

**Scope and Operating Procedures
for the State and Tribal Government
Natural Resources Cluster Work Group
Executive Order 96-30**

1. History

Governor John Kitzhaber signed Executive Order (EO) 96-30 in 1996, which directs state agencies to develop working relationships with Oregon's nine federally recognized Indian Tribes. Strong working relationships are to be established through on-going training and education efforts, clear lines of communication, and proper coordination and consultation. Affected state agencies have developed Statement of Interests that describe how their programs and responsibilities affect tribal governments and how they plan to comply with the EO directives. As an aid to agency efforts toward EO compliance, the Governor's Office designated six issue area cluster work groups:

- a. Health and Human Resources
- b. Economic Development and Community Services
- c. Public Safety and Regulation
- d. Education
- e. Cultural Resources
- f. Natural Resources

The work groups consist of designated state agency EO key contacts and a tribal representative from each tribe. An Executive Committee of agency directors was also created by the Governor's Office to provide oversight of state agency compliance with the EO and to give guidance to the work groups.

2. Purpose Statement

It is recognized that the Natural Resource Cluster Work Group (NRC) is a powerful communication tool for achieving tribal-state collaboration and cooperation in carrying out the respective responsibilities for natural resource protection and management. The NRC provides a consolidated focus toward: enhancing effective communications between the state agencies and tribal governments; training and educational needs; means to further tribal-state agency coordination and consultation; and, working in good faith to identify problems of mutual concern and engage in problem-solving activities to facilitate resolving issues.

3. Representation and Participation

The NRC is currently comprised of one representative from the following member agencies and tribes:

- State agency EO key contact (required by EO):
- Department of Agriculture
 - Department of Energy
 - Department of Environmental Quality
 - Department of Fish and Wildlife

- Department of Forestry
- Department of Land Conservation and Development
- Division of State Lands
- Water Resources Department

Tribal government designated representative (voluntary):

- Burns Paiute Tribe
- Confederated Tribes of Coos, Lower Umpqua, and Siuslaw
- Coquille Indian Tribe
- Cow Creek Band of the Umpqua Tribe
- Klamath Tribes
- Confederated Tribes of the Grand Ronde Community of Oregon
- Confederated Tribes of Siletz Indians of Oregon
- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of Warm Springs Reservation of Oregon

Other Participants:

- Legislative Commission on Indian Affairs
- Governor's Natural Resource Office
- Department of Justice
- Oregon Watershed Enhancement Board

4. NRC Work Group Operating Structure

- a. The NRC will meet quarterly or at other times as determined by its members.
- b. Chair: The Natural Resource agency representative on the EO 96-30 Executive Committee is to serve as chair of the NRC work group. Responsibilities of the Chair are:
 - 1) To provide a leadership role for the NRC and to preside over all meetings.
 - 2) To serve as official NRC spokesperson for communications with the Governor's Office and EO Executive Committee.
 - 3) To designate agency staff and tribal member volunteers to prepare agendas, carry out necessary meeting arrangements, and prepare and distribute meeting minutes.
 - 4) To obtain a group consensus on topics and issues for the NRC meeting agendas.
 - 5) To direct the development of state agency and NRC annual reports.
 - 6) To assign NRC members to working committees and to other tasks necessary for the conduct of NRC work.

5. Responsibilities of the NRC

- a. To promote effective communication:
 - Identify and work to remove obstacles to effective communication between state agencies and tribes.
 - Encourage frequent and open communication between tribes and state agencies, particularly at the region and staff levels.
 - Encourage routine communication links between state agency directors/commissions and tribal chairs, boards or councils.
 - Maintain designated state agency and tribal key contacts for natural resource issues.
 - Promote the need for respect and responsiveness in all communications between state agencies and tribes.

- Develop understanding of tribe and state agency interpretation and perspectives as to the meaning of collaboration, cooperative efforts and co-management.
 - Explore the need for and opportunity for communications with local governments.
 - Maintain information and coordination links with other EO cluster work groups, particularly the Cultural Resources group.
- b. Encourage and promote education and training opportunities:
- Identify and direct education and training for NRC members, tribe and state agency staff on the internal culture and operations of agency and tribal governments, tribal social, cultural and treaty issues, and on state agency program implementation.
 - Promote mutual sharing of information and data.
 - Include applicable tribal relation issues in agency public education efforts.
 - Address cultural protection issues as they relate to natural resource protection and management.
- c. To achieve tribal-agency working relations:
- Recognize issues of mutual interest to state agencies and tribes.
 - Utilize the NRC forum to explore partnering opportunities and memoranda of agreements when deemed appropriate.
 - Work on issues that have cross-agency and cross-tribal interests.
 - Maintain information and coordination links with the other cluster work groups, particularly with the Cultural Resources group.

Direct contacts between state agencies and tribal governments are in no way limited by the above operating procedures. Such contacts are essential in promoting more effective communication, coordination, and consultation. Failure of NRC representatives to respond to notification under the operating procedures will in no way be considered a waiver or abandonment of any treaty-related right, statutory authority or responsibility with respect to the activity or project referred to in the notification. The operating procedures do not alter, modify, or diminish any treaty-based right or any right, authority or obligation under State, Federal or Tribal law.

The Natural Resources Cluster group has approved these Operating Procedures on:

December 11, 2000

Signature of Chair