

# 2013 Annual Government-to-Government Report on Tribal Relations

Submitted to:

Governor John Kitzhaber

Legislative Commission on Indian Services

By: Dick Pedersen, Director

December 2013



State of Oregon  
Department of  
Environmental  
Quality

811 SW 6th Avenue  
Portland, OR 97204  
Phone: (503) 229-2180  
(800) 452-4011  
Fax: (503) 229-6945  
Contact: Christine  
Svetkovich  
[www.oregon.gov/DEQ](http://www.oregon.gov/DEQ)

DEQ is a leader in  
restoring, maintaining and  
enhancing the quality of  
Oregon's air, land and  
water.



This report prepared by:

Oregon Department of Environmental Quality  
811 SW 6<sup>th</sup> Avenue  
Portland, OR 97204  
1-800-452-4011  
[www.oregon.gov/deq](http://www.oregon.gov/deq)

Contact:  
Christine Svetkovich  
503-725-2180

Alternative formats (Braille, large type) of this document can be made available.  
Contact DEQ's Office of Communications & Outreach, Portland, at  
503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696.

# Table of Contents

|  |    |
|--|----|
| Executive Summary .....  | 2  |
| 1. Agency Contacts .....                                       | 3  |
| 2. Agency Interest Areas .....                                 | 4  |
| 3. Department Statement.....                                   | 5  |
| 4. Participation in the Government-To-Government Process ..... | 6  |
| 5. Internal Tribal Relations Action/Training.....              | 9  |
| 6. Summary of Program Related Issues/Activities .....          | 11 |
| 6.1. Improving Water Quality .....                             | 11 |
| 6.2. Improving Air Quality.....                                | 21 |
| 6.3. Improving Land Quality.....                               | 22 |
| 6.4. Other Projects.....                                       | 26 |

# Executive Summary

This Oregon Department of Environmental Quality annual Government-to-Government report on tribal relations provides an update on the recent efforts and actions by DEQ to consult, coordinate and collaborate with, and enhance relations with Oregon's nine federally-recognized tribal governments regarding environmental protection and enhancement activities. These activities include cleanup of contaminated lands, protection of rivers and streams, partnerships for restoration projects, and consultation on the development of rules, policies and procedures and more.

DEQ has government-to-government relationships with the nine federally-recognized tribal governments and communicates formally through in person meetings, letters and emails and informally through phone conversations and coordination meetings. DEQ is always open for more opportunities to work and coordinate with as well as learn from tribal representatives on protecting and enhancing Oregon's land, air and water.

# 1. Agency Contacts

## **Liaison to Tribal Nations:**

Christine Svetkovich

Metro Regional Solutions Center, Environmental Justice and Liaison to Tribal Nations

2020 SW 4<sup>th</sup> Avenue, Suite 400

Portland, OR 97201

Phone: 503-725-2180

Fax: 503-229-6945

E-mail: [svetkovich.christine@deq.state.or.us](mailto:svetkovich.christine@deq.state.or.us)

## **Agency Director:**

Dick Pedersen

811 SW Sixth Avenue

Portland, OR 97204

Phone: 503 -229-5300

Fax: 503-229-6762

E-mail: [pedersen.dick@deq.state.or.us](mailto:pedersen.dick@deq.state.or.us)

## 2. Agency Interest Areas

As the state's environmental protection agency, DEQ coordinates with the nine federally-recognized tribal governments in Oregon on air quality, water quality and land quality issues. The federal Environmental Protection Agency works closely with tribal nations in these same areas. DEQ's work is linked to the work of tribal governments through natural resources, cultural resources and community and economic development programs.

## 3. Department Statement

In 2002, DEQ adopted a “Statement of Intent” to implement Executive Order 96-30 and the requirements of Senate Bill 770 (ORS 182.162-168). In April, 2010, DEQ updated its Tribal Relations Policy. The policy can be found at: <http://www.deq.state.or.us/programs/tribal/tribalrelationspolicy.pdf>.

DEQ implements the policy through regular meetings with tribal representatives at the staff, manager and leadership level, and seeking opportunities to collaborate with tribes on issues that are important to tribal members.

## 4. Participation in the Government-To-Government Process

This past year, DEQ participated in the following government-to-government activities:

- In November 2012, Director Pedersen and DEQ's tribal liaison attended the annual Tribal Summit and associated tribal cluster meetings in Coos Bay hosted by the Coquille Indian Tribe.
- In March 2013, Director Pedersen participated in a government-to-government meeting with representatives from the Confederated Tribes of Umatilla Indian Reservation, the Governor's Office and other state agency representatives. Director Pedersen discussed DEQ's implementation of Oregon's new fish consumption rate and answered questions regarding DEQ's work on water quality issues.
- In May 2013, Director Pedersen attended and spoke at the First Salmon River gathering hosted by the Confederated Tribes of Grand Ronde.
- In July, DEQ representatives attended the Ceded Lands Celebration hosted by the Confederated Tribes of Grand Ronde.
- In October, Director Pedersen presented information regarding DEQ's implementation of Oregon fish consumption rate to the Columbia River Inter-Tribal Fish Commission and discussed other water quality issues the Commission was interested in.
- DEQ's tribal liaison attended all of the tribal-state natural resources cluster, cultural resources cluster, and economic development and community services cluster meetings held in 2013 as an important part of government-to-government relations under Senate Bill 770.

In addition, DEQ provided the following government-to-government communications:

- In November 2012, the Environmental Quality Commission sent an email to the tribal chairs for the federally-recognized tribal governments in Oregon requesting feedback for Director Pedersen's annual review. The commission received feedback from two tribal governments.
- In November 2012, DEQ sent letters to tribal government leaders that may have interest in the proposed coal export project at the Port of Morrow regarding DEQ's regulatory authority and request to consult and coordinate with tribal representatives.
- In January 2013, DEQ sent an email to the tribal chairs and associated natural resources key contacts regarding DEQ's proposed budget, an invitation attend a meeting in Salem prior to the 2013 legislative session, and offer to follow-up with any questions.
- In January 2013, DEQ sent an invitation via email to the key contacts from the Confederated Tribes of Warm Springs and the Confederated Tribes of Umatilla Indian Reservation regarding a

## 2013 Annual Government-to-Government Report on Tribal Relations

meeting about DEQ's regulatory authority for the proposed Troutdale Energy Center project in Troutdale, OR.

- In February 2013, DEQ sent a letter to the Natural Resources Director from the Confederated Tribes of Warm Springs regarding the City of Hood River's National Pollutant Discharge Elimination System permit renewal and to find out how the tribe wanted to be informed and involved in the permit review process.
- In February 2013, DEQ sent letters to all of the tribal chairs and key contacts for natural resources at all of the federally-recognized tribes regarding EPA's action on Oregon's water quality standards to protect fish and aquatic life from toxic pollutants that the Environmental Quality Commission adopted in 2004. The letter outlines what EPA's action means for DEQ's water quality program and what DEQ planned for next steps. In addition, the letter offered to discuss the issues with tribal representatives further and asked how tribal governments wanted to be involved in future DEQ deliberations and actions related to these water quality standards.
- In February 2013, DEQ sent letters to the key contacts for natural resources at all of the federally recognized tribes in Oregon regarding DEQ's renewal process of the National Pollutant Discharge Elimination System general water quality discharge permit for small suction dredge operations and in-water, non-motorized mining. The letters included an invitation to participate as desired and the specific information DEQ planned to convey at a public meeting in early March.
- In April 2013, DEQ responded to a letter from the Tribal Chairman of the Confederated Tribes of Warm Springs regarding a request to ensure that DEQ does not authorize suction dredge mining on tribal lands and to consult with DEQ on DEQ's process to renew the National Pollutant Discharge Elimination System general water quality discharge permit for small suction dredge operations and in-water, non-motorized mining. DEQ's response outlined our actions to respond to the concerns regarding suction dredge mining on tribal lands and an invitation to consult on the permits renewal process in any way the tribe would prefer.
- In April, DEQ sent an email to the tribal natural resource department key contacts with the details of DEQ's proposed budget and associated budget hearings during the legislative session.
- In July 2013, DEQ responded to a letter from the tribal chairperson from the Burns Paiute Tribe regarding DEQ's role in the Warm Springs Irrigation District's proposed hydroelectric project adjacent to the Warm Springs Dam. Since that correspondence, DEQ has been coordinating with the tribe's technical expert on the proposed project.
- In August, DEQ sent an email to all of the tribal key contacts that participate in the economic and community development cluster information about a series of trainings around the state regarding the state procurement opportunities that have/can help communities save money and leverage resources.
- In October 2013, DEQ sent letters to the tribal natural resource key contacts that may have interest in the proposed Oregon Liquefied Natural Gas and Jordan Cove Liquefied Natural Gas projects. The letter included a list of DEQ permits and authorizations for each project and a request for consultation, coordination or input as interested.
- In November 2013, DEQ sent an email to the key contacts in the natural resource departments for all of the federally-recognized tribes in Oregon regarding DEQ's work in 2014 as it relates to Oregon's toxics standards. The email summarized recent federal changes and actions regarding

## 2013 Annual Government-to-Government Report on Tribal Relations

toxics standards, an invitation to talk about the issues, and a request to provide input as DEQ develops plans.

DEQ greatly appreciates the leadership and partnership of tribal governments in working with the state to protect the environment, people's health, and natural and cultural resources.

## 5. Internal Tribal Relations Action/Training

DEQ's internal tribal relations activities are focused on improving consultation and communication between agency and tribal managers and staff, as well as providing training to DEQ employees on tribal government, sovereignty and issues of interest to tribal nations.

- In November 2012, DEQ participated in and presented at the Oregon Tribal Environmental Forum meeting hosted by the Cow Creek Band of Umpqua Tribe of Indian and sponsored by EPA. DEQ presented an overview of our toxics monitoring programs and the renewal process of the National Pollutant Discharge Elimination System general water quality discharge permit for small suction dredge operations and in-water, non-motorized mining. DEQ also participated in the lamprey working group discussion.
- In April 2013, five DEQ staff attended the Oregon Parks and Recreation Department Archaeology Training Conference in The Dalles. The conference was led by an excellent instruction team including professional archaeologists and cultural specialists from the Oregon State Historic Preservation Office, Oregon universities, private consulting firms, and several Native American Tribes. This unique culmination of expertise and experience created an inspiring learning environment and served to present an understanding of the importance of cultural resources from both a scientific and tribal perspective. DEQ participants learned a great deal that will be beneficial in the short and long term.
- In May 2013, The Coquille Tribe hosted a Salmon Summit in partnership with the Bioengineering Institute. This event provided a unique local opportunity for DEQ staff to hear a variety presentations regarding emerging science and restoration approaches related to salmon recovery efforts. The experience provided a unique opportunity to build common understanding and allow continued discussions regarding project opportunities.
- In June 2013, DEQ's tribal liaison and two other DEQ representatives participated in and presented at the Tribal Solid Waste Advisory Committee Network meeting that took place in Salem, OR. DEQ presented information on our solid waste and hazardous waste programs and discussed opportunities for further coordination and information sharing. The meeting was an excellent learning opportunity for DEQ regarding concerns and issues associated with solid and hazardous waste on tribal lands and opportunities for future collaboration on projects.
- In September 2013, DEQ presented information regarding Harmful Algae Blooms in Oregon to the Natural Resources Cluster. At the same meeting, DEQ presented information regarding the Pesticide Stewardship Partnership program. DEQ learned a great deal from the discussion which resulted in potential partnership opportunities.
- In September 2013, DEQ's Tribal Liaison participated in and presented at the annual Oregon Tribal Environmental Forum hosted by EPA. The discussion included implementation of Oregon's fish consumption rate, the Mid-Coast Total Maximum Daily Load project, known as TMDL, the turbidity standard rulemaking process, and recent litigation regarding water quality. The group also discussed DEQ's renewal process of the National Pollutant Discharge

Elimination System general water quality discharge permit for small suction dredge operations and in-water, non-motorized mining and opportunities for future engagement as desired.

- DEQ's tribal liaison is coordinating the cultural cluster meetings, logistics, and information for a one-year timeframe. The coordination role began in June 2013. It is an excellent opportunity to learn and make connections regarding protection of cultural resources in all aspects of DEQ's work.
- Throughout the year, DEQ's tribal liaison advised and assisted DEQ managers and staff on issues of interest to tribal nations and provided guidance for consulting with tribal governments on environmental activities.
- DEQ maintains a Tribal Government Relations web page<sup>1</sup> that provides information about the government-to-government process, federally-recognized Tribes and DEQ's tribal relations activities. DEQ employees regularly use this site in learning about tribal nations and our government-to-government responsibilities.
- DEQ's tribal liaison and other DEQ representatives participated in the May Tribal Government Day and state training sessions held in the Capitol and sponsored by the Legislative Commission on Indian Services.
- DEQ maintained an on-line training for DEQ staff and managers through iLearn, a state online tool for trainings. The training covers the history of tribal-state relations in Oregon, tribal sovereignty, government-to-government consultation, and opportunities for greater collaboration with tribes.

---

<sup>1</sup> See [www.deq.state.or.us/programs/tribal/index.htm](http://www.deq.state.or.us/programs/tribal/index.htm).

## 6. Summary of Program Related Issues/Activities

DEQ works to protect water, air and land quality across the state and interacts regularly with tribal managers and staff on a broad range of activities and issues. Some of the primary areas of collaboration between tribal nations and DEQ over the past year are summarized below.

### 6.1. Improving Water Quality

#### **Implementing More Stringent Water Quality Standards for Toxics Based on a Higher Fish Consumption Rate**

DEQ is continuing work to implement more stringent toxics criteria to protect human health. EPA approved revised criteria in October 2011. Final guidance documents for implementing permitting compliance tools, such as intake credits and variances, as well as guidance for addressing specific pollutants such as, methyl mercury and arsenic are at: <http://www.deq.state.or.us/wq/standards/humanhealthrule.htm>. DEQ has also developed a number of memos specific to individual toxic pollutants that are assisting DEQ staff and the regulated community in consistently implementing the criteria. Find these memos at: <http://www.deq.state.or.us/wq/standards/toxics.htm>.

DEQ is using toxics data to assess the quality of Oregon's waterbodies. Both the 2010 and the draft 2012 Integrated Reports include additional 303(d) listings for toxics based on the revised human health criteria, including several for methyl mercury based on resident fish tissue data. The National Pollutant Discharge Elimination System permitting program is also actively engaged in implementing revised criteria. At National Pollutant Discharge Elimination System permit renewals, permit writers have been analyzing data to determine if effluent limits are needed for any toxic pollutant. The permitting program has also developed an improved National Pollutant Discharge Elimination System permitting process. DEQ anticipates that the updated permitting process, which includes a new permit template for domestic sources, will result in; better data collection, more consistency between permits; and improved transparency to the public.

#### **Modifying the water quality standard for turbidity**

As part of the rulemaking to update the water quality standards for turbidity, a representative of the Confederated Tribes of the Siletz Indians has actively participated in the advisory workgroup for this project. DEQ has considered turbidity data submitted by the Confederated Tribes of the Siletz Indians as draft rule language has been developed. DEQ will continue to provide updates on this project to tribal nations as it moves forward in 2014.

#### **Columbia River Basin Toxics Reduction Action Plan**

DEQ is working with the Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Warm Springs, Confederated Tribes of Grand Ronde, Yakama Nation, Nez Perce Tribe, Columbia River Inter-Tribal Fish Commission, Upper Columbia United Tribes, Upper Snake River Tribes Foundation, Columbia River Inter-Tribal Fish Commission and EPA to develop and implement a Columbia River Toxics Reduction Strategy. In September 2010, EPA and the Columbia River Basin Toxics Reduction Working Group released the Columbia River Basin Toxics Reduction Action Plan outlining 61 actions to reduce a wide array of toxics in the Columbia River Basin.

In August 2011, Federal, State, and Tribal leaders signed the Columbia River Toxics Reduction Working Group Executive Statement that commits all signatories to a collaborative approach to reduce toxic pollutants in the Columbia River Basin through the formalization of the Columbia River Toxics Reduction Working Group. The working group includes the support of tribal nations and agencies to guide toxic pollutant reduction work in the Columbia Basin through collaborative decision-making. The working group identified five toxics reduction actions as priorities for short-term implementation, which were presented to tribal, federal and state government executives on November 1, 2012, in Spokane. Since the beginning of 2013, small groups have been working to implement each of those priority actions in the Basin.

### **DEQ Toxics Reduction Strategy**

Representatives from the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of Grand Ronde served as members of DEQ's Toxics Stakeholder Group that helped establish the framework for a comprehensive toxics reduction strategy. Tribal nations are identified as key implementing partners for some of these draft recommended actions. Similar to the Columbia Basin Toxics Reduction effort, DEQ proposed five toxics reduction actions from the strategy as short term priorities for implementation. These short-term priorities, and progress toward implementing them, were presented to Oregon's EQC in December, 2012. These priorities are informed by the Columbia Basin toxics work and by an executive order signed by Governor Kitzhaber in April, 2012 to advance "green chemistry" in Oregon. Significant progress has been made in 2013 to implement several of these short-term priorities. Most notably, Oregon partner agencies worked with the Governor's Office to develop guidelines and specifications for a new janitorial and cleaning supplies purchasing contract for the state, with the intent of reducing toxic substance in these products and moving to safer alternatives. Contract awards have been made, and the purchasing requirements are now in place. The State of Washington is partnering with Oregon on this effort, and the estimated value of this contract is \$20 million. DEQ has communicated with the Columbia River Inter-Tribal Fish Commission about Northwest tribal governments participating in this janitorial supplies price agreement or developing similar specifications in their own. There is strong interest from the tribes in having their facilities in continuing to pursue less toxic products for their facilities and operations.

### **DEQ Monitoring Summit**

In November 2013, the DEQ Laboratory held a Regional Monitoring Summit for three basins in Northeastern Oregon. The Summit included representatives involved in water quality from the John Day, Umatilla, and Grande Ronde basins. Participants included tribal nations, state and federal agencies, watershed councils, and business and environmental organizations. The primary objective of the Summit was to bring individuals and groups from across each basin together and identify the primary water quality issues in the area, as well as to identify coordinated actions that the group could take to either address these issues or fill in data gaps. Tribal participation was key to the success of the Summit, as representatives from the Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation, and Nez Perce Tribe brought a wealth of knowledge to the discussions.

### **Monitoring Toxic Pollutants**

DEQ's Statewide Toxics Monitoring Program completed its 2013 sampling in the coastal basins and southeast Oregon basins. DEQ collected both water and sediment samples. A partnership with Oregon Department of Fish and Wildlife and the Oregon Department of Agriculture facilitated shellfish collection at several sites along the coast including tribal fishing areas. To plan this sampling effort, DEQ worked with tribal representatives to understand areas of concern. Representatives from the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians and the Coquille Indian Tribe participated in this planning. Collaboration with tribal and community representatives plays an important role in site selection and study design. The program is committed to communicating information and results as well as looking for new areas to work together to improve our strategy and expand our capabilities for addressing toxic pollutants in Oregon's environment.

During 2013, a representative from the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians accompanied DEQ's toxics monitoring crew for one day of water collections during our spring sampling. This served as an educational and informational opportunity for everyone involved.

DEQ was a project partner for a grant application the Cow Creek Band of the Umpqua Tribe of Indians submitted to the Administration for Native Americans regarding toxics monitoring. Unfortunately this project was not funded, but DEQ is committed to continue to work with the tribe on future funding opportunities and partnerships.

### **Clean Water State Revolving Loan Fund Rulemaking**

DEQ's Clean Water State Revolving Fund loan program provides low-interest loans for the planning, design and construction of projects that enhance or protect water quality. Revisions to the loan's administrative rules were adopted in December 2012 which clarify that public agencies eligible to participate in the loan program include federally recognized Indian tribal governments.

### **Developing and implementing water quality improvement plans**

Many tribal nations have worked collaboratively with DEQ over the past year to develop and implement plans to reduce pollution in waters across the state that currently do not meet water quality standards. Progress made on these clean water plans, also known as Total Maximum Daily Loads, or TMDLs, is summarized below.

- **Mid-Coast TMDL** – The Confederated Tribes of Siletz Indians of Oregon are active participants with DEQ and others in development of implementation-ready TMDLs for the Mid-Coast Basin. Representatives from the tribe are on the advisory committee and are working on sediment issues, drinking water protection and aquatic habitat in the Siletz subbasin and are conducting temperature modeling for the Siletz River to support the TMDLs. The Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians are collecting monitoring data from the North Fork Siuslaw River and the Siuslaw Estuary that helps to understand estuarine processes, protection of beneficial uses and which can be used in TMDL development and implementation. Both tribal nations have provided valuable water quality technical assistance to local partners, including watershed councils, Soil and Water Conservation Districts and municipalities. Work on TMDL development will continue into 2014.

## 2013 Annual Government-to-Government Report on Tribal Relations

- Umatilla Basin River TMDL–DEQ worked with the Confederated Tribes of the Umatilla Indian Reservation and other local stakeholders in these watershed developments:
  - The Confederated Tribes of the Umatilla Indian Reservation and DEQ were leaders in preparing a long-term monitoring plan for the 2001 Umatilla River Basin TMDL. The long-term monitoring plan is currently undergoing a technical review by members of the natural resource community. The plan was finalized during spring of 2012. The long-term monitoring plan outlines a coordinated monitoring effort between the DEQ and Tribal TMDLs to assess watershed and water quality conditions, document project effectiveness, and establish basin-wide trends and is being implemented.
  - DEQ consulted with the Confederated Tribes of the Umatilla Indian Reservation on a use attainability analysis for the purpose of correcting and refining water quality standards for the West Division Main Canal in the lower basin. The use attainability analysis was completed and adopted by the EQC in April 2012. It was partially approved by EPA in November 2013, with a standards revision that support an innovative discharge scenario for the City of Hermiston that would remove effluent from entering the Umatilla River.
  - In its third year of implementing a ‘Watershed Approach’ process holistically addressing the entire state, basin by basin, the Umatilla Basin was selected for assessment in 2012. This effort is underway, with involvement of the Confederated Tribes of the Umatilla Indian Reservation and other stakeholders.
  - DEQ staff participates in a the Confederated Tribes of the Umatilla Indian Reservation technical advisory team for a basin wide hydrogeology assessment. The assessment is designed to address key questions in water resources management in the basin as well as water quality.
- Coquille River TMDL - DEQ has worked closely with the Coquille Indian Tribe in developing the Coquille TMDL to address pollution problems with dissolved Oxygen, temperature, chlorophyll a, toxic algae, pH, and bacteria. The Coquille Indian Tribe has provided valuable technical data for use in the development of the TMDL. The work is currently on hold due to litigation DEQ is engaged in but once resumed, will be in contact with the tribe.
- Deschutes River Basin TMDL – The Confederated Tribes of Warm Springs, DEQ and EPA are working together under a Memorandum of Understanding on the development and implementation of TMDLs for the Deschutes River Basin. DEQ anticipates developing a joint temperature TMDL for the Metolius River. A portion of the Metolius River and its tributaries are located within the Warm Springs Reservation and the tribe is interested in doing a temperature TMDL for these lands at the same time that DEQ does ours. In early 2012, DEQ convened a technical advisory committee to provide assistance on TMDLs for the Upper and Little Deschutes Subbasins. A tribal representative is a member of this committee. DEQ has been unable to complete this temperature TMDL work because of litigation associated with Oregon’s temperature standard. The last advisory committee meeting was held in October, 2012. When work on this TMDL resumes, DEQ looks forward to continuing our cooperative efforts with the tribe.
- Hood River TMDL – The Western Hood Subbasin (which includes the Hood River watershed) TMDL for temperature was approved by EPA in 2002. The Confederated Tribes of Warm Springs were active participants in TMDL development and have continued to participate in TMDL implementation. The Tribe has been involved with coordinating an on-going temperature monitoring program throughout the watershed. In addition, DEQ and the Tribe have also both

been active members of technical stakeholder groups working with several of the irrigation districts to change district operations to improve water quality and fish habitat.

Many tribal nations work on TMDL implementation projects to improve water quality throughout Oregon such as channel reconstruction, levee elimination, riparian planting and fencing and flow restoration.

### **Relicensing hydroelectric projects**

Tribal nations and DEQ have worked together on the following hydroelectric relicensing projects over the past year:

- Hells Canyon Hydroelectric Project - DEQ is currently reviewing a Clean Water Act Section 401 Certification application in association with Idaho Power Company's application to the Federal Energy Regulatory Commission for a new federal license for continued operation of the Hells Canyon Complex Hydroelectric Project. The Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Warm Springs, Burns Paiute Tribe, Shoshone Paiute Tribe, Nez Perce Tribe, Shoshone Bannock Tribes, the Upper Snake River Tribes Federation and the Columbia River Inter-Tribal Fish Commission are interested in the relicensing process. DEQ participated in state/federal/tribal meetings in March 2013 and June 2013. DEQ looks forward to continued discussions as the 401 certification process progresses.
- Pelton Round Butte Hydroelectric Project – DEQ and the Confederated Tribes of Warm Springs worked with other stakeholders to implement the hydroelectric license for this project on the Deschutes River. Among other items, reintroduction of anadromous fish above the Pelton Round Butte project is required. The Confederated Tribes of Warm Springs have important roles as a regulatory entity, 401 water quality certification authority, Fish Committee member, and co-owner and co-licensee with Portland General Electric for the project. During 2013, DEQ, the Confederated Tribes of Warm Springs and Portland General Electric continued to work together to evaluate the water quality impacts of the new selective withdrawal structure at the Round Butte Dam, and to assess compliance with terms of the 401 certification.
- Wickiup Dam - In March 2011, the Wickiup Hydro Group, LLC filed an application with the Federal Energy Regulatory Commission to build and operate a hydroelectric facility at Wickiup Dam, an existing Bureau of Reclamation impoundment on the Deschutes River operated by the North Unit Irrigation District. DEQ intervened in the proceeding along with other stakeholders, including the Confederated Tribes of the Warm Springs Reservation of Oregon. DEQ and the Tribe share a mutual interest in maintaining the Deschutes Basin watershed to protect resource values including water quality, quantity, and fish habitat.
- Warm Springs Dam - During 2013, DEQ began work on a 401 water quality certification for the Warm Springs dam in eastern Oregon. DEQ has been working and coordinating with the Burns Paiute Tribe on this project.

### **Pesticide Stewardship Partnerships**

Since 1999, DEQ has been using a voluntary, collaborative approach called Pesticide Stewardship Partnerships to identify problems and improve water quality associated with pesticide use. The Pesticide Stewardship Partnership approach uses local expertise in combination with water quality sampling and DEQ's toxicology expertise to encourage and support voluntary changes which result in measurable

environmental improvements. The Pesticide Stewardship Partnership program has been supported primarily by grant funds over the past ten years, and those funds have been reduced in recent years. During 2013, the Oregon Legislature adopted a \$1.5 million funding package for the Pesticide Stewardship Partnership program, with funds split between DEQ, the Oregon Department of Agriculture and prospective technical assistance providers. In addition, some funds have also been reserved to support much-needed pesticide waste collection events around the state. The new funding package allows Oregon to shore up existing Pesticide Stewardship Partnerships projects and expand into new watersheds. This expansion should provide additional opportunities to partner with tribal governments on protecting water quality from pesticide impacts.

The two watershed-based Pesticide Stewardship Partnerships projects that include active partnerships exist with tribes are:

- Hood River Basin Pesticide Stewardship Partnership – Two initial pilot projects using the PSP approach in Hood River and the Dalles have shown major improvements in water quality associated with changes in pesticide management practices. The Confederated Tribes of Warm Springs have been active partners in the Hood River Pesticide Stewardship Partnership since its inception, including being the primary funder of pesticide monitoring work in the watershed since 2006. DEQ communicates with the Tribes on a regular basis and provided annual reports on the pesticide monitoring results. In 2012 and 2013, the Confederated Tribes of Warm Springs provided financial support for Hood River Pesticide Stewardship Partnership monitoring activity conducted by the Hood River Soil and Water Conservation District and DEQ, as well as working closely with Oregon State University Extension and local grower groups to implement best management practices to minimize pesticide water quality impacts. The monitoring results from 2012 showed that no pesticides exceeded aquatic life standards or benchmarks, further demonstrating the success of the partnership efforts. The Confederated Tribes of Warm Springs, DEQ and the conservation district are now making plans for expanded monitoring work in 2014 to cover other parts of the watershed and utilize “passive” sampling devices to obtain consistent monitoring data, which will complement the on-going “grab” sampling.
- South Yamhill Basin Pesticide Stewardship Partnership – In 2010, the Confederated Tribes of the Grand Ronde, the Confederated Tribes of Siletz Indians and the Oregon Department of Forestry evaluated opportunities to start the first Pesticide Stewardship Partnership focused on managed forest areas, and to complement the Pesticide Stewardship Partnership effort in the central part of the Yamhill Sub-Basin. With the help of the tribal staff and the Oregon Department of Forestry, three stream monitoring locations downstream of managed forests in the South Yamhill River watershed were identified. The Confederated Tribes of the Grand Ronde began collecting water samples at those South Yamhill watershed monitoring locations as an in-kind contribution to the Pesticide Stewardship Partnership project in the fall of 2010. This sampling by the Tribe has continued each spring in March and April and from late August through September since the initial monitoring began. The monitoring data generated by DEQ is shared annually with the all of the project partners. Thus far, the results show very low levels of a small number of herbicides. Results from Fall 2013 sampling will be available by the end of 2013. Better information on the timing of forest applications was available this summer and fall and, therefore, this fall 2013 data should provide a more accurate representation of pesticide occurrence in streams in the South Yamhill. Monitoring will begin again in March of 2014.

### Protecting drinking water

DEQ's Drinking Water Protection Program continues to partner with the Confederated Tribes of the Siletz Indians and the cities of Toledo, Newport and Siletz to identify sources of turbidity and other potential contaminants that pose a threat to the municipalities' drinking water. DEQ and the Confederated Tribes of Siletz are providing technical assistance to the municipalities in developing an improved turbidity monitoring system near water intakes. This is being done in coordination with a Lincoln County Soil and Water Conservation District project to evaluate roads and other land uses for opportunities to reduce sediment delivery to rivers and streams.

### Suction Dredge Mining

Suction dredge mining in/near tribal lands - In spring 2013, DEQ learned of concerns that DEQ was authorizing mining activities on the Warm Springs Reservation through its suction dredge mining general permit. DEQ informed the tribe that it was not directly authorizing such activities and committed to do a better job of communicating this limitation to permittees. As a result, DEQ updated its permit application and related materials and contacted miners that may have been mining in the vicinity of the Warm Springs Reservation to inform them that DEQ's permit does not authorize discharges from suction dredge mining equipment on tribal lands or in waterways that border tribal lands. DEQ also committed to inform the tribes if it received any permit applications indicating a miner's primary area of activity included any portion of the Warm Springs Reservation. No such applications have been received since that time.

Senate Bill 838 - Senate Bill 838, passed during the 2013 legislative session, addresses the regulation of motorized suction dredge mining in Oregon, including establishing certain restrictions on mining practices during 2014 and 2015 and imposing a moratorium in specified waterways beginning in 2016. The bill also requires the Governor's Office to present recommendations for regulating suction dredge mining activities to the Legislature by November 2014. The recommendations are to be developed in consultation with specified list of stakeholders – including tribes – and will address a variety of environmental, social and cultural issues.

DEQ is currently assisting the Governor's Office with the implementation of the bill, including designing and implementing a stakeholder committee to discuss potential recommendations for regulating mining activities. DEQ anticipates that a stakeholder group will be convened by early 2014.

700 PM renewal - The 700 PM National Pollutant Discharge Elimination System general permit is a water quality permit for small suction dredge operations and in-water, non-motorized mining. The current permit expires Dec. 31, 2014. DEQ has been soliciting input on permit terms and conditions in order to make any changes to the renewed permit that are necessary to clarify the permit terms and assure the permit protects water quality and beneficial uses of water. DEQ has provided many written and verbal updates on this process to tribal representatives and have meet directly with representatives from the Cow Creek Tribe and Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians. The opportunity for public comment on the proposed permit will be in spring of 2014. DEQ is scheduled to finalize the permit by June 30, 2014, with effective dates of Jan. 1, 2015, through the end of 2019.

### Other Water Quality Projects

- Umpqua Basin – The Cow Creek Band of Umpqua Tribe of Indians has been working with DEQ and local partners in efforts to better understand the causes and connections related to harmful algae blooms in the South Umpqua River since several dog deaths were reported during 2009-

2011. DEQ anticipates that these relationships will continue through collaborative monitoring projects among DEQ, the tribe and Partnership for the Umpqua Rivers. The Partnership for the Umpqua Rivers coordinated with the tribe and municipalities to develop a water quality monitoring, drinking water protection and nonpoint source pollution reduction project targeting harmful algae blooms utilizing a federal grant that was implemented. Data sharing and analysis are key activities that will be conducted among the project partners.

- Channel Restoration and Bioassessment in Eastern Oregon - DEQ funded a bioassessment project of multiple channel restoration projects administered by the Confederated Tribes of the Umatilla Indian Reservation using federal Nonpoint Source 319 funds. Project work includes macroinvertebrate and water quality monitoring at restoration sites on Meacham Creek and South Fork Walla Walla River in eastern Oregon. The restoration projects that are being monitored are designed to improve temperatures and fish habitat in rivers containing multiple species of salmonids. All channel sections in which restoration projects are located are water quality limited for temperature and considered impaired for salmonid habitat. This project represents a continuation of macroinvertebrate monitoring at one project site and the initiation of baseline macroinvertebrate collection at three additional sites slated for restoration. This project continues support of restoration efforts by the Confederated Tribes of the Umatilla Indian Reservation where tribal restoration activities include restored channel-floodplain connectivity, and removing/redesigning the dikes and levees. The DEQ grant started in the fall of 2012 and will extend through December 2014. This project represents a cooperative, collaborative effort between Oregon State University, Confederated Tribes of the Umatilla Indian Reservation, and DEQ. The data collected from the project and ongoing monitoring are being used to better characterize the benefits of restoration work and to more clearly understand the timeline associated with improvements in water temperature and habitat and the associated response in macroinvertebrate populations. This information is helping to better direct restoration efforts both in the Umatilla Basin and throughout the Pacific Northwest.
- Red Boy Mine Assessment and Restoration – DEQ funded an assessment and restoration project through federal Nonpoint Source 319 funds at the Red Boy Mine in the John Day River Basin near Granite, Oregon. The mine was categorized by DEQ as an Orphan project in May 2000. Mine drainage contains high concentrations of arsenic and iron, representing a threat to spring Chinook, summer steelhead and several species of resident fish in Granite and Clear Creeks. Project work will identify concentrations of toxic metals in stream surface water, sediment, and adjacent waste rock piles and will assist with the design and ultimate remediation of contaminated areas in the watershed. These remedial efforts are a key element of comprehensive habitat improvement for anadromous fisheries in Upper John Day River Watershed. Monitoring of mine drainage and characterization of mine tailings and waste was initiated in November of 2011 and will extend through December 2013. Interpretative signs explaining the site history and the restoration activities have been installed at the project site. The new system is oversized and has been installed with multiple cleanout stations providing easy access for the landowner to perform cleanouts as necessary. The installation of this new system dramatically reduces the chance that untreated water will enter Congo Gulch (a tributary of Clear Creek). Water quality sampling has shown that the chemistry of the Red Boy Mine treatment system is more complicated than previously thought, and a bench-scale test has been scheduled to better characterize the efficiency of three different alternative treatment methods to increase the pond's pH. Once an alternative is selected and implemented, it is expected that the metals removal efficiency of the system will be improved. This project represents a cooperative, collaborative effort between North Fork John Day Watershed Council, Confederated Tribes of the Umatilla Indian Reservation, Cascade Earth Sciences, Landowners, Oregon Watershed Enhancement Board, U S Forest Service and DEQ.

- Milton-Freewater Levee Setback Assessment – Phase 1 and 2 – DEQ funded a levee setback assessment project (Phase 1: 2010-2011 and Phase 2: 2011-2013) through federal Nonpoint Source 319 funds on a seven-mile segment of the Walla Walla River near Milton-Freewater, Oregon. The Phase 1 and Phase 2 Projects have been successfully completed and the levee is well on its way to re-certification with the US Army Corps of Engineers. Phase 1 completed a thorough assessment of the river's hydrology to better estimate the 100-year flood discharge so that it may be used in future analysis and design efforts along the river, and has enabled the levee re-design and repairs now underway, that integrate water quality and flood control. The Phase 2 project addressed the lower reaches Walla Walla River where water temperatures in the leveed lower river increase by about two degree per mile downstream which is twice the rate in the upper river due to channelization and irrigation water withdrawals. This phase of the project enhanced irrigation efficiency and improved fish passage, channel geometry, sinuosity, and increased shading. Project partners include Oregon Department of Fish and Wildlife, Oregon Department of Transportation, US Army Corps Of Engineers, Confederated Tribes of the Umatilla Indian Reservation, the Milton-Freewater Water Control District, local irrigation districts, Umatilla County, Milton-Freewater, National Oceanic and Atmospheric Administration – Fisheries Division, US Fish and Wildlife Service, Bonneville Power Administration, Milton-Freewater Chamber of Commerce, local landowners, Federal Emergency Management Agency, Oregon Watershed Enhancement Board, DEQ and others.
- Milton-Freewater Levee Setback Assessment, Phase 3 – DEQ funded a third phase (2013–2014) of the levee setback assessment project through federal Nonpoint Source 319 funds. The project work is divided into two major components. The first is completion of an Alternatives Analysis, and Conceptual and Preliminary Design focusing on a half-mile reach just upstream of the Milton-Freewater Levee (the Bolen Kelly reach) where project funds will be used to complete a design that will enable implementation to proceed once habitat construction funding and permits have been secured. The second project component is the construction and design oversight for the Zell Diversion Dam removal and channel stability improvements (a fish passage grade control and habitat improvements) located at the upstream end of the Milton-Freewater Levee System. This project component will restore fish passage access to 49 miles of spawning habitat, avoid fish stranding in an irrigation ditch, and improve habitat diversity and water quality for the Walla Walla River. Annual construction of a cobble and gravel push up dam for the gravity fed Zell irrigation diversion will be replaced with two roughened riffle structures engineered to maintain grade control for the diversion and ensure fish passage, a headgate structure, ditch piping, and a new fish screen. At project completion, ESA listed steelhead and bull trout, reintroduced spring Chinook salmon, and redband trout will be able to migrate to upstream spawning areas. Specific resource benefits for the Phase 3 project includes increased and enhanced fish habitat, particularly for juvenile fish; increased flood refugia for fish; increased flood conveyance in the side channel and in the adjacent floodplain fringes along the side channels; and increased and enhanced salmonid and riparian habitat in the form of vegetated floodplains, in-stream complexity, hyporheic exchange and groundwater recharge. Project partners include Oregon Department of Fish and Wildlife, Oregon Department of Transportation, US Army Corps Of Engineers, Confederated Tribes of the Umatilla Indian Reservation, the Milton-Freewater Water Control District, local irrigation districts, Umatilla County, Milton-Freewater, National Oceanic and Atmospheric Administration – Fisheries Division, US Fish and Wildlife Service, Bonneville Power Administration, Milton-Freewater Chamber of Commerce, local landowners, Federal Emergency Management Agency, Oregon Watershed Enhancement Board, DEQ and others.
- Umatilla County Historical Society Museum Exhibit on the History of the Umatilla Basin – DEQ staff are actively working with staff from the Confederated Tribes of the Umatilla Indian Reservation to prepare exhibit panels on the history of water quality in the Umatilla Basin as part

of the year long museum exhibit titled: *Tomorrow's Water, Today's Challenge – Working Together for the Umatilla River*. The exhibit is expected to open mid-February 2014 and run through December 2014. DEQ staff are working with partners from the Confederated Tribes of the Umatilla Indian Reservation, Umatilla County Soil and Water Conservation District, Umatilla Basin Watershed Council, Oregon Water Resources, Oregon Fish and Wildlife, Umatilla National Forest, US Bureau of Reclamation, Umatilla County Historical Society, Hermiston Irrigation District, Stanfield Irrigation District, City of Pendleton, Umatilla Basin Water Commission, and the Oregon State University Hermiston Agricultural Research and Extension Center.

- DEQ provided technical assistance to representatives from the Confederated Tribes of the Umatilla Indian Reservation regarding the tribe's onsite septic system program. In the past DEQ has assisted the tribe with inspections on deeded lands on the reservation. The tribe now operates their own program but recently had hired a new inspector and DEQ provided training to that person. Since over 30 percent of Oregonians rely on septic systems to treat wastewater from their homes and businesses, the correct siting, design, installation and ongoing operation and maintenance of septic systems on tribal lands as well as the rest of the State is important. Without proper oversight, septic systems can fail or malfunction, pollute Oregon's land and waterways with raw sewage and create public health hazards.
- DEQ provided 319 funding to the Coquille Watershed Association to support the development of an South Fork Coquille River Action Plan. This area is high priority for the Coquille Indian Tribe because of robust lamprey and salmon populations. The tribe is a valued member of the Technical Advisory Committee.

## 6.2. Improving Air Quality

### **Partnering with tribal nations on air monitoring**

The Confederated Tribes of the Umatilla Indian Reservation assists DEQ in the operation of air quality monitoring station in Pendleton and Hermiston as DEQ no longer has staff in the available to operate the site. In addition, DEQ provided assistance to the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians in operating a fine particulate air quality monitor in Coos Bay, providing technical assistance and training at DEQ's Laboratory. DEQ welcomes the opportunity for greater partnership with tribal nations in establishing and operating air quality monitoring stations. DEQ can provide technical assistance, data analysis and data reports to support tribal monitoring projects.

### **Responding to open burning complaints and asbestos issues**

DEQ works closely with tribal nations to respond to complaints about open burning and the safe handling of asbestos, particularly when complaints occur near tribal land. DEQ, tribal governments and tribal police departments work quickly and collaboratively to address complaints when they arise.

## 6.3. Improving Land Quality

### Notifying tribal nations of hazardous material spills

In response to requests from tribal cultural resource managers, DEQ developed protocols in 2007 for notifying tribal nations of hazardous material spills that occur near highways, railways, waterways or in other areas of the state.<sup>2</sup> Although EPA, first-responders, or others may be required to notify tribes during certain spill events, DEQ also notifies tribes when the event involves a significant threat to the environmental so that each tribal nation can determine how to be involved in the cleanup effort and DEQ can ensure that cultural resources are protected. DEQ works with many tribal nations in responding to spills on a regular basis.

In 2009, DEQ developed a Geographic Information System (GIS) for DEQ's emergency response program activities. Among other data layers, the GIS system allows DEQ to quickly identify tribal governments, and associated contact information, for spills of potential interest to each of Oregon's tribal nations. This GIS system is a work-in-progress as DEQ is continuing to refine and add geographic information layers to assist in response actions. In addition, DEQ provides training and support for use of the GIS system for DEQ staff involved in emergency response and spill situations.

Throughout this process, DEQ connected with tribal representatives regarding many spills throughout the state throughout 2013. One example was the Highway 26 Diesel/Gas Spill. A 7,000 gallon diesel/gas spill occurred September 4, 2013 on Highway 26. The spill occurred on the Confederated Tribes of Warm Springs land after a tanker truck hit a large elk and flipped over. DEQ coordinated the environmental response efforts and worked closely with tribal representatives and others, including the Oregon Department of Transportation.

The cleanup included containing the plume, excavating contaminated dirt and pumping groundwater from the excavated pit. Fortunately, the diesel plume has not reached nearby Beaver Creek, which is a significant salmon habitat and an important cultural resource. Crews worked daily to excavate more than 5000 cubic yards of soil. More than 10,000 gallons of water was pumped off site. A tribal liaison attended the daily planning meetings for the cleanup and a tribal elder spoke to the project team about the cultural significance of the area. This close coordination resulted in a successful environmental cleanup that met multiple objectives.

### Investigating and cleaning up contaminated sites

DEQ and tribal nations have collaborated on a number of projects over the past year to investigate and clean up contaminated lands across the state. DEQ contacts tribal nations when projects are worked on in areas of interest. Some significant projects are described below.

- Portland Harbor Superfund Site – DEQ works closely with six tribal governments on the Portland Harbor Superfund Site and the McCormick & Baxter Superfund Site. The Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Warm Springs, Yakama Nation, and Nez Perce Tribe are partners in these projects.

---

<sup>2</sup> The protocols, entitled *Guidance for Protecting Cultural Resources during Cleanup Work*, is available on DEQ's web page at [www.deq.state.or.us/pubs/reports.htm](http://www.deq.state.or.us/pubs/reports.htm), under the "Site Investigation" section.

- Portland Harbor Superfund Site: The Portland Harbor Superfund Site is located in the Lower Willamette River, stretching approximately ten miles from River Mile 2 to River Mile 12. EPA is the lead agency working on investigating and cleaning up pollution in the river itself, primarily in the sediments of the river bed. DEQ is a support agency to EPA in the in-river work. In our support agency role, DEQ provides technical support and works to ensure our state rules are applied to the project.
- Portland Harbor Upland Source Control: DEQ is the lead agency working with property owners alongside the river to identify, control and eliminate sources of pollution that present risk to river receptors or have the potential to recontaminate a sediment remedy. Recent significant source control actions include:
  - complete construction of a large groundwater vertical barrier wall and groundwater collection and treatment system at the Arkema site (former pesticide manufacturer at River Mile 7),
  - complete construction and start up of a large groundwater collection and treatment system at the NW Natural Gasco site (former manufactured gas plant at River Mile 6.5), and
  - construction and optimization of a vertical barrier wall and groundwater containment system to control petroleum migration at the Kinder Morgan Linnton Terminal (River Mile 4).
- Natural Resource Damage Assessment: Oregon Department of Fish and Wildlife is the state lead agency working with federal agencies and tribal nations on the Portland Harbor Natural Resource Damage Assessment effort, which seeks to restore the natural resources (e.g., fish populations, wildlife, habitat, etc.) that are damaged by contamination. DEQ is supporting the Oregon Department of Fish and Wildlife in this role.
- Bradford Island – DEQ continued working with the Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Warm Springs, Yakama Nation and Nez Perce Tribe and the US Army Corps of Engineers on evaluating contamination levels at Bradford Island in the Columbia River. The US Army Corps of Engineers continues to evaluate the effects of contamination on Bradford Island and in the Columbia River near the island. The primary concern is PCBs from electrical components that were dumped into the river decades ago. Cleanup so far has involved two efforts to remove electrical components from the river in 2000 and 2002, and dredging of contaminated sediment in 2007. Despite this work, fish tissue sampling indicates that further remediation is needed. A feasibility study is being prepared to determine the best way to proceed.
- Coos Head Air National Guard clean-up site - DEQ continued working with the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians on cleanup projects at the Coos Head site, which was acquired by the Tribes in 2005. The site was formerly owned by the federal government, which is responsible for paying costs associated with cleaning up the site to industrial standards. DEQ is overseeing the work being done by the Air National Guard, the US Navy, and the US Army Corps of Engineers and coordinating with the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians and the Bureau of Indian Affairs to complete the cleanup work at the site as quickly as possible. Much of the site has already been remediated. A Record of Decision that selects the remedy for the site was signed in September of 2012. A building which lies on a source area for contamination was removed in September of 2012. Approximately 3,200 cubic yards of contaminated soils at the site were removed in July and August of 2013. Groundwater wells were installed to clean up contaminated groundwater during the same timeframe and will be removed once the appropriate cleanup levels are met.

- Mill Casino property – DEQ has been working with the Coquille Indian Tribe on the Mill Casino property in North Bend. The site was a formerly contaminated Weyerhaeuser lumber mill. DEQ worked with the Coquille Economic Development Corporation and PacifiCorp to clean up pollution from a nearby former PacifiCorp manufactured gas plant that had migrated onto the property. DEQ selected a formal remedy for the pollution last year, and it was implemented over this past summer. DEQ issued a No Further Action determination for this site on May 17, 2013.
- Fifteen Mile Creek – DEQ continues to work with the Oregon Department of Transportation to evaluate herbicide concentrations in Fifteen mile Creek in The Dalles. A truck carrying containers of herbicide crashed on this bridge in 2000. A significant amount of the herbicide spilled into the creek, killing thousands of lamprey. DEQ oversaw extensive cleanup and subsequent testing that continued into 2003. However, some contamination remains in the soil and rock above the creek.

In 2008, the Oregon Department of Transportation conducted limited testing before replacing the bridge. They took extensive precautions to prevent further contamination of creek sediment during demolition and construction. Most notably, they constructed a deck over the creek beneath the bridge. Nonetheless, elevated herbicide concentrations were found during testing in 2010 and 2011. Testing in October 2012 indicated that herbicide concentrations have declined substantially. Based on this information, DEQ does not plan to require additional testing.

DEQ has been in contact with the Confederated Tribe of Warm Springs throughout this process. The tribe has been studying the health of lamprey populations at various locations including this one. DEQ staff have provided monitoring results to the Warm Springs fish biologist doing this work.

- Astoria Marine Construction Company – During 2013, DEQ continued to coordinate with representatives from the Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians of Oregon, Nez Perce Tribe and Yakama Nation to get their review and input into the Remedial Investigation work plan for the facility, as established in government-to-government memorandums of understanding between DEQ and these tribes. DEQ held a site visit and investigation scoping meeting with tribal representatives in April 2013 and made changes to the final approved investigation work plan based on tribal input provided in August and September 2013. DEQ will continue to consult with the tribal governments to ensure that tribal concerns are considered in future site investigation and cleanup actions at the marine facility located on the Lewis and Clark River in Astoria, Oregon. This facility was deferred to DEQ by EPA in 2012 for all cleanup work.
- North Ridge Estates- North Ridge Estates was added to the National Priorities List, known as Superfund, after DEQ nominated in September 2011. North Ridge Estates is a residential subdivision located approximately three miles north of Klamath Falls, Oregon. The site is contaminated with asbestos-containing materials resulting from the demolition of approximately eighty 1940s-era military barracks buildings. EPA is the lead agency for the project, but works closely with DEQ. A cultural pedestrian survey was conducted by EPA pursuant to National Contingency Plan Section 106 requirements, working closely with the Klamath Tribes and the State Historic Preservation Office. A draft final report has been submitted by EPA to both State Historic Preservation Office and the Klamath Tribes. As the project progresses, there will be continued coordination between the state and federal agencies, the Klamath Tribes, and the State Historic Preservation Office.

### **Landfills**

Whiteson - The Whiteson Landfill was closed over 30 years ago with a dirt cover that was approximately 2 feet thick. Constructed in 1973, the Whiteson Landfill received wastes until 1983. An estimated 24,000 tons of baghouse dust was disposed and used as daily cover at the Whiteson Landfill. This material contained high levels of lead (up to 5 percent), cadmium and chromium, and if it is exposed, it would be considered hazardous waste. Yamhill County is responsible for the maintenance of the closed Whiteson landfill.

During 2013, DEQ coordinated with representatives from the Confederated Tribes of Warm Springs, Confederated Tribes of Siletz Indians and the State Historic Preservation Office regarding the solid waste permit renewal to ensure cultural resources issues are addressed and the environmental objectives are met. The permit now includes conditions for an updated closure plan, improvement of the landfill cover and regular monitoring of seeps and groundwater wells as well as specific requirements to comply with all other state laws, including cultural resources laws. DEQ anticipates the coordination efforts will continue in 2014 since the work on the landfill surface did not occur in 2013.

### **Umatilla Chemical Agent Disposal Facility**

Throughout 2013, DEQ's Chemical Demilitarization Program continued work with the Confederated Tribes of the Umatilla Indian Reservation on DEQ's oversight of the Umatilla Chemical Agent Disposal Facility. Pursuant to a Memorandum of Agreement between DEQ and the Confederated Tribes of the Umatilla Indian Reservation, the two parties consult, coordinate and communicate on a government-to-government basis on matters related to state permitting activities that apply to the U.S. Army's program to destroy chemical weapons and munitions at the facility. Now that all the chemical weapons have been destroyed, DEQ is consulting with the Confederated Tribes of the Umatilla Indian Reservation on permit issues related to final closure of the facility.

## 6.4. Other Projects

### Complaints

In March, DEQ worked with representatives from the Confederated Tribes of Grand Ronde regarding complaints of metal scrapping and burning materials nearby, but not within the Grand Ronde reservations lands. DEQ coordinated with the tribe and the county to determine jurisdiction and followed up with a warning letter to the property owner regarding environmental concerns. DEQ has not received any additional complaints.

### Consultation on projects with federal Clean Water State Revolving Loan funding

DEQ continues to administer federal funds associated with the Clean Water State Revolving Loan capitalization grant and works with city and county applicants to ensure that early consultation with tribal nations occurred on projects with ground-disturbing impacts.

### Columbia River Treaty 2014/2024 Review, Sovereign Technical Team

The Columbia River Treaty is a 1964 agreement between Canada and the US concerning development and operation of dams in the upper Columbia River basin for power and flood control benefits in both countries. Automatic changes to the treaty will occur in 2024 unless at least 10-years advance notice is given by either country to negotiate treaty modifications or terminate the treaty. As part of the process, the Sovereign Review Team provides input to the Columbia River Treaty 2014/2024 Review to assist the US Entity's development of a regional recommendation for treaty modifications. The US Entity is the Administrator of the Bonneville Power Administration and the Northwestern Division Engineer for the US Army Corps of Engineers. The Sovereign Technical Team provided technical support to the review team and the US Entity for the Columbia River Treaty 2014/2024 Review. Tribal, state, and federal representatives comprise the review team and technical team. DEQ is an alternate member of the State of Oregon representation to the technical team, and worked with other representatives to study treaty modifications that will incorporate ecosystem function in addition to the original treaty functions of power generation and flood control. Results of computer modeling of the Columbia and Snake Rivers were evaluated to assess potential improvements for salmonid migration and changes to flood control, energy generation, water quality, navigation, recreation and irrigation resulting from changing flow releases from Canadian dams, which would be effected by modifications to the Columbia River Treaty. The US Entity and the review team are currently in the process of finalizing the Columbia River Treaty Review Regional Recommendation which is a final step in the multi-year Columbia River Treaty 2014/2024 Review process.