



Oregon

Kate Brown, Governor

Oregon Watershed Enhancement Board

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MEMORANDUM

TO: Oregon Watershed Enhancement Board

FROM: Juniper Davis, Partnerships Coordinator
Meta Loftsgaarden, Executive Director



**SUBJECT: Agenda Item N: Tribal Involvement within OWEB Programs
January 26-27, 2016 OWEB Board Meeting**

I. Introduction

Staff will present the 2015 Annual Government-to-Government Report that was provided to the Governor and the Legislative Commission on Indian Services (LCIS) detailing the relationship between OWEB and Indian Tribes. The report is required by Oregon Revised Statutes at section 182.166 and OWEB's State/Tribal Government-to-Government Relations Policy. Staff will also brief the OWEB Board on recent outreach activities aimed at increasing tribal government participation in OWEB programs, policy development, grant-making, and on the OWEB Board.

II. Overview

OWEB engages with tribes at a variety of levels which are detailed in the report and are summarized below:

- The Governor appoints a tribal representative as a voting member of the OWEB Board. This position is currently filled by Eric Quaempts, representing the Confederated Tribes of the Umatilla Indian Reservation, whose term will expire in January of 2017.
- OWEB grants are available to a broad range of entities, including tribes. During 2015, seven grants were awarded to the following tribes: Confederated Tribes of Siletz Indians (\$49,985), Confederated Tribes of Warm Springs Reservation (\$525,000), Nez Perce Tribe (\$44,321), the Klamath Tribes (\$37,050, \$68,900, and \$29,487) and Burns Paiute Tribe (\$24,238). Since 2006, OWEB has awarded approximately \$4,000,000 to grants undertaken by tribal governments. This does not include grants for which a tribal government is a core partner but not the direct grantee.
- Currently, five tribal agency representatives participate on our Regional Review Teams which includes representatives from the Burns Paiute Tribe, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Siletz Indians, Confederated Tribes of Warm Springs Reservation, and the Confederated Tribes of the Grand Ronde Community.
- Tribal government representatives are members of local teams that award small grants of up to \$10,000 for watershed restoration purposes. In 2015, 10 tribal agency representatives served on these Small Grants Teams.
- OWEB provides notification to LCIS Tribal Key Contacts on all proposed water and land acquisition grant applications. In 2015, the OWEB Board approved funding for one acquisition that will be owned for conservation purposes by the Confederated Tribes of Siletz Indians.

III. Recommendation

This is an information item only.

Attachment

- A. OWEB 2015 Annual Government-to-Government Report provided to the Governor and the Legislative Commission on Indian Services



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Major Areas of Work

The Oregon Watershed Enhancement Board (OWEB) is a state agency with statutory authority to administer constitutionally dedicated funds for the purpose of protecting and enhancing Oregon's watersheds and native fish and wildlife habitats. The responsibilities of the agency include:

- Managing a grant program for watershed protection and enhancement;
- Assisting in the development and implementation of watershed-scale restoration efforts; and
- Coordinating and supporting local infrastructure throughout the state to achieve voluntary cooperative conservation outcomes.

OWEB works with Oregon's nine federally recognized tribes on a government-to-government basis to address the watershed scale restoration efforts and through a grant program to fund watershed management, protection, and restoration projects.

OWEB is led by a 17-member policy oversight and decision-making board. Board members represent the public at large, federally recognized tribes, state natural resource agency boards and commissions, Oregon State University Extension Service, and five federal land management and natural resource agencies. The agency provides grants and services to citizen groups, organizations, and agencies working to restore healthy watersheds in Oregon. OWEB actions support the Oregon Plan for Salmon and Watersheds, created in 1997. Funding comes from the Oregon Lottery as a result of citizen initiatives in 1998 and 2010, sales of salmon license plates since 1997, federal salmon recovery funds, and other sources.

Department Statement

In 2007, the OWEB Board unanimously adopted a Statement of Policy on State/Tribal Government-to-Government Relations. The policy, which is attached to this report,

contains provisions for tribal relations protocols and tribal government participation in OWEB policy.

Summary of Programs and Process for Involving Tribes

OWEB involves tribes at all levels of the organization. The following sections describe the agency's involvement with Oregon's nine federally recognized tribal governments during 2015.

A. OWEB Board and Management

1. Board Membership. The Governor appoints a tribal representative as a voting member of the OWEB Board. The position currently is occupied by Eric Quaempts, Natural Resources Director of the Confederated Tribes of the Umatilla Indian Reservation. In September 2011, Mr. Quaempts was elected as a Board Co-Chair. In January 2013, he was re-elected as Co-Chair for a two-year term. Mr. Quaempts term on the Board expires in January of 2017 at which point the Governor will be looking to appoint a new representative of an Oregon tribe to participate as a voting member on the OWEB Board.

The tribal position on the Board has been extremely valuable in helping to identify opportunities for collaboration and making the OWEB Board and staff aware of its responsibilities to involve and consider tribal interests. Mr. Quaempts has been an effective voice for tribal interests, and has improved awareness by OWEB staff of the significance of tribal issues associated with the grants and programs managed by the agency.

B. Grant Program

1. Small Grant Program. In OWEB's small grant program (OAR Chapter 695, Division 35), tribes are identified as an eligible member of "Small Grant Teams" in each of the 28 Small Grant areas around the state. In this role, tribes are members of local teams that award grants of up to \$10,000 for watershed restoration purposes. (Other members of the teams include watershed councils and soil and water conservation districts.) In 2015, 10 tribal agency representatives served on these Small Grants Teams. In addition, OWEB has awarded 10 grants to tribal agencies through this program since 1999.

2. Regular Grant Program. OWEB solicits grant applications twice a year through the Regular Grant Program. During 2015, seven grants were awarded to the following tribes: Confederated Tribes of Siletz Indians (\$49,985), Confederated Tribes of Warm Springs Reservation (\$525,000), Nez Perce Tribe (\$44,321), the Klamath Tribes (\$37,050, \$68,900, and \$29,487) and Burns Paiute Tribe (\$24,238). In our most recent grant cycle, for which awards have not yet been made, nine applications were submitted by tribal agencies. Since 2006,

OWEB has awarded approximately \$4,000,000 to grants undertaken by tribal governments.

3. Regular Grant Program – Regional Review Teams. Applications received through OWEB's Regular Grant Program are reviewed by one of six Regional Review Teams, comprising state, federal and tribal natural resource professionals. Currently, five tribal agency representatives participate on our Regional Review Teams which includes representatives from the Burns Paiute Tribe, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Siletz Indians, Confederated Tribes of Warm Springs Reservation, and the Confederated Tribes of the Grand Ronde Community.

4. Land Acquisition Grant Program. OWEB's land acquisition grant program provides funding for projects that acquire an interest in land from a willing seller for the purpose of addressing the conservation needs of priority habitat and species. OWEB provides notification to tribes after an acquisition application is received. In 2015, OWEB provided information on five proposed acquisition projects to tribal natural resource agency directors. If a tribe expresses interest in a project, OWEB staff will complete a tribal consultation.

In 2015, the OWEB Board approved funding to the McKenzie River Trust to acquire a 125-acre forested property upstream of Tahkenitch Lake in Douglas County. Once acquired, the McKenzie River Trust will immediately transfer the property to the Confederated Tribes of Siletz Indians which will manage the property for the protection of its natural resources.

5. Water Acquisition Grant Program. OWEB's water acquisition grant program provides funding for programs or projects that acquire an interest or interests in water from a willing seller for the purpose of increasing in-stream flow. OWEB provides notification to tribes after a water acquisition grant application is received. In 2015, OWEB provided information on one proposed acquisition projects to tribal natural resource agency directors. If a tribe expresses interest in a project, OWEB staff then will complete a tribal consultation.

In 2015, the Board provided supplemental funding for the Klamath water leasing program, which supports work being completed under the Upper Klamath Basin Comprehensive Agreement to which the Klamath Tribes are a signatory.

6. Focused Investment Partnership Program. The OWEB Board is in the process of completing its first solicitation for the newly created Focused Investment Partnership (FIP) Program. This program will provide opportunities for tribes and others to work collaboratively in partnerships on ambitious, long-term programmatic initiatives aimed at creating measurable outcomes within priority areas to be identified by the OWEB Board. Five of the twelve FIP Phase 1 applications that were submitted included tribes in their core partnership

including the Burns Paiute Tribe, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Warm Springs Reservation, Cow Creek Band of Umpqua Tribe of Indians, and Klamath Tribes.

The predecessor to the FIP program, the Special Investment Program (SIP), has also had strong participation by tribal agency representatives. The SIP that operates in the Deschutes watershed has strong collaborative ties with the Confederated Tribes of Warm Springs Reservation. Bobby Brunoe, Brad Houslet, and Scott Turo have all participated on the Deschutes SIP Technical Review Team and have helped OWEB set strong restoration objectives in the basin.

The Klamath Tribes are a core member of OWEB's Upper Klamath SIP. Collectively, the core partners of the Upper Klamath SIP have a strong foundation working on restoration issues in the basin that will allow for significant progress related to habitat restoration and conservation, water use management, integrated strategic planning and monitoring.

7. Other Grant Program Involvements. The Confederated Tribes of Warm Springs Reservation is a key participant in the Middle Fork Intensively Monitored Watershed and is receiving additional funding for the current federal fiscal year and state biennium for their work.

OWEB staff participate on the Confederated Tribes of Warm Springs Reservation's John Day restoration review team.

OWEB staff participate in the Willamette Wildlife Mitigation Program (WWMP). The WWMP is the result of the State's 2010 agreement with BPA for mitigation for the loss of fish and wildlife habitat due to the construction of 13 dams and reservoirs on major tributaries to the Willamette River from 1946-1964. Members from Confederated Tribes of the Warm Springs, Confederated Tribes of Grand Ronde Community, and Confederated Tribes of Siletz Indians participate in the WWMP as they all have historic hunting, fishing and trading areas in the Basin.

C. Grant Applicants. OWEB grants are available to a broad range of entities, including tribes. Tribes have no unique standing in the grant program, but are equal to any other applicant [ORS 541.375(1)].

In addition to eligibility on their own, tribes are often members of local watershed councils. Oregon statutes describing watershed councils, ORS 541.388, specifically identifies "federally recognized Indian Tribes" as potential members of local watershed councils. Watershed councils received approximately 37% of OWEB grant funds awarded in 2015.

Outreach to Tribes, Training, and Internal Tribal Relations

In 2015, OWEB initiated the first phase of a tribal outreach plan aimed at increasing the involvement of tribes in our grant programs and in our agency's policy development. Working closely with Board Co-Chair Eric Quaempts, OWEB developed a brief survey that was sent to natural resource tribal key contacts, our current and past tribal government grantees, and the tribal representatives which sit on our review teams. Mr. Quaempts and OWEB Executive Director Meta Loftsgaarden will attend the Natural Resources Workgroup and Annual Summit in Canyonville this December to garner additional survey responses and to provide information to interested individuals about our programs. This outreach effort will continue into 2016 and will include: appointment by the Governor of a new tribal representative to OWEB's Board, staff presentations to the Board on tribal involvement in our programs, and staff training on tribal sovereignty. After the compilation of 2015's survey results, OWEB will also consider additional training opportunities for tribal natural resources staff on key areas of OWEB policies and programs.

In conformance with OWEB's Tribal Policy, OWEB designates a staff person to operate as a Tribal Liaison for the agency. The Tribal Liaison is responsible for ensuring that OWEB's programs and policy development adheres to our Tribal Policy. This includes coordinating program and policy notices to tribal natural resource key contacts and providing training to staff as appropriate.

Partnerships Coordinator Juniper Davis continues to serve as OWEB's Tribal Liaison. In May Ms. Davis attended the LCIS 40th Anniversary Celebration at the Capitol, and in June, Ms. Davis attended the LCIS Natural Resources Workgroup on behalf of OWEB. As appropriate, OWEB's Tribal Liaison meets internally with management staff to provide updates on Government-to-Government activities, and communicates about tribal interests and issues at all-staff meetings and retreats. Ms. Davis will be presenting at OWEB's all-staff retreat on December 8, 2015, to update agency personnel on the outreach activities discussed above. Ms. Davis will also attend the Natural Resources Workgroup and Annual Summit in Canyonville in December.

OREGON WATERSHED ENHANCEMENT BOARD

STATEMENT OF POLICY STATE/TRIBAL GOVERNMENT-TO-GOVERNMENT RELATIONS

PURPOSE

The Oregon Legislature adopted Senate Bill 770 in the 2001 Legislative Session. This bill directs state agencies to promote government-to-government relations with Oregon's Indian Tribes. State agencies are to develop and implement policies to include tribes in the development and implementation of state programs that affect tribes. The Oregon Watershed Enhancement Board (OWEB) policy is to involve and include tribal members and governments in the development of policies and programs administered by the agency. OWEB recognizes and respects the sovereign status of the Oregon federally recognized Tribes and their respective authorities on tribal lands.

STATUTORY AUTHORITIES

OWEB is a state agency with statutory authority to administer constitutionally dedicated funds for the purpose of protecting and enhancing Oregon's fish and wildlife habitats. The responsibilities of the agency include:

- Managing a grant program for watershed protection and enhancement.
- Assisting in the development and implementation of watershed scale restoration efforts.
- Coordinating the efforts of watershed councils throughout the state.

The Oregon Watershed Enhancement Board is a state agency led by a 17-member policy oversight and decision-making board. Board members represent the public at large, federally recognized tribes, state natural resource agency boards and commissions, Oregon State University Extension Service, and six federal land management and natural resource agencies. The agency provides grants and services to citizen groups, organizations and agencies working to restore healthy watersheds in Oregon. OWEB actions support the Oregon Plan for Salmon and Watersheds, created in 1997. Funding comes from the Oregon Lottery as a result of a citizens' initiative in 1998, sales of salmon license plates since 1997, federal salmon funds, and other sources.

MISSION

The MISSION of OWEB is *"To help create and maintain healthy watersheds and natural habitats that support thriving communities and strong economies."*

APPROACH AND PRIORITIES

Created in 1999, OWEB has embraced a community based problem-solving approach to carry out statutory responsibilities. This has occurred in response to the need to maximize the use of available resources and identify ways to achieve environmental gains in the most efficient manner. The agency has four operational groups; Grant Management, Grant Fiscal, Policy and Oregon Plan Coordination, and Monitoring and Reporting. Each group is headed by a manager responsible for on-going staff-to-staff OWEB Tribal working relationships.

TRIBAL GOVERNMENT PARTICIPATION IN OWEB POLICY

It is important to OWEB that Tribal concerns and interests are known and considered at the front end of policy and planning developments. OWEB will provide Tribal key contacts notice of policy and planning efforts, and consult with tribes as necessary in considering and addressing identified issues of concern. Issues of specific involvement will be; potential participation in Small Grant Teams, solicitation of information concerning proposed land or water acquisitions, participation in regional review groups, and changes or adoption of administrative rules.

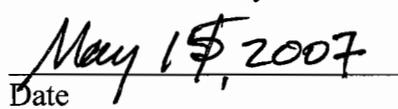
TRIBAL RELATIONS PROTOCOL

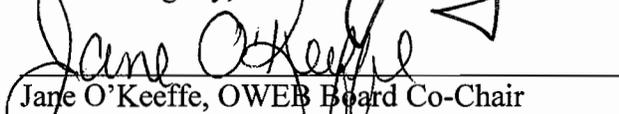
The following OWEB commitments describe the approach to be taken to create and maintain strong tribal relations:

- OWEB will maintain a Tribal Liaison on Tribal Relations.
- The OWEB Director, Tribal Liaison and Board Tribal Representative will meet at least annually to discuss any known upcoming issues.
- The OWEB Tribal Liaison will actively participate as a member of the State Agency-Tribal Natural Resources Work Group.
- OWEB will maintain organization information and contact sources and will provide updates annually to the Tribal Key Contacts.
- OWEB will support the exchange of data collected by its staff or by tribal government.
- OWEB will ensure that regional staff are aware of the sovereign authority and self-government of Native American Tribes and of the organization structure of the tribal governments.
- OWEB will support and participate in cooperative efforts between the tribal government, federal, state, and local governments on environmental concerns that cross jurisdictional boundaries.
- OWEB will invite tribes to participate on advisory committees.
- OWEB will utilize advice and guidance when appropriate from the Legislative Commission on Indian Affairs and staff on tribal government matters.

Oregon Watershed Enhancement Board Approval of this Statement of Policy:

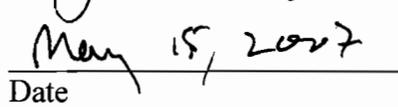

Daniel Heagerty, OWEB Board Co-Chair


Date


Jane O'Keefe, OWEB Board Co-Chair


Date


Thomas M. Byler, Executive Director


Date