

OREGON DEPARTMENT OF TRANSPORTATION

GOVERNMENT-TO- GOVERNMENT

ACTIVITY REPORT | 2023

DECEMBER 2023



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INTRODUCTION

In accordance with Oregon Revised Statute 182.166, the Oregon Department of Transportation (ODOT) submits this report to Governor Tina Kotek and the Legislative Commission on Indian Services. This report identifies the ODOT divisions, regions, and individuals responsible for developing and implementing programs that affect the nine federally recognized tribal governments in Oregon. The information in this report was provided by each of the ODOT divisions and regions and was compiled by the ODOT Director's Office.

In accordance with Oregon Revised Statute 182.164, ODOT adopted an official policy statement guiding the department's interactions with tribal governments. ODOT Policy INT 13 was most recently revised on July 31, 2019. This policy states:

It is the policy of the Department, pursuant to ORS 182.162 et. seq., to promote and enhance government-to-government relations between the Department and the federally recognized American Indian Tribes in Oregon through programs that include tribes in the development and implementation of transportation projects and other activities which may affect tribal lands, resources, or interests.

ODOT's mission is to provide a safe, efficient transportation system that supports economic opportunity and livable communities for Oregonians. ODOT operates under the direction and vision of the Oregon Transportation Commission and agency Director Kristopher Strickler. The Oregon Transportation Commission is ODOT's five-member Governor-appointed policy and oversight body. The Commission establishes state transportation policy and also guides the planning development, and management of a statewide integrated transportation network. ODOT interacts with tribes at all levels of the agency – ranging from routine day-to-day communications related to projects and program operations on up to formal government-to-government consultation at the level of the Director or the Oregon Transportation Commission. These regular and productive interactions with tribes are essential to ODOT's ongoing operations.

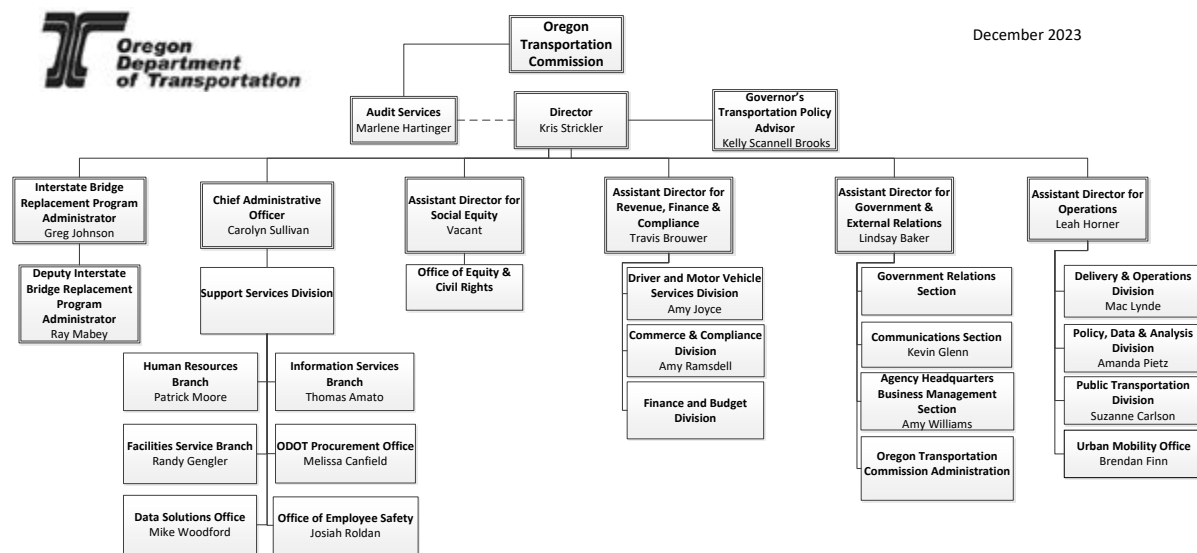
DIRECTOR'S OFFICE

ABOUT

ODOT Director Kristopher Strickler and his staff oversee the management of the department from the headquarters office on the Oregon State Capitol Mall in Salem. Director Strickler and his team of assistant directors are working to better prepare ODOT for the future, to continue ODOT's evolution into a multimodal agency, to have a greater agency-wide focus on social equity, to respond to financial challenges, and to carry on the mission of the agency. The following assistant directors are responsible for carrying out this vision:

- » Leah Horner, Assistant Director for Operations
- » Travis Brouwer, Assistant Director for Revenue, Finance and Compliance
- » Lindsay Baker, Assistant Director for Government and External Relations
- » Vacant, Assistant Director for Social Equity

Organizational Chart



Government Relations

ODOT's government relations team guides ODOT participation in state and federal legislative efforts and ensures the agency maintains positive intergovernmental and tribal relationships. Within the government relations team, Carolyn Holthoff, ODOT's Tribal Relations Manager, works in concert with Trevor Sleeman, ODOT Federal Affairs Advisor and Tribal Liaison, to make up the Government Relations Tribal Affairs Team. Carolyn serves as the central point of contact at ODOT for tribal governments seeking to access ODOT's programs, services, and personnel and works to promote communication and positive government-to-government relationships with each of Oregon's tribes, and continues to work internally with ODOT staff statewide to ensure tribal governments are appropriately involved in the agency's business. While ODOT's regional staff frequently engage with tribes on local operational issues like winter maintenance or vegetation management, as well as project delivery, the tribal relations manager and tribal liaison interact with tribal governments on broader policy matters. This involves a number of issues ranging from tolling to broader statewide policy initiatives. In addition, the tribal relations team also participates in meetings of the Legislative Commission on Indian Services clusters on Cultural Resources, Natural Resources, and Economic Development and Community Services. The tribal relations team disseminates to tribes information regarding state and federal grant programs and provides regular updates to agency management regarding issues of interest to tribal governments. The tribal relations team also assists ODOT staff members in accessing effective government-to-government trainings and other key information.

Tribal Relations Leadership Team

In February 2023, ODOT held the first meeting of the agency's new tribal relations leadership team. The goal of this group is to gather individuals from across the agency who work with tribes, so that we can work together to further improve tribal relations. By sharing information across branches and disciplines, we can better leverage opportunities to collaborate on initiatives or other areas that might be of interest to tribes. This group is meets four times a year.

Tribal Relations Video

ODOT is developing a new tribal relations training video to be used across the agency and for our consultant community. Currently, ODOT does not have standardized tribal relations training. This twenty-minute video will address sovereignty, consultation and how ODOT works to ensure we are coordinating with tribes. We conducted outreach with all nine of Oregon's federally recognized tribes to ensure tribes were involved with the development of this video. This included review and comment opportunities on the video outline, contributing interviews and additional footage as well as review of the final draft video. We expect this video to be released January 1, 2024.

Oregon Transportation Commission

The Oregon Transportation Commission, ODOT's governor-appointed oversight body, is supported by staff in ODOT's Director's Office. The Oregon Transportation Commission sets the vision for Oregon's transportation system, establishes statewide transportation policy, and guides the development, operation, and delivery of Oregon's multimodal system.

Members of the OTC are appointed by the Governor, confirmed by the Oregon Senate, and are responsible for appointment of the ODOT director. The Commission works to rotate its regular meetings to all parts of the state, including holding meetings on tribal lands.

The July 13th Oregon Transportation Commission meeting was hosted at the Confederated Tribes of the Umatilla Indian Reservation's Wildhorse Casino Facility in Pendleton. ODOT welcomed representatives from the Confederated Tribes of the Umatilla Indian Reservation to speak on transportation projects and related issues with our Region 5 staff.

Area Commissions on Transportation

In 1996, the Oregon Transportation Commission authorized the creation of regionally-based transportation advisory commissions known as Area Commissions on Transportation to expand opportunities for local citizen involvement in ODOT's decision-making. Tribal leaders are important participants on area commissions across the state. Area commissions address transportation issues broadly with a primary focus on the state transportation system. Area commissions consider regional and local transportation issues that affect the state system, and work with other local organizations dealing with transportation-related issues.

Area commissions play a key role in developing the Statewide Transportation Improvement Program, ODOT's four-year transportation capital improvement plan. Through an in-depth public process, and following adopted project eligibility criteria, area commissions meet regularly to prioritize transportation problems and solutions and to recommend projects in their area for inclusion in the Statewide Transportation Improvement Program. All areas of the state are represented by area commissions. All nine federally recognized tribes are voting members on at least one area commission.

Current listing of area commissions:

- » Northwest Oregon Area Commission on Transportation
 - No current tribal representation
- » Mid-Willamette Valley Area Commission on Transportation:
 - Confederated Tribes of Grand Ronde
- » Cascades West Area Commission on Transportation:
 - Confederated Tribes of Siletz Indians
- » Southwest Oregon Area Commission on Transportation
 - Coquille Indian Tribe
 - Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
 - Cow Creek Band of Umpqua Tribe of Indians
- » Rogue Valley Area Commission on Transportation
 - Cow Creek Band of Umpqua Tribe of Indians
- » Lower John Day Area Commission on Transportation
 - Confederated Tribes of Warm Springs

- » Central Oregon Area Commission on Transportation
 - Confederated Tribes of Warm Springs
- » South Central Oregon Area Commission on Transportation
 - The Klamath Tribes
- » North East Area Commission on Transportation
 - Confederated Tribes of the Umatilla Indian Reservation
- » Southeast Area Commission on Transportation
 - Burns Paiute Tribe
- » Lane Area Commission on Transportation
 - Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
- » Region 1 Area Commission on Transportation
 - No current tribal representation

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OFFICE OF EQUITY AND CIVIL RIGHTS

ABOUT

The Office of Equity and Civil Rights manages ODOT's implementation of federal and state programs that provide equal access to services and economic opportunities for all. Federal Highway Administration requires all ODOT regions to house an Office of Equity and Civil Rights Field Coordinator who works at the regional level to carry forward their mission, values, and program information.

The Office of Equity and Civil Rights has several programs that affect the nine federally recognized tribes and individual tribe members in Oregon. These programs include:

- » Tribal Employment Rights Ordinance Memorandum of Understanding agreements
- » Workforce Development, Equal Employment Opportunity, On-the-Job Training/ Apprenticeship Programs
- » Disadvantaged Business Enterprises Program
- » Emerging Small Business Program
- » Small Contracting Program
- » Title VI/ADA/Environmental Justice Programs

INTERACTIONS WITH TRIBES

Tribal Employment Rights

The most typical area of tribal interaction is through the implementation of the current memoranda of understanding ODOT has with the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of Grand Ronde and the Confederated Tribes of Warm Springs to implement the "Indian hiring preference" provision in federal law.

The United States Code, Title 23, Section 140 ("Indian Employment and Construction") established preferential employment of Indians living on or near a reservation on federally funded construction projects and contracts on Indian reservation roads. This section of US Code also notes that, "States may implement a preference for employment of Indians on projects carried out under this title near Indian reservations."

ODOT's Office of Equity and Civil Rights is identified as the State Liaison for the Tribal Employment Rights Office Memorandum of Understanding agreements with the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of Grand Ronde, and the Confederated Tribes of Warm Springs. These signed agreements ensure that the Tribal Employment Rights Ordinance and the "Indian hiring preference" provisions of the United States Code are followed for all federally funded construction projects either on or

near the reservation. For each construction project subject to the agreement, hiring goals and compliance fees are coordinated between the tribal employment rights offices and ODOT. Construction projects that are subject to Indian hiring preference provisions allow tribes the ability to set hiring goals for a tribal workforce as well as to collect fees for working within their recognized boundaries.

Workforce Development Program

ODOT and the Oregon Bureau of Labor and Industries are committed to assisting construction contractors in the highway construction trades. ODOT's goal in creating the Workforce Development program is to find, train, and employ a diverse, skilled workforce that is prepared to meet upcoming construction demands. This program is designed to expand diversity in employment, increase apprenticeship participation, and increase training resources and opportunities for highway construction jobs throughout Oregon. This program provides pre-apprenticeship classes to help diverse applicants develop the skills and knowledge they need to become qualified apprentices.

The Workforce Development Program, Equal Employment Opportunity, and On-the-Job Training/Apprenticeship programs directly impact individual tribal members as tribal apprentices are utilized through On-the-Job Training/Apprenticeship opportunities on ODOT projects. This program also offers supportive services to diverse apprentices. Supportive apprentices, including: Transportation travel assistance, lodging/per-diem (meals-incidentals), childcare support, tools, and job-related supplies and retention services. These supportive services aim to help apprentices finish their programs.

Equal Employment Opportunity

This program is a federally required affirmative action program that must be implemented by contractors and subcontractors with contracts and subcontracts of \$10,000 and more on all federally funded construction projects. Under this program, all affected contractors are required to provide equal employment opportunities to presumed socially and economically disadvantaged groups. The program sets targets for minority and female participation, which are expressed in terms of the contractor's aggregate workforce in each trade on all construction work in a covered area.

Disadvantaged Business Enterprise Program

A Disadvantaged Business Enterprise firm includes small businesses that are at least 51% owned by women or minorities (Native Americans, African Americans, Hispanic Americans, Asian-Pacific Americans and Subcontinent Asian Americans). Firms are required to be a certified Disadvantaged Business Enterprise to participate in the Disadvantaged Business Enterprise Program. The U.S. Department of Transportation establishes criteria for certification that applies to Disadvantaged Business Enterprise-eligible firms seeking contracts funded with federal transportation related money. ODOT's Regional Field Coordinators provide outreach to known Native American-owned business to provide information on how to seek certification.

Emerging Small Business Program

The mission of the Emerging Small Business Program is to create new and innovative contracting opportunities for Oregon's small business community. The program also strives to assist emerging small businesses in overcoming barriers to participating in the state's extensive public contracting procurement programs. Regional Field Coordinators provide outreach to known Native American-owned businesses to provide information on how to seek certification.

Title VI Program

Title VI of the Civil Rights Act of 1964 and associated federal laws prohibit discrimination on the basis of race, color, national origin, sex, age, and disability in ODOT's programs, activities and services. ODOT's Title VI program ensures that public funds are not spent in a way that encourage, subsidize, or result in discrimination, including by sub-recipients of federal funds distributed through ODOT. The Office of Equity and Civil Rights Intermodal Manager has regular contact with seven of the nine federally recognized tribes to assist with the development and collection of transit-related Title VI plans and semi-annual Disadvantaged Business Enterprise usage reports.

Specific Interactions in 2023

- » ODOT Office of Equity and Civil Rights Region 2 Field Coordinator presented ODOT's Tribal programs at the General Inspector Certification training(s) and discussed ODOT's three tribal employment rights programs and how inspectors interact with them in the field. These training sessions have an average of 50 attendees including inspectors from ODOT, Local Agencies, and Consulting Engineering firms. A total of eight in-person training sessions were attended in 2023.
- » **Monthly:** ODOT Region 1 and Region 2 Field Coordinators, Office of Equity and Civil Rights Manager and Confederated Tribes of Grand Ronde Tribal Employment Rights Office Director and staff meet monthly to review projects, discuss questions or concerns, and brainstorm methods to effectively enhance the workforce development program.
- » **January to September 2023:** Region 3 Field Coordinator shared information regarding Connect – 2 – Oregon business support sessions as the locations were confirmed with the Coquille Indian Tribe, Cow Creek Band of Umpqua Tribe of Indians and the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.
- » **February 2, 2023:** Region 5 Field Coordinator attended the Confederated Tribes of the Umatilla Indian Tribal Employment Rights Office Certification Training that the tribe provides for contractors to certify them to bid/perform work on ODOT projects that have Confederated Tribes of the Umatilla Indian Tribal Employment Rights Office goals.
- » **February 9, 2023:** Region 4 Field Coordinator attended a meeting with Office of Equity and Civil Rights and Confederated Tribes of Warm Springs to discuss the Tribal Employment Rights Office Skills Bank for upcoming Tribal Employment Rights Office projects.
- » **February 10, 2023:** Region 1 and 2 Field Coordinators attended monthly Confederated Tribes of Grand Ronde meeting introducing new staff from Grand Ronde and ODOT. Discussed

changes to staff and duties. Annual Tribal Employment Rights Office reporting, hiring goals, and compliance. Collaborated on workforce.

- » **March 20, 2023:** Region 3 Field Coordinator met with the new Coquille Indian Tribe's Higher Education Coordinator to share information on workforce development opportunities with apprenticeships, internships, and ODOT's involvement in the Coquille Indian Tribe Career and College Fairs. Facilitated an introduction between the new Higher Education Coordinator and the director of Alternative Youth Activities.
- » **March, June and September 2023:** ODOT Office of Equity and Civil Rights Region 2 Field Coordinator attended, collaborated and maintained availability for questions at Confederated Tribes of Grand Ronde's quarterly Contractor Certification trainings.
- » **April 2023:** Region 1 and 2 Field Coordinators worked with Confederated Tribes of Grand Ronde Tribal Employment Rights Office Director on an upcoming story featuring ODOT, Office of Equity and Civil Rights Tribal Employment Rights Office program highlighting the success of the I-205 bridge project to be featured in the next Equity Line newsletter.
- » **April 10, 2023:** Attended the Region 4 2023 Tribal Employment Rights Office Projects meeting with Office of Equity and Civil Rights, Region 4 Area Manager and Confederated Tribes of Warm Springs to discuss 2023 and 2024 Projects and project selection changes and the Hire Goal Percents for all projects.
- » **April 11, 2023:** Region 4 Field Coordinator held the Region 4 Office of Equity and Civil Rights Labor and Compliance training in person and virtually. This training reviews Office of Equity and Civil Rights's components of ODOT contracts with a presentation by the Bureau of Labor and Industries at the end of the training to review Prevailing Wages and those requirements. A section of the presentation discusses the Confederated Tribes of Warm Springs Tribal Employment Rights Office Office and the components of how the Tribal Employment Rights Office goal is assigned, the rules and policies that follow the memorandum of understanding, and other Tribal Employment Rights Office rules and guidelines.
- » **April 19, 2023:** Region 5 Field coordinator hosted the 2023 Annual Confederated Tribes of the Umatilla Indian Reservation/ODOT Meeting at the Wildhorse Convention Center in Pendleton. This annual meeting is where Region 5 Leadership, Office of Equity and Civil Rights, and the Confederated Tribes of the Umatilla Indian Reservation staff discuss the upcoming Tribal Employment Rights Office projects and go over the achievements and challenges that the Tribal Employment Rights Office program has had throughout the previous year.
- » **May 12, 2023:** Region 1 and 2 Field Coordinators met with Confederated Tribes of Grand Ronde Tribal Employment Rights Office Director and staff to discuss Tribal Employment Rights Office Annual Report, 2024 STIP, and upcoming ODOT Projects with Tribal Employment Rights Office Goals in Region 1.
- » **July 11, 2023:** Region 3 Field Coordinator provided the 2023 Women in Wildland Fire Boot Camp application from Bureau of Land Management to Coquille Indian Tribe and Cow Creek Band of Umpqua Tribe of Indian's Tribal Youth Council Lead Advisor.
- » **October 11, 2023:** Region 4 Field Coordinator held the Region 4 Office of Equity and Civil Rights Labor and Compliance training, held virtually. This training reviews Office of

Equity and Civil Rights's components of ODOT contracts with a presentation by BOLI at the end of the training to review Prevailing Wages and those requirements. A section of the presentation discusses the Confederated Tribes of Warm Springs Tribal Employment Rights Office Office and the components of how the Tribal Employment Rights Office goal is assigned, the rules and policies that follow the memorandum of understanding, and other Tribal Employment Rights Office rules and guidelines. This year, Wendell Jim, the Tribal Employment Rights Office Director of the Confederated Tribes of Warm Springs, presented this portion. Wendell spoke about the Tribe's history, the memorandum of understanding, Tribal Employment Rights Office Certification Contractor training provided by Confederated Tribes of Warm Springs, the boundary maps for the different tribes and how they determine which projects get selected for Tribal Employment Rights Office goals.

- » **October 19, 2023:** Region 3 Field Coordinator and Maintenance Coordinator attended the 5th Annual Coquille Indian Tribe College and Career Fair and engaged with tribal members, staff, students and job seekers about careers and apprenticeships. Field coordinator also shared invites with other potential exhibitors.
- » **November 17, 2023:** Region 4 Field Coordinator attended and helped facilitate the 2023 Central Oregon Skilled Trades Fair held in Redmond, Oregon, at the Deschutes County Fairgrounds hosted by the Coordinator Central Oregon STEM Hub-High Desert Education Service District. This is a day dedicated to the various high schools all over the state to show them opportunities that are available in the construction trade and to share information on workforce development opportunities with apprenticeships, internships, and ODOT's involvement in the Tribes. We have received overwhelming support to participate in this career exploration event for our youth. Our estimate is 1200 youth with 150 teachers/counselors/chaperones, 30 volunteers, and 260 industry/community partners representing 87 businesses/organizations were in attendance. This was a highly successful outreach event.

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FUELS TAX GROUP

ABOUT

ODOT's Fuels Tax Group administers the Fuels Tax Laws pursuant to Oregon Revised Statutes Chapter 319. The Fuels Tax Group is part of the Financial Services Branch of ODOT's Finance and Budget Division.

The 2021 Oregon Legislature passed HB 3055. The bill includes a provision that allows federally recognized tribes who operate service stations on reservation or trust land to purchase tax-exempt Motor Vehicle Fuel from licensed Motor Vehicle Fuel Dealers. The provision applies to fuel sold on or after January 1, 2022. In 2023, two tribes registered with Oregon to take advantage of this provision.

- » **Confederated Tribes of the Umatilla Indian Reservation:** The tribes operate the Arrowhead Travel Plaza and the Mission Market.
- » **Confederated Tribes of the Grand Ronde Community of Oregon:** The tribes operate the Grand Ronde Station.

The Fuels Tax Group administers the fuel tax refund program that, for fuel sold on the reservation, allows tribes to obtain refunds of fuel taxes paid by tribal members for fuel used on reservation lands. Under that program, the Fuels Tax Group administers the following intergovernmental agreements:

- » **Confederated Tribes of Warm Springs:** The tribes, their fuel suppliers, and the operators of 3 Warriors Markets, DMJ Automotive Services, and the Plateau Travel Plaza collect state taxes on fuel sold on the reservation and remit the taxes collected to the Fuels Tax Group. The Fuels Tax Group then refunds some of the taxes collected to the tribes for tribal use. This agreement is operating successfully.
- » **The Klamath Tribes:** The tribes and their fuel suppliers collect state taxes on fuel sold at the Crater Lake Junction Travel Center and remit the taxes collected to the Fuels Tax Group. The Fuels Tax Group refunds some of the taxes collected to the tribes for tribal use. This agreement is operating successfully.

Additionally, all federally recognized tribes are eligible to receive refunds of fuels tax paid for fuel used in tribal government vehicles when used for official business. Currently, only the Confederated Tribes of Warm Springs and the Klamath Tribes apply for refunds. The Fuels Tax Group will continue its outreach to inform tribes of the opportunities regarding fuels tax refunds.

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DRIVER AND MOTOR VEHICLE SERVICES DIVISION

ABOUT

ODOT's Driver and Motor Vehicle Services Division (DMV) issues driving privileges, identification cards, vehicle registrations, and vehicle titles to members of the nine federally recognized tribes in Oregon. Tribal members can access these services by visiting any of the 60 DMV field offices across Oregon, going online through [DMV2U.oregon.gov](https://dmv2u.oregon.gov), and via mail at DMV Headquarters. DMV's Transportation Safety Office is responsible for promoting activities that reduce the number and severity of highway crashes in Oregon. This is primarily accomplished through community programs, and strategic and long-range planning efforts.

Tribal identification cards and tribal government-issued birth certificates from members of all nine federally recognized tribes are accepted as proof of identity when applying for a standard Oregon driver license, driver permit, or identification card.

Government-exempt vehicle registrations and license plates are issued to all nine federally recognized tribes when tribal governments apply to register any government-owned vehicles. In addition, the department continues to title and register motor vehicles owned by tribal members which are operated outside of reservation boundaries.

INTERACTIONS WITH TRIBES

DMV contacts all tribal governments when implementing new or amended state or federal laws, administrative rules or DMV policies. Information is distributed via newsletters, bulletins, fact sheets and frequently asked questions via the same broad-based outreach effort used to communicate with all Oregonians. This communication is distributed throughout the implementation process. DMV welcomes feedback from tribal communities to understand how a given change will affect their communities.

Since July 2020, Oregon has offered optional driver licenses and identification cards that are compliant with the federal REAL ID Act. Holders of REAL ID credentials will be allowed to board domestic commercial flights after May 7, 2025, without additional documentation. To obtain a REAL ID credential, federal regulations require applicants to provide proof of lawful status. Acceptable proofs for U.S. citizens include a government-issued birth certificate, a valid passport, a Certificate of Citizenship, or a Certificate of Naturalization. Federal REAL ID regulations do not include tribal cards as acceptable proof. However, the Transportation Security Administration will continue to accept federally recognized tribal-issued photo ID to board domestic commercial aircraft. Tribal identification cards remain acceptable as proof of identity for standard Oregon driver licenses and identification cards. Information regarding the acceptance of tribal identification cards for identity purposes can be found on DMV's website.

The Real ID Communication Plan identifies tribal governments as one of the focuses of the outreach effort. Relevant information was provided directly to tribal government contacts during the REAL ID implementation process. In January 2022, a letter describing the need to prepare for the upcoming REAL ID enforcement was sent to the tribal leaders of each of Oregon's nine federally recognized tribes. Along with information about REAL ID, the letters included information about recently passed legislation that allows customers to register emergency contacts that can be accessed by law enforcement in the event of a crash, and add a deaf or hard of hearing indicator to a driver license or vehicle registration. We asked for their feedback, but no tribal representatives responded. In March 2022, a similar message about preparing for REAL ID enforcement was sent to the editors of each tribes' newspaper or newsletter. Additional information will be provided through a public education campaign targeting all Oregonians in the months leading up to the federal Real ID enforcement date of May 7, 2025. And, DMV will again contact each Tribe with information particularly relevant to Tribal members.

DMV has updated our communications protocol when implementing legislation, to ensure that Tribes are specifically notified on bills that might impact their members. False document recognition training is delivered to tribal government employees upon request. This type of training is most frequently used to help gaming employees detect altered or counterfeit identity documents.

DMV provides photographs, vehicle owner information and other records directly to tribal law enforcement agencies. These records are used to aid with ongoing tribal law enforcement investigations.

Safety Focus

In the Transportation Safety Office, the Community Program assists local governments, non-profits and volunteers to initiate and conduct ongoing transportation safety programs and activities in their jurisdiction or area of interest. The Transportation Safety Office seeks to direct community representatives to grants that improve the safety of the traveling public. Tribal governments are eligible and do access the materials and resources of Transportation Safety Office's community programs.

The Transportation Safety Office's strategic and long-range planning program develops and updates the state's Transportation Safety Action Plan to guide transportation safety efforts across multiple agencies statewide. This plan also serves as the state's required Strategic Highway Safety Plan which guides investments in traffic safety improvements in infrastructure and non-infrastructure (education and enforcement). Tribal governments are specifically invited to participate in the development of these safety planning efforts.

Specific Interactions in 2023

- » Child Passenger Safety Technicians Certification Course was held in Region 1 with support from Tribal Injury Prevention Cooperative Agreement Program (TIPCAP) and Native Children Always Ride Safe (Native CARS); seven tribal technicians were certified in June.

- » Collaborated with Burns Paiute Tribal Prevention Coordinator to provide DUII-related training in August. BPT Prevention promoted the training which was attended by multiple tribal members.
- » A Yellowhawk Tribal Health Clinic staff member from the Confederated Tribes of the Umatilla Indian Reservation attended Child Passenger Safety training and provided seat checks to tribal members. This technician worked closely with the local hospital to distribute seats for low income tribal families. The clinic is considering accepting a grant to create their own program.
- » Confederated Tribes of the Umatilla Indian Reservation Tribal police department sent one officer to the DUII Multi-Disciplinary Team Meeting for Morrow/Umatilla counties in June. Multiple officers and tribal representatives also attended DUII-related training held in Pendleton in August. Tribal police officers received all notices for available scholarships, grants, and training opportunities.
- » Approximately 200 pedestrian safety-focused comic books were sent to the Fire Chief of the Confederated Tribes of the Warm Springs to distribute to schools on the reservation, along with guidance on ordering additional traffic safety publications for future community events.
- » Staff connected the Fire Chief of the Confederated Tribes of the Warm Springs to the District 10 North Traffic Incident Management team for collaboration in incident management in an effort to improve incident response and highway user safety.

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COMMERCE AND COMPLIANCE

ABOUT

Commerce and Compliance Division (CCD) seeks to promote a safe, efficient and responsible commercial transportation industry by:

- » Simplifying compliance.
- » Preserving the infrastructure.
- » Delivering superior customer service.

CCD is continually developing innovative strategies to simplify regulatory processes and improve the way it conducts business in Oregon. CCD ensures the safety of all users on the transportation system, from highways to railways.

CCD's permitting and enforcement procedures helps ensure that commercial vehicles traveling across Oregon's transportation system are compliant with all safety regulations. CCD's programs also help to ensure the integrity of the state's infrastructure, protecting roads, bridges and rails from unnecessary damage and wear and tear.

CCD works with state and local law enforcement, including tribal police to ensure compliance to the federal and state regulations for motor carriers and protecting infrastructure. CCD operates six ports of entry across the state as well as many more scale house facilities for the purpose of regulating motor carriers.

INTERACTIONS WITH TRIBES

CCD contacts tribal governments when implementing new or amended state and/or federal laws, administrative rules or CCD policies. Information is distributed via gov delivery, bulletins, and fact sheets via broad based outreach efforts used to communicate with Oregonians and Law Enforcement.

CCD also contacts Tribal Law Enforcement Officers when conducting law enforcement training as it applies to motor carrier regulations or human trafficking awareness campaigns.

Commerce and Compliance Division Tribal Interactions in 2023:

- » **May 24-25, 2023:** represented ODOT during a TEAMS meeting with Capt. Kevin Markey Oregon State Police Gaming Division, representatives from Chinook Winds Casino, Gaming Commission, Gaming Inspectors from the Siletz Indian Tribe, and Brad Spencer from the Umatilla Confederated Tribes. The purpose of the meeting was to plan and share resources from all parties for conferences throughout Oregon on Human Trafficking Awareness and Prevention – regarding tribal casinos and their employees. Phone conference and emails from Brad Spencer, Umatilla Confederated Tribes, as a follow-up to the prior day's meeting.

Mr. Spencer shared information on available conference rooms at the Wildhorse Casino in Pendleton, OR, i.e., occupant size and resources available. Mr. Spencer also expressed his desire to have a larger size venue, perhaps multiple days.

- » **June 14, 2023:** Held a meeting with Oregon State Police Gaming Division, Gaming Commission, and the Chinook Winds Casino for the first conference in 2023 on Human Trafficking Awareness and Prevention.
- » **November 2023:** CCD began work with Oregon State Police and the Confederated Tribes of the Umatilla Indian Reservation to plan a second conference at the Wildhorse Casino in Pendleton for March 20-21, 2024. Planning will continue through 2023.

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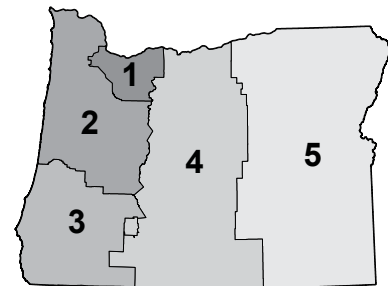
DELIVERY AND OPERATIONS DIVISION

ABOUT

ODOT's Delivery and Operations Division (formerly the Highway Division) is responsible for the maintenance, operations, preservation, and improvement of the state's multimodal transportation system. The Delivery and Operations Division is responsible for delivering major construction programs like the large transportation investment package passed by the Oregon State Legislature in 2017 (Keep Oregon Moving) and federally funded projects included in the Statewide Transportation Improvement Program – ODOT's four-year capital improvement program. The Delivery and Operations Division maintains nearly 2,700 bridges and over 8,000 centerline miles of state highway. Typical maintenance work includes emergency road repairs, snow removal, vegetation management, patching potholes, and incident response. Several state highways provide access to or run directly through tribal lands. The Delivery and Operations Division's maintenance forces and construction staff frequently interact with tribal governments in this capacity.

Regions

Much of the Delivery and Operations Division's work is accomplished through ODOT's five geographic regions. Each region is responsible for the state highway system's construction, maintenance, and operations within its boundaries. ODOT's regions are the primary liaisons to local governments and other regional stakeholders, including the area commissions on transportation. ODOT staff members from regional offices participate in local government transportation planning and overseeing the delivery of federally funded local projects.



Map of ODOT Regions.

Each region conducts project development and construction activities. Within the regions, these construction activities are divided geographically by area. The area offices typically lead in developing environmental documents to address the National Environmental Policy Act in advance of preliminary and final design work. Coordination with tribal governments occurs due to regulatory requirements, and ODOT works in partnership with tribes across the state.

Once regulatory approvals have been granted, region staff goes through a process of preliminary and final design for ODOT projects within their areas. Region staff coordinates with tribal governments, as appropriate, based on possible impacts identified during the environmental documentation process.

After completion of the preliminary and final design, region offices manage the construction process. Tribal interests, resources, and concerns, as identified through the environmental documentation process and preliminary and final design, are managed during construction.

Region staff funds and conducts long-range planning activities with local governments, stakeholders, and the general public. Planning staff work directly with tribes to ensure proper consultation on long-range planning documents. These efforts establish public support for system management and improvement priorities and set the stage for subsequent project development and implementation when funding is available.

Each region conducts maintenance activities on the state highway system. Within the regions, these maintenance activities are subdivided into districts. District offices routinely coordinate maintenance activities with tribal governments, including traffic control during events, highway closures and other emergency activities, snow removal and other winter maintenance, lane closures, construction delays, severe weather events, and other restrictions.

Region staff members have some of the most frequent face-to-face interactions with tribes because of their local focus.

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DELIVERY AND OPERATIONS DIVISION: REGION 1

ABOUT

ODOT Region 1 encompasses Clackamas, Hood River, Multnomah, and Washington counties. The Region 1 headquarters office is in Portland. Construction offices in west Portland, east Portland, and Troutdale administer construction contracts which may have tribal involvement. Offices in Clackamas and Troutdale house district maintenance functions.

INTERACTIONS WITH TRIBES

Area Commissions on Transportation: The Region 1 Area Commission on Transportation covers Clackamas, Hood River, Multnomah, and Washington counties and does not currently have a tribal government representative as a voting member.

Gorge and Mt. Hood Park-and-Ride Planning Project: The Gorge and Mt. Hood Park-and-Ride Assessment was a Portland State University workshop project led by six graduate students in the Master of Urban and Regional Planning program, Urban Wild Planning. The project was led by the Project Management Team, which consisted of Urban Wild Planning, the ODOT, and the Oregon Department of Land Conservation and Development. The project aimed to develop a vision to increase and improve the park-and-ride system and facilities that serve the Columbia River Gorge and Mt. Hood regions. ODOT Region 1 staff organized a Tribal Coordination Meeting and invited Tribes interested in the project area to attend. Representatives of the Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, and Confederated Tribes of Warm Springs attended the May 3, 2023 Coordination Meeting and provided feedback to the project.

Hood River Bridge Replacement Project: ODOT and the Federal Highway Administration are coordinating with the Port of Hood River to continue consultation with federally recognized tribes connected to the project area. The primary purpose of this project is to improve multi-modal transportation of people and goods across the Columbia River between the Hood River and White Salmon/Bingen communities by replacing the Port of Hood River's Hood River-White Salmon Bridge. The Federal Highway Administration, the Port of Hood River and ODOT are the joint lead agencies for compliance with the National Environmental Policy Act. In April 2019, the Federal Highway Administration invited the following tribes to become Participating Agencies in the development of a supplemental draft environmental impact statement for the project: Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, Confederated Tribes of Warm Springs, and Confederated Tribes of the Umatilla Indian Reservation. These same tribes were recognized as consulting parties under Section 106 of the National Historic Preservation Act, and the results of the cultural resources reports were shared with each consulting tribe. The Confederated Tribes of Warm Springs and the Confederated Tribes of the Umatilla Indian Reservation have reserved fishing rights

along the Columbia River, as stipulated in their respective treaties with the United States Government. In 2023, the Federal Highway Administration, ODOT and the Port of Hood River met separately with the Confederated Tribes of Warm Springs and the Confederated Tribes of the Umatilla Indian Reservation to draft individual Memorandum of Agreement to address anticipated construction and operational impacts to their reserved treaty fishing rights.

The project team had two meetings with the Confederated Tribes of Warm Springs to discuss the overall project and initiate negotiations on the terms of the memorandum of agreement:

- » **April 11, 2023:** Met with cultural and natural resources staff to give project updates.
- » **April 12, 2023:** Presented a project overview to Tribal Council and requested ongoing consultation on the terms of the memorandum of agreement.

A series of meetings with Confederated Tribes of the Umatilla Indian Reservation staff:

- » **January 24, 2023:** Meeting with Fish and Wildlife Commission to give project updates.
- » **April 5, 2023:** Meeting with Audie Huber and Joe Pitt to discuss the memorandum of agreement process.
- » **September 12, 2023:** Meeting with Audie Huber and tribal staff to negotiate terms of the memorandum of agreement.
- » **October 10, 2023:** Meeting with Audie Huber and tribal staff to negotiate terms of the memorandum of agreement.
- » **October 24, 2023:** Meeting with Audie Huber and tribal staff to negotiate terms of the memorandum of agreement.
- » **November 14, 2023:** Scheduled meeting with Audie Huber and tribal staff to negotiate terms of the memorandum of agreement.

Oregon Brooklyn Subdivision Siding Rehab Project: ODOT, Union Pacific Railroad, and Jacobs Engineering Group staff met with representatives from the Confederated Tribes of the Grand Ronde at tumata village (Willamette Falls) on April 11, 2023, to discuss an ODOT proposal to bring a previously abandoned railway siding line back into service that would allow for an additional Amtrak pullout between Eugene and Portland. The railway siding line previously serviced the Blue Heron plant that the Tribe has now purchased and is developing. ODOT was preparing to seek grant funding from the Federal Rails Administration to develop this project. The railway siding line is partly supported by a retaining wall over 130 years old, and its integrity is in question. This onsite meeting discussed the project, potential retaining wall integrity investigations, and the Tribe's general project concerns. The property line that Union Pacific Railroad and the Tribe share is unclear due to past Blue Heron Plant infrastructure, which the Tribe is currently demolishing as part of their property development. Shortly after the meeting, ODOT determined that this project was no longer viable for the potential Federal Rails Administration grant and halted further work. All parties were notified, and any remaining issues were resolved between Union Pacific Railroad and the Tribe with no further ODOT involvement.

General Discussion Tribal Meetings in 2023:

- » **March 9, 2023:** ODOT and Federal Highway Administration staff met virtually with representatives from the Confederated Tribes of the Siletz Indians to discuss Region 1 project updates.
- » **March 13, 2023:** ODOT and Federal Highway Administration staff met virtually with representatives from the Confederated Tribes of the Grand Ronde to discuss the upcoming 2024–2027 draft STIP project list.
- » **May 16, 2023:** ODOT and Federal Highway Administration staff met in person with the Confederated Tribes of the Umatilla Indian Reservation Cultural Resources Committee and cultural staff to discuss Region 1 project updates.
- » **September 9, 2023:** ODOT and Federal Highway Administration staff met in person with representatives from the Confederated Tribes of the Grand Ronde to discuss Region 1 project updates.
- » **November 2023:** ODOT Region 1 staff and Confederated Tribes of Warm Springs staff are coordinating a December meeting to discuss Region 1 project updates.

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DELIVERY AND OPERATIONS DIVISION: REGION 2

ABOUT

ODOT Region 2 encompasses Benton, Clatsop, Columbia, Lane, Linn, Marion, Polk, Tillamook, and Yamhill counties and a portion of western Washington County. The Region 2 headquarters office is in Salem. Offices in Salem, Astoria, Corvallis, and Springfield house local maintenance, planning, project delivery, and construction functions. The government offices of the Confederated Tribes of Grand Ronde and the Confederated Tribes of Siletz Indians are within Region 2.

Area Commissions on Transportation

Region 2 includes four area commissions on transportation. The Mid-Willamette Valley Area Commission on Transportation covers Marion, Polk, and Yamhill counties. The Confederated Tribes of Grand Ronde participate as a full voting member on this Area Commission on Transportation. The Cascades West Area Commission on Transportation covers Linn, Benton, and Lincoln counties. The Confederated Tribes of Siletz Indians participate as a full voting member of this Area Commission on Transportation. The Lane Area Commission on Transportation covers Lane County. The Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians participate as full voting members on this Area Commission on Transportation. The Northwest Oregon Area Commission on Transportation covers Clatsop, Tillamook, Columbia, and rural western Washington counties; no tribal government is represented on this Area Commission on Transportation.

Interactions with Tribes

Region 2 interacts regularly with designated tribal staff to discuss the Statewide Transportation Improvement Program, maintenance projects, and other relevant topics. Discussions typically involve project scope and status, as well as the status and results of archaeological surveys. These interactions provide opportunities for collaboration as well as discussion of avoidance measures and protections for cultural sites.

Region 2 Maintenance

Highway maintenance activities in Region 2 are conducted through district offices in Salem, Astoria, Corvallis, and Springfield. Region 2's district offices routinely coordinate maintenance activities with tribal governments. Typical activities include traffic control during events, highway closures and other emergency activities, lane closures, construction delays, severe weather events, and other restrictions.

ODOT's District 3 office has engaged with the Confederated Tribes of the Grande Ronde and Yamhill County to evaluate a drainage issue at the corner of OR 22W and Grand Ronde Road.

We have done some preliminary investigation but expect this to continue into next year before the actual cause can be determined.

There has been no engagement in the other 3 Districts.

Region 2 Construction and Project Delivery

Draft 2024-2027 STIP Tribal Consultation: Region 2 staff presented projects from the draft 2024-2027 STIP as part of our tribal consultation for 2024-2027 STIP Funding Allocation. The meeting included a review of the development of the Tribal Transportation Improvement Program and facilitated integration into the draft 2024-2027 STIP. We discussed investment priorities and leverage opportunities.

Tribal Consultation, Tribal Culture and History with Confederated Tribes of the Grand Rond and 2023 History and Culture Summit: Region staff attended special training on the discussion of the tribes' history and culture that included conversation, questions and answers on sovereignty and consultation, and completed a tour of their new exhibit. Attended the Confederated Tribes of the Grand Ronde's History and Cultural Summit. This year's theme was Reconnecting People, Place, and Past, and was hosted at Chachalu Museum and Cultural Center. The agenda featured presentations regarding Grand Ronde's history, culture, and current projects and was organized around each of the Tribe's treaty areas.

OR 18/Fort Hill to AR Ford Road: ODOT continues to work on the next phase of improvements on OR 18 in the Fort Hill/Grand Ronde area. This project is considering options for improvements at the OR 18/OR 22 intersection (Valley Junction) and highway widening consistent with the improvement project completed between Fort Hill and Wallace Bridge. Staff from the Confederated Tribes of Grand Ronde actively participate in this project development activity. We recently met with the Confederated Tribes of Grand Ronde Tribal Council to gain consensus on the path forward for completing the Facility Plan.

US 20: Pioneer Mountain – Eddyville: Region 2 finalized the ODOT surplus land transfer agreement with the Confederated Tribes of Siletz Indians currently within the US 20 Pioneer Mountain – Eddyville project area. The property has been officially transferred to the Tribe, and it is one of the first in the state to complete such a partnership.

OR 34: Van Buren Bridge: Region 2 Project Delivery and Cultural Resources staff conducted outreach to the Confederated Tribes of Siletz Indians and the Confederated Tribes of Grand Ronde for visual aesthetics input through 2022. In 2023, ODOT continued work with a visual artist specializing in tribal design for aesthetics on the new bridge.

OR 18/Grand Ronde Rectangular Rapid Flash Beacon: The project upgraded the existing pedestrian crossing close to tribal offices by installing a rectangular rapid flashing beacon crossing, advanced warning flashers, and increased illumination at the intersection. Construction started in 2022 and completed in 2023.

Region 2 Planning and Development Review

Region 2 funds and conducts various long-range planning activities in coordination with tribes, local governments, and the general public. These efforts establish public support for system management and improvement priorities and set the stage for subsequent project development and implementation when funding is available.

Tribal governments were invited to participate in the following long-range planning projects:

- » A Joint Transportation System Plan for Wheeler, Nehalem, and Manzanita
- » An Interchange Area Management Plan for I-5/Brooklake Road (Brooks)
- » A Facility Plan for OR 99W in South Corvallis
- » A Facility Plan for US 101 in Gearhart
- » An Urban Design Verification Study for Lebanon
- » An Urban Design Verification Study for Salem
- » An Urban Design Verification Study for Small Communities (Lyons, Scio and Mill City)
- » Carlton Transportation System Plan Update
- » Central Talmage Plan (City of Independence)
- » Cottage Grove Pedestrian and Bicycle Plan
- » Dallas Mill Site Area Redevelopment Plan
- » Florence Transportation System Plan Update
- » Harrisburg Transportation System Plan
- » Independence Oregon Community Paths Project
- » Link Lane Transit Development Plan (Lane County)
- » Marion County Rural Transportation System Plan Update
- » Oregon Coast Trail Plan
- » OR 6 Corridor Study
- » OR 126 East Highway Safety Study
- » Sweet Home Transportation System Plan Update
- » Turner Transportation System Plan

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DELIVERY AND OPERATIONS DIVISION: REGION 3

ABOUT

ODOT Region 3 encompasses Coos, Curry, Douglas, Jackson, and Josephine counties. The Region 3 headquarters office is in Roseburg—offices in Roseburg, White City and Coquille house local maintenance and construction functions. The government offices of the Coquille Indian Tribe, the Cow Creek Band of the Umpqua Tribe of Indians, and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians are within Region 3. The Confederated Tribes of the Grand Ronde, the Confederated Tribes of Siletz Indians, and the Klamath Tribes also have ancestral ties to Region 3.

Area Commissions on Transportation

Region 3 has two area commissions on transportation. The Rogue Valley Area Commission on Transportation covers Jackson and Josephine counties and the Southwest Oregon Area Commission on Transportation covers Coos, Curry, and Douglas counties. The Rogue Valley Area Commission on Transportation includes representation from the Cow Creek Band of the Umpqua Tribe of Indians. The Southwest Oregon Area Commission on Transportation includes representation from the Coquille Indian Tribe, the Cow Creek Band of Umpqua Tribe of Indians, and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. The Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, and the Klamath Tribes requested to participate as ex officio members and receive notifications.

INTERACTIONS WITH TRIBES

Region 3 Maintenance

Modification and maintenance of state highways can potentially have impacts on abutting properties. Many federally recognized tribes own property, both in fee and trust, throughout southwestern Oregon; some of that property abuts state highways. Maintenance managers and staff regularly contact tribal governments whose properties or interests are impacted by maintenance activities.

Maintenance generates approximately 30 projects a year within Region 3. Typical projects include culvert repairs or replacements, scour repairs, and minor drainage improvements. Region 3 Maintenance is also charged with maintaining the ODOT right-of-way. In general, the Region 3 Archaeologist and Tribal liaison consults with the tribes that have ancestral ties to the project location.

- » **Seven Feathers Truck Stop:** Region 3 has worked with the Cow Creek Band of the Umpqua Tribe of Indians on traffic backups that occurred on the frontage road near the Seven Feathers truck stop. Region 3 is monitoring, and staff have provided the Tribe with

some signage improvements. Region 3 staff has ongoing communications regarding capacity issues at the southbound Exit 99 onramp.

- » **Winston Surplus Land:** Region 3 worked with the Cow Creek Band of the Umpqua Tribe of Indians to identify ODOT surplus land for disposition near OR 99 in Winston.
- » **Winter Maintenance:** Region 3 Maintenance coordinates with the Cow Creek Band of the Umpqua Tribe of Indians on closures of state facilities due to inclement weather.
- » **Illegal Camping:** Region 3 Maintenance works with Cow Creek Band of Umpqua Tribe of Indians Police Department to share information about areas with illegal camping. In particular, there has been coordination to address areas of concern near I-5 and Yokum Road bridge by adding a closed gate at specific periods. There are also coordinated cleanup efforts at the bridge between Dillard and Winston, where ODOT and the Cow Creek Band of Umpqua Tribe of Indians manage adjacent properties.

Region 3 Construction and Project Delivery

Like Region 3 Maintenance, Region 3 Construction staff work with tribal governments whose properties or interests might be impacted by construction activities. This coordination is facilitated by the Region 3 Archaeologist and Tribal liaison. Region 3 Construction staff is charged with implementing the Statewide Transportation Improvement Program – ODOT’s four-year capital improvement program. All projects in this program generated tribal coordination in 2023. Coordination happens early in the design phase, throughout project development, and, if requested, through the construction phase.

Two meetings with the Confederated Tribes of Grand Ronde and the Confederated Tribes of Siletz Indians related to the Artwork subgroup of the I-5 Southern Oregon Wildlife Overcrossing project and graphics that may be represented on the structure. There have also been invitations to the upcoming Habitat and Landscape subgroup, which will focus on plantings of the crossing. ODOT has also contacted the Cow Creek Band of Umpqua Tribe of Indians for participation in the project.

Region 3 Environmental

In addition to the above, the Region 3 archaeology and tribal liaison interacts regularly with designated tribal staff to discuss the Statewide Transportation Improvement Program, Local Agency Program, and maintenance projects. Discussions typically involve the identification of archaeological sites and culturally significant vegetation. Opportunities for collaboration and avoidance measures or protections for cultural sites are also discussed.

Region 3 Planning

Region 3 Planning continues to reach out to the Cow Creek Band of Umpqua Tribe of Indians, the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, and the Coquille Indian Tribe regarding applicable grants, invitations, and planning-related and transit initiatives. Region 3 Planning manages the development of state and federally-required transportation planning documents. These documents can include plans for future transportation projects to improve the transportation system, improve safety, and relieve congestion. Plans can

also include policies designed to reduce the impact of property development on the transportation system. Planning staff regularly interact with tribes when tribal interests or property might be affected by decisions made in transportation plans. Planning staff conduct outreach to tribes whose properties and other areas of interest coincide with the study area of a given planning effort. Tribes are invited to participate on review committees for planning efforts. Planning staff annually interact with tribal government staff regarding planning grant programs like the Transportation and Growth Management Program (see Policy Data and Analysis Division section of this report for more on this grant program).

Planning staff conduct reviews of potential land use changes and developments. Planning staff have worked with the Coquille Indian Tribe, the Cow Creek Band of Umpqua Tribe of Indians, and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians on tribal property developments to ensure that tribal interests and the state transportation system are both accommodated. ODOT also consults with the tribes during the development of the Statewide Transportation Improvement Program to ascertain tribal interests, concerns, and priorities.

During 2023, Planning staff worked on the following long-range plans with Tribal Governments:

- » **OR 138E Design Concept Plan:** ODOT is negotiating with a consultant to prepare the OR 138E Design Concept Plan. The plan will identify roadway, bicycle and pedestrian improvements for OR 138E from Stephens Street east to the Roseburg city Limits. The Cow Creek Band of Umpqua Tribe of Indians will be invited to participate in focus groups and on advisory committees and receive monthly project status updates via email.
- » **US 199 Corridor Plan:** ODOT is working with Josephine County to prepare the US 199 Corridor Plan. The plan will identify roadway, bicycle and pedestrian improvements for US 199 from the Applegate River west to the California border. The Confederated Tribes of Siletz Indians and the Confederated Tribes of Grande Ronde have been invited to participate in focus groups and advisory committees and receive monthly project status updates via email.
- » **I-5 Exit 27 Interchange Area Management Plan Update:** ODOT is developing a Transportation Solutions and Alternate Mobility Target for the I-5 Exit 27 Interchange Areas Management Plan Update. The update will identify roadway, bike and pedestrian safety, operations improvements within the interchange influence area, and an Alternative Mobility Target for the South Medford Interchange. The Confederated Tribes of Siletz Indians and the Confederated Tribes of Grande Ronde receive monthly project status updates via email.
- » **Curry County Transportation System Plan Update:** ODOT is working with Curry County to update its Transportation System Plan. The Confederated Tribes of Grand Ronde and the Confederated Tribe of Siletz Indians have been invited to attend and receive email updates on the project process. The two tribes have each been consulted and invited to review project deliverables for consistency with tribal efforts.
- » **Curry County Transit Master Plan:** ODOT is working with Curry County Transit to develop a Transit Master Plan. This project is funded through the Transportation Growth Management program. The Confederated Tribes of Grand Ronde and the Confederated Tribe of Siletz Indians have been invited to attend and receive email updates on the project process. The plan is currently under development.

- » **Rogue Umpqua Bicycle Pedestrian Plan:** ODOT is working with Federal Highway Administration-Western Federal, United States Forest Service, Bureau of Land Management, National Parks Service, and the Cow Creek Band of Umpqua Tribe of Indians to develop a bicycle-pedestrian plan for the Rogue-Umpqua Scenic Byway. The project was scoped in a field trip with the Cow Creek Band of Umpqua Tribe of Indians in attendance. This work incorporates a transportation master plan prepared by Western Federal and a Viewshed Management Plan prepared by the United States Forest Service. A potential update to the Scenic Byway Plan was also scoped. Work will commence in 2023.
- » **I-5 Exit 124/125 Interchange Area Management Plan Update:** ODOT is preparing an I-5, Exit 124/125 Interchange Area Management Plan with the City of Roseburg. The Plan will identify improvements for all travel modes within the study area. The Cow Creek Band of Umpqua Tribe of Indians, Confederated Tribes of Siletz Indians, Tolowa Dee-ni' Nation and the Confederated Tribes of Grande Ronde receive monthly project updates by email.
- » **City of Winston Transportation System Plan Update:** ODOT worked with the City of Winston to update their Transportation System Plan. The Cow Creek Band of Umpqua Tribe of Indians, Confederated Tribes of Siletz Indians, and the Confederated Tribes of Grande Ronde received monthly project updates by email. As a property owner within City limits, the Cow Creek Band of Umpqua Tribe of Indians was directly consulted regarding recommended improvements.
- » **OR 42 and US 101 Passing Lanes Study:** ODOT is preparing a passing lanes study for Oregon HWY 42 and US 101 within Region 3. It will result in a set of strategies to pass safely outside incorporated communities, emphasizing prioritization for funding. The Cow Creek Band of Umpqua Tribe of Indians, Confederated Tribes of Siletz Indians, and the Confederated Tribes of Grande Ronde receive monthly project updates by email. The Coquille Indian Tribe director of education, culture, heritage and learning programs serves on the project management team to guide the Project's development.
- » **City of Bandon Transportation System Plan Update:** ODOT is working with the City of Bandon to update its Transportation System Plan. The Coquille Indian Tribe, Confederated Tribes of Grand Ronde, Confederated Tribes of Coos, Lower Umpqua, Siuslaw Indians, and Siletz Indian Tribes receive monthly e-mail updates on the project's progress. These tribes have each been consulted and invited to review project deliverables for consistency with tribal efforts.
- » **Reedsport Rail Crossing Study:** ODOT is working with the City of Reedsport to study the Port of Coos Bay expansion and increased rail activity impacts to the rail crossing on OR 38 (Umpqua Highway) in Reedsport and updating the Reedsport Transportation System Plan. The Confederated Tribes of Grand Ronde, Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indian Tribe receive monthly e-mail updates on the project's process. These tribes have each been consulted and invited to review project deliverables for consistency with tribal efforts.
- » **South Stage Extension Plan:** The South Stage Extension Plan will examine and determine the feasibility and influence of an overcrossing or interchange at South Stage Road in Medford to the transportation system and other significant corridors or intersections. The Cow Creek Band of Umpqua Tribe of Indians, Confederated Tribes of Siletz Indians, Confederated Tribes of Grande Ronde, and the Coquille Indian Tribe were invited to participate and receive monthly project status updates via email.

Other Interactions

The Region 3 archaeology and tribal liaison met with the Coquille Indian Tribe on February 9, 2023, to discuss current and upcoming projects. Similar meetings were conducted with the Confederated Tribes of Siletz Indians on March 9, 2023, and with the Confederated Tribes of Grand Ronde on September 8, 2023. Meetings with the Cow Creek Band of Umpqua Tribe of Indians and the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw are anticipated in December 2023. Additionally, the Region 3 archaeology and tribal liaison met with the new Tribal Historic Preservation Officer for the Cow Creek Band of Umpqua Tribe of Indians on July 13, 2023, as an introduction as well as an orientation on how ODOT conducts project delivery, including cultural resource review and tribal consultation. A similar meeting was also offered to the new Tribal Historic Preservation Officer for the Coquille Indian Tribe.

The Region 3 archaeology and tribal liaison also participated in the Tribal Consultation, Tribal Culture and History training with Confederated Tribes of Grand Ronde on January 30, 2023 and the Tribal Workshop hosted by ODOT's Climate Office on May 31, 2023. She also coordinated the participation of the Confederated Tribes of Grand Ronde, the Confederated Tribes of Siletz Indians, and the Cow Creek Band of Umpqua Tribe of Indians in the artwork and landscaping sub-groups associated with the I-5 Southern Oregon Wildlife Overcrossing project.

Region 3 Management and the archaeology and tribal liaison participated in the Draft STIP consultation meeting with the Confederated Tribes of Grand Ronde on March 13, 2023 and the Confederated Tribes of Grand Ronde History and Culture Summit on October 4-5, 2023. They have also been participating in reoccurring meeting of the newly formed ODOT Tribal Relations Leadership Team and have contributed to the ODOT Tribal Training video.

There are upcoming meetings with the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians on December 4, 2023 and the Cow Creek Band of Umpqua Tribe of Indians on December 14, 2023.

Region 3 is currently implementing an ODOT pilot program regarding staging and disposal site selection. This pilot program is intended to facilitate better coordination with tribes regarding contractor designated staging areas. A summary report is due in 2024.

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DELIVERY AND OPERATIONS DIVISION: REGION 4

ABOUT

ODOT Region 4 encompasses Crook, Deschutes, Gilliam, Jefferson, Klamath, Lake, Morrow, Sherman, Wasco, and Wheeler counties. The Region 4 headquarters office is in Bend. Offices in Bend, The Dalles, and Klamath Falls house local maintenance and construction functions. ODOT Region 4 primarily interacts with tribal governments in highway maintenance, construction project delivery, planning, and traffic. The government offices of the Klamath Tribes and the Confederated Tribes of Warm Springs are within Region 4.

Area Commissions on Transportation

Region 4 includes three area commissions on transportation with tribal representation. The Lower John Day Area Commission on Transportation covers Gilliam, Sherman, Wheeler, and Wasco counties. The Confederated Tribes of Warm Springs participate as full voting members on this area commission. The Central Oregon Area Commission on Transportation covers Crook, Deschutes, and Jefferson counties. The Confederated Tribes of Warm Spring also participate as full voting members on this commission. The South Central Oregon Area Commission on Transportation covers Klamath and Lake Counties. The Klamath Tribes participate as full voting members on this commission.

INTERACTIONS WITH TRIBES

Maintenance

Three ODOT highway maintenance districts cover Region 4. Typical highway maintenance activities include emergency response, snow plowing, winter maintenance, and other routine activities to maintain safe operations on state highways for the traveling public. Maintenance District 9 covers the northern portions of Region 4 and works with the Confederated Tribes of Warm Springs on matters related to the ongoing operations of the state highway system. Maintenance District 10 covers the central part of Region 4 and works with the Confederated Tribes of Warm Springs. Maintenance District 11 covers the southern portion of Region 4. It works with the Klamath Tribes on highway maintenance and operations-related issues. ODOT Region 4 maintains US 26, US 97, and OR 216, all routed through and providing access to tribal lands.

The routing of US 26 and OR 216 through the Warm Springs Reservation requires a close partnership between ODOT and the Confederated Tribes of Warm Springs. It has resulted in several formal agreements, informal coordination meetings, and frequent interaction with the Tribe.

District 9 maintenance crews frequently cooperate with the Confederated Tribes of Warm Springs public safety officers on highway incidents and wildfires. District 9 maintenance continually works with the Confederated Tribes of Warm Springs to address hazard tree removal, drainage issues, rock fall hazards, and steep shoulder areas on US 26 and OR 216. Notable achievements in 2023 include:

- » Traffic Engineering is working on a safety audit of US 26 that the traffic manager has been implementing with senior engineers. The traffic manager presented on the topic at one of the meetings and is submitting this concept separately.
- » Discussed the failing pavement conditions after the 22-23 winter and worked with the group on messaging emergency repairs.
- » Worked with the group to get some quick permit work done around corner warning signs.
- » Identified a safety concern with no adequate lighting near an ODOT shed on US 26 Confederated Tribes of Warm Springs. We received support from the Confederated Tribes of Warm Springs to run utilities to the building and will have the lights fully hooked up over the next few months.
- » Worked with Confederated Tribes of Warm Springs on communication issues between crew members and Confederated Tribes Warm Springs fire and police. ODOT and Confederated Tribes Warm Springs acquired (ODOT purchased, Confederated Tribes of Warm Springs received grants) satellite phones so they can communicate with each other during events if radio reception is not available.
- » District 9 maintenance crews supported the town of Warm Springs during heavy spring rainfall.

Region 4's maintenance districts continue to provide all Tribes in Region boundaries with copies of permits for third-party utilities in ODOT right-of-way.

In District 10, leadership continues to partner with Confederated Tribes of Warm Springs to place message boards along sections of US 97 and US 26 to notify travelers of all closures and provide support for incidents (usually forest fires) that impact the highways. District 10 has coordinated and contracted to remove trees and vegetation deemed a hazard to The Museum at Warm Springs. We also removed trees on our right-of-way that were causing sight distance issues from one of the main roads for the Confederated Tribes of Warm Springs that connected to US 26. At the request of the Tribal Council, we changed and restriped an existing turn lane to provide more definition and direction.

We are currently working with the Confederated Tribes of Warm Springs emergency management group to provide better emergency responses on the transportation system and better define the radio communications between responders.

The District 11 maintenance office in Klamath Falls had several interactions with the Klamath Tribes during 2023 including:

- » The installation of a kiosk in Beatty, OR along OR 140. This feature was part of an earlier project, and the kiosk panels were delivered to the Klamath Tribes in July of 2023 for their installation.

- » Collaboration with multiple agencies, including the Klamath Tribes, Bureau of Land Management, and United States Forest Service on a large-scale fiber-optic installation project that spanned from the northern boundary of District 11 to the southern Oregon border.
- » Participated with multiple partners, including Klamath Tribes, United States Forest Service, Klamath County and others as part of a Multi-Agency Command group for the county declared emergency due to the annular solar eclipse.

Construction and Project Delivery

Through the Lower John Day and Central Oregon Area Commissions on Transportation and through regular coordination, Region 4 Project Delivery staff continues to collaborate with Confederated Tribes of Warm Springs staff to seek funding opportunities for priority transportation needs. Region 4 also includes staff from the Confederated Tribes of Warm Springs Technical and Emergency Services in developing construction projects for the Statewide Transportation Improvement Program. Region 4 will participate in the tribes' transportation coordination meetings, where project delivery is a recurring topic.

Through the Lower John Day and Central Areas, specific interactions in 2023 included:

- » **Construction coordination:** US 26: Clear Lake Road – NW Dogwood Lane project involved the repair of numerous culverts on the Warm Springs Reservation.

Through the South-Central Oregon Area Commission on Transportation, the Klamath Tribes participate in selecting and developing construction projects for the Statewide Transportation Improvement Program. The South-Central Oregon Area Manager participates in regular meetings with the Klamath Tribes Planning and Transportation Departments, cultural resources staff and ODOT archaeologists and tribal liasons to discuss projects in development and construction.

Specific Interactions in 2023 included:

- » Region 4 worked with the Klamath Tribes to develop our Chiloquin Great Streets grant application. We were awarded \$14.4M and continue to collaborate with the Klamath Tribes on the project's scope and development. This project will provide significant pedestrian improvements on Tribal land and within the City of Chiloquin, ultimately connecting the City of Chiloquin with Tribal facilities and providing a safe crossing of OR 422 between Klamath Tribal facilities.
- » We've continued collaboration between Region 4 and the Klamath Tribes on our one-of-a-kind wetland restoration project. With Tribal input, we developed and installed interpretive signs at the wetlands location in 2023 that reference the C'waam and Koptu suckerfish and their association with Klamath Tribal cultural traditions. A video on this project is available here: https://www.youtube.com/watch?v=-wO3_3F-fCE

The Region 4 Cultural Resources Program regularly consults with the Confederated Tribes of the Warm Springs Reservation of Oregon, the Burns Paiute Tribes, the Klamath Tribes, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes and Bands of

the Yakama Nation, and the Nez Perce Tribe on all federally funded and select state-funded maintenance projects. This includes coordinating biannual ODOT and Federal Highway Administration project update meetings. ODOT and Federal Highway Administration staff met virtually with the Klamath Tribes cultural staff on March 6, 2023, and in person with the Confederated Tribes of the Umatilla Indian Reservation Cultural Resources Committee and cultural staff to discuss Region 4 project updates on May 16, 2023. ODOT and Federal Highway staff are scheduled to meet with the Confederated Tribes of Warm Springs to discuss regional project updates on December 1, 2023.

Specific Project Interactions:

US 26: Wapinitia Junction – Warm Springs River Project: ODOT and Federal Highway Administration proposed a pavement preservation and signs replacement project along US 26 and largely within the Confederated Tribes of the Warm Springs Reservation of Oregon. The project will repair rutting that is beginning to occur within the highway and replace signs, including select posts, that are reaching the end of their lives or are no longer compliant to the Federal Highway Administration Manual on Uniform Traffic Control Devices. ODOT coordinated with the Confederated Tribes of Warm Springs Cultural Resources Department Manager to ensure that the project complies with Section 106 of the National Historic Preservation Act for undertakings on reservation property. Consultation was initiated with the Confederated Tribes of Warm Springs on August 21, 2023, and concluded with the Tribal Historic Preservation Officer signing a project Joint Finding of No Adverse Effect on September 8, 2023.

Traffic

Region 4 Traffic is a technical group that provides expertise in traffic engineering and standards. In 2023, the Region 4 Traffic group continued to work with the Confederated Tribes of Warm Springs to improve the safety of the US 26 Corridor through Warm Springs through the development of the US 26 Warm Springs Highway Road Safety Audit. The Road Safety Audit involves a multi-disciplinary team providing input on crash trends and highway operations and identifying potential treatments that could be implemented to reduce the occurrence of fatal and severe injury crashes on the corridor.

Planning

The Region 4 Planning unit develops long-range plans for meeting future transportation needs and short-term planning activities for ODOT's construction work. In addition to these planning activities, Region 4 Planning staff works with tribal governments, local jurisdictions, developers, and others to better coordinate land development and transportation. As a part of this coordination, Region 4 Planning staff often works with tribal governments to review land use and development applications. Planning staff also works with tribal governments through the Transportation Growth Management grant program (see the Policy Data and Analysis Division report for more details on this program). ODOT's Statewide Planning Research fund to support education, outreach, code assistance, planning studies, and long-range planning.

Region 4 Planning coordinates and participates in formal consultation processes with tribal governments following the document Tribal Consultation for Statewide Transportation Plans and Statewide Transportation Improvement Program. Region 4 also participates in informal collaboration meetings with tribal governments.

In 2023, Region 4 Planning provided notice of two consultation opportunities to the Klamath Tribes. The first consultation opportunity was related to Milestone 4 of the 2024-2027 Statewide Transportation Improvement Plan development process, a review of the Draft 2024-2027 Statewide Transportation Improvement Plan. The second consultation opportunity was related to the Oregon Freight Plan update.

Throughout 2023, the Region 4 Manager executive management staff met with Confederated Tribes of Warm Springs staff monthly to discuss various topics related to transportation initiatives, projects, funding and new investment opportunities, coordination, and operations for ODOT to address.

In 2023, Region 4 coordinated with the Confederated Tribes of Warm Springs to prepare and apply for federal funding through the new Carbon Reduction Program. The application was successful, and the Tribes are being awarded more than \$2 million to replace existing lighting on collector streets with solar street lighting structures and devices.

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DELIVERY AND OPERATIONS DIVISION: REGION 5

ABOUT

ODOT Region 5 encompasses Morrow, Umatilla, Union, Wallowa, Grant, Baker, Harney and Malheur counties. The Region 5 headquarters office is in La Grande. Offices in La Grande, Ontario and Pendleton house local maintenance and construction functions. The government offices of the Confederated Tribes of the Umatilla Indian Reservation and the Burns Paiute Tribe are within Region 5.

AREA COMMISSIONS ON TRANSPORTATION

Region 5 includes two area commissions on transportation. The Northeast Area Commission on Transportation covers Morrow, Umatilla, Union, Baker, and Wallowa counties. The Confederated Tribes of the Umatilla Indian Reservation is a voting member of this commission. The Southeast Area Commission on Transportation covers Grant, Harney and Malheur counties. The Burns Paiute Tribe is a voting member.

Tribal Employment Rights

ODOT has a signed memorandum of understanding with the Tribal Employment Rights Office of the Confederated Tribes of the Umatilla Indian Reservation. This memorandum establishes policies and procedures for ODOT and the tribes to follow to ensure the Tribal Employment Rights Office Code and the "Indian Preference" provisions of federal law are met. Per the terms of the agreement, Region 5 staff participates in an annual project selection meeting in advance of the construction season with staff from the tribes' Tribal Employment Rights Office. This year, the Confederated Tribes of the Umatilla Indian Reservation hosted an in-person meeting at their Governance Center on April 19. On the same date, ODOT staff participated in a panel conversation to discuss the Confederated Tribes of the Umatilla Indian Reservation/ODOT memorandum of understanding, its maturation and successes, and a topic for a Pacific Northwest Tribal Employment Rights Office Regional Conference. The Tribal Employment Rights Office is also invited to every pre-construction meeting subject to the tribal employment rights memorandum. Per the memorandum of understanding, these pre-construction meetings occur on or near the reservation. In-person participation is encouraged, but virtual meeting attendance has been possible. Tribal Employment Rights Office compliance officers are encouraged to attend scheduled weekly/bi-weekly project meetings to receive the most recent updates on project progress, issues, and staffing.

Region 5 Maintenance

Region 5 includes three ODOT maintenance districts. District 12 encompasses much of the Confederated Tribes of the Umatilla Indian Reservation and the various state highways that provide access to the Reservation. The District 12 offices are in Pendleton. Districts 12 and 13 also fall within the negotiated boundary identified in the Tribal Employment Rights Ordinance memorandum of understanding. Headquartered in Ontario, District 14 includes the Burns Paiute Reservation.

District 12 works with the Confederated Tribes of the Umatilla Indian Reservation in multiple ways throughout the year. For example, when maintenance forces are performing work within the reservation boundary, the district office alerts the Tribal Employment Rights Office that ODOT is performing state-funded work within ODOT right-of-way. When ODOT crews cannot perform the necessary maintenance work, ODOT opens up a given project to a competitive bidding process. If the work is within the reservation boundary, then the Tribal Employment Rights Office is eligible to assign a hiring goal and to collect a compliance fee from contractors for working on the reservation.

With new tribal developments in the vicinity, District 12 is engaged with the tribes to create strategies to help OR 331 function more safely and efficiently. It continues to work with the Confederated Tribes of the Umatilla Indian Reservation during I-84 road closure events at Exit 216 to coordinate truck parking at businesses operated on tribal lands. There is coordination with the Tribes' Hazmat Team on reportable hazmat releases on highways within the Reservation boundary. The district works in conjunction with tribes in issuing chain-up permits each winter. The tribes provide five permits to tribal members to assist commercial trucks chaining up on tribal lands. ODOT provides additional permits to individuals to assist commercial trucks chaining up on I-84.

District 12 will continue to engage the Confederated Tribes of the Umatilla Indian Reservation on land use actions near state highways within the Reservation boundary. Similarly, the district will continue efforts to work with the tribes on safety improvement projects and other projects that benefit the public on state highways within the Reservation boundary.

ODOT continues to engage with the Confederated Tribes of the Umatilla Indian Reservation Water Quality staff regarding salt usage protocols.

District 13 has coordinated with the Confederated Tribes of the Umatilla Indian Reservation on several stream bank restoration projects adjacent to state highways. ODOT continues to offer hazard trees within the right-of-way to be used as stream features during these conservation projects.

District 14 and Region 5 have been cooperating with the Burns Paiute Tribe on developing and completing a wildlife crossing feasibility study on the US 20 corridor between the communities of Juntura and Harper. This will support the Tribes' applications for grant funding to move into a wildlife crossing project's design and construction phases. In June, District 14 worked with the Burns Paiute Tribe in response to a flash flood that affected their Jonesboro Ranch Headquarters. The tribe allowed immediate access for recovery work and cultural monitoring work as maintenance crews performed the work to restore the highway.

Region 5 Construction and Project Delivery

Through the area commissions on transportation, the Burns Paiute Tribe and the Confederated Tribes of the Umatilla Indian Reservation participate in selecting and developing construction projects for ODOT's Statewide Transportation Improvement Program.

Throughout 2023, Region 5 staff attended all quarterly Tribal Employment Rights Office Contractor Certification training sessions, when available, by the Confederated Tribes of the Umatilla Indian Reservation and at each training session (all of which were virtual).

- » **February 2, 2023:** Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, Quarterly Contractor Certification Training, virtual meeting.
- » **May 4th, 2023:** Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, Quarterly Contractor Certification Training, virtual meeting.
- » **April 19th, 2023:** Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, Statewide Transportation Improvement Program annual review and selection of upcoming 2023 construction projects; the event was held at the Wildhorse Convention Center in Pendleton.
- » **October 2nd, 2023:** Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, Quarterly Contractor Certification Training, virtual meeting.
- » **November 3, 2023:** Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, Quarterly Contractor Certification Training, virtual meeting.

Tribal consultation meetings and discussions for Region 5 project development and construction actions are coordinated and directed by ODOT's Cultural Resources Program staff (see the Environmental Section of this report for more). To complement the work of the Cultural Resources Program, Region 5's environmental staff and Area Manager provided support and attended meetings with cultural resources divisions of the Confederated Tribes of the Umatilla Indian Reservation and the Burns Paiute Tribe. The Region 5 archaeologist and tribal liaison coordinates tribal consultation on all Statewide Transportation Improvement Program projects, state-funded projects within reservation boundaries, and specific maintenance projects.

Region met with the Confederated Tribes of the Umatilla Indian Reservation to review the 2024-2027 Draft STIP on March 16th. Staff from the Confederated Tribes of the Umatilla Indian Reservation Tribal Employment Rights Office and Cultural programs were present to see what projects advance to the Oregon Transportation Commission and provide input before that occurs. Prior versions have been shared with the Cultural program during the regular Confederated Tribes of the Umatilla Indian Reservation/Federal Highway Administration/ODOT project coordination meetings.

Region 5 Planning

Planning staff consults with the Burns Paiute Tribe and the Confederated Tribes of the Umatilla Indian Reservation to deliver strategic intermodal planning projects and policies. This includes discussion, consultation, and planning for all transportation modes.

Region 5 planning continues to reach out to the Confederated Tribes of the Umatilla Indian Reservation and the Burns Paiute Tribe regarding applicable grants, invitations, and planning-related initiatives. The Confederated Tribes of the Umatilla Indian Reservation were awarded an Oregon Community Paths grant to construct a walking and bicycling path to access the tribal services center. The Confederated Tribes of the Umatilla Indian Reservation Transportation and Growth Management Program (see the Policy Data and Analysis Division section of this report for more on this program) grant to assist with updating the multi-modal Transportation System Plan is under development.

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DELIVERY AND OPERATIONS DIVISION: ENVIRONMENTAL SECTION

ABOUT

ODOT's Environmental Section supports environmental regulatory compliance and best practices for state transportation projects and programs. The section is responsible for developing statewide standards of practice, guidance and manuals, training, and asset management for environmental and cultural disciplines within ODOT.

Environmental staff serve as stewards of the public interest for various natural and cultural resources and safe transportation infrastructure. The majority of the Section's interactions with tribes occur through three program areas: Wetlands Program, Wildlife Crossings Program, Fish Passage Program, and Cultural Resources Program. In addition, ODOT's State Environmental Manager participates in the Legislative Commission on Indian Services' Natural Resources Cluster meetings and the Governor's State and Tribal Summit. ODOT's Cultural Resources Program Manager sits on the Legislative Commission on Indian Services' Cultural Resources Cluster.

Wildlife Crossings Program

The ODOT wildlife passage program identifies and builds wildlife passage structures to reduce animal-vehicle collisions on state highways. The goals of the program are to identify areas of heaviest wildlife movement across state highways, reduce animal-vehicle collisions on state highways, determine the highest-priority areas to improve wildlife passage across state highways, and inform and educate the public on wildlife corridors and how they can reduce animal-vehicle collisions. ODOT continues to work with Federal Highway Administration to establish a wildlife passage interest group, including local, state, and federal agencies and tribal and non-profit partners, to address the issue of wildlife passage.

In 2023, ODOT's Wildlife Crossing Coordinator continues to serve on a committee with the Burns Paiute Tribe to explore the potential for a wildlife crossing feasibility study near tribal property east of Juntura. ODOT is providing \$1M towards the project to be used for project scoping and design.

Wetlands Program

The Wetlands Program addresses ODOT's compliance with the Clean Water Act and Removal-Fill law. To achieve compliance and address compensatory mitigation needs in advance of ODOT project needs, the agency has developed a Mitigation and Conservation Banking Program. The program manages several sites with native plants of interest (camas, yampah, Wapato) and rare/listed plants and animal species. Two new sites, Columbia Bottomlands and the Upper Klamath Lake site, have tribal connections. Columbia bottomlands is found in

Scappoose Bay, where our archeology survey identified a pre-contact site to be avoided. The Upper Klamath Lake Bank site contains a sucker-rearing pond where the tribes have been releasing fish.

Fish Passage Program

ODOT's fish passage program supports the Oregon Plan for Salmon and Watersheds. The program aims to benefit native migratory fish by replacing or retrofitting culverts for improved fish passage on the state highway system in the most cost-effective and efficient way possible. Working with the Oregon Department of Fish and Wildlife and regional stakeholders, Fish Passage Program staff assess high-priority fish passage barriers when selecting improvement projects across the state. In addition, the program is integrated with ODOT's Culvert Repair Program to help ensure that culvert repairs and replacements are designed to improve fish passage conditions. ODOT updates tribes on our fish passage program through the Legislative Commission on Indian Services Natural Resources Workgroup meetings.

In 2023, ODOT delivered eight projects under the ODOT/Oregon Department of Fish and Wildlife Culvert Repair Agreement. These projects improved native migratory fish access to over 8.5 miles of potential habitat. Two additional projects, designated as high-priority statewide barriers, finished construction in 2023. A third statewide high-priority barrier started construction and is scheduled for completion in 2024. These three projects will restore unstable fish passage to over 15 miles of habitat.

ODOT also received notice that several other high-priority fish passage barriers were awarded funding through the National Culvert Removal, Replacement, and Restoration Grant opportunity in the Bipartisan Infrastructure Law. These were part of a larger bundle of projects the Oregon Department of Fish and Wildlife submitted. ODOT is working with state and federal partners to establish funding distribution cycles, specific project locations, and delivery timelines.

In addition, ODOT's Fish Passage Program Coordinator presented a high-level overview of the ODOT Fish Passage Program at a Government to Government Cultural Resource Cluster meeting on January 19, 2023.

Terrestrial Biology Program

ODOT coordinated with Oregon and Washington Tribes for the Astoria Megler Bridge Value Engineering (VE) Study. The VE Study was hosted by ODOT virtually June 26th-29th and focused on the Astoria-Megler Bridge and the Double-Crested Cormorant (DCCO) populations that are nesting on it. The key issues addressed during the study were impacts on bridge safety, ESA-listed salmonids and DCCOs from the colony on the bridge. The VE Team unanimously recommended taking immediate action to address impacts to safety on the Astoria-Megler Bridge by deterring DCCOs from the bridge and attracting and establishing the DCCO colony at East Sand Island. The Columbia River Inter-Tribal Fish Commission and the Cowlitz Tribe were a part of the VE Team. They attended all four days of the VE Study. The Yakima Tribe participated in the VE Study during the Interested Parties Portion of the Study

(Day 1 – presentations and overviews (4 hrs), Day 3 – Midpoint check-in (1 hour) and Day 4 – Presentation of Initial VE Study Results (2 hours).

Cultural Resources Program

ODOT’s cultural resources program supports transportation projects while protecting cultural resources across the state. The program works with ODOT regional offices, tribal governments, local governments, and others to identify cultural resources and potential concerns early in project delivery and throughout the project lifecycle. In addition, the Federal Highway Administration has delegated tribal coordination responsibilities to ODOT archaeologists and tribal liaisons for transportation projects subject to Section 106 of the National Historic Preservation Act. ODOT’s Cultural Resources team provides statewide training to ODOT staff on cultural resources, tribal awareness and government-to-government training.

Cultural Resources Work Agreements

ODOT maintains intergovernmental agreements with tribes to support cultural resource compliance and protection work. Agreements are maintained with the following:

- » Burns Paiute Tribe
- » Confederated Tribes of Grand Ronde (currently being negotiated)
- » Confederated Tribes of the Umatilla Indian Reservation
- » Confederated Tribes of the Warm Springs Reservation of Oregon
- » Coquille Indian Tribe (under revision)
- » Cow Creek Band of Umpqua Tribe of Indians (currently being renegotiated)
- » The Klamath Tribes

New Section 106 Programmatic Agreement

ODOT cultural staff are developing a new program-level Section 106 Programmatic Agreement (PA) to replace the 2011 PA. ODOT scheduled recurring monthly PA workshop virtual meetings with interested tribes and agencies to guide the PA development process.

Additional Interactions in 2023

ODOT cultural staff conducted in-person and virtual meetings with Oregon tribes throughout the year regarding ODOT’s transportation projects, special initiatives, and training. The following meetings occurred in 2023:

- » **January 18, 2023:** ODOT Cultural Resources Program Manager participated in the Cultural Resources Cluster meeting.
- » **February 9, 2023:** ODOT and Federal Highway Administration staff met with representatives from the Coquille Indian Tribe to discuss program and project updates.
- » **March 6, 2023:** ODOT and Federal Highway Administration staff met in person with representatives from the Klamath Tribes to discuss program and project updates.

- » **March 9, 2023:** ODOT and Federal Highway Administration staff met with representatives from the Confederated Tribes of Siletz Indians to discuss program and project updates.
- » **March 14, 2023:** ODOT Cultural Resources Program Manager participated in the Cultural Resources Cluster meeting.
- » **April 11, 2023:** ODOT and Union Pacific staff met with representatives from the Confederated Tribes of Grand Ronde on-site in Oregon City to discuss a potential rail project.
- » **May 16, 2023:** ODOT staff met with representatives from the Confederated Tribes of the Umatilla Indian Reservation to discuss program and project updates.
- » **June 7, 2023:** ODOT Cultural Resources Program Manager participated in the Intergovernmental Cultural Resource Council meeting.
- » **June 21, 2023:** ODOT Cultural Resources Program Manager participated in the Cultural Resources Cluster meeting.
- » **July 5, 2023:** ODOT and Federal Highway Administration staff met with representatives from the Confederated Tribes of the Grand Ronde to discuss program and project updates.
- » **September 8, 2023:** ODOT and Federal Highway Administration staff met with representatives from the Confederated Tribes of the Grand Ronde to discuss program and project updates.
- » **October 4-5, 2023:** ODOT staff attended the Confederated Tribes of the Grand Ronde Culture and History Summit.
- » **October 26, 2023:** ODOT Cultural Resources Program Manager attended the Intergovernmental Cultural Resource Council meeting.
- » **October 31, 2023:** ODOT Cultural Resources Program Manager participated in the Cultural Resources Cluster meeting.
- » **December 4, 2023:** ODOT and Federal Highway Administration staff met with representatives from the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians to discuss program and project updates.
- » **December 12, 2023:** ODOT and Federal Highway Administration staff met with representatives from the Cow Creek Band of the Umpqua Tribe of Indians to discuss program and project updates.

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MAINTENANCE AND OPERATIONS BRANCH

ABOUT

The Maintenance and Operations Branch has approximately 230 employees who provide program and policy guidance and technical support for managing 8,000 center lane miles managed by roughly 1300 maintenance and operations crew members in the Department's 14 maintenance districts. These crews are responsible for all maintenance, operations and permitting activities in their areas.

Roles and responsibilities of the branch include determining strategic direction, developing and implementing policies and guidelines, administering special programs, and providing expertise, technical guidance and other resources to ensure the efficient, effective and consistent maintenance and operation of Oregon's transportation infrastructure.

INTERACTIONS WITH TRIBES

Tribal Relationships and Highway Maintenance and Operations: After completing the PSU Tribal Relations Certificate Program, the MOB Maintenance Environmental Program Manager developed and implemented guidance for highway maintenance managers on tribal relations related to highway maintenance and operations. This guidance includes understanding tribal interests and recommendations for developing relationships with tribes.

Utility Permit Cultural Resource Review: ODOT staff worked with tribes, the Legislative Commission on Indian Services (LCIS) and the Oregon State Historic Preservation Office (SHPO) to establish a process for utilities to notify tribes about their intended utility work on ODOT highway right-of-way. We continue to work with tribes to address process improvements and hope to develop some training for utility companies for 2024.

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RIGHT-OF-WAY SECTION

ABOUT

The ODOT Right-of-Way Section provides expertise in real estate and right-of-way matters across the state. They are responsible for appraisals and acquisitions and assist partners in relocating from the acquired right-of-way.

INTERACTIONS WITH TRIBES

Tribal engagement occurs in two ways. When a property needs to be acquired for a right-of-way project and a tribal government owns it, or the land is in tribal trust, tribes are contacted through our normal acquisitions process. Additionally, when surplus property is offered for sale, it is first offered to local governments and tribes before the general public.

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URBAN MOBILITY OFFICE

ABOUT

ODOT's Urban Mobility Office was created in 2020 through the direction of the Oregon Transportation Commission to implement a comprehensive approach to reduce congestion and improve mobility in the Portland metro area. This work is outlined in ODOT's Urban Mobility Strategy, with core projects designed to improve safety, update bridges and roads to withstand seismic events, and implement tolls as a new sustainable revenue source to modernize and maintain the region's infrastructure. Projects include the I-205 Abernethy Bridge Project, I-5 Rose Quarter Improvement Project, I-5 Boone Bridge Replacement Project, the Oregon Toll Program, and more. The Urban Mobility Office is committed to implementing these projects in a way that meets ODOT's safety, equity, climate and congestion relief goals.

INTERACTIONS WITH TRIBES

Toll Projects and Program

As part of Keep Oregon Moving (HB 2107), the Oregon Legislature directed the Oregon Transportation Commission to pursue and implement tolling on I-5 and I-205 in the Portland metropolitan region to provide additional traffic management tools to manage congestion further. A feasibility analysis determined tolling could help manage congestion and raise revenue on I-5 and I-205. Two toll projects (the I-205 Toll Project and Regional Mobility Pricing Project) and a significant update to Oregon Administrative Rules are currently in development as part of Oregon's Toll Program.

Oregon Administrative Rules Update

The existing toll Oregon Administrative Rules were last adopted in 2010 and needed a major update and modernization. Rules help determine how customers interact with and use the system and how toll rates are set up and adjusted. These rules will apply to planned toll projects in the Portland Metro area and any future projects in the state.

Through this process, ODOT entered into government-to-government consultation to develop rules that would exempt Tribal members and vehicles used to conduct Tribal government businesses. No other state in the nation takes a comprehensive approach to offering toll exemptions for tribal members and government vehicles. Other states only comply with what is federally recognized through existing treaties with individual tribes. The system that the ODOT is pursuing would be the first. Given this reality, many details of implementing this exemption will need to be worked through between ODOT and tribal governments over the next two years, including developing intergovernmental agreements.

We look forward to an iterative, relationship-building process that prepares us for tolling in 2026.

ODOT formally contacted the tribes and asked for comments on the draft rule language from July 7 to September 15. Engagement during this time included:

- » Conversations and comments received from Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Siletz Indians, Confederated Tribes of Grand Ronde, and other.
- » Presentation and discussions at the LCIS Economics Cluster, Natural Resources Workgroup and Cultural Resources Cluster meetings.
- » A series of intertribal meetings going back to May of 2023 have included all nine of Oregon's federally recognized tribes and others out of state.

After further editing based on tribal feedback, ODOT sent the updated draft rule language out for a second round of tribal review on October 27, 2023, with a 30-day comment period.

The next step for the draft rules will be discussing the tribal exemptions at the Oregon Transportation Commission on December 11. ODOT plans to use feedback from these meetings and ongoing government-to-government tribal consultation to produce a set of rules for public comment and Oregon Transportation Commission adoption in early 2024.

I-205 Toll Project

In partnership with Federal Highway Administration, planning for the I-205 Toll Project began in 2020. As part of the National Environmental Policy Act process for the I-205 Toll Project, ODOT and Federal Highway Administration are coordinating with eight consulting Tribes, four of which are federally recognized in Oregon: Confederated Tribes of Grand Ronde; Confederated Tribes of Siletz Indians; Confederated Tribes of the Umatilla Indian Reservation; and Confederated Tribes of Warm Springs. Of these, only the Confederated Tribes of Grand Ronde responded to ODOT's August 2020 participating agency invitation. While the Confederated Tribes of Grand Ronde declined this invitation to become a participating agency, they did ask to initiate government-to-government consultation. A series of intertribal meetings on tolling took place from 2022 to 2023. These meetings consisted of updates on the I-205 Toll Project efforts and discussion on the Regional Mobility Pricing Project and the state of the rule-making. However, once the rule-making effort started in earnest, these intertribal meetings have focused entirely on this effort for the time being. Individual project updates will go out to tribes as needed.

ODOT completed a Joint Finding of No Adverse Effect in compliance with Section 106 of the National Historic Preservation Act on December 23, 2022. This document was distributed to cultural resources staff of the Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Grand Ronde Community of Oregon, Confederated Tribes of Siletz Indians, Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes and others.

Previously, the I-205 Toll Project included tolling travelers who cross the Abernethy and Tualatin River bridges and improvements to I-205 that the tolls would fund. ODOT released the Environmental Assessment in February 2023 for public comment. ODOT notified Tribes two weeks before the release and three weeks into the comment period to explain that the comment period was extended and sent a reminder to submit comments approximately ten days before the comment period closed.

In response to Governor Kotek's May 2023 directive to delay toll collection on I-205 and I-5 until 2026, ODOT prepared an updated finance plan for Urban Mobility Strategy projects. The new finance plan calls for a reduced scope for the I-205 Toll Project, with tolling only at the Abernethy Bridge. ODOT, in partnership with Federal Highway Administration, is developing a Supplemental Environmental Assessment to evaluate the environmental effects of the revised I-205 Toll Project. ODOT notified Tribes of the project changes in July 2023.

Regional Mobility Pricing Project

The Regional Mobility Pricing Project was initiated in late 2020 and completed a pre-National Environmental Policy Act phase known as Planning and Environmental Linkages in November 2022. On behalf of the Regional Mobility Pricing Project on September 20, 2021, Federal Highway Administration sent invitations to Tribes, inviting them to participate in government-to-government consultation, to act as Participating Agencies, and to serve as consulting parties under Section 106. These Oregon Tribes received invitations: The Confederated Tribes of Grand Ronde, The Confederated Tribes of Siletz Indians, The Confederated Tribes of the Umatilla Indian Reservation, and The Confederated Tribes of Warm Springs. The invitation letter included a map of the Regional Mobility Pricing Project area.

Tribes receive updates on the project through email and formal correspondence, but also through our intertribal meetings, which are also used for the I-205 Toll Project. ODOT and Federal Highway Administration initiated formal government-to-government consultations with tribes that requested meetings.

The project entered the National Environmental Policy Act phase in November 2022. ODOT notified tribes of the scoping period through a series of emails. This included several emails before the scoping period and a formal announcement at the launch with information about the web resources, webinars, and comment forms. ODOT shared a reminder about the deadline for scoping input in mid-December. Beginning in November 2022, ODOT held quarterly intertribal meetings regarding Oregon congestion pricing and tolling projects.

I-5 Rose Quarter Improvement Project

The I-5 Rose Quarter Improvement Project adds auxiliary lanes and shoulders to reduce congestion and improve safety on I-5 between I-84 and I-405. The project will improve community connections by redesigning overpasses and reconnecting neighborhood streets, enhancing public spaces, and promoting economic development opportunities. The Environmental Assessment process was completed in 2020 per the National Environmental Policy Act. Federal Highway Administration and ODOT published the Finding of No Significant Impact and a Revised Environmental Assessment on November 6, 2020.

Changes to the project design prompted Federal Highway Administration to rescind the Finding of No Significant Impact in January 2022. ODOT began preparing a Supplemental Environmental Assessment. Additional cultural resources studies were conducted in 2022 as part of the Supplemental Environmental Assessment. The Supplemental Environmental Assessment was published on November 15, 2022, for a 50-day public comment period, which closed on January 4, 2023.

I-205 Improvements Project

The I-205 Improvements Project includes widening and seismic upgrades to the Abernethy Bridge, interchange improvements, and I-205 corridor widening and active traffic management improvements between Stafford Road and OR 213. The project reduces congestion by improving traffic reliability and safety through the corridor. Construction has started on the project's first phase at the Abernethy Bridge and will continue through 2025.

The Confederated Tribes of the Grand Ronde Tribal Employment Rights Office and ODOT are working in partnership to build a workforce that reflects the community's diversity. The collaboration encourages tribal community members to fill multiple job opportunities created by the first construction phase of the I-205 Improvements Project. It is an excellent opportunity for tribal members to build their resumes and gain valuable work experience in the construction trades. As of August 2023, the project is meeting its goal for five percent of the workforce to be comprised of tribal members and other Disadvantaged Business Enterprise (DBE) goals associated with the Abernethy Bridge construction. ODOT and the project contractor continue to meet monthly to review progress on DBE goals and develop strategies to improve the performance of the contractor and sub-contractors where actual DBE performance is falling short of the goal(s).

Boone Bridge Replacement Project

In 2023, ODOT and Federal Highway Administration initiated the Planning and Environmental Linkages process for the proposed I-5 Boone Bridge Replacement Project in Clackamas County, Oregon. The I-5 Boone Bridge crosses the Willamette River in Wilsonville, Oregon. It is an essential link on I-5, the main north-south highway on the West Coast for international, national, state, and regional travel and freight movement. The bridge is at risk of failing in a Cascadia Subduction Zone Earthquake. It is part of the state's designated Seismic Lifeline Route. Drivers experience delays in the project area due to congestion, which affects interstate and local road movements. ODOT has also identified the area as a high crash rate location. ODOT is exploring solutions to these issues as part of the I-5 Boone Bridge Replacement Project. The project will replace the existing bridge with a new one that can withstand a major Cascadia earthquake, enhance traffic flow and travel time reliability, and improve safety connections. Additionally, the project will provide new walking and biking options over the Willamette River.

According to Federal Highway Administration, Planning and Environmental Linkages is a collaborative and integrated approach to transportation decision-making that considers the benefits and impacts of proposed transportation system improvements to the environment,

community and economy during transportation planning (Federal Highway Administration, Planning and Environment Linkages Fact Sheet, 2020). Using a Planning and Environmental Linkages process can achieve significant benefits by incorporating environmental and community values into transportation decisions early in planning and carrying these considerations through project development and delivery, including a future National Environmental Policy Act process. In August 2023, ODOT invited Tribes to be involved in the Planning and Environmental Linkages process.

ODOT has initiated consultation with the Confederated Tribes of the Grand Ronde, Confederated Tribes of Siletz Indians, Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes and Bands of the Yakama Nation. Notifications containing project details and offering project-specific meetings with each of these individual tribes were sent on September 5, 2023, and October 25, 2023. Basic Boone Bridge project information was also provided during the ODOT and Federal Highway Administration biannual update meetings held with the Confederated Tribes of Siletz Indians on March 9, 2023, and with the Confederated Tribes of Grand Ronde on September 9, 2023. The Confederated Tribes of the Grand Ronde agreed to a project-specific meeting scheduled for January 12, 2024.

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INTERSTATE BRIDGE REPLACEMENT PROGRAM

ABOUT

The Interstate Bridge Replacement program is co-led by the Federal Highway Administration and the Federal Transit Administration. It is being delivered by ODOT and the Washington State Department of Transportation acting together as the Program. The previous planning effort to replace the Interstate 5 bridge across the Columbia River, known as the Columbia River Crossing project, was active from 2005 until 2014 when it did not receive adequate funding to reach construction. A Federal Environmental Impact Statement was completed during this effort, and the Record of Decision was signed in December 2011. In November 2019, Oregon Governor Kate Brown and Washington Governor Jay Inslee signed a bi-state Memorandum of Intent to restart work to replace the Interstate Bridge. This memorandum outlined how the Program will develop a multimodal replacement solution delivered by a bi-state, multiagency team.

As of August 2023, all state and non-federal funding sources for the Program have been committed. The Program is seeking federal discretionary grant awards to fulfill the funding plan.

The Program has continued tribal consultation and outreach since August 2020 with a dedicated tribal liaison hired into the Program in 2022. Of the eleven consulting Tribes, four are federally recognized Tribes in Oregon: The Confederated Tribes of Siletz Indians, The Confederated Tribes of Grand Ronde, The Confederated Tribes of Warm Springs, and The Confederated Tribes of the Umatilla Indian Reservation. Tribes will be engaged throughout the life of the Program, with particular emphasis on the major project milestones.

PROJECT DELIVERY

The Program continues working on a Supplemental Environmental Impact Statement to advance the project. The Tribes have had the opportunity to review and comment on all technical reports associated with the draft Supplemental Environmental Impact Statement.

In February 2023, the Program distributed the Area of Potential Effect to Tribes to provide feedback. In September 2023, the Program sent a follow-up letter to show how feedback was incorporated.

The Draft Historic Built Environment Determinations of Eligibility and Draft Findings of Effect were sent to the Tribes for review in September 2023. The Program team is in the process of incorporating feedback from the Tribes.

In September 2023, the Program distributed a plain language Concept Draft of the Section 106 Programmatic Agreement to resolve Adverse Effects on Cultural Resources for review by the Tribes. Distribution of a first formal draft is anticipated in early 2024.

Oregon and Washington have granted the Program permits, and several federal agencies are associated with in-water geotechnical investigations and cultural resources surveys. Additional permitting associated with cultural resources surveys and bridge construction is anticipated in 2024.

Tribal Agreement Documents

In the summer of 2022, The Program executed an Intergovernmental Agreement with the Confederated Tribes of Grand Ronde to support the conservation, preservation, and protection of sensitive natural and cultural resources. This agreement includes compensation for technical reviews and speaking engagements associated with the Program and a Context Statement and History Complication conducted by the Tribe to support Section 106 efforts. The agreement was offered to all consulting tribes.

Equity Framework

The Program received feedback through ODOT's Tribal Affairs Program of a need to update the Program's Equity Framework to clearly identify Tribal governments as an Equity Priority Community separate and distinct from Indigenous community members. The Equity Framework is going through a round of internal edits to incorporate this feedback and others identified by the Program, will be distributed for tribal consultation, and anticipates the updates to be adopted at the beginning of 2024.

Meetings

The Program hosts several recurring meetings with Tribes to facilitate clear and consistent communication regarding program actions and next steps. These meetings are anticipated to continue into 2024.

- » **Intertribal Cultural Resources Meeting:** 1st Thursday of every month at 11 am.
- » **Section 106 Programmatic Agreement Tribal Workgroup:** 3rd Thursday of every month at 11 am.
- » **Intertribal Fish and Wildlife Meetings:** 4th Monday of every month at 3 pm.
- » **Section 106 Consulting Parties Meeting:** 4th Tuesday of every month at 9:30 am.
- » **Habitat Mitigation Workgroup:** 4th Thursday of every month at 2 pm.
- » **Over the Shoulder "OTS" Design Review Sessions:** Wednesdays weekly at 9 am and 10 am on alternating weeks.
- » **Tribal Employment Rights Office Kick-Off:** The Program hosted an intertribal Tribal Employment Rights Office kick-off meeting in January to discuss developing a bi-state process to include the Tribal workforce during construction.
- » **Intertribal Tolling Meeting:** The Program hosted an intertribal tolling meeting to share the Program's draft Tolling and Revenue Study and share the bi-state process by which tolling rates will be identified for the interstate bridge.

The Program meets at least monthly with the Confederated Tribes of Grand Ronde Cultural Resources staff, met in May and September with Tribal Employment Rights Office staff, and with the Tribal Council in October 2023.

The Program attends quarterly meetings between ODOT and the Confederated Tribes of the Umatilla Indian Reservation Natural and Cultural Resources staff and met with Tribal Employment Rights Office staff in October 2023.

The Program met with the Confederated Tribes of Warm Springs Tribal Employment Rights Office Program in May and attended their Tribal Employment Rights Office Certification training.

The Program presented a program overview to the Natural Resource and Tribal Employment Rights Office subcommittees at the Affiliated Tribes of Northwest Indians in January 2023.

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PUBLIC TRANSPORTATION DIVISION

ABOUT

The Public Transportation Division exercises statewide leadership and vision in promoting, developing, funding, and managing multimodal statewide networks of transportation systems and facilities. These systems and facilities provide access to Oregon for the state's citizens and visitors, efficient movement of commerce, support healthy, sustainable travel choices and safe transportation system use, and enhance Oregon's competitive position in national and international markets. There are four sections in the Division:

Strategic Investment and Engagement Unit

This unit develops strategies and prioritizes investments to advance modal plans, statutes, and agency policies to create a more integrated statewide multimodal system. The unit manages and develops program guidance and selection criteria, combines funding and strategic management, and maximizes the value of transportation investments locally, regionally, and statewide. This unit interacts with tribes mainly through advisory committee engagement, policy development, and as grant applicants.

Transit Operations Unit

This unit implements investment strategies in ODOT regions directly through existing regional transit coordinators, training staff and through collaboration with ODOT regional staff, such as active transportation liaisons, planners, delivery and operations staff and external partners. The Transit Operations Unit also manages services like training and the POINT bus system. This unit assists tribes with public transportation program development, grants and payments, technical support and training, transit program questions and oversight of transit projects. Regional transit coordinators frequently interact with tribal transit personnel via phone, email and in-person meetings. Three current and former Regional Transit Coordinators hold professional certification in tribal relations from Portland State University.

Program Services Unit

This unit provides essential multimodal transportation system administration, business processes, and services at the headquarters office in Salem. This unit manages the contracted delivery of public transportation services. The unit ensures available funding and distributes those funds to eligible tribal governments. Staff assist tribes with the technical aspects of grants, payments, reporting, and asset management. Support analysts interact with tribal transit personnel via phone and email. The website administrator ensures that information pertinent to tribes is posted and updated regularly. Unit staff manage agreement language in coordination with Oregon Department of Justice attorneys and tribal experts to ensure distinct clauses are included for tribal agencies and that their status as sovereign governments is acknowledged and respected.

Rail Operations and Statewide Multimodal Network Unit

In collaboration with regional transit coordinators, the unit facilitates local partnerships to identify and fill gaps in the statewide public transportation network through local providers or increased Public Transit Division services. The Unit manages the implementation and delivery of capital, operations and research projects that support statewide freight rail, passenger rail, and public transportation systems. This unit manages the Transportation Options Program, which connects people to transportation choices, allowing them to bike, walk, take transit, drive, share riders and telecommute. This unit also manages the Innovative Mobility Program. This new initiative aims to improve access to public transportation, reduce the number of trips Oregonians make by car, and reduce greenhouse gas emissions. This program has a particular focus on equity and helping historically excluded groups to get to where they need to go more quickly, cheaply, and safely.

ADVISORY COMMITTEES

Public Transportation Advisory Committee

Provides a statewide forum for public and special needs transportation providers and advocacy partners within Oregon. The committee also provides input to the Oregon Transportation Commission and the Public Transportation Division regarding significant transportation issues.

To ensure the interests of the tribal communities are always considered, there is a designated seat on the Committee for a tribal transportation representative. A member of the Coquille Indian Tribe currently fills the seat. Additionally, the Public Transportation Advisory Committee looks for engagement from tribal members when creating workgroups and subcommittees to assist in making decisions and recommendations. For example, a member of the Coquille Indian Tribe participated in a workgroup to refresh the Committee's purpose and structure.

Safe Routes to School Advisory Committee

Provides a statewide forum to recommend allocations from the Safe Routes to School fund to projects and programs that address barriers to students walking and rolling to school within Oregon. The committee also provides input regarding Safe Routes to School policy and program structure. The Safe Routes to School Advisory Committee includes two members from Oregon tribes representing the Confederated Tribes of the Umatilla Indian Reservation and the Coquille Indian Tribe.

Oregon Bicycle Pedestrian Advisory Committee

An eight-member committee appointed by the governor that acts as a liaison between the public and the Oregon Department of Transportation. It advises ODOT to regulate bicycle and pedestrian traffic, establish bikeways and walkways, and other statewide bicycle and pedestrian issues. The committee meets six times a year in various locations around the state

to support the [Oregon Bicycle and Pedestrian Plan](#) implementation and listen to the views and concerns of interested citizens, local officials and staff. The Oregon Bicycle and Pedestrian Advisory Committee will soon begin recruitment for one vacant position, which a member of the Coquille Indian Tribe formerly filled.

Rail Advisory Committee

Advises the Public Transportation Division and Oregon Transportation Commission on issues affecting Oregon rail freight and passenger facilities and services, including rail project selection for Connect Oregon funding. There is currently no tribal representative on the Committee.

PROGRAMS AND INITIATIVES

Safe Routes to School Program

The Safe Routes to School construction program provides \$15 million in state highway funds yearly to the Safe Routes to School Fund. The program aims to provide competitive grants that will address the physical barriers of children walking and bicycling to school. Applicants must work with schools and school districts to identify and address these barriers through infrastructure projects within a one-mile radius of the school.

The Safe Routes to School grant awarded to the Confederated Tribes of the Umatilla Indian Reservation is underway. Construction began in Summer 2023.

In 2023, ODOT staff and consultant partners worked with the Burns Paiute Tribe to complete a Safe Routes to School Plan. Due to memorial services, staff and tribal members, the outreach portion of this plan has been postponed twice and are looking to Spring 2024 to host public outreach and a family-focused event.

Oregon Community Paths

The Oregon Community Paths grant program is a biennial competitive grant program for funding off-road paths connecting communities or access destinations. In July 2023, the Oregon Transportation Commission approved grants totaling \$33 million in federal and \$4 million in state dollars. The Tribes of Grand Ronde was awarded a planning grant for a path from the community to the casino, and they requested that the funds be transferred to the Bureau of Indian Affairs. This option allows tribes to manage federally funded Community Paths grants through the tribal transportation account via the Bureau of Indian Affairs rather than ODOT administering the grants. ODOT is working with the Federal Highway Administration, the Bureau of Indian Affairs, and the Department of the Interior to develop the Fund Transfer Agreement.

Oregon Pedestrian and Bicycle Program

The goals of the Pedestrian and Bicycle program are to reduce crashes involving people walking and biking, eliminate crashes that result in injuries and deaths, and promote walking and biking to improve health and safety. Staff works towards these goals by supporting implementation of the [Oregon Bicycle and Pedestrian Plan](#), developing walking and bicycling safety and education materials, funding projects that improve conditions for walking and biking, providing planning and design guidance for pedestrian and bicycle projects and staffing the [Oregon Bicycle and Pedestrian Advisory Committee](#).

The Sidewalk Improvement Program distributes one percent of ODOT State Highway Funds yearly to complete sidewalks and bike facilities along state highways. From 2021 to 2024, the Sidewalk Improvement Program will distribute \$22 million in funding. Tribes can propose projects on state highways for consideration for Sidewalk Improvement Program funding by contacting their ODOT region active transportation liaison (contact available at www.oregonwalkbike.org). In 2023, ODOT completed construction on a Sidewalk Improvement Program-funded pedestrian crossing of OR 18 in Grande Ronde, which the Confederated Tribes of Grande Ronde requested.

Innovative Mobility Program

The Innovative Mobility Program is a new initiative at ODOT that aims to improve historically underserved communities' access to public and active transportation. Program goals also include reducing the number of trips Oregonians make by car and reducing greenhouse gas emissions. The Innovative Mobility Program has \$20 million in federal and state funds for grants, contracts, and program administration. Tribes are eligible for grants under the Innovative Mobility Program.

The Innovative Mobility Program microgrants are \$5,000 grants intended to support new and existing projects that support historically underserved communities' access to public and active transportation. ODOT staff shared microgrant information to the ODOT Tribal Liaison for distribution in May 2023. Tribes have not yet applied for a microgrant. Program staff are working with the Mid-Columbia Economic Development District to develop a microgrant project that helps the Native American community navigate the regional public transit system from the Columbia River Gorge. The Innovative Mobility Program competitive grants are still under design and will not issue a first solicitation until 2024.

Passenger Rail

The Public Transportation Division houses Oregon's rail and passenger rail program and has some interaction with tribes. In 2023, State Rail Planner Robert Melbo and Passenger Rail Equipment Manager Mike Jenkins, with the assistance of Dustin Kennedy, Regions 1 and 4 archaeologist and tribal liaison, coordinated with the Confederated Tribes of the Grand Ronde regarding a plan to restore a retired railroad siding in Oregon City for use by Amtrak passenger trains. The former siding is on Union Pacific's right-of-way adjacent to the former Blue Heron Paper Mill, which the Confederated Tribes of the Grand Ronde own. A site visit was conducted in April to examine century-old retaining walls that support the elevated

railway grade and separate it from Tribal property. After evaluating the retaining walls, it was determined that the siding should be located elsewhere, and the project was canceled.

Statewide Transportation Improvement Fund

Section 122 of [Keep Oregon Moving](#) (HB 2017) established the Statewide Transportation Improvement Fund, an ongoing funding source for expanding public transportation services in Oregon.

This funding is allocated to four funding programs:

- » **Formula Fund:** 90 percent of funding is distributed to qualified entities, including tribes, based on employee payroll taxes collected within their geographic area, with a minimum amount of \$194,378 per year to each qualified entity. All nine federally recognized Tribes in Oregon are Qualified Entities and, as such, are eligible to receive Formula funds from the Statewide Transportation Improvement Fund. No tribe generates enough taxable payroll in its area of responsibility to receive more than the minimum allocation of \$194,378 per year. See the [Statewide Transportation Improvement Formula Fund](#) section for more information.
- » **Discretionary Fund:** Five percent of funding is awarded to eligible public transportation service providers based on a statewide competitive grant process. See the [Statewide Transportation Improvement Fund Discretionary and Intercommunity Discretionary](#) section for more information.
- » **Intercommunity Discretionary Fund:** Four percent of funding is awarded to public transportation service providers to improve public transportation between two or more communities based on a statewide competitive grant process. See the [Statewide Transportation Improvement Fund Discretionary and Intercommunity Discretionary](#) section for more information.
- » **Public Transportation Technical Resource Center:** One percent of the funding for its statewide technical resource center is to assist transit providers in rural areas with training, planning, and information technology and to fund ODOT administration. Staff is working to set up this new program and will have more information in the 2024 report. See the [Training Program](#) section for more information.

Statewide Transportation Improvement Formula Fund

This fund provides a dedicated funding source to expand public transportation to access jobs, improve mobility, relieve congestion, and reduce greenhouse gas emissions around Oregon. All nine federally recognized Tribes are Qualified Entities eligible to receive Statewide Transportation Improvement Fund Formula dollars. In the Statewide Transportation Improvement Fund Formula 2023-2025 cycle, eight out of nine tribes will receive formula funds, with the Confederated Tribes of Siletz Indians deferring the 2023-2025 allocation into 2025-2027. Tribes approved for 2023-2025 funding by the Oregon Transportation Commission include the Coquille Indian Tribe; the Burns Paiute Tribe, the Cow Creek Band of Umpqua Tribe of Indians; the Confederated Tribes of Coos, Lower, Umpqua, and Siuslaw Indians; the Confederated Tribes of Grande Ronde; the Confederated Tribes of Warm Springs; the Klamath Tribes; and the Confederated Tribes of the Umatilla Indian Reservation. The

Confederated Tribes of Siletz Indians notified ODOT of their plan to defer submittal for formula funds to the next biennium. ODOT has held its funds from the 2023-2025 biennium and will roll them into the next biennium upon approval of the 2025-2027 Statewide Transportation Improvement Fund Plans. In 2023, staff supported tribes in completing the work laid out in their Statewide Transportation Improvement Fund Plans using tools like phone calls, emails, and in-person meetings with grantees.

Statewide Transportation Improvement Fund Discretionary and Intercommunity Discretionary Funds

All nine federally recognized Tribes in Oregon are eligible to apply for Statewide Transportation Improvement Fund discretionary and intercommunity discretionary funds where they are providers of public transportation services. In 2023, staff supported grant awardees of the Confederated Tribes of the Umatilla Indian Reservation in completing the work laid out in their grant agreements using tools like phone calls, emails, and in-person meetings with grantees. This solicitation happens every two years, so there is no new information for 2023.

Training Program

The Training Program is funded through the Technical Resource Center funds from the Statewide Transportation Improvement Program and the federal Rural Transportation Assistance Program. Tyler Tweedy recently filled the Training Coordinator position after being vacant since November 2022. The Regional Transit Coordinators worked with Public Transportation staff and contractors to provide training during 2023.

Tribal members from the Confederated Tribes of Siletz Indians; the Coquille Indian Tribe; the Cow Creek Band of Umpqua Tribe of Indians; Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, The Klamath Tribe, Confederated Tribe of Warm Springs, Confederated Tribes of Grand Ronde; and the Burns Paiute Tribe attended trainings offered throughout the year made possible with the Technical Assistance Program scholarship funds.

The training included managing grants, Oregon Public Transportation Information System software, Remix software, the opportunity to attend a joint Washington/Oregon public transportation conference held in Vancouver, Washington, and transit finance training.

Future training for Title VI and Americans with Disabilities will be in January 2024.

Regional Interactions

While numerous Public Transportation Division staff interact with tribal governments, the regional transit coordinators are the division's primary contact points with Oregon's nine federally recognized Tribes. These coordinators, stationed in ODOT's regions across the state, continue to work with the tribes to develop transit programs by providing technical assistance as requested. The following are specific interactions between regional transit coordinators and tribes in 2023:

Region 2, Northwest Oregon/Willamette Valley: Region 2 Transit Coordinator Arla Miller was made aware that The Confederated Tribes of Grand Ronde are working to update their transit plans. They are also working to include public input about ceasing the route 70x between Grand Ronde and Salem due to low ridership and lack of drivers to cover the route. The plan is to make stops with the 60x that runs between Lincoln City and Salem. 60x will now stop at the Rickreall park-and-ride at the Polk County Fairgrounds and the Edgewater bus stop in West Salem. 70x stopped at these locations, but the 60x has not stopped in the past.

Due to a lack of ridership and driver shortage, Grand Ronde Tribe and Tillamook County Transportation District have mutually decided to cease further transit expansion plans between Grand Ronde and Dallas, which, as the county seat of Polk County, provides amenities and community services and facilities that are not available in Grand Ronde. Tribal members still ride free on the 60x. Since the passing of Mr. Kim Rogers in November 2021, Mr. John Mercier, Director of Operations at the Confederated Tribes of the Grande Ronde, has stepped in to coordinate public transportation.

Ms. Miller is working with John Mercier in monthly meetings to work on any questions or concerns that have come up.

Ms. Miller is still working with the Confederated Tribes of Siletz Indians staff to catch up on the reporting required to receive the Special Transportation Fund and Statewide Transportation Improvement Fund. Ms. Miller had one meeting with tribal staff Jon Duarte and Pamela Barlow Lind in the past year.

Region 3, Southwest Oregon: Regional Transit Coordinator Jennifer Boardman has continued working to maintain relationships this past year with regular phone and virtual meetings with each of the three tribes in ODOT Region 3. These interactions provided technical assistance, training and facilitation between tribes and local transit providers. The COVID-19 pandemic continued to delay many of the projects anticipated in 2022.

The Confederated Tribes of Coos Lower Umpqua and Siuslaw Indians continue to partner with the Lane Council of Governments and Coos County Area Transportation District on intercity coastal transit from Coos Bay to Eugene. These services connect to medical and social events on both ends of the travel path. Tribal transit funds were used to purchase tickets for local transit for tribal members. The Tribe is working on procuring a vehicle for elder and youth trips, which should be delivered next year.

In 2023, the Regional Transit Coordinator and Department of Higher Education attended meetings at the three Region 3 Tribal communities to try and coordinate how transit could assist members in attending school, meetings, and getting to services using public transit. It was the first time to incorporate both the higher education and transit aspects of coordination.



Ko-Kwel Tribal Staff hosted ODOT Staff in Coos Bay.

The Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians' partnership projects with local transit providers and funding assistance continue to aid in closing gaps in the transit network along the central Oregon coast.

The Cow Creek Band of Umpqua Tribe of Indians has continued to expand its dial-a-ride service for use by tribal elders and human services transit for the greater Umpqua Valley. The tribe continues to grow its program, refining policies and procedures to comply with Federal Transit Administration regulations. Expanding these services has also required hiring an additional driver last year, and they will add another driver in 2023/2024. The tribe recently completed a Statewide Transportation Improvement Fund Plan that includes an additional multi-use vehicle and satellite phones to enhance their emergency response program and make transit trips in rural areas safer.

The Coquille Indian Tribe expanded its transit services in 2023. The services continue to grow in part due to the expansion of the Ko-Kwel Wellness Center. A coordination of service with the local transit agency, Coos County Area Transportation District, expanded services for the Coos Bay population to the wellness center. This has provided increased transit options for those living at the tribal housing needing rides to work or other services.

The Coquille Indian Tribe also offers transit trips to urban areas like Eugene or Portland, where tribal members receive specialized medical care.

In May, Lauren Morris, Tribal Transit Coordinator, hosted the Regional Transit Coordinators training event. The Coquille staff provided a tour of their facility, operations, and details on how their transit impacts the community.

Region 4, Central Oregon: In the Central Oregon Region 4, a new Regional Transit Coordinator, Jovi Arellano, started in March 2023, transitioning work from interim Regional Transit Coordinator Valerie Egon. Each Regional Transit Coordinator focused on building relationships with the Confederated Tribes of Warm Springs and the Klamath Tribes, providing technical assistance, training, and facilitating meetings between tribes and local transit providers.

The Confederated Tribes of Warm Springs contract with the Central Oregon Intergovernmental Council to provide transit service within the Warm Springs community and connect the community to neighboring cities. Ms. Arellano and Ms. Egon helped facilitate several state transit grants with the tribes, participated in regional planning conversations, and provided ongoing technical assistance related to state and federal transit grants.

Specifically, the Regional Transit Coordinators in 2023 supported ODOT's Government to Government relationship with the Confederated Tribes of Warm Springs by:



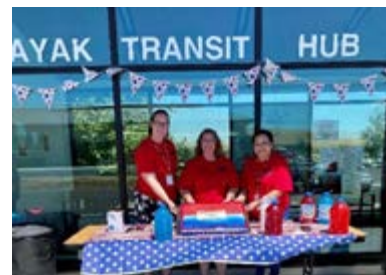
Created by Local Artist from Confederated Tribes of Warm Spring, Carol Allison, "When someone had a need for help, all they had to do was ask."

- » Participating in a meeting in Warm Springs in March with tribal staff, leadership, and local transit partners to introduce the new Regional Transit Coordinator, Ms. Arellano.
- » Presenting ODOT updates and coordination at a Tribal Transportation Meeting in October. A planned meeting presentation for December 2023 will involve an update from the Regional Transit Coordinator on tribal transit needs and available ODOT grant programs.
- » Providing outreach to tribal staff on Public Transportation Division grant management training and reporting workshops and tools.
- » Providing ongoing technical assistance related to the implementation of state and federal transit grants.

Region 5, Eastern Oregon: Region 5 Regional Transit Coordinator Angie Jones works closely with Kayak Public Transit, a service of the Confederated Tribes of the Umatilla Indian Reservation, and the Burns Paiute Tribe tribal transit program.

In October 2022, Carla Teeman was hired as the Transit Coordinator for the Burns Paiute Tribe. Ms. Jones worked closely with Ms. Teeman in compliance, policy/procedure development, transit planning, grant writing and service development. Ms. Jones assisted Ms. Teeman in successfully engaging in contract bookkeeping services to bring the Tribe's financial situation into compliance and engaged in training for accurate reporting. Ms. Jones worked with Ms. Teeman to successfully submit a Statewide Transportation Improvement Fund grant application that will enable the Tribe to replace aging vehicles, develop a demand response program, plan for a new transit facility, and cover existing operation costs. The Tribe did not access this grant in the 2021-2023 biennium. Ms. Jones also submitted a nomination to the National Rural and Tribal Assistance Program for Ms. Carla Teeman as a Tribal Transit Champion for her hard work bringing her program into compliance and planning.

On February 28, 2023, [*Susan Johnson retired as Transit Program Manager*](#) from the Confederated Tribes of the Umatilla Indian Reservation. Ms. Jones worked closely with Ms. Roberta Carver-Carson, Transit Assistant Program Manager and Interim Program Managers on planning, service delivery, grant management and other areas of technical assistance until Vicki Croes was hired on September 6, 2023, as the new Transit Program Manager. Ms. Jones has worked very closely with Ms. Carver-Carson, Ms. Croes, and other Interim Program Managers to build a strong relationship with the Tribe. This relationship has resulted in invitations to Tribal transit events and many onsite visits. In May 2023, the City of Milton-Freewater announced that they would be discontinuing fixed route bus service. The Tribe immediately agreed to maintain the service through a purchased service contract with Umatilla County and other funding sources. The Tribe is working on a route redesign that will also improve the efficiency of the route and encompass currently underserved low-income



National Transit Day hosted by Kayak.

and minority populations once they take over the route, effective January 1, 2024. Ms. Jones submitted a nomination to the National Rural and Tribal Assistance Program for Confederated Tribes of the Umatilla Indian Reservation for Outstanding Tribal Transit Agency for their innovation, planning, and continuous stepping up to the plate to be a regional transit force.

The Public Transportation Division was invited to present at the Federal Transit Administration's 2023 Biennial State and Tribal Programs and Transit Partnership Conference for the *Intercity Bus: National Network and State Approaches* plenary panel. The presentation showcased over two decades of partnership with Confederated Tribes of the Umatilla Indian Reservation as an example of effective Government-to-Government consultation and coordination. It was a privilege to illustrate to a national audience how over 15 years of ongoing engagement and relationship building before the launch of Oregon's Statewide Transportation Improvement Fund had quickly positioned us to capitalize upon a shared vision. The Public Transportation Division and Confederated Tribes of the Umatilla Indian Reservation have earned an opportunity to share best practices and lessons learned with other Department of Transportations and Tribes that seek to emulate this success.

Other Federal and State Grants

Federal Grants: The Program Services Unit administers multiple U.S. Department of Transportation Federal Transit Administration programs that are available to the nine tribes:

- » **Enhanced Mobility of Seniors and Individuals with Disabilities Program, Section 5310:** This program funds capital purchases and operations that benefit seniors and individuals with disabilities. The discretionary portion of the funds is distributed for two-year cycles beginning during odd-numbered fiscal years. Tribes may use the funds for vehicle purchases, other capital needs, and transit operations such as purchased service and maintenance projects. This solicitation happens every two years, so there is no new information for 2023.
- » **Formula Grants for Rural Areas Program, Section 5311:** This program provides grant assistance to entities that deliver general public transportation services to communities of fewer than 50,000 people. Funds may be used for planning, administration, operations, and capital purchases. Most funds are distributed through a formula program. Tribes are eligible to apply to ODOT for these funds. The Confederated Tribes of the Umatilla Indian Reservation, the Klamath Tribes and the Confederated Tribes of Grand Ronde currently participate in this program.
- » **Coronavirus Aid, Relief and Economic Security (CARES) Act Funds:** This one-time funding program supports projects to assist transit providers experiencing negative impacts from the COVID-19 pandemic and supports operating, capital, and other expenses generally eligible under the Section 5311 and 5311(f) programs. Funding comes from CARES Act funds apportioned to Oregon by the Federal Transit Administration. Tribes are eligible to apply to ODOT for these funds. During 2023, the Public Transportation Division provided a grant opportunity for the remaining COVID funding. All transit providers were invited to apply for the remaining \$8.5 million in operations-only funding. Of the nine tribes, The Confederated Tribes of the Umatilla Indian Reservation were the only ones to apply for these operations dollars. The Confederated Tribes of the Umatilla Indian

Reservation was awarded \$337,440 to help fund operations of their current routes on the Arrow service line. The funding for this solicitation will be available through a grant agreement in January 2024.

- » **Federal Transit Administration Section 5311(f) Intercity Bus Program:** These funds are available through a competitive discretionary grant process based on statewide program criteria. Tribes are eligible to apply to ODOT for these funds. \$803,796 was awarded to the Confederated Tribes of the Umatilla Indian Reservation in 2023-2025 for this program.
- » **Bus and Bus Facilities Program, Section 5339:** This program supports the purchase of buses and transit facilities. The funds are distributed through a discretionary grant program; tribes that offer general public transportation services are eligible to participate. This solicitation happens every two years, so there is no new information for 2023.
- » **Statewide Planning Federal Transit Administration Section 5304:** This funding provides multimodal transportation planning. These funds are apportioned to each state through a formula and are allocated by ODOT for local planning needs through a discretionary grant program. Applicants, which include federally recognized Tribes, may use these funds for planning activities that increase the safety, security, accessibility and mobility of the transportation system for people and freight, whether they are motorized or non-motorized users. Funds were awarded to the Coquille Indian Tribe in 2021-23 for this program. Another awarded project for Basin Transit will update the joint Transportation Human Services Coordinated Plan for Klamath County and the Klamath Tribes. In 2023, staff supported tribes in completing the work laid out in their grant agreements using tools like phone calls, emails, and in-person meetings with grantees.
- » **Tribal Transit Funds:** Federally recognized Tribes can participate as direct recipients of Federal Transit Administration Tribal Transit funds if tribes meet Section 5311 Rural Program requirements. The Klamath Tribes, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of Warm Springs, the Confederated Tribes of Grand Ronde, and the Confederated Tribes of Siletz Indians are eligible to participate in the formula portion of the Tribal Transit program. The Coquille Indian Tribe and the Cow Creek Band of Umpqua Tribe of Indians are working with ODOT staff to explore obtaining formula eligibility.

State Grants: The Program Services Unit administers state-funded programs that are available to the nine tribes, like the Statewide Transportation Improvement Program described earlier in this report, in addition to:

- » **Rural Veterans Healthcare Transportation Grant Program:** The Public Transportation Division's partnership with the Oregon Department of Veterans Affairs to develop the Rural Veterans Healthcare Transportation (RVHT) grant continued in FY 2023. The [Oregon Administrative Rules \(OAR\) guiding the program](#) stipulate Oregon's federally recognized Tribes as categorically eligible to participate, irrespective of their rurality metrics. Public Transportation Division reassembled the Rural Veterans Healthcare Transportation Steering Team from previous cycles to evaluate and prioritize applications for competitive funding and to provide overall technical assistance for the program. By design, the Rural Veterans Healthcare Transportation Steering Committee has standing membership roles for representatives from Oregon's federally recognized Tribes. The Confederated Tribes of

the Warm Springs Reservation was Rural Veterans Healthcare Transportation's first Tribal partner funded under a coordinated application process in Fiscal Year 2023. The Tribe has been funded as a part of a central Oregon coalition of providers for preservation funding, and the Coquille Indian Tribe has been invited to apply for new service in the 2023-2025 biennium.

Compliance Monitoring Program

As part of its federal grant management program, the Public Transportation Division administers a compliance monitoring program for entities receiving federal and state public transportation grant funds. Reviews are conducted at least every four years. As grantees, all nine tribes participate in the program. In 2023, the Confederated Tribes of Grand Ronde participated in a compliance review.

The Public Transportation Division also administers a Drug and Alcohol Compliance Program for all entities receiving Federal Transit Administration Section 5311 funds that employ "safety-sensitive" employees. Three of the nine tribes participate in this program. There were no drug and alcohol reviews completed with tribal partners in 2023.

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POLICY DATA AND ANALYSIS DIVISION

The Policy Data and Analysis Division is ODOT's strategy, policy, and planning arm. It includes the Climate Office, Policy and Planning, Research, and Transportation Data. This division works to implement the agency's 2021-2023 Strategic Action Plan, which focuses on building a modern transportation system that is equitable and has sufficient and reliable funding for the future.

The division is responsible for producing the Oregon Transportation Plan, the Oregon Highway Plan, modal and topic plans, and supporting ODOT Regions in developing individual plans for specific highway corridors.

The Policy Data and Analysis Division is also the home of interagency partnerships that help shape the future, such as the Transportation and Growth Management Program, sustainability program and transportation/health initiatives.

The Policy Data and Analysis Division has helped Oregon take a leading role nationwide in many fields, such as transportation and land use modeling, greenhouse gas reduction, and coordinated land use and transportation development.

The ODOT Climate Office integrates climate considerations into ODOT divisions with other state agencies, local jurisdictions, and the public participating in this work. Mitigation work focuses on reducing greenhouse gas emissions from transportation, including transportation electrification and implementing state directives. Adaptation work focuses on preparing for and responding to the impacts of climate change on transportation infrastructure. The Climate Office also supports legislative and Governor's Office directives on climate change mitigation, adaptation, or sustainability.

The Oregon Transportation Plan: A major update to the Oregon Transportation Plan was completed in July 2023. The update process began in April of 2021. ODOT's Policy, Data, and Analysis Division handled formal consultation for the Oregon Transportation Plan. The project team followed the consultation process for the Fall 2021 and Spring 2023 outreach work. In addition, the project team sent notices with project updates to the Tribes during three robust public outreach efforts and nine times during project newsletters and updates.



Kayak Public Transit Hub in Mission, OR.

Specific interactions with Tribal governments on the Oregon Transportation Plan included:

- » Letters requesting consultation for Milestone #1 (Public Involvement and Agency Consultation) sent in October 2021.
- » The Coquille Indian Tribe requested consultation and met with ODOT staff in October 2021.
- » ODOT staff sent meeting minutes to the Coquille Indian Tribe for review and edits.

- » Letters requesting consultation for Milestone #2 (Oregon Transportation Commission review period) sent in March 2023.
- » The Confederated Tribes of the Grand Ronde requested consultation and met with ODOT staff on April 26, 2023.
- » The Confederated Tribes of the Grand Ronde had specific edits to the draft Oregon Transportation Plan.
- » ODOT staff edited the draft plan and followed up with the Grand Ronde via email with a comment disposition matrix to clearly show their suggested changes made to the draft Oregon Transportation Plan.

Our staff participated in a webinar titled “What is new with tribal coordination?” on June 13, 2023. This informative webinar was presented by Carolyn Holthoff, Tribal Relations Manager, and was well received by staff.

We are currently in the process of updating the consultation agreement. Letters were sent to Tribal governments requesting feedback on the consultation process. It is anticipated that findings and an updated consultation process document will be available in early 2024.

The Strategic Action Plan: Our current Strategic Action Plan is a three-year roadmap designed to accelerate change toward specific outcomes that address Oregon’s most significant transportation challenges. It represents the joint vision of the Oregon Transportation Commission and ODOT to provide Oregonians with a safe, equitable, modern, and well-funded transportation system.

The purpose of the Strategic Action Plan is to:

- » Operationalize long-term policy with short-term actions.
- » Communicate priorities with external partners, such as the Governor’s Office, Legislators, and the public, to see how we do business.
- » Demonstrate that ODOT is forward-leaning and proactively addressing transportation challenges.
- » Increase transparency and accountability.

Work is underway to update the Strategic Action Plan, and the project is scheduled for completion by the end of March 2024. This process involves reviewing and updating agency priorities, reviewing long-term policy to develop short-term actions, and assigning accountability metrics and milestones. This work requires coordination across business lines within the agency and input from external partners and advisory committees.

Letters were sent to our tribal agency partners, asking them to review and consult with us on developing the upcoming Strategic Action Plan. We are currently waiting on responses for this review.

The Oregon Highway Plan (OHP): Toll policies are primarily located in Goal 6 of the Oregon Highway Plan. We last amended this goal in 2012, and much has changed since.

With Oregon moving multiple major toll projects in the Portland region forward while building a statewide supporting program, the Oregon Highway Plan, which identifies influential direction on the purpose and role of tolling, needs an update to address our current needs and goals for equity, climate, safety, a modern system, and sustainable funding.

ODOT has decided to pause the final action to declare the Tolling Program as a Program to Not Affect Land Use at this time. The public hearing was held, and the comment period has now closed. The Oregon Transportation Commission adopted the Oregon Highway Plan Tolling and Congestion Pricing Policy Amendment on January 12, 2023.

Future actions: ODOT will engage with each tribe early to understand the preferred communication and engagement methods. Each tribe will be addressed using their documented preferred method. Initiating engagement early in the OHP development process will afford maximum opportunity for tribal engagement.

LONG RANGE PLANNING

The Policy, Data and Analysis Division develops policies and strategies for operating, managing, maintaining, and funding the state's transportation system to achieve Oregon's long-range transportation vision and goals. Transportation policy guides ODOT's decision-making toward implementing a planned transportation system. The Oregon Transportation Plan is the state's long-range transportation system plan. It establishes a vision and policy foundation to guide transportation system development and investment. The Oregon Transportation Plan and the various mode and topic plans that fall underneath it guide decisions by ODOT and other transportation agencies statewide and are reflected in local and regional planning efforts. All statewide policy plans are available online for reference. Consultation with Tribal governments for statewide plans will occur when new plans are written, or existing plans receive updates. Statewide plan update cycles vary; those that are established by federal regulation have a set timeline, while others will occur on an as-needed basis.

ODOT DATA SECTION

Data services provided by the Transportation Data Section are critical for successfully managing Oregon's transportation system. The Crash and Analysis Reporting Unit provides motor vehicle crash data through database creation, maintenance, and quality assurance. Ten years of crash data is always maintained. The unit also has ongoing communication with the Confederated Tribes of Warm Springs Police Department regarding fatal crash reports on the tribes' lands.

- » **The Crash Analysis and Reporting Unit (CAR)** assisted ODOT engineer Mark Barrett with data for a Safe Streets grant for the Confederated Tribes of Warm Springs. The Crash Analysis and Reporting Unit Federal Fatal Reporting Program requested police reports from Ron Gregory with the Warm Springs Police Department five times in 2023.
 - March 16th and 23rd, May 16th, and June 8th and 13th.

- » **The GIS Unit** produced a Wildlife Vehicle Collision map along Route 20 from Juntura to Harper. A second project built on the first and includes additional Priority Wildlife Connectivity Area data layers from the Oregon Department of Fish and Wildlife and the Burns Paiute Tribe. There isn't a printed map product for the second project. The goal was to put all the data layers together in a single map package so that Sidney Bowman, Erin Winterton, and their Oregon Department of Fish and Wildlife and tribal collaborators could work with the data layers themselves to find the best wildlife passage location on Route 20 between Juntura and Harper.
- » **May 2023:** Updated the 21-24 Statewide Transportation Improvement Program Tribal Employment Rights Ordinance ArcGIS Online Web Application and PDF Confederated Tribes of Grand Ronde maps with revised Milepoint and Boundary information for Rex Stanley.
- » **August 2023:** Communication with Darcy Hesselgesser and Rex Stanley about the 2021-2024 Statewide Transportation Improvement Program Tribal Employment Rights Ordinance ArcGIS Online Web Application. No work was needed from the GIS Unit at that time.
- » **November 2023:** Provided James Myers and Angela Crain a list of 2024-2027 STIP projects that are within/intersect different Tribal Employment Rights Ordinance/Tribal boundaries and the Confederated Tribes of Grand Ronde and Confederated Tribes of Warm Springs overlap. A request was received to update the application with 2024-2027 Statewide Transportation Improvement Program data. Work is ongoing.

Worked on maps to identify the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of Warm Springs Reservation Land Boundaries for adherence to Highway Routine Road Maintenance Best Practices, which consisted of two small map requests for Patti Caswell in March 2023.

ODOT RESEARCH PROGRAM

The Research Program oversees the state's federally funded research and the Technology Transfer Program. Research focuses on safety, infrastructure repair and preservation, maintenance practices, innovative contracting and project delivery, sustainable environmental practices, and the land use transportation connection. The ODOT Research Manager participated in the first-ever ODOT-sponsored Tribal Summit on September 14-15, 2022.

The **Technology Transfer Program (T2)** is a part of the Research Section. It offers training, technical assistance, and technology transfer to local transportation agencies, which includes cities, counties, tribal governments, and other public entities.

The Technology Transfer program's customer base includes the nine federally recognized tribes in Oregon.

Tribal Involvement

The Confederated Tribes of the Umatilla Indians have been involved with our Roads Scholar program and sending employees to take classes.

ODOT CLIMATE OFFICE

Agreements

The Climate Office worked through ODOT's Tribal Liaison to provide information about the Carbon Reduction Program funding opportunity to Oregon's Tribes during the spring 2023 call for projects. The Climate Office received successful applications from the Confederated Tribes of Warm Springs and the Confederated Tribes of Grand Ronde and is working with them to deliver the projects.

Training/ Workshops

Between February and March of 2023, the ODOT Climate Office hosted nine in-person and virtual community meetings along the Alternative Fuel Corridors ODOT selected for the first year of National Vehicle Infrastructure (NEVI) funding. One workshop was held on federally recognized tribal land at Seven Feathers Casino, operated by the Cow Creek Band of Umpqua Tribe of Indians.

Throughout March, ODOT's Climate Office attended a series of three tribal cluster meetings to share its work and engage tribal representatives on possible collaboration: Cultural Resources, Natural Resources, and Economic Development and Community Services State-Tribal Cluster, with agencies, members of federally recognized Tribes and other Tribes. This included agency presentations and interactive discussions. ODOT's Climate Office and Transportation Electrification team explained programs, discussed funding opportunities and explored avenues for engagement. This included the National Vehicle Infrastructure Program, Community Charging Rebates Program, federal Charging and Fueling Infrastructure grants, ODOT-administered federal Carbon Reduction Program grants, resilience programs, and climate hazard mapping tools. The Climate Change Adaptation and Resilience team provided background information and access to ODOT's Climate Hazard Risk maps and the Climate Adaptation and Resilience Roadmap.

On May 31, 2023, the ODOT Climate Office hosted an all-day tribal workshop to enhance government-to-government working relationships and foster collaboration. During the workshop, participants discussed opportunities and the practical applications, barriers, and support for successful implementation. Twenty-four Tribal members and staff were present, representing 14 Tribes, including all nine federally recognized Tribes in Oregon. In addition to sharing funding opportunities, including the Charging and Fueling Infrastructure Discretionary Grant Program, the Carbon Reduction Program, the Oregon Community Charging Rebates Program, the National Vehicle Infrastructure Program, the Oregon Community Paths Program, the Oregon Safe Routes to School program, Innovative Mobility Program, and other state and federal funding opportunities for which Tribes are an eligible recipient. ODOT learned about obstacles to developing charging and fueling infrastructure. Examples include the challenge of installing Zero Emission Vehicle infrastructure in locations that are either off-grid or have limited access to the grid, the ability to maintain Zero Emission Vehicle infrastructure in remote areas following federal and state requirements, and workforce development challenges for operation and maintenance.

ODOT also engaged the group on climate change adaptation and resilience, providing background information and access to ODOT's Climate Hazard Risk maps and leading a detailed discussion of the content and purpose of the Climate Adaptation and Resilience Roadmap. The team also shared information about the PROTECT resilience funding opportunity. The discussion focused on how ODOT and interested Tribes can collaborate and coordinate on climate adaptation into the future, inviting ideas and feedback from Tribes. Participants introduced the concept of topical or location-based working groups as a potential collaboration path. Contact information for ODOT's Climate Change Adaptation and Resilience team was shared, and follow-up communication was encouraged.

The Climate Office hosted a follow-up conversation with Tribal representatives from the Confederated Tribes of Warm Springs, Confederated Tribes of Grand Ronde, Cowlitz Indian Tribe, Coquille Indian Tribe,

Met with the Burns Paiute Tribe on July 12, 2023, and is exploring strategies and collaboration opportunities. This includes land stewardship solutions to increase transportation network resilience and potential competitive grant program opportunities. ODOT's Climate Change Adaptation and Resilience team summarized the adaptation and resilience discussion from the May workshop, opened the floor to Tribes to share resilience challenges and adaptation ideas, shared contact information for the team, and encouraged follow-up communication. This invitation for follow-up sparked ongoing conversations. For example, because of the workshop engagement, the ODOT and the Burns Paiute Tribe are in ongoing conversations about resilience improvements for HWY 20 (MP 201) at Jonesboro. The topic reflects the adaptation and resilience interests and concerns of the Burns Paiute Tribe. It is in response to recent high-impact weather events that destroyed property and damaged critical infrastructure.

THE TRANSPORTATION AND GROWTH MANAGEMENT PROGRAM

Three projects are underway with direct tribal participation:

- » **Coquille Indian Tribe:** In September 2023, the Transportation and Growth Management Program awarded this grant project to develop land use and transportation plans for approximately 1,075 acres of trust land in Coos County. This project builds upon the Transportation and Growth Management Program-funded Empire Comprehensive Plan adopted by the Tribal Council in 2018.
- » **Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians:** This project will amend the Coos County Zoning and Land Development Ordinance to implement the Transportation and Growth Management Program funded 2018 Coos Head Area Master Plan. This project began in May 2023 and is scheduled for completion in August 2024.
- » **Confederated Tribes of the Umatilla Indian Reservation Transportation System Plan:** This grant was completed in June 2023 when the multi-modal the multi-modal Transportation System Plan was finalized, and the Board of Trustees approved. The Transportation System Plan update encompasses the tribal boundaries, including several

roads on and off-reservation Trust Lands. Mobility choice was a high priority of the update. The Transportation System Plan incorporated recommendations in the Transportation and Growth Management Program 2017 Mission Community Master Plan.

In Spring 2023, all federally recognized tribes were contacted and encouraged to apply, even if no pre-application is submitted.

In late March/early April, the following tribes were contacted individually by Virginia Elandt in Region 3: Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, Coquille Indian Tribe, Cow Creek Band of Umpqua Tribe of Indians, and Klamath Tribes. Cheryl Jarvis-Smith in Region 5 contacted the Burns Paiute Tribe and the Confederated Tribes of the Umatilla Indian Reservation.

Region 3 includes Tribal staff on monthly planning project updates. Region 5 planning continues to reach out to the Confederated Tribes of the Umatilla Indian Reservation and the Burns Paiute Tribe regarding applicable grants, invitations, and planning-related initiatives. A representative of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indian Tribe attended a June webinar on preparing and submitting an application.

Region 3 will continue with the monthly updates and contacting Tribal staff during scoping to determine how each Tribe wants to be involved.

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