.sumption@oprds.gov
- Deputy of Statewide Operations: JR Collier
  - 541-388-6316, jr.collier@oprds.gov
- Deputy Director of Administration: Stefanie Coons
  - 971-718-1966, stefanie.coons@oprds.gov
- Deputy Director of Heritage Division and Deputy State Historic Preservation Officer: Chrissy Curran
  - 503-986-0684, chrissy.curran@oprds.gov
- Associate Director: Chris Havel

- 503-986-0722, chris.havel@opr.d.oregon.gov
- Tribal Relations Coordinator: Helena Kesch
  - 503-881-4637, helena.kesch@opr.d.oregon.gov

### **Program Responsibility**

The following OPRD Program Managers are directly responsible for developing and implementing programs that may affect Tribes:

- Central Park Services Manager: Matt Rippee
  - 541-786-4748, matt.riptide@opr.d.oregon.gov
- Operations Support Manager: Eric Timmons
  - 503-385-3314, eric.timmons@opr.d.oregon.gov
- Safety and Risk Manager: Patty Smith
  - 503-979-6015, patty.smith@opr.d.oregon.gov
- Central Resources Manager: Chris Parkins
  - 541-605-8912, chris.parkins@opr.d.oregon.gov
- Communications Manager: Jason Resch
  - 503-508-4149, jason.resch@opr.d.oregon.gov
- Associate Director Park Improvement: Alan Freudenthal
  - 971-446-1944, alan.freudenthal@opr.d.oregon.gov
- Financial Services Manager: Rebecca Jasso
  - 971-283-5464, rebecca.l.jasso@opr.d.oregon.gov
- Chief Information Officer: Bob DeVylidere
  - 503-689-3259, bob.devylidere@opr.d.oregon.gov
- Procurement & Contracts Manager: Bill Beaty
  - 971-701-4879, bill.beaty@opr.d.oregon.gov
- Grants and Community Programs Manager: Michele Scalise
  - 503-507-2249, michele.scalise@opr.d.oregon.gov
- Human Resources Director: Laura Gomez
  - 503-302-6877, laura.l.gomez@opr.d.oregon.gov
- Government Relations and Policy Manager: Katie Gauthier
  - 503-510-9678, katie.gauthier@opr.d.oregon.gov
- Associate Deputy State Historic Preservation Officer: Ian Johnson
  - 971-718-1137, ian.johnson@opr.d.oregon.gov

### **Identifying Programs that Affect Tribes (ORS 182.166(3)(c))**

Whenever a new OPRD program is contemplated, the deputy director or manager responsible shall notify the OPRD Tribal Relations Coordinator or OPRD Archaeologists to determine if the new program might affect a Tribe.

Additionally, the OPRD Tribal Relations Coordinator and OPRD Archaeologists will have on-going communication and shall consult regularly with the Deputy Directors and the OPRD Program Managers that are responsible for developing and implementing programs that may affect Tribes to identify and

confirm which OPRD programs and what upcoming work may affect Tribes. For instance, the OPRD Tribal Relations Coordinator, OPRD Archaeologists, and/or the Deputy Director of Heritage Division will periodically attend regular meetings such as the Park Improvement team meetings or regional meetings where new programs or activities would be discussed.

The OPRD Tribal Relations Coordinator or OPRD Archaeologists shall maintain an updated list of OPRD programs that affect Tribes, including the names of the individuals who are the responsible managers. This list shall be the basis for development of communication protocols and routine consultation.

## **Projects, Consultation, & Communication (ORS 182.166(3)(d))**

### **OPRD Stewardship Division Summary for LCIS**

Throughout 2023, OPRD has continued to participate in ongoing consultation as well as initiate consultation on new projects with Oregon's nine federally recognized Tribes. Oregon State Parks comprises approximately 113,000 acres and categorized into three regions, the Coast, Valley, and Mountain Regions.

While not exhaustive, the following list highlights a selection of projects that demonstrate OPRD's efforts to promote government-to-government consultation, collaboration and communication between the state agency and the Tribes.

- Passage of HB2737 – Land Transfer bill  
HB2737, sponsored by Representative Sanchez (at the request of State Parks and Recreation Department) was passed in the 2023 Oregon Legislative Session, allowing state agencies to transfer, convey, donate, exchange or lease to an eligible Indian tribe, as defined in ORS 307.181, any real property or interest in real property owned by the agency at such price and on such terms as the agency may determine. OPRD is working towards transferring Fort Yamhill State Heritage Area to the Confederated Tribes of the Grand Ronde. The agency will engage in rulemaking around implementation in 2024.
- OPRD consulted with Tribes on several major policy initiatives, including:
  - Scenic Bikeways Program
  - Drone use in State Parks
  - Lincoln City Vehicle Access
  - Records Destruction Authorization
  - Rulemaking related to
    - Rocky Habitat Site Designation
    - Park Exclusions
    - ATV Definitions
    - Land Transfer
- OPRD began reviewing and revising OPRD's Traditional Use Policy and developing appropriate procedures for implementing Traditional Use practices on OPRD lands. This is part of an ongoing effort by OPRD to improve our best practices and ensure that we are appropriately and effectively managing the cultural and natural resources under our stewardship agency wide.

- OPRD continues work on the development of a Programmatic Agreement between OPRD and the SHPO.
- OPRD Archaeologists Nancy Nelson, Steve Jenevein, and Stacy Scott have continued to work with Tribes concerning a multitude of projects, planning sessions and site visits throughout the course of the year.
- Representatives from OPRD, both cultural resource staff and other divisions from within the agency were regularly in attendance at the Cultural Resource Cluster, Natural Resource Cluster, and the Interagency Cultural Resource Council meetings.
- OPRD hired Lucy Harris as the new Central Parks Cultural Resource Specialist in May 2023 who will provide leadership, technical expertise, and coordination with Region Archaeologists, OPRD staff, other state, local and tribal agencies to provide a consistent and statewide approach to cultural resource management on OPRD properties.
- OPRD hosted the Archaeology Awareness Training in April 2023. The training was held in The Dalles at the Columbia Gorge Discovery Center from April 4-7 and highlighted information on traditional cultural properties, oral histories, and natural resources as cultural resources. This year's training was attended by 26 OPRD staff, 15 Oregon Department of Forestry staff, 6 Oregon Watershed Enhancement Board staff, 2 Oregon State Marine Board staff, and 1 Oregon State University staff member.
- In collaboration with the Southern Oregon Indian Center, OPRD hosted the 23<sup>rd</sup> Annual Rogue Valley Veterans Powwow at Valley of the Rogue State Park on June 2-4, 2023.
- OPRD is represented on the Governor's Task Force on Cultural Items.

### **OPRD Heritage Division Summary for LCIS**

The Oregon State Historic Preservation Office (SHPO), part of the Heritage Division, works with the nine federally recognized Tribes regularly through federal and state processes. These include or involve: The National Historic Preservation Act (NHPA), specifically Sections 101, 106 (and its implementing regulations 36CFR800), 110, and 304; the National Register of Historic Places (NRHP) (36CFR60) including National Register Bulletins 15, 16A, 38 and NPS 10-900 forms; National Environmental Policy Act (NEPA) Environmental Assessments (EA) and Environmental Impact Statements (EIS); American Indian Religious Freedom Act (AIRFA); Native American Graves Protection and Repatriation Act (NAGPRA); Archaeological Resources Protection Act (ARPA); Executive Orders (13007 and 13175); the November 5 2009 Presidential Memorandum on Tribal Consultation; Oregon Revised Statutes (ORS) 358.653, 358.905-961, 97.740-760, 390.235 (and associated Oregon Administrative Rule [OAR] 736-051-0000 to 0090), the Oregon Department of Energy's Energy Facility Siting Council (EFSC) statute ORS 469.300 and associated OAR 345-022-0090, exemptions from public disclosure ORS 192.345; and the importance of state agencies to consider their actions and effects to Oregon tribes (ORS 182.164). The following highlights efforts of the Heritage Division during 2023 to work with the Tribes on a range of matters.

- On July 1, 2023, the revised rule governing the issuance of archaeological permits became effective. According to statute (ORS 390.235), SHPO must develop rules governing the issuance of



archaeological permits with the advice of Oregon tribes. Advice from Oregon tribes strongly influenced the final text. Opportunities for input from the tribes included a forum, government-to-government consultation, technical meetings, and involvement on the Rule Advisory Committee (RAC).

- Oregon SHPO is a member of and participated in the Governor’s Task Force on Cultural Items, Culture Cluster, the Intergovernmental Cultural Resources Council (ICRC), and two workgroups within the Federal Columbia River Power System (FCRPS), Wana Pa Koot Koot, and Payos Kuus Cuukwe. Each of these groups includes Oregon Tribes.
- Oregon SHPO worked with Oregon Tribes on developing its data-sharing agreement process. The tribes have provided input and edits to draft templates. Currently, SHPO is working with two Oregon tribes interested in filing data-sharing agreement requests.

Oregon Heritage outreach teams work regularly with Tribes on training and conferences to provide orientation to people doing heritage work in Oregon and to provide resources to the Tribes. Highlights over the last year include:

#### Grants Awarded

- Awarded the Elisabeth Walton Potter Scholarship and an Oregon Museum Grant to the Tamastlikt Cultural Institute.
- Awarded mini-grant to promote Oregon Heritage Tradition University of Oregon Mother’s Day Pow-wow.
- Notified appropriate Tribes of Federal Certified Local Government grants for development projects and provided time for Tribes’ comments.
- Awarded grants to other organizations for projects that include the Tribes, including Elkton Community Center, Crater Rock Museum, and Vanport Placemaking Project.

#### Conferences and Workshops

- Certified Local Government Workshop – LCIS provided a presentation discussing developing relationships with the tribes, and the City of Salem and Confederates Tribes of Grand Ronde presentation discussed their productive government-to-government relationship.
- Oregon Heritage Conference – Sent direct solicitation to all tribes, offering session space and input options and holding online sessions for tribes to contribute ideas to develop the agenda for the 2024 Oregon Heritage Conference.

#### 2024-2034 Oregon Historic Preservation Plan Outreach

- Attended the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw council meeting to inform and gather input.
- Reached out directly to the tribes for input.

#### General Heritage Issues

- Sent notices to Tribal contacts for Tribal-specific resources in response to COVID-19 impacts.

#### Oregon Heritage Commission

- Appointed Randall Melton, Confederated Tribes of the Umatilla Indian Reservation.

- LCIS provided a presentation to the Commission addressing land acknowledgment and developing relationships with tribes.

## **Agency Training & Notification (ORS 182.166(3)(e) and (f))**

### **Current Employees**

On a rotating basis, all applicable OPRD Program Managers and their employees who have regular communication with Tribes (as determined by their manager and a communication protocol) shall attend OPRD's Archaeology Awareness Training and other applicable trainings. OPRD's Heritage Division and Stewardship Section shall provide the Archaeology Awareness Training with curriculum relating to legal status, legal rights, and issues of concern to Tribes. OPRD Program Managers will be responsible for disseminating information from the training, as appropriate, to other OPRD employees under their supervision.

### **New Permanent Full-Time or Special Project Employees**

OPRD Human Resources staff shall provide a copy of ORS 182.162 to 182.168 and a summary of the OPRD Tribal Relations policy to each new employee in their orientation package. A meeting (in person or via telephone) may be scheduled with the Deputy Director of Heritage Division or designee OPRD Tribal Relations Coordinator or OPRD Archaeologists and the new employee to discuss the policy and its effect on the performance of their duties, as determined by the employee's supervisor.