

# 2014 Annual Government-to-Government Report on Tribal Relations

Submitted to:

**Governor John Kitzhaber**

**Legislative Commission on Indian Services**

**By: Dick Pedersen, Director**

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



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# 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, and enhance relations, with Oregon's nine federally-recognized tribal governments regarding environmental protection and improvement 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, technical assistance 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 additional 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

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## 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), which direct state agencies to promote government-to-government relations with Oregon’s Indian tribes. In April, 2010, DEQ updated its Tribal Relations Policy. The policy states that DEQ is committed to building and maintaining strong government-to-government relations with Oregon’s nine federally-recognized tribes. DEQ consults and coordinates with tribal nations on air quality, water quality and land quality issues that affect tribal interests, resources or lands. DEQ builds positive relationships with tribal leaders, managers, staff and representatives to understand tribal interests, explore opportunities for greater partnership and collaboration, and address tribal interests as much as possible in DEQ actions. State-tribal partnership increases our collective ability to protect and enhance Oregon’s environment and people’s health.

The complete 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 levels, and seeking opportunities to collaborate with tribes on issues that are important to tribal governments.

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

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

- In December 2013, DEQ's tribal liaison attended the Government-to-Government meeting with representatives from the Condeferated Tribes of Grand Ronde Tribal Council, staff, and the Governors' Office to discuss actions associated with toxics reduction in Oregon and nonpoint source pollution.
- In May 2014, DEQ's tribal liaison attended and participated in the Legislative Comission on Indian Services Spring Gathering.
- In June 2014, Director Pedersen and Jennifer Wigal, a DEQ water quality manager, met with the Confederated Tribe of Umatilla Indian Reservation's Board of Trustees to discuss DEQ's implementation of water quality standards for toxic pollutants and other topics associated with water quality standards.
- In August 2014, Director Pedersen and DEQ's tribal liaison met with the Coquille Indian Tribe's Tribal Council to discuss a number of topics including Oregon's water quality standards, stormwater runoff and associated regulations, and DEQ's regulatory authority associated with the proposed Jordan Cove liquefied natural gas facility and associated pipeline.
- During late summer and fall 2014, DEQ met with cultural resources and natural resource representatives, the Department of State Lands, the State Historic Preservation Office and the Governors Office to discuss how to incorporate an appropriate cultural resources review into a new regulatory framework for suction dredge mining, associated with Senate Bill 838.
- DEQ's tribal liaison, and technical experts when appropriate, attended all of the tribal-state natural resources cluster, cultural resources cluster, and economic development and community services cluster meetings held in 2014 as an important part of government-to-government relations under Senate Bill 770.

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

- In December 2013, DEQ sent an email to all of the natural resources key contacts summarizing the situation associated with the Coastal Zone Management Act litigation in Oregon. DEQ sent two more followup emails regarding the same topic in March and September 2014.

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- In January 2014, DEQ sent an email to all of the natural resources key contacts with an update on DEQ's plans for water quality standards work in 2014. The email included a request to discuss the plans and get feedback. DEQ had two followup discussions in February 2014 with representatives from the Cow Creek Tribe of Umpqua Band of Indians and Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians. In March 2014, DEQ sent an update via email to all of the natural resource and cultural resources key contacts regarding the renewal of the suction dredge mining general permit (700 PM).
- In June 2014, DEQ shared information about a funding opportunity for tribes related to reducing emissions from diesel engines with all of the natural resources key contacts. DEQ can provide assistance in all stages of project design and application including devising a project, strategic positioning, emission calculations and, if time and resources allow, drafting grant proposals with an overall goal to make every project request from Oregon as competitive as possible.
- In August 2014, DEQ sent a draft of Oregon's Nonpoint Source Management Plan to all of the natural resources key contacts requesting feedback. DEQ responded to the input received and finalized the plan in September 2014, which outlines DEQ's strategies for managing pollution of Oregon's waters from nonpoint sources and the collaboration with tribes and other stakeholders. The plan can be found at: <http://www.deq.state.or.us/wq/nonpoint/docs/npsplanF.pdf>
- In September and October 2014, DEQ sent an update to all of the natural resources key contacts regarding the water quality standards for ammonia rulemaking.

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 October 2014, DEQ's tribal liaison participated in and presented at the annual Oregon Tribal Environmental Forum hosted by EPA. The discussion included a summary of the toxics monitoring data from the 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 coordinated the cultural cluster meetings, logistics, and information for a one-year timeframe. The coordination role began in June 2013 and ended in mid- 2014. It was 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 online 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.

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<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. During National Pollutant Discharge Elimination System permit renewals, DEQ analyzes 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.

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

DEQ continues to implement the more stringent human health toxics criteria based on a higher fish consumption rate. Since July 2011, a total of 89 individual water permits have been issued and all of those permits now require monitoring requirements for toxics. In addition, there are two new industrial permits that include permit limits for toxics based on human health criteria with the higher fish consumption rate.

DEQ used the revised human health toxics criteria to assess water quality for Oregon's 2012 Integrated Report. The report was submitted to EPA in November 2014. The assessment identifies additional waters in the state that are impaired by toxic substances, also known as 303(d) listings, including several new listings based on mercury in resident fish tissue and others based on arsenic and toxic compounds in water. Additional waters impaired by metals such as iron, copper, and lead were identified and added to the listings.

### **Progress in Addressing EPA Aquatic Life Toxics Criteria Disapprovals**

On April 11, 2014, the U.S. Environmental Protection Agency approved all the December 2013 revisions to Oregon's toxics water quality standards. The revisions address EPA's Jan. 31, 2013, disapproval of 11 pesticides and selenium aquatic life criteria, and reinstate criteria for arsenic and chromium VI that were inadvertently omitted from a toxics table. For more information about this rulemaking and to access the currently effective toxics criteria see: <http://www.deq.state.or.us/wq/standards/toxics.htm>.

DEQ is also proposing a rulemaking to address EPA's Jan. 31, 2013, disapproval of ammonia criteria that the Environmental Quality Commission adopted in 2004. DEQ proposes to adopt EPA's latest ammonia criteria recommendations that protect freshwater mussels and snails. The public comment period closed in October 2014. DEQ will recommend adoption of the proposed criteria at the Jan. 7-8, 2015, Environmental Quality Commission meeting in Portland. For more information about the proposed ammonia revisions, see: <http://www.oregon.gov/deq/WQ/Pages/Standards/ammonia.aspx>.

DEQ is conducting preliminary research on addressing EPA's Jan. 31, 2013, disapproval of freshwater copper criteria. EPA's latest recommendations for copper are based on the Biotic Ligand Model. This model derives site-specific criteria based on 10 water quality parameters that affect the toxicity of copper on aquatic life. In addition, DEQ will consider adoption of four new EPA-recommended toxics criteria during this rulemaking process.

Prior to initiating the ammonia rulemaking, DEQ sought input from Oregon tribes. Based on tribal response, DEQ gave presentations to the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, Cow Creek Band of Umpqua Tribe of Indians, and the Confederated Tribes of the Umatilla Indian Reservation. DEQ will seek input from Oregon tribes prior to initiating the copper rulemaking, expected to begin in Spring 2015.

### **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, 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 Columbia River Toxics Reduction Working Group met three times in 2014. Workgroup contributors reached milestones associated with the toxics reduction action priorities including holding the Columbia River Basin Pesticides Reduction Workshop in Walla Walla, in which DEQ presented updates on pesticide stewardship partnership projects, and publication of *Strategy for Measuring, Documenting and Reducing Chemicals of Emerging Concern*. Additionally, DEQ with cooperation of the Department of Administrative Services, established a pricing agreement for the procurement green janitorial supplies. Other government agencies can take advantage of the pricing agreement, which decreases toxics impacts in the Columbia 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. Recent progress on implementing these short-term priorities was presented to Oregon's Environmental Quality Commission in June 2014. 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 2014 to implement several of these short-term priorities. In addition to implementing low toxicity product specifications for the state's janitorial and cleaning supplies contract, DEQ supported the state Department of Administrative Services in developing state purchasing guidelines for all product categories, such as building materials, office furniture and office supplies. These guidelines were adopted as state policy by Oregon's Chief Operating Officer in the summer of 2014. DEQ encourages the Columbia River Inter-Tribal Fish Commission and tribal governments in Oregon to consider participating in Oregon's low-toxicity price agreements and adopting the general purchasing guidelines. In addition, DEQ joined with the State of Washington and the Interstate Chemicals Clearinghouse to develop protocols for conducting toxic chemical alternatives assessments to ensure that industries, governments and consumers can identify safer, practical alternatives to priority toxic chemicals. Making strides toward "green chemistry" through alternatives assessment has been a goal of Northwest tribal governments, as expressed in the Columbia River Toxics Reduction Action Plan.

### **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, 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.

As a result of the summit, in 2014 DEQ partnered with the Confederated Tribes of Umatilla Indian Reservation to conduct monitoring work in the Umatilla Basin. All of the locations monitored were sampled for field chemistry including dissolved oxygen, pH and conductivity and macroinvertebrates. Approximately half the sites were also sampled for toxic pollutants. The objective of the project is to provide the local stakeholders information on biological/toxics conditions across the Umatilla basin, at sites where they had previously collected water quality information. The data for this work will be available in 2015.

### **Monitoring toxic pollutants**

During 2014, DEQ's Statewide Toxics Monitoring Program completed its sampling rotation of all basins around the Oregon. Throughout this effort, DEQ collected water, fish and sediment. As part of this on-going effort, tribal representatives assisted DEQ with site selection and planning activities. DEQ is working on a report of the data and has started sharing the data. As part of this outreach effort, DEQ presented a summary of the water results at the 2014 Oregon Tribal Environmental Forum meeting held in Pendleton, Oregon, in October 2014. DEQ will continue to provide information as it becomes available. This data may be useful for tribal representatives as they develop action plans for tribal lands. DEQ will also continue to engage with tribal representatives during the planning process for the continuation of the statewide toxics monitoring work.

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

DEQ's Clean Water State Revolving Fund loan program provides low-cost loans for the planning, design and construction of projects that enhance or protect water quality. Revisions to the loan's administrative rules adopted in 2012 clarified that public agencies eligible to participate in the loan program include federally-recognized Indian tribal governments. Additionally, administrative rule changes in 2014 allow the program to purchase revenue bonds from public agencies with paybacks of up to 30 years to fund wastewater treatment projects in addition to the program's traditional 20-year loans.

### **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 with DEQ on topics related to sedimentation, drinking water protection and aquatic habitat in the Siletz subbasin. The Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians collect monitoring data in the Siuslaw subbasin that helps to understand estuarine processes and protection of beneficial uses and which can be used in TMDLs development. Both tribal governments periodically provide water quality technical assistance to local partners, including watershed councils, Soil and Water Conservation Districts and municipalities. Work on TMDLs development will continue into 2015.
- 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 and continues to show interest in assuring that urban stormwater management strategies are an integral part of implementation.
- 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. Previous TMDL development efforts

were halted in 2012 because of litigation associated with Oregon's temperature standard. At this point, DEQ is working to develop TMDLs for pH, dissolved oxygen and chlorophyll on the Deschutes River above Lake Billy Chinook and the Little Deschutes River. DEQ has begun the initial stages of monitoring for this effort and has been in consultation with a tribal representative as part of this effort. We expect data collection to continue through 2015 or 2016.

- Western Hood 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. DEQ and the tribes have 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. In addition, Hood River County completed a 2-year long Basin Study in 2014, funded by Oregon Water Resources Department and US Bureau of Reclamation. The purpose of the Basin Study was to define current and future imbalances in water supply and demand in the Hood River basin over the next 50 years (through 2060), and to develop and analyze adaptation and mitigation strategies to resolve those imbalances. DEQ and the Tribes were both members of several of the different technical committees involved with guiding this work.
- Middle Columbia-Hood (Miles Creeks) TMDL – This TMDL for temperature was approved by EPA in 2009 and DEQ has been involved with implementation activities since that time. Concerns about decreasing stream flows and the effects on stream temperature and aquatic habitat continue to be an issue in the Fifteenmile Creek watershed. There are a number of stakeholder initiatives underway under the guidance of the Fifteenmile Creek watershed council to better understand surface water-groundwater interactions and to protect instream flows. Representatives from the Confederated Tribes of Warm Springs and DEQ have been involved with a number of these efforts, most recently providing input on the new *Fifteenmile Watershed Above Ground Storage Feasibility Study* which has been funded by Oregon Water Resources Department. The Confederated Tribes of Warm Springs are particularly interested in the Fifteenmile Creek watershed because of the presence of lamprey.
- 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. The Long-Term Monitoring Plan is complete,
  - Water quality monitoring in the Umatilla Basin continues to be a cooperative effort between DEQ, the Confederated Tribes of Umatilla Indian Reservation and other basin

stakeholders. DEQ, the tribe and the Umatilla Basin Watershed Council are currently collaborating on a more efficient way to store and upload water quality data. . The partners have worked throughout the summer and fall of 2014 to streamline and update online water quality data storage and access. The Confederated Tribes of Umatilla Indian Reservation also provided critical monitoring support when the watershed council was temporarily without a director or monitoring coordinator during the summer of 2014.

In addition to these specific examples, 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 looks forward to continued discussions as the 401 certification process progresses.
- Pelton Round Butte Hydroelectric Project – DEQ and the Confederated Tribes of Warm Springs are working 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 2014, 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.
- Warm Springs Dam - In April 2014, DEQ met with stakeholders including representatives of the Burns Paiute Tribe during an environmental site visit and public scoping meeting regarding a proposed hydroelectric development on the Warm Springs Dam near Juntura, Oregon. DEQ and the tribe share a mutual interest in maintaining adequate water quality and quantity sufficient to support aquatic resources of the Malheur Basin and will continue to share information as the process moves forward.

### **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, as well as contributions from tribal governments, for over ten years. However, in 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. In 2014, DEQ worked with the Oregon Department of Agriculture and other state agencies in implementing the expanded program. Pesticide monitoring was initiated in four new watersheds in 2014: Middle Deschutes, Middle Rogue, South Coast, and South Umpqua. Based on the results of this monitoring data, two of these watersheds will be selected for implementation of longer-term projects. DEQ and the Oregon Department of Agriculture are working closely with numerous partners in each of the watersheds, including the Cow Creek Tribe in the South Umpqua. Approximately 44,000 pounds of unwanted waste pesticides were removed from Oregon watersheds as of October in 2014 as part of the first phase of conducting pesticide collection events.

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

- Hood River Basin Pesticide Stewardship Partnership – Two initial pilot projects using the Pesticide Stewardship Partnership 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 and the tribe communicate on a regular basis and DEQ provides annual reports on the pesticide monitoring results. The Confederated Tribes of Warm Springs has provided consistent and generous 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 2013, presented to partners in early 2014, showed that levels of priority pesticides in surface waters remain low, demonstrating the continued success of the partnership efforts. In 2014, DEQ and representatives from the Confederated Tribes of Warm Springs deployed “passive” sampling devices in streams that are a high priority to the tribe, thereby enabling the collection of more consistent data over time that will complement the “grab” samples collected in the watershed. DEQ is conducting the chemical analysis on the passive samplers, which will be reported to tribe and other partners in early 2015.
- 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

have been collecting samples at these locations as an in-kind contribution to the Pesticide Stewardship Partnership project for the past four years. The monitoring data generated by DEQ is shared annually with the all of the project partners. In 2014, the Confederated Tribes of Grand Ronde hosted a meeting with state agencies, private forest land owners and the Greater Yamhill Watershed Council to share data from 2010 – 2013, as well as information about herbicide application periods in the South Yamhill Watershed. The data results continue to show very low levels of a small number of herbicides. This is positive news for all partners in the watershed. However, with the additional information gained from the 2014 meeting, DEQ and the Confederated Tribes of Grand Ronde can more precisely time sample collections with forest herbicide applications, thereby providing more confidence in future monitoring results.

### **Suction Dredge Mining**

Senate Bill 838 passed during the 2013 legislative session, and addresses the regulation of motorized placer mining in Oregon. The bill requires the Governor's Office to present recommendations for regulating both suction dredge and upland placer mining activities to the Oregon Legislature by November 2014. The recommendations are to be developed in consultation with a specified list of stakeholders, including tribes, and will address a variety of environmental, social and cultural issues.

DEQ was part of the state agency team that assisted the Governor's Office with convening a stakeholder committee to discuss potential recommendations for regulating mining activities. That committee met seven times in 2014. In parallel with those meetings, DEQ worked with the Governor's Office, the Department of State Lands and the State Historic Preservation Office to meet several times with tribal natural resources and cultural resources representatives to obtain input on recommendations for addressing cultural resource protection and other tribal interests. Those discussions were extremely useful and resulted in, among other things, a recommendation to incorporate a cultural resources review into the permitting process.

### **Other Water Quality Projects**

- Umpqua Basin – The Cow Creek Band of Umpqua Tribe of Indians are cooperating with DEQ and local partners in assessing toxics in the South Umpqua through both a pilot project of the Pesticide Stewardship Partnership and through tribal-led efforts. DEQ is exploring additional collaborative monitoring and assessment projects with natural resources staff at the Tribe and Partnership for the Umpqua Rivers. The tribe has also served as a natural resources hub for local and state agencies through periodic meetings and forums.
- Willamette River Report Card - DEQ is working with a multi-agency group to develop ecosystem health indicators, thresholds and a framework for an ecosystem health report card for the Willamette River. The group includes representatives from the Confederated Tribes of the Warm Springs and the Confederated Tribes of the Grande Ronde. This work will continue into 2015.
- South Fork Coquille River - DEQ provided 319 program funding to the Coquille Watershed Association to support the development of an South Fork Coquille River Action Plan. The plan was recently completed and a public presentation is planned for late November. This area is a

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.

- Coos Watershed - DEQ provided 319 program funding to the Coos Watershed Association to in part host a workshop designed to prepare for the upcoming work on the Coos Total Maximum Daily Load. During a meeting in Septmeber 2014, a representative from the Coquille Indian Tribe participated in the discussion regarding technical approaches and vetted best management practices. Additional workshops to facilitate best management practices discussions are planned. DEQ is aware of the Coquille Indian Tribe's interest in stormwater management and land development and will continue to ensure the tribe is included in upcoming events.
- Coos Bay – Both the Coos, Lower Umpqua and Siuslaw Indians and the Coquille Indian Tribe manage long term multi-parameter water quality monitoring devices in Coos Bay as part of their ongoing water quality monitoring programs. This data is extremely valuable to DEQ and will help support the development of a hydrological model and the characterization of water quality in Coos Bay. The Coos Watershed Association will use 319 program funding to partner in the sponsorship of a December Water Quality Coalition meeting to discuss ongoing collaboration.
- Empire Reservation - The Coquille Indian Tribe continues to express concerns about urban stormwater management and its adverse impacts to the Empire Reservation streams. Hydrological modifications have resulted in increased sedimentation, channel instability and increased volume of runoff. The Coquille Indian Tribe has stated support for the City of Coos Bay's State Revolving Loan Fund Sponsorship Option, administered by DEQ, to develop stormwater management ordinances, stormwater management design criteria and to opportunistically implement retrofits to restore hydrology. One of the areas identified for evaluation is First Creek, which runs through the Empire Reservation. An advisory committee will be developed to guide this body of work and the Coquille Indian Tribe has been approached as a potential member.
- South Coast Basins - During 2014, the Oregon Health Authority evaluated chemical contaminant levels in shellfish tissue data collected in the South Coast basins by DEQ in 1992 through 2008. The Oregon Health Authority determined that, for individuals with higher consumption rates, tissue contaminant levels may exceed human health screening levels. These data were included in the South Coast Basin Status Report and Action Plan. DEQ has scheduled meetings to discuss the data with representatives from the Coquille Indian Tribe and the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians.
- Coalbank Slough - In 2012, forest management activities triggered a landslide that entered Coos Bay's Coalbank Slough. DEQ has worked since that time with the responsible party to remove the slide material. The Cow Creek Band of Umpqua Tribe of Indians, Confederated Tribes of Siletz Indians, Coquille Indian Tribe and Coos, Lower Umpqua and Siuslaw Indians and the Smith River Rancheria were consulted regarding the associated permitting of the project. Fill material was removed from Coalbank Slough in October 2014 and a representative from the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians observed the removal to assure cultural resources were not adversely impacted. The removal was conducted during

evening low tides and significant rainfall. DEQ appreciates the extra efforts by Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians to facilitate the work.

- **Umatilla Basin Assessment** - In its third year of implementing a 'Watershed Approach' process holistically addressing the entire state, basin by basin, the Umatilla Basin was assessed in 2012. This effort is underway, with involvement of the Confederated Tribes of the Umatilla Indian Reservation and other stakeholders. The Watershed Approach for the Umatilla Basin is in progress and is an active, collaborative effort between DEQ, the Confederated Tribes of Umatilla Indian Reservation and other basin stakeholders. Completion is expected late 2015 or early 2016. DEQ participates with the Confederated Tribes of the Umatilla Indian Reservation in a 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. This team is currently exploring potential changes to its role in directing the implementation of the TMDL and acting as technical advisor in water quality and quantity projects throughout the basin. The team is meeting in December 2014 to better define its long-term role in coordinating efforts in the basin.
- **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. This grant work is proceeding well. The project is projected to close Dec. 31, 2014.
- **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. This project closed successfully Dec. 31, 2013. The new discharge and clean-out system is working well.

- 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. These projects closed successfully.
- 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. This project has been expanded to include additional stream channel restoration. New landowners have signed up to participate and have brought additional segments of the river channel into the project, nearly doubling the original project size. To accommodate the additional work, the project deadline has been requested to be extended to December 31, 2015. We are awaiting EPA approval of the extension request.

- 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*. 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. The Exhibit opened in February 2014 and will remain open through December 2014. It has received very strong support by the public and has been well attended. In addition to the standing exhibit, the museum has also sponsored presentations by exhibitors from the Confederated Tribes of the Umatilla Indian Reservation, DEQ, ARS Experiment Station and others on topics that are featured in the standing exhibit.
- Onsite septic system improvements - 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.

## 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 stations in Pendleton and Hermiston since DEQ no longer has staff available to operate the sites. In addition, DEQ provided assistance to the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians in operating and maintaining a fine particulate air quality monitor in Coos Bay, providing technical assistance and training at the monitoring site. 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.

### **Partnering with tribal nations on local air quality improvement**

During 2014, DEQ initiated the formation of a local North Harney County Air Quality Task Force. The purpose of the task force is to work at the local air-shed level to devise and implement community-based solutions that will be effective in maintaining the air-shed consistently within or under the National Ambient Air Quality Standards and to protect against effects of small-particulate emissions on local public health conditions. The local air-shed is composed of the cities of Hines and Burns, the Burns-Paiute Reservation and adjacent and nearby unincorporated areas of Harney County. The Environmental Program Manager for the Burns-Paiute Tribes has been consistent in participating in the formation and scoping of the task force. DEQ looks forward to this opportunity to assist in reducing air pollution issues in the region.

## 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 environment 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.

Through this process, DEQ connected with tribal representatives on numerous incidents during 2014.

Several examples include:

- **2013-2228** – Helicopter crash into the South Umpqua River near Canyonville. The Cow Creek Bend of Umpqua Tribe of Indians were contacted by phone within two hours of notification to DEQ of the crash from the Oregon Emergency Response System. Additional details were sent to the tribe via e-mail two hours later as soon as verifiable information became available from on-scene responders. Incident was a 20-40 gallon jet fuel spill resulting in a sheen on the South Umpqua River. First Strike Environmental was hired by the responsible party to cleanup. DEQ requested, received and reviewed a spill report from First Strike. The incident is closed.
- **2013-2445** – 200 gallon overfill of diesel from a tanker truck to an above ground storage tank in Milton Freewater. Confederated Tribes of Umatilla were notified via email within one hour of incident and DEQ’s request for immediate cleanup by responsible party. DEQ provided oversight and review of cleanup activities as well as review of final spill report submitted by Eastern Oregon Environmental Services. The incident is closed.
- **2013-2767** – 120 gallon spill to Klamath Lake near Klamath Falls during icy road conditions. The Klamath Tribes were notified via e-mail as soon as a spill was verified, approximately six hours after initial notification to DEQ. SMAF Environmental conducted cleanup of the spilled material with DEQ oversight. DEQ requested, received and reviewed a spill report from SMAF Environmental. The incident is closed.
- **2014-1226** - An estimated 100 gallons of diesel and 15 gallons lube oil was lost when a logging truck tractor hit the Harrington Creek Bridge breaching its saddle tank and motor oil pan spraying diesel and lube oil into Harrington Creek, on the bridge and adjacent roadway near Idleld Park. The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians as well as the Cow Creek Band of Umpqua Tribe of Indians were notified via phone call within one hour of notification to DEQ of the crash. First Strike Environmental was hired to do cleanup. The spill report has been received by DEQ and is currently being reviewed for closure.

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<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.

- **2014-1709** – 150 gallons diesel fuel and motor oil spilled to the Shinglehouse Slough when a semi-truck left the roadway and landed in the slough. The Confederated Tribes of Siletz Indians, Confederated Tribes of Grand Ronde, Coquille Indian Tribe and Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians were notified via e-mail within three hours of initial notification to DEQ. DEQ requested, received and reviewed a spill report. The incident is closed.
- **2014-2046** – 100-150 gallon diesel spill to Umpqua River and riverbank due to semi-truck crash on Scottsburg Bridge in Douglas County. Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, Cow Creek Band of Umpqua Tribe of Indians and the Confederated Tribes of Siletz were all notified via phone call within 90 minutes of initial notification to DEQ of crash. First Strike Environmental performed cleanup. DEQ requested, received and reviewed the spill report. The incident is closed.

One shortfall to DEQ's incident response is that DEQ does not have information from tribes on the water supply intakes that may be threatened from a release of oil or hazardous material on or near tribal lands. DEQ is working to address this information gap by working with tribal representatives and EPA to ensure essential information is communicated to the DEQ incident response team to ensure protection strategies are deployed in a timely manner.

### **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 and 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. DEQ, the tribal partners, U.S. Environmental Protection Agency, and National Marine Fisheries Service representatives meet every other week to discuss technical issues on this regionally important cleanup project.
  - 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. DEQ provides technical support and works to ensure Oregon state rules are applied to the project in support of EPA, as the lead agency working on investigating and cleaning up pollution in the river itself. DEQ leads the work controlling contaminants in upland areas to prevent recontamination of the river following EPA's in-water cleanup. Prior to making source control decision, DEQ solicits input from the tribes on proposed source control decisions (e.g., proposed riverbank remedy at the Evraz Oregon Steel Mill site). Recent significant source control actions include:
    - In March 2014, DEQ requested input from EPA and the tribes on the initial partial draft Portland Harbor Upland Source Control Summary Report. The report summarizes cleanup investigation and control work overseen by DEQ over the past 14 years at 170 sites along both sides of the river. It also includes

work completed or planned in the river and on the shores in the downtown reach (river mile 12-16), just upstream of the Portland Harbor study area. DEQ integrated input received from EPA and the tribes to complete the report, which was submitted to EPA in November 2014.

- DEQ is developing a multi-media presentation for widespread public outreach on sufficient source control completion for EPA's in-water remedy to go forward without threat of recontamination. The presentation will educate the public on contaminant pathways from the uplands to the river and how they have been controlled, features several videos at specific industrial sites and presents various stakeholder perspectives on the upland cleanup work. Representatives from the Confederated Tribes of Grand Ronde participated in the videos and will be featured in DEQ's outreach program on Portland Harbor source control.
- 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, such as fish populations, wildlife and habitat, that are damaged by contamination. DEQ is supporting the Oregon Department of Fish and Wildlife in this role.
- Astoria Marine Construction Company– During 2014, DEQ continued to coordinate with representatives from the Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians of Oregon, the Nez Perce Tribe and Yakama Nation to get their review and input into the remedial investigation work at this cleanup site located along the Lewis and Clark River near Astoria, Oregon. This facility was deferred to DEQ by EPA in 2012 for all cleanup work. DEQ's work with the tribes is guided by government-to-government memorandums of understanding between DEQ and these tribes. The major efforts involved in the project during 2014 included:
  - Review and input for reports produced from the Phase I Remedial Investigation for the facility. Reports summarized investigation of site soils, groundwater, adjacent surface waters and sediments. DEQ requested and received feedback, questions and recommendations from participating tribes on the results of the Phase I Remedial Investigation and forwarded those comments to Astoria Marine Construction Company and its consulting team.
  - DEQ held two meetings with tribes and other participating state and federal agencies to discuss the Phase I Remedial Investigation results and how to guide the project and further investigation work based on those results.
  - DEQ worked with the tribes to review the Phase II Remedial Investigation Work Plan, which included additional sampling to follow the first phase of the project. DEQ received comments and questions from the tribes that guided revisions to the Phase II Work Plan to Astoria Marine Construction Company and its consultants. DEQ approved Phase II Field Work in November 2014.

- DEQ also participated in two meetings with the tribes and other federal Natural Resource Trustees that were intended to initiate discussions for the Natural Resources Damages Assessment process.

DEQ will continue to consult with 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

- 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 U.S. Army Corps of Engineers on evaluating contamination levels at Bradford Island in the Columbia River. The U.S. 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 U.S. Navy, 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 2012. A building which lies on a source area for contamination was removed in September 2012. Approximately 3,200 cubic yards of contaminated soils at the site were removed in July and August 2013. DEQ issued a partial No Further Action for soils at the site in December 2013. Groundwater work continues, and additional groundwater wells were installed to clean up contaminated groundwater during the same timeframe and will be removed once the appropriate cleanup levels are met.

DEQ also worked extensively with the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians regarding the planning and active removal activities associated with an asbestos abatement project at the Coos Head National Guard site. Though DEQ's involvement was a matter of course as an inspector for the asbestos program, the asbestos-containing material to be abated required additional involvement. The material was paint, which was applied to the exterior walls of all eight remaining buildings. In order to control costs, the Tribes sought alternative disposal options, as the exterior walls were heavily reinforced to provide protection against exploding armaments and projectiles. The thick concrete walls and heavy gauge rebar would have required scores of trucks to haul the asbestos-containing material hundreds of miles for proper disposal. In addition to the tipping fees and trucking costs, the diesel fuel required for transporting this material would have resulted in a significant carbon footprint.

In order to achieve the Tribes' disposal cost goals and maintain compliance with the DEQ's asbestos rules, a paint stripping method was devised. This method was ultimately achieved through several iterations of sampling and visual inspections. This process required the active participation of tribal representatives, their consultant, and their chosen asbestos abatement contractor.

- 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. The federal government approved funding to perform remedial actions at the North Ridge Estates Site in March 2014. EPA is expecting to start on-site work no later than May 2016. 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 two 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 five 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 for Whiteson Landfill to ensure cultural resource 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 2015 since the work on the landfill surface did not occur in 2014.

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

Throughout 2014, 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.

### **Modernizing programs that reuse, reduce and recycle**

DEQ worked with a representative from the Confederated Tribes of Warm Springs as it sought input and built support for key actions needed to begin fully implementing *Materials Management in Oregon: 2050 Vision and Framework for Action*. The plan sets a foundation for DEQ to help reduce environmental and human health impacts of materials and products, from raw material extraction to product design and manufacture, transport, consumption, use, reuse, recycling and disposal. This holistic approach will help DEQ shape state policies in a changing world with new jobs, new opportunities and new challenges.

One of the first steps implementing the *2050 Vision* was to convene a workgroup of interested stakeholders, including the Confederated Tribes of Warm Springs. From October 2013 to November 2014, the Materials Management Workgroup met seven times to develop legislative concepts that would increase funding for DEQ's materials management, formerly known as the solid waste, program, update goals to achieve meaningful environmental results and improve opportunities for people to recycle in Oregon. The Confederated Tribes of Warm Springs provided invaluable insight during these meetings, often sharing perspective that put the conversation in broader context.

## 6.4. Other Projects

### Environmental Complaints

DEQ receives environmental complaints statewide via phone or online form. When following up on complaints, DEQ often coordinates with partners in the area. Below are the examples that included coordination with tribal governments in 2014.

- Yamhill County - DEQ worked with representatives from the Confederated Tribes of Grand Ronde regarding complaints of metal scrapping and open burning materials near, but not within, the Grand Ronde reservations lands. DEQ coordinated with the tribe and the county to determine jurisdiction and followed up with warning letters, when appropriate, to the property owner regarding environmental concerns.
- Coos County - DEQ received a complaint regarding individuals living in a recreational vehicle without acceptable wastewater management in Coos County. DEQ investigated the complaint and worked with the Coquille Indian Tribe and the Coos County Codes Enforcement Officer to ensure compliance. Ongoing monitoring of the site will occur through the county enforcement officer and DEQ will be advised if additional evidence of water quality or code violations becomes available.

### 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 occurs on projects with ground-disturbing impacts.

### Regional Solutions

In 2013, the Oregon Legislature passed House Bill 4015 to codify the regional solutions work around the state. The law outlines the importance of working locally to identify priorities, solve problems, seize

opportunities to get projects done, and align resources. State resources have been strategically aligned throughout Oregon to accomplish these goals through Regional Solutions Advisory Committees, Centers and Teams. DEQ is represented on all of the regional solutions teams in the centers throughout the state. Below are examples of regional solutions work linked to tribal governments:

- The Executive Director for the Confederated Tribes of the Umatilla Indian Reservation is a standing member of the the Greater Eastern Regional Solutions Center Advisory Committee. DEQ has assisted the Advisory Committee in identifying, evaluating and selecting regional economic development projects that have the greatest potential to create jobs in the region and support changes in the regional economy. The selected projects have been submitted as proposals to the Governor's Proposed Budget for 2015-17.
- DEQ is a key agency in assisting and evaluating Calico Resources USA Corp in it pursuit of a Consolidated Permit under Oregon's chemical mining statutes in southeast Oregon. This is a multi-year and multi-agency process that intends transparency and streamlining in its approach to permitting with regard to state resources such as water quality, groundwater, wildlife, land use, geology, soils, socioeconomics, recreation and mineral resources. The process is anticipated to continue into 2017. The Shoshone-Paiute Tribes of the Duck Valley Indian Reservation have been contacted and invited to participate at the Project Coordinating Committee or Technical Review Team levels of the project. A Cultural Resources Specialist for the Burns-Paiute Tribes has been invited to and has participated on the Project Coordinating Committee in 2014.
- DEQ, for the Greater Eastern and Northeast Regional Solutions Center, has facilitated a formal working partnership between Eastern Oregon University and Oregon Parks and Recreation Department. One of the flagship projects of the partnership, Cottonwood Crossing Summer Institute, is focused on Cottonwood Canyon State Park. The Director of the Natural Resources Department for the Confederated Tribes of the Umatilla Indian Reservation has participated to deliver information on and provide support for a key cultural program connection, *First Foods*.
- The South Coast Regional Solutions team provided a letter of support for the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians application to the Department of Land Conservation and Deverlopment's Transportation Growth Management Program for the Coos Head Area Planning Project in June 2014.
- The Southen Regional Solutions team has been working with a number of tribal representatives, agencies and stakeholders on the possible development of Gold Hill Kayak Park at Ti'lomikh Falls and associated historial and cultural interpretation of the history of the area near Gold Hill along the Rogue River.