

**TRIBAL RELATIONS POLICY adopted by the
OREGON STATE BOARD OF GEOLOGIST EXAMINERS**

Purpose

This tribal relations policy is adopted by the Oregon State Board of Geologist Examiners (Board) pursuant to ORS 182.162-182.168, which requires state agencies to develop and implement policies for interacting with the Confederated Tribes of Oregon.

Applicability: This policy applies to all full and part time employees, temporary employees, volunteers, and board, committee, and task force members.

General Policies and Principles

It is the Board's policy to promote the principle stated in Executive Order No. 96-30 that "[a]s sovereigns the tribes and the State of Oregon must work together to develop mutual respect for the sovereign interests of both parties." The Board has had limited interaction with tribes. However, issues related to enforcement of the professional licensing laws on tribal lands, tribal members, or with respect to tribes themselves may occasionally arise. In these situations, it is the Board policy to promote positive government-to-government relations with the federally recognized tribes in Oregon (tribes) by

- a. Promoting communication between the tribes and the Board in Oregon;
- b. Establishing processes to identify programs to better coordinate and inform tribes of issues involving the practice of geology that may affect their economic, environmental, health, or cultural interests;
- c. Establishing and maintaining methods for communicating cultural resource and NAGPRA training opportunities for registered geologists working in Oregon; and
- d. Facilitating the exposure of registered geologists practicing in Oregon about state and federal laws, rules and regulations pertaining to tribal lands in Oregon; all the while
- e. Recognizing that each tribe has unique issues of concern, interests, needs, and values, and that there is no single set of solutions applicable to every situation.

Native American Affairs Coordinator

The Board designates the State Geologist Vicki McConnell, who serves as an ex-officio member of the Board, as the board's Native American Affairs Coordinator, who serves as the Board's key contact with tribal representatives. The Native American Affairs Coordinator will practice awareness, sensitivity, and respect for tribal concerns, while working to satisfy shared goals of a tribe and the Board. All individuals working on a significant matter involving or affecting a tribe shall notify the Native American Affairs Coordinator. The Native American Affairs Coordinator shall report regularly to the Board the status of significant matters, if any, which involve or affect tribes.

Dissemination of Tribal Relations Policy

This tribal relations policy shall be disseminated to the Board's staff and Board members, and posted on the board's website. The Native American Affairs Coordinator shall annually distribute a reminder of this policy.

Training

The Board shall identify managers and employees, if any, who have regular communication with tribes on the legal status of tribes, the legal rights of members of tribes, and issues of concern to tribes. The Native American Affairs Coordinator shall strive to assist these managers and employees in identifying and receiving training on specific topics relevant to this work, including the annual training provided by the Department of Administrative Services, pursuant to ORS 182.166(1).

Identification of Programs that Affect Tribes

The Native American Affairs Coordinator will compile a list of Board programs that affect tribes, as well as individuals responsible for implementing them, through the following process:

- a. The Native American Affairs Coordinator, in consultation with the Board, will compile a list of Board programs that affect tribes. The Native American Affairs Coordinator will share the list with tribal representatives, including tribal leaders.
- b. Annually, the Native American Affairs Coordinator will update the list of programs that affect tribes, in consultation with the Board. The Native American Affairs Coordinator will share the updated list with tribal representatives, including tribal leaders.
- c. The Board will invite tribal participation in advisory groups or task forces of interest to tribes.

ORS 182-162 to 182.168

182.162. As used in ORS **182.162 to 182.168**:

- (1) "State agency" has the meaning given that term in ORS 358.635.
- (2) "Tribe" means a federally recognized Indian tribe in Oregon.

182.164

(1) A state agency shall develop and implement a policy that:

(a) Identifies individuals in the state agency who are responsible for developing and implementing programs of the state agency that affect tribes.

(b) Establishes a process to identify the programs of the state agency that affect tribes.

(c) Promotes communication between the state agency and tribes.

(d) Promotes positive government-to-government relations between the state and tribes.

(e) Establishes a method for notifying employees of the state agency of the provisions of ORS **182.162 to 182.168** and the policy the state agency adopts under this section.

(2) In the process of identifying and developing the programs of the state agency that affect tribes, a state agency shall include representatives designated by the tribes.

(3) A state agency shall make a reasonable effort to cooperate with tribes in the development and implementation of programs of the state agency that affect tribes, including the use of agreements authorized by ORS 190.110.

182.166.

(1) At least once a year, the Oregon Department of Administrative Services, in consultation with the Commission on Indian Services, shall provide training to state agency managers and employees who have regular communication with tribes on the legal status of tribes, the legal rights of members of tribes and issues of concern to tribes.

(2) Once a year, the Governor shall convene a meeting at which representatives of state agencies and tribes may work together to achieve mutual goals.

(3) No later than December 15 of every year, a state agency shall submit a report to the Governor and to the Commission on Indian Services on the activities of the state

agency under ORS **182.162 to 182.168**. The report shall include:

(a) The policy the state agency adopted under ORS **182.164**.

(b) The names of the individuals in the state agency who are responsible for developing and implementing programs of the state agency that affect tribes.

(c) The process the state agency established to identify the programs of the state agency that affect tribes.

(d) The efforts of the state agency to promote communication between the state agency and tribes and government-to-government relations between the state and tribes.

(e) A description of the training required by subsection (1) of this section.

(f) The method the state agency established for notifying employees of the state agency of the provisions of ORS **182.162 to 182.168** and the policy the state agency adopts under ORS **182.164**.

182.168.

Nothing in ORS **182.162 to 182.168** creates a right of action against a state agency or a right of review of an action of a state agency.