

# 2022 Annual Government-to-Government Report on Tribal Relations

*Submitted to:*

Oregon Legislative Commission on Indian Services  
Oregon EQC

**By:** Leah Feldon, Interim Director  
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700 NE Multnomah Street  
Suite 600  
Portland, OR 97232

[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.



State of Oregon  
Department of  
Environmental  
Quality

This report prepared by:

Oregon Department of Environmental Quality  
700 NE Multnomah Street, Suite 600  
Portland, OR 97232  
1-800-452-4011  
[www.oregon.gov/deq](http://www.oregon.gov/deq)

Contact:  
Annalisa Bhatia  
503-229-6800  
[Annalisa.Bhatia@deq.oregon.gov](mailto:Annalisa.Bhatia@deq.oregon.gov)

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# Executive Summary

This Oregon Department of Environmental Quality Annual Government-to-Government Report on Tribal Relations provides an update on DEQ efforts and actions during the past year to consult, coordinate, collaborate and enhance relations with tribal nations. DEQ's work centers on protecting human health and the environment, and its partnerships with tribes are an important priority for the agency. During the past year, the agency has continued to operate primarily in a remote capacity, due to the ongoing COVID-19 pandemic. Ongoing activities include work to reduce greenhouse gas emissions, protect communities from air toxics, cleanup of contaminated lands, protection of rivers and streams, watershed restoration projects, 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 in Oregon and communicates formally through in-person meetings, correspondence via letters and emails, as well as informally through phone conversations and coordination meetings. DEQ considers tribal nations as leaders in protecting and restoring Oregon's air, land and water quality, and acknowledges the expertise and knowledge of tribes as an important complement to our shared work.

# 1. Agency Contacts for 2023

## **Tribal Liaison:**

Annalisa Bhatia  
Senior Legislative Advisor  
700 NE Multnomah Street, Suite 600  
Portland, OR 97232  
Phone: 503-734-4080  
Email: [Annalisa.Bhatia@deq.oregon.gov](mailto:Annalisa.Bhatia@deq.oregon.gov)

## **Program Area Tribal Relations Contacts:**

***Air Quality*** – Aeron Teverbaugh  
Senior Policy Analyst  
Email: [Aeron.Teverbaugh@deq.oregon.gov](mailto:Aeron.Teverbaugh@deq.oregon.gov)

***Land Quality*** – Abby Boudouris  
Senior Policy Analyst  
Email: [Abby.Boudouris@deq.oregon.gov](mailto:Abby.Boudouris@deq.oregon.gov)

***Water Quality*** – Rian vanden Hooff  
Senior Policy Analyst  
Email: [Rian.Hooff@deq.oregon.gov](mailto:Rian.Hooff@deq.oregon.gov)

## **Natural Resources Cluster Representative:**

Rian vanden Hooff  
503-229-5988; [Rian.Hooff@deq.oregon.gov](mailto:Rian.Hooff@deq.oregon.gov)

## **Cultural Resources Cluster Representative:**

Annalisa Bhatia  
503-734-4080; [Annalisa.Bhatia@deq.oregon.gov](mailto:Annalisa.Bhatia@deq.oregon.gov)

## **Agency Interim Director:**

Leah Feldon  
700 NE Multnomah Street, Suite 600  
Portland, OR 97232  
Phone: 503-229-5300  
Email: [Leah.Feldon@deq.oregon.gov](mailto:Leah.Feldon@deq.oregon.gov)

## 2. Agency Interest Areas

As the State of Oregon's environmental protection agency, the Oregon Department of Environmental Quality (DEQ) partners with the nine federally recognized tribal governments in the state on issues related to air, land and water quality. DEQ's work is linked to the work of tribal governments through natural and cultural resources, as well as community and economic development programs. Programs that DEQ administers and implements often affect federally recognized tribes. In recognition of this, every year DEQ develops a comprehensive report regarding the program and policy changes (including rulemakings) that are expected to be considered by the agency's policy-making body - the Environmental Quality Commission (EQC). DEQ's tribal liaison reaches out to the key contacts from each tribal nation regarding how best to communicate relevant information, and DEQ uses this feedback to inform the agency's work. In addition, DEQ's tribal liaison regularly updates the primary contacts for each tribe on key topics including:

- upcoming cleanup projects
- the list of permits scheduled for issuance in the upcoming year and details about specific permits, when requested
- DEQ's regulatory authority, timelines and processes for proposed new projects or policies that may be of tribal interest
- development of air, land and water monitoring plans
- presentations on monitoring results from the previous year
- emergency/spill response activities
- any other topic as requested by tribal staff

## 3. Agency Statement

DEQ developed a Tribal Government-to-Government Relations Program in 1996 following the signing of Executive Order 96-30. In 2002, DEQ adopted a “Statement of Intent” to implement the order and to meet the requirements of Senate Bill 770 (ORS 182.162-168), which directs state agencies to promote government-to-government relations with the nine federally recognized tribal governments in Oregon.

In June 2010, DEQ updated its Tribal Relations Policy. The policy states that DEQ is committed to building and maintaining strong government-to-government relations with tribes. DEQ consults and coordinates with tribal nations on air, land and water quality issues that affect tribal interests, resources and lands. DEQ strives to build positive relationships with tribal leaders, managers, staff and representatives to understand tribal interests, explore opportunities for greater partnership and collaboration, and address tribal interests in DEQ actions. These partnerships increase our collective ability to protect and enhance public health and the environment.

The complete DEQ Tribal Relations Policy can be found at: <http://www.oregon.gov/deq/about-us/Pages/tribal.aspx>. DEQ implements the policy through regular meetings with tribal representatives at the staff, manager and leadership levels, and by seeking opportunities to collaborate with tribes on issues important to tribal governments.

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

In 2022, DEQ engaged in the following government-to-government activities:

- On February 15, DEQ and the Oregon Department of Forestry's Directors met with the Tribal Council of the Coquille Indian Tribe regarding Oregon's approach to protecting and improving water quality in the state and the agencies' Memorandum of Understanding.
- On April 19, DEQ participated in a meeting convened by Governor Brown and attended by natural resource agencies and multiple tribal leaders to discuss the natural resource challenges at and around Lake Abert, in southeastern Oregon.
- On August 29, DEQ's Director and the Oregon Department of Agriculture's Director sent a joint letter to the chairpersons of the nine federally recognized tribes to inform them of the process for updating the agencies' 2012 Memorandum of Agreement about protecting and improving water quality in the state of Oregon. The letter invited feedback or meetings between tribal staff and department staff regarding the MOA process. DEQ and ODA received comments from the Confederated Tribes of the Umatilla Indian Reservation.
- On September 12, DEQ's Director, water quality staff and tribal liaison met with the Tribal Council of the Confederated Tribes of the Warm Springs to consult on the petition received by EQC to designate the Metolius River as an Outstanding Resource Water.
- On October 14 DEQ's Interim Director Feldon sent a letter to the chairpersons of the nine federally recognized tribes to request consultation with tribal councils and staff on the initial development of the Oregon Water Data Portal Project.
- DEQ's tribal liaison and other technical staff attended and presented at the tribal-state natural resources cluster meetings, cultural resources cluster meetings, and economic development and community services cluster meetings held in 2022 as an important part of government-to-government relations. DEQ followed up with tribal representatives in a number of ways regarding topics and issues raised at those meetings.
- DEQ's Interim Director and tribal liaison attended the 2022 Oregon Tribal Summit.
- DEQ continued to host standing meetings throughout the year with tribal staff to have open discussion with DEQ's tribal liaison and other DEQ representatives.
- DEQ's Interim Director continues to work with partners, including the Yurok and Karuk tribes, concerning water quality issues and dam removal in the Klamath Basin.

- Throughout the year, DEQ connected with each of the nine federally recognized tribes on various topics and agency actions, including draft air and water permits that were proposed or in the process of being renewed, cleanup sites, enforcement actions, DEQ programs and restoration projects. Many of these interactions are highlighted in the following sections.

DEQ greatly appreciates the leadership and partnership of tribal governments working with the state to protect the environment, human health, as well as natural and cultural resources.

## 5. Internal Tribal Relations Action and Training

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

- Throughout the year, DEQ's tribal liaison advised and assisted DEQ managers and staff on issues of interest to tribal nations, providing guidance for consulting and coordinating with tribal governments on many environmental activities.
- DEQ maintains a [Tribal Government Relations webpage](#) to provide information about the government-to-government process, federally recognized tribes, and DEQ's tribal relations activities. DEQ employees use this site to learn about tribal nations and our government-to-government responsibilities.

## 6. Summary of Program Related Issues and Activities

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

### 6.1. Improving Water Quality

#### 2022 Integrated Report

Oregon statute requires that DEQ publish the Integrated Report assessment methodology prior to the start of drafting the Integrated Report. The draft assessment methodology for Oregon's 2022 Water Quality Report and List of Water Quality Limited Waters described how data was evaluated at the assessment unit level and how DEQ developed Oregon's 2022 Integrated Report for Section 305(b) and 303(d).

This process began for the 2022 Integrated Report in 2020. DEQ hosted three informational webinars and workshops for priority updates and provided opportunities for both formal and informal comments from stakeholders regarding the 2022 Integrated Report methodology update. In total, DEQ received 91 unique comments from 17 entities on the draft Assessment Methodology update. In addition, DEQ completed its Call for Data for the 2022 Integrated Report on April 2, 2021. DEQ received data from four tribes during this data call.

Only those waters that are under the state of Oregon's jurisdiction are subject to the State's 303(d) and 305(b) assessment and reporting requirements. DEQ does not intentionally include tribal waters when assessing water quality or developing the 303(d) list for the Integrated Report and DEQ does not develop TMDLs for tribal waters unless a specific government-to-government collaboration is requested by a tribe. When a water body lies partially within tribal reservation boundaries, DEQ only assesses the segments that are within Oregon's jurisdiction to prepare Oregon's 303(d) list. Waters that form the boundary between tribal reservations and state lands are assessed for Oregon's Integrated Report.

On May 23, 2022, DEQ submitted the 2022 Integrated Report to the U.S. Environmental Protection Agency. The 303(d) list of impaired waters was approved by EPA on Sept. 1, 2022 and is now current and effective. The federal Clean Water Act requires Oregon to report on the quality of its surface waters every two years. Although not a written report, the Integrated Report is a reporting of the status of water quality in Oregon and a list of impaired waters (303(d) list).

The [2022 Integrated Report](#) incorporates more continuous datasets, expanded rationales for assessment conclusions and more localized impairment information for watershed units. This report was shared with tribal staff. The reporting includes an interactive 305(b) [story map](#) which provides an overview of the water quality assessment process, displays assessment results and presents an overview of how DEQ's water quality programs are connected through monitoring, assessment and watershed protection. Additionally, an interactive [web map](#) application displays the Integrated Report by overall status of an assessment unit and an [online searchable database](#) provides parameter specific categorical conclusions for all assessed units and raw data for download. Additional information may be found at [DEQ's EPA approved Integrated Report](#).

### **Outstanding Resource Waters**

In June 2022, EQC and DEQ received a citizen petition requesting rulemaking to designate the Metolius River as an Outstanding Resource Water. Outstanding Resource Waters are high-quality waters that constitute an outstanding state resource due to their extraordinary water quality or ecological values, or where special protection is warranted to maintain existing high-quality waters. Oregon's antidegradation policy (OAR 340-041-0004) and federal regulations under the Clean Water Act both include an outstanding resource water policy that protects high-quality waters that are an outstanding state resource. The petition included rule amendments that would protect the current water quality and ecological values of the Metolius from its headwaters to Monty Campground. DEQ accepted public comment on the petition. DEQ also conducted government-to-government consultation with the Confederated Tribes of Warm Springs, which co-regulates the Metolius with DEQ. The Confederated Tribes of Warm Springs submitted a letter to DEQ opposing the petition based in part on conflicts with tribal sovereignty and lack of consultation on the part of the petitioners. DEQ recommended to EQC to deny the petition.

[On Sept. 23, 2022, EQC voted to deny the petition.](#) DEQ recommended the petitioners bring the proposal forward as part of the triennial review of Oregon's water quality standards after consulting with the Confederated Tribes of Warm Springs and the Deschutes National Forest. Additional information may be found on [DEQ's antidegradation webpage.](#)

### **2021 Triennial Review**

DEQ completed a water quality standards Triennial Review in July 2021. The federal Clean Water Act requires the Triennial Review, which results in a report that summarizes the projects considered and the comments received, as well as a work plan that identifies projects DEQ plans to complete or initiate between July 2021 and June 2024. During this process, DEQ gathered input from water quality program staff, stakeholders, Tribes and the public about which Oregon water quality standards should be revised and which standards need new or improved implementation procedures. Some of the projects in the 2021–2024 workplan are rulemaking projects to revise water quality standards, such as updates to the aquatic life use designations and the aquatic life toxics criteria. Other projects will develop and document procedures for applying narrative standards for algal growth, biological criteria, toxic substances, and sedimentation. All of these projects include an opportunity for government-to-government consultation.

### **Aquatic Life Use Update**

DEQ has initiated a rulemaking to amend its water quality standards to protect aquatic life based on the best available fish habitat and species distribution data. These proposed rules update and clarify Oregon's Aquatic Life Use subcategory designations that determine where and when the various criteria for temperature and dissolved oxygen apply. DEQ does not designate uses on tribal lands, but the designations may affect the criteria applied, upstream, downstream, or in usual and accustomed places outside boundaries of tribal jurisdiction.

The current fish use and salmon and steelhead spawning use maps associated with the temperature criteria will be updated based on new data collected since they were originally adopted. The use subcategories associated with the dissolved oxygen criteria will be designated in rule for the first time. These updates make use of the best available scientific information about habitat distribution, life stages, and timing of use by sensitive species.

DEQ provided advanced notice of this rulemaking to the nine federally recognized Tribes of Oregon to inquire how each tribe would like to be consulted during the process. A Fisheries Habitat Project Leader from the Confederated Tribes of the Umatilla Indian Reservation participated as a member of the technical advisory group convened in 2020. A representative from the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians participated on the Rule Advisory Committee convened in 2022. Additional information may be found at Fish and [Aquatic Life Use Update.](#)

### **Water Quality Permitting**

DEQ wastewater permitting program continues to increase program efficiency and the timely issuance of quality permits. In particular, the program is addressing a significant backlog of permits, which have expired and been administratively continued. In 2021, process improvements and staffing improvements made it possible for DEQ to take action on 59 administratively extended permits (as of Sept. 30, 2021), reducing the backlog of National Pollutant Discharge Elimination System wastewater individual permits to ~65%. This is down from over 83% in 2018.

In September 2022, DEQ published a permit issuance work plan identifying the individual NPDES permits DEQ plans to issue in the coming year. DEQ identified 67 permits for development during the 2023 federal fiscal year (Oct. 1 – Sept. 30). DEQ periodically provides tribal representatives with information about the issuance plan for individual permits and provided updates to tribes.

### **DEQ Integrated 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 in 2012 that helped establish the framework for DEQ's comprehensive toxics reduction strategy. DEQ presented its updated [Integrated Toxics Reduction Strategy](#)<sup>1</sup> to the EQC in January 2020. This update builds on some 2012 strategy actions, while outlining new actions to improve toxics assessment and reduction efforts. The purpose is to complement and support DEQ's core air, land and water quality toxics work. DEQ is developing implementation plans for each of the proposed strategy actions, which describe how and when the work tasks will be accomplished.

The implementation of ongoing 2012 strategy actions have involved tribal participation, particularly the [Pesticide Stewardship Partnership program](#)<sup>2</sup>, and efforts to advance safer chemistry in products. The National Tribal Toxics Council is now a member of the Interstate Chemicals Clearinghouse along with DEQ and the Oregon Health Authority. The council's representative also works for the Columbia River Inter-Tribal Fish Commission. As a result, tribal concerns and priorities on toxic chemicals, including those affecting Pacific Northwest tribal members, are reflected in the clearinghouse plans, tools and resources designed to advance the use and availability of safer chemicals and products.

As the time nears to review and update the Toxics Reduction Strategy, a cross-media team at DEQ is beginning that work. The team is reviewing the existing strategy, actions and focus list. It is also reviewing the process of this work in light of the changing landscape of emerging contaminants. The team is developing recommendations for this work and the next strategy update. Many of the actions require collaboration with partner agencies and organizations. DEQ will reach out to tribal government partners to solicit input on the proposed strategy actions for which they may have an interest in working with DEQ to implement. In addition, the updated strategy proposes to incorporate specific principles into all actions to the extent possible, including environmental justice.

### **Monitoring Toxic Pollutants**

In 2019, DEQ's statewide toxics monitoring program established a trend network of approximately 60 locations based on a risk assessment using previously collected data through the toxics monitoring program. The goal is to sample sites three times annually to establish a trending network for toxics. The first sampling event was completed in fall of 2019 and the second is scheduled in winter 2021. Initial analysis includes priority metals and will expand to organics in the near future. Toxics monitoring supports the evaluation of toxics impacts on tribal First Foods and ecological integrity. Due to the

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<sup>1</sup> Strategy available at: <https://www.oregon.gov/deq/Hazards-and-Cleanup/ToxicReduction/Pages/Reducing-Toxics.aspx>

<sup>2</sup> Program information available at: <https://www.oregon.gov/deq/wq/programs/Pages/Pesticide.aspx>

COVID-19 pandemic, DEQ's toxics monitoring work was limited over the past couple of years. In 2023, the laboratory expects to resume statewide toxics monitoring efforts including an expanded list of analytes. DEQ will collaborate and communicate with the tribes as these efforts develop and begin.

## **Groundwater**

### **Groundwater Management Areas**

DEQ has been participating in Lower Umatilla Basin Groundwater Management Area Advisory Committee meetings and working with Confederated Tribes of the Umatilla Indian Reservation representatives toward efforts to revise and update the Lower Umatilla Groundwater Management Area Action Plan.

### **Statewide Groundwater Monitoring**

In 2023, DEQ's statewide groundwater program will be sampling in the Lower Deschutes area. DEQ staff has shared information with the Confederated Tribes of the Warm Springs and the Burns Paiute Tribe about this work. As this effort moves into new areas, DEQ will continue to engage with tribal representatives in the sampling areas and provide the monitoring results to all interested parties.

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

DEQ's Clean Water State Revolving Fund loan program continues to provide below-market rate loans for planning, design and construction of projects that enhance or protect water quality. Federally recognized tribal governments are eligible to apply to the loan program. The program offers loans for wastewater treatment, as well as stormwater and nonpoint source watershed protection projects. The program awards principal forgiveness to eligible borrowers based on affordability, as well as for projects addressing water efficiency and energy efficiency, incorporating green infrastructure or that qualify as environmentally innovative. In 2022, DEQ staff consulted with staff of various tribes regarding potential upcoming projects. Additionally the CWSRF rulemaking advisory committee recently transitioned to being a standing advisory committee for the next 18 months. Staff from the Northwest Portland Area Indian Health Board serve on that committee.

## **Developing and Implementing Water Quality Improvement Plans (TMDLs)**

When rivers and streams exceed water quality standards set to protect people and aquatic life, DEQ develops a pollution reduction plan called a Total Maximum Daily Load, or TMDL. Many tribal governments 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 TMDLs is summarized below.

### **Temperature Replacement TMDLs**

In October 2019, the U.S. District Court of Oregon, Portland Division, issued its final order and judgment for NWEA v. USEPA, commonly referred to as the Temperature TMDL litigation. This case was originally filed in 2012 by Northwest Environmental Advocates to challenge EPA's action on numerous temperature TMDLs. The final order requires DEQ and EPA to develop replacement TMDLs by the end of 2028 for 15 areas (see [DEQ's Temperature replacement TMDLs website](#)). Throughout 2022, DEQ continued developing project plans for all 15 areas and began the technical work and outreach to affected entities, other stakeholders and tribes on the batches due in 2024 and 2025. These include the Willamette Subbasins, the Lower-Columbia-Sandy Subbasin and the North and South Umpqua Subbasins, as well as the Snake River-Hells Canyon. Tribal perspectives are being sought to offer basin-specific knowledge for these temperature TMDL, as well as part of the Rulemaking Advisory Committees for input on fiscal impacts, racial equity and environmental justice considerations. In late 2022, DEQ requested tribal participation by the Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Warm Springs, Confederated Tribes of the Grand Ronde and Yakama Nation on the Willamette Subbasins temperature TMDL RAC and

Yakama Nation and Confederated Tribes of the Grand Ronde on the Lower Columbia-Sandy Subbasin temperature TMDL RAC. While no tribes opted to participate on these first committees, tribal input will continue to be sought for all temperature replacement TMDLs through the 2028 court deadlines.

### **Mid-Coast Basin – Upper Yaquina River Watershed TMDLs**

The Confederated Tribes of Siletz Indians participate with DEQ and other stakeholders as members of the local advisory committee on topics related to temperature, dissolved oxygen, sedimentation, drinking water protection and aquatic habitat throughout the Mid-Coast Basin. For TMDL development, DEQ used water monitoring data collected in the Siuslaw Subbasin by the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians to characterize estuarine conditions and assist in protection of beneficial uses like recreational shellfish collection. These tribal governments periodically provide water quality and other technical assistance to local organizations, including watershed councils, soil and water conservation districts and municipalities, all of which are DEQ partners. In 2022, DEQ convened a Rulemaking Advisory Committee for the Upper Yaquina River Watershed bacteria and dissolved oxygen TMDLs to advise on aspects of the TMDLs that could have fiscal impacts or racial equity and environmental justice considerations. The Confederated Tribes of Siletz Indians is participating as a RAC member.

### **Powder River TMDL**

During development of a bacteria TMDL for the Powder River Basin in 2022, DEQ engaged with the Nez Perce and Confederated Tribes of the Umatilla Indian Reservation to invite participation on the Rule Advisory Committee and bring tribal perspectives to aspects of the TMDLs that could have fiscal impacts or racial equity and environmental justice considerations. Although the Nez Perce are highly engaged in salmonid reintroduction to Pine Creek, within the Brownlee Reservoir Subbasin, neither tribe is participating on the Powder River basin bacteria TMDL RAC.

### **Coquille River Subbasin TMDLs**

DEQ continues to work with the Coquille Indian Tribe and provide outreach opportunities to the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians and Confederated Tribes of Grand Ronde during development of the Coquille River TMDLs to address dissolved oxygen, temperature, bacteria, chlorophyll a and pH. DEQ also engaged with representatives from the Cow Creek Band of Umpqua Tribe of Indians staff for their input on the South Fork Coquille River TMDL for Camas Valley. DEQ anticipates tribal input will continue to be informative and supportive in the ongoing efforts to improve water quality and fish habitat conditions on the Oregon south coast. Beginning in early 2023, DEQ will invite tribal participation on the Coquille Subbasins TMDLs Rulemaking Advisory Committee to continue to bring tribal perspectives on basin-specific knowledge and to aspects of the TMDLs that could have fiscal impacts or racial equity and environmental justice considerations.

In addition to these specific examples, many tribal governments work on TMDL implementation projects throughout Oregon, such as channel reconstruction, fencing and flow restoration, levee elimination and riparian planting to improve water quality.

### **Nonpoint Source Management Program Plan**

DEQ started work in 2021 to update Oregon's Nonpoint Source Water Quality Management Program Plan and reached out to tribal governments in October to solicit input on the draft plan. The plan was eventually posted for a 46-day public comment period in January 2022 and after making changes submitted the plan to EPA. On Nov 2, 2022, EPA approved DEQ's updated Nonpoint Source Management Program Plan. The updated plan describes Oregon's programs and process for preventing and controlling nonpoint source pollution. The plan was developed to be consistent with federal clean

water act rules and EPA guidance on nonpoint source management program plans and will replace the 2014/2015 plan. There are a number of components that must be included in the plan including identifying priorities and various actions and milestones that will occur over the five-year period.

### **Updating Interagency Agreements on Nonpoint Source Pollution Controls**

DEQ collaborated with Oregon Department of Forestry and Oregon Department of Agriculture on updating interagency agreements on how the agencies work together to improve water quality related to nonpoint sources of pollution from non-federal forest land operations and agricultural activities. Prior to finalizing the DEQ-ODF Memorandum of Understanding in December 2021 and the DEQ-ODA Memorandum of Agreement (anticipated in Dec. 2022), DEQ requested input on the agreements from the nine federally recognized tribes in Oregon, as well as the Yakama Nation and the Nez Perce Tribe. DEQ received valuable input from the Coquille Tribe on the DEQ-ODF MOU and from the Confederated Tribes of the Umatilla Indian Reservation on the DEQ-ODA MOA, which resulted in improvements to each document.

### **Relicensing Hydroelectric Projects**

Tribal governments and DEQ have worked together on the following hydroelectric relicensing projects over the past year.

#### **Hells Canyon Hydroelectric Project**

In May 2019, DEQ issued a Clean Water Act Section 401 Certification to Idaho Power Company as part of the 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 Foundation and the Columbia River Inter-Tribal Fish Commission provided comments on the draft water quality certification.

In late 2019, the Burns-Paiute Tribe and Nez Perce Tribe filed separate actions challenging the Certification. Burns-Paiute voluntarily dismissed their suit in April 2021 following DEQ's submittal of declarations describing our process and facts of the case. DEQ reached a settlement of the suit filed by the Nez Perce Tribe and two conservation petitioners and the suit was withdrawn in September 2021. This settlement agreement committed DEQ and the Oregon Department of Fish and Wildlife to pursue certain objectives. DEQ will work toward development of a TMDL for methylmercury in reaches of the Snake River that include the Hells Canyon Complex of hydropower dams. DEQ reached a separate agreement with Idaho Power Company which will provide \$750,000 for TMDL development. Governor Kate Brown also committed to use another \$750,000 from DEQ's budget to complete this work. DEQ will also ensure that the Nez Perce and the conservation petitioners are aware of developments in implementation of the 401 certification conditions and include the petitioners on advisory groups for TMDL development. ODFW has committed to investigate reintroduction of Sockeye Salmon to Wallowa Lake and passage of captured fish from Pine Creek in Oregon to the Snake River downstream of Hells Canyon Dam. DEQ will continue to work with tribal staff in the future during the federal licensure process.

#### **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.

DEQ began modification of the Pelton Round Butte 401 Certification in 2021, which is a coordinated process between DEQ, Portland General Electric, and the Confederated Tribes of Warm Springs. The modification is on hold as the DEQ water quality standards staff complete the triennial review of the water quality standards. More work is anticipated in 2023.

### **Lower Klamath Hydroelectric Project**

DEQ has collaborated with more than 40 stakeholders to develop and implement the Klamath Hydroelectric Settlement Agreement. This historic agreement, amended in 2016, will lead to the removal of four hydroelectric dams on the Klamath River and restore access to more than 350 miles of salmon habitat in the upper basin for the first time in a century. Under the amended Klamath Hydroelectric Settlement Agreement, PacifiCorp, who currently owns the dams, will transfer ownership of the project to the Klamath River Renewal Corporation for purposes of removal. On Nov. 17, 2022 the Federal Energy Regulatory Commission approved the surrender of the Lower Klamath project license and removal of the four project developments. The Klamath River Renewal Corporation (KRRC) will oversee the decommissioning of the dams. Preparation for dam removal is scheduled to begin in January 2023. DEQ issued a 401 water quality certification in September 2018 for the proposed removal of the J.C. Boyle Dam, which is one of four dams on the Klamath River slated for removal and the only one in Oregon.

### **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 partnership approach uses local expertise in combination with water quality and pesticide expertise of state agencies and Oregon State University to encourage and support voluntary changes that result in measurable environmental improvements. The 2020 Legislature allocated over \$1.9 million to the Oregon Department of Agriculture and DEQ to implement the program through June 30, 2021.

From 2014 to 2020, The Cow Creek Band of the Umpqua Tribe participated in a pilot pesticide monitoring activity in the South Umpqua basin, offering insights and assistance to inform monitoring plans. Due to the low frequency of detections and the low concentrations of pesticides (all of the pesticide detections were at or below 50 percent of the aquatic life benchmark) when they were detected in the watershed, this pilot PSP project was completed in 2020.

The Confederated Tribes of Warm Springs contributed time and financial resources to the first PSP, the Hood River Basin PSP, in the early 2000s. Through their participation on the board of the Jefferson Soil and Water Conservation District, the Confederated Tribes of Warm Springs is now involved in the Middle Deschutes PSP project. The Middle Deschutes PSP project is a long-term partnership lead by the soil and water conservation district with the goal of reducing pesticide concentrations in tributaries such as Campbell Creek that discharge into the river above the tribe's drinking water intake.

In 2018 and 2019, the inter-agency team overseeing the project initiated a renewed strategic planning approach with local watershed partners to ensure consistent and effective implementation of activities at the local level. One objective is to ensure all potentially interested partners are invited to participate in the project. Tribal government presence in each of the watersheds will be assessed, with the goal of gaining increased participation of tribal partners.

Beginning in late 2019, proposed stakeholder advisory groups provided input on all elements of the PSP program. A representative of the Confederated Tribes of the Umatilla Indian Reservation served on the

group. The group met multiple times through June 2021 and gave feedback on a number of issues, including feedback on an evaluation of how the PSP program and individual watershed projects will most effectively incorporate environmental justice principles into on-going and future activities.

### **Integrated Water Resources Strategy**

DEQ participates in the statewide work to implement the water quality recommendations in Oregon's Integrated Water Resources Strategy. One of the initiatives is place-based planning, which provides a framework for communities to understand and meet their water needs now and in the future. DEQ participates in the development of four collaborative water plans throughout Oregon and provides technical assistance as needed. The current plans under development are in the Mid-Coast Region, Lower John Day Subbasin, Upper Grande Ronde Subbasin, and the Malheur Lake Basin. Tribal representatives participate in the planning efforts.

Another initiative is Oregon Water Resources Department's Water Project Grant and Loan Program. This program provides grants and loans for projects that increase water supply to meet instream or out-of-stream needs. DEQ works with the technical review team to review the economic, environmental, social and cultural benefits of each grant application. As part of that work, DEQ reaches out to involved tribes before making funding recommendations.

### **Application to be Treated As a State**

EPA is authorized to treat eligible federally recognized tribes as a state for the purpose of grant funding and implementing certain environmental programs and functions. In June 2020, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians submitted to EPA Region 10 a TAS application for the purpose of developing and administering water quality standards under Section 518 of the Clean Water Act. EPA approved CTCLUSI's TAS application on May 4, 2021. Approval of the application allowed the tribe to adopt, review, and revise water quality standards pursuant to Section 303(c) of the Clean Water Act, and to certify that discharges comply with those water quality standards pursuant to Section 401 for all surface waters within the boundaries of the reservation and trust lands.

CTCLUSI released proposed water quality standards for public comment from Aug. 2, 2022 – Sept. 30, 2022. Tribal and DEQ water quality staff met on Sept. 27, 2022, to discuss the proposed standards, the geographic scope and what collaboration would be needed between the two governments if EPA approves the proposed standards.

## **6.2. Improving Air Quality**

### **Oregon Climate Protection Program**

The Climate Protection Program (CPP) is a new DEQ regulatory program, adopted by the EQC on Dec. 16, 2021. CPP will dramatically reduce greenhouse gas emissions in Oregon over the next 30 years. The program sets a declining limit, or cap, on greenhouse gas emissions from fossil fuels used throughout Oregon, including diesel, gasoline, natural gas and propane, used in transportation, residential, commercial and industrial settings.

The program aims to: reduce greenhouse gas emissions to address the worsening effects of climate change; achieve co-benefits from reductions in other air contaminants; enhance public welfare for Oregon communities, particularly environmental justice communities including communities of color, tribal communities, communities experiencing lower incomes, rural communities, and coastal communities; and accelerate the transition from fossil fuels to lower carbon energy sources.

In developing CPP, DEQ's Director sent a letter to the tribal chairs of the federally recognized tribes in Oregon detailing this work and inviting consultation on any of the programs or issues involved in May 2020. This letter was followed with individual requests in 2021, and a series of meetings with tribal councils over the course of the year. Additionally, DEQ staff presented to the Economic Development and Community Services Tribal Cluster and the Natural Resources Tribal Cluster regarding the requirements to the agency and DEQ's workplans for the required program development.

In 2021, DEQ's Director and staff met with the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians' Council, Umatilla & Grand Ronde about this work. Additional meetings were held with the Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes of the Grande Ronde. Staff from the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians' Council, as well as from the Affiliated Tribes of Northwest Indians, participated on DEQ's Rules Advisory Committee that met throughout the first half of 2021 to advise on the climate program. Input from tribes throughout the extensive process informed how the agency developed the program including how it can support a more equitable transition off of fossil fuels.

To support an equitable transition and engagement with communities, including tribal communities, the program establishes an Equity Advisory Committee. The committee is a key program partner, particularly for the community climate investments component of the CPP. Projects funded by any community climate investments could include projects on tribal lands or directly benefit tribal members. The committee plays an important role in determining what types of emission reduction projects are supported and where the projects are located.

On June 9, 2022 DEQ's Director sent a letter to tribal chairs requesting brief statement of interests from tribal leaders or staff for the committee. In July, DEQ's Tribal Liaison also provided an update at the Cultural Resource Cluster meeting about this work. Ten people were selected for the committee from 50 applicants, including a representative of the Confederated Tribes of the Umatilla Indian Reservation. The first Equity Advisory Committee meeting was Dec. 7, 2022. DEQ anticipates that the committee will meet several times in 2023.

DEQ staff will continue to engage with individual staff from tribes on the implementation of the climate program. The Chair of the Oregon Cultural Resource Cluster requested a program update and presentation at a future Cultural Cluster meeting in the coming year.

### **Cleaner Air Oregon**

DEQ continues to implement [Cleaner Air Oregon](#),<sup>3</sup> a program for assessing and regulating the public health risks associated with air toxics emissions from industrial facilities. The regulations apply to all new facilities seeking permits, and existing facilities based on a prioritization framework developed in 2019.

In 2022, DEQ conducted tribal engagement related to key facilities undergoing health risk assessments that are situated near tribal lands, or are otherwise of interest to any of the federally recognized tribes. This includes:

- Chemical Waste Management of the Northwest. This facility is a hazardous waste landfill located in Arlington Oregon.
- NEXT Renewable Fuels Oregon. This is proposed renewable diesel, naphtha, and jet fuel manufacturing facility in Clatskanie, Oregon.
- Calico Grassy Mountain Mine. This is a proposed chemical process gold mine to be located in Malheur County. Although DEQ has not issued an air quality permit, the facility did complete a risk assessment as part of its statewide consolidated permit application.

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<sup>3</sup> Program information available at: <https://www.oregon.gov/deq/aq/cao/Pages/default.aspx>

DEQ staff also continue to provide interested tribal staff with updates on program implementation through reports to cluster meetings and DEQ's regular, standing calls.

### **Partnering with Tribal Governments on Air Quality Monitoring**

The Confederated Tribes of the Umatilla Indian Reservation assist DEQ in the operation of air quality monitoring stations in Pendleton and Hermiston. When requested, DEQ assists the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians with operation and maintenance of a fine particulate air quality monitor in Coos Bay, providing technical assistance and training at the monitoring site. In 2022, EPA awarded CTCLUSI \$500,000 to enhance community engagement on outdoor and indoor air quality, and develop a network of air quality monitors.

DEQ continues to collaborate with tribes to deploy air quality sensors. Key highlights include:

- Supporting the Klamath Tribes in seeking Bureau of Indian Affairs approval to site a monitor.
- It is possible that more tribes seek EPA American Rescue Plan grant funding in the future, similar to the CTCLUSI work described above, to update and install PM 2.5, or fine particulate matter, monitors and community funding projects. DEQ would continue to offer support of such applications, if desired.
- Confederated Tribes of Warm Springs obtained PurpleAir monitors from EPA to deploy during wildfire events.

### **Responding to Open Burning Complaints and Asbestos Issues**

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

### **Wildfire Smoke**

Although the 2022 wildfire season was milder than usual there were still 1,975 fires across all lands for a total of approximately 437,000 acres. Many of these fires were extremely smokey including the Cedar Creek Fire, which started in the Willamette National Forest in early August. Tribes in Southern Oregon, Central Oregon, and mid-Willamette Valley (Oakridge) were particularly impacted.

During 2022, Oregon's wildfire smoke response efforts included outreach to all tribal health or environmental contacts for statewide smoke response coordination efforts and various Incident Management structures established in response to the fires. These are part of DEQ's standard Oregon Wildfire Severe Smoke Response Protocol. Tribal representatives were invited to approximately 18 smoke coordination calls and participated in development of air quality advisories as needed. During these meetings, state agencies provided information that focused on the concentration of fine particulate matter (PM 2.5), the associated health rating, and the expected impacts or conditions for weather and smoke in the upcoming days. When warranted, the team would discuss indoor clean air spaces and how to avoid or best manage smoke indoors.

Following passage of Senate Bill 762 (2021), DEQ awarded smoke preparedness grants to eight of the nine federally recognized tribes. This funding has allowed tribes to purchase and distribute over 450 HEPA filtration units and replacement filters, purchase and install air quality monitors, and conduct outreach to their communities through newsletter, flyers, and attendance at community events to discuss the health impacts of wildfire smoke. Tribes have also prepared communication plans to implement during wildfire smoke events and identified best methods to deliver air quality notifications. These projects started in early 2022 and will be completed by March 31, 2023.

### **Regional Haze Plan**

The Clean Air Act and the federal Regional Haze Rule require states to protect visibility in certain wilderness areas and national parks. The goal of the rule is to return visibility in protected areas to natural background levels by 2064. Regional haze comes from natural and human-caused emissions of pollutants such as volatile organic compounds, ammonia, nitrogen oxides, sulfur dioxides and particulate matter. Oregon contains 12 protected areas – called Class 1 Areas – including Crater Lake National Park and 11 wilderness areas. By agreement with the Columbia River Gorge Commission, Oregon DEQ also includes the Columbia River Gorge National Scenic Area in regional haze planning and analyses.

EPA requires states to adopt and periodically update regional haze plans to improve Class 1 area visibility on the haziest days and ensure no degradation on the clearest days. Initial and updated plans must show how the state will meet short-term and long-term progress goals to achieve natural visibility conditions by 2064. DEQ submitted its first Regional Haze Plan in 2010.

DEQ's membership in the Western States Air Resources Council and the Western Regional Air Partnership was vital to accessing analytical resources and regional visibility modeling results during this second round of regional haze planning. WRAP is a voluntary partnership of states, tribes, local air agencies, federal land managers and EPA. The Confederated Tribes of the Umatilla Indian Reservation is a member of WRAP and also served on the Regional Haze Tribal Data Workgroup. The WRAP Tribal Data Work Group met monthly from September 2018 to January 2020 to develop and review multiple communication, analytical and technical work products and reports.

The Regional Haze Rule requires states to consult with neighbor states and federal land managers during plan development; for DEQ, federal land managers included the U.S. Forest Service and the National Park Service. DEQ also initiated government-to-government consultations with Oregon's nine federally recognized tribes by letter in December 2019. DEQ's Director followed these initial letters with additional consultation invitations. DEQ staff continued to update tribal staff in 2021, at forums such as the DEQ-Tribal roundtable meetings and the Natural Resource Cluster meetings.

Concurrently with the Regional Haze Plan development, DEQ conducted a rulemaking that revised state Regional Haze rules in Chapter 340 Division 223. The Division 223 rulemaking codified the screening procedure and information collection that DEQ undertook, using existing authority, and established compliance options for regulated sources. The Confederated Tribes of the Umatilla Indian reservation had representatives on the advisory committee for this rulemaking. The EQC adopted the Division 223 revisions in July 2021. The EQC adopted the updated Regional Haze Plan for 2018-2028 in February 2022.

## **6.3. Improving Land Quality and Sustainable Management of Materials**

### **Emergency Response**

DEQ's Emergency Response Program contacts tribes regularly regarding significant incidents throughout the state. Between Nov. 30, 2021 and Nov 1, 2022, DEQ contacted tribes 214 times, representing 74 unique incidents, to ensure cleanup actions were undertaken in a manner to protect cultural and natural resources. Most of these incidents were regarding oil spills to soil that required in-ground disturbance work associated with the necessary cleanup actions. DEQ also provides contact information for each tribe to cleanup contractors to ensure contact is made with the appropriate tribes before any ground disturbance activities occur.

Major incidents in 2022 included:

- Medford Fuel Depot— April 12, 2022: Roughly 12,700 gallons of fuel was released from a storage tank at a fuel depot due to a fire. The product impacted a nearby creek and as well as some wildlife in the area. Notifications were made to Confederated Tribes of Grand Ronde, Cow Creek Band of Umpqua Indians, Klamath Tribes, Confederated Tribes of Siletz and the Coquille Indian Tribes.
- Tanker crash on Hwy 26- Aug. 29, 2022: A little over 4,500 gallons of fuel spilled from a tanker truck after an accident, with product impacting a large amount of soil at the site. Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz, Confederated Tribes of Umatilla and Confederated tribes of Warm Springs were notified.

DEQ invites tribal governments to engage in training opportunities and drills in their region as those are scheduled. DEQ staff also presented at the 2022 Tribal Environmental forum to discuss DEQ Emergency Response and to answer questions for interested stakeholders on spill response as well as integrating tribal members into the Incident Command Structure for drills, exercises and in the event of an actual spill. DEQ continues to work closely with our tribal partners to ensure that their interests are prioritized and addressed.

In addition to Oregon's Emergency Response Program's work, DEQ staff participates on the Tribal Engagement Subcommittee of the EPA's Region 10 Regional Response Team of the Northwest Area Committee. As part of this work, DEQ staff collaborate with federal, other state, tribal and private partners to maintain and update the Northwest Area Contingency Plan. The subcommittee's main purpose is to ensure outreach and tribal inclusion in maintaining the plan, and to be sure that tribes are involved in the planning, preparedness and response for oil and hazmat response. Specifically, establishing a relationship with tribes in the area so that they can inform us about their priorities in a response, barriers to engagement, data or other information needs and engagement preferences. The Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians has also participated with this subcommittee in the past.

### **High Hazard Rail Contingency Planning**

In 2019, the Oregon legislature adopted House Bill 2209. The bill concerns contingency planning for railroad transportation of oil. Railroads are required to conduct emergency contingency planning and submit emergency plans to DEQ. DEQ is also required to adopt rules about this type of planning.

The rulemaking to adopt these contingency planning rules began in the summer of 2020. A representative from the Confederated Tribes of Umatilla participated in the rulemaking advisory committee. The rules were adopted by the EQC in May 2021. As required by the rules, DEQ shared the plans submitted by operators of high hazard rail routes with those tribes interested in the covered rail corridors for their review and comment. In June 2022, DEQ conducted a deployment exercise with one of the regulated rail entities in the Klamath Falls area staff from the Klamath Tribe were present for the deployment and planning phases of the exercise.

### **Environmental Cleanup**

DEQ and tribal governments collaborate on a number of projects to investigate and clean up contaminated lands across the state. During 2022, major projects included the following:

#### **Scappoose Bay/Multnomah Channel, St. Helens**

Scappoose Bay enters the Multnomah Channel by the town of St. Helens in Columbia County. Industrial use of this area primarily consisted of the manufacturing of wood products including paper, plywood, fiberboard and treated lumber. Significant levels of hazardous substances have been identified at three former industrial sites: the Armstrong World Industries fiberboard plant, Pope & Talbot creosote treating facility, and Boise Cascade paper mill.

DEQ initiated feasibility studies in 2020 for the contaminated sediments at all three sites, stemming from more than 15 years of investigations into the nature and extent of contamination and assessment of risks to human health and ecological receptors. Based on review of the feasibility study for the former Boise mill site, DEQ selected a preferred remedy for sediments in Multnomah Channel. Records of Decision are expected for Armstrong in 2025, Pope & Talbot in early 2023 and Boise in December 2022. DEQ will continue to engage with interested tribes on cultural resources and remedy selection. DEQ has also engaged interested tribes at the Armstrong World Industries site to support an ongoing cultural resources assessment and data gaps investigation.

### **Astoria Marine Construction Company, Astoria**

The Astoria Marine Construction Company manufactured and repaired wooden-hulled fishing and ferryboats, tugboats and yachts beginning in 1924. During World War II, the shipyard expanded operations for construction of military vessels which continued through the Korean War. During the peak production period from 1940 to 1960, the facility employed more than 400 full-time workers. In the 1960s, work for the U.S. Navy decreased and operations transitioned to fishing and tugboat repair. After 1985, business primarily involved repairs of fishing boats.

EPA conducted environmental investigations in the early 2000s on and around the AMCCO site. Investigations found contamination in soil and nearby riverbed sediment in the Lewis and Clark River near the mouth of the Columbia River. Based on those findings, EPA initiated efforts to place the facility on the National Priorities List to guide cleanup under EPA's Superfund program. In 2012, an agreement deferred the site listing and EPA transferred site management to DEQ.

In coordination with AMCCO, tribal governments, and a community advisory group, DEQ selected the cleanup remedy in 2017. A natural resource restoration plan was also agreed upon to satisfy conditions of EPA's deferral agreement. AMCCO completed all major remedy construction activities during the spring and summer of 2020. These included preparation activities such as demolition of onsite buildings and structures followed by excavation of contaminated sediments in marine ways and upland soil hot spot removal for offsite landfill disposal. The property was winterized and work resumed in the summer of 2021, including restoration of the levee, construction of a stormwater system and capping of the upland area. Construction was completed in 2022. DEQ will soon be seeking engagement with interested tribes on AMCCO's construction completion report and inspection plans.

### **Portland Harbor**

DEQ has both lead- and support-agency responsibilities at the Portland Harbor Superfund site. DEQ works closely with six tribal governments on the 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 this project. DEQ, tribal partners, EPA, U.S. Fish and Wildlife and National Marine Fisheries Service representatives meet regularly to discuss technical issues on this regionally important cleanup project.

The site is located in the Lower Willamette River, stretching approximately 10 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, which is the lead agency working on cleaning up pollution in the river. DEQ leads the work controlling contaminants in "upland" areas—the

contaminated lands along the river—to prevent recontamination of the river following EPA’s in-water cleanup. Prior to making decisions on controlling sources of pollution, DEQ solicits input from the Confederated Tribes of the Grand Ronde Community of Oregon, Confederated Tribes of Siletz Indians, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, and the Nez Perce Tribe. EPA’s Record of Decision, issued in January 2017, relies on the upland and upriver pollution control work DEQ is conducting as part of the overall strategy for addressing contamination at the site. During 2022, DEQ soliticated input on two proposed source control decisions.

### **Blue Heron Mill site**

In August 2019, the Confederated Tribes of the Grand Ronde and DEQ signed a Prospective Purchaser Agreement for the former Blue Heron Mill in Oregon City. The 23-acre now-closed paper mill is located at the base of the Willamette Falls, an area of immense cultural significance. Until the closure of Blue Heron in 2011, site operations included flour, saw, and woolen mills, tannery operations, foundries, city waterworks, and an electrical generation plant. Numerous environmental investigations performed on the property raised concerns about asbestos, lead-based paint, electrical and hydraulic fluids, mercury and petroleum.

The agreement identifies environmental cleanup tasks to be completed, and, in turn, limits the purchaser’s future liability upon completion of the work. It is an agreement between the two parties that says they will work together to develop a scope of work for cleanup, followed by specific work plans to complete the scope of work, and a schedule for the work to be completed with DEQ oversight.

The Confederated Tribes continue to conduct remedial activities required under the agreement with DEQ. These include a series of work plans for site investigation and building demolition. In 2022, the Tribes completed hazardous materials abatement and demolition of four site buildings. Work planned to be completed by late 2022 and early 2023 includes decommissioning of underground storage tanks, assessment of the production well, implementation of stormwater controls, and demolition of four additional structures.

### **Bradford Island**

DEQ continues to work with the Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Warm Springs, Yakama Nation, Nez Perce Tribe, the Washington Department of Ecology, EPA and the U.S. Army Corps of Engineers to evaluate contamination levels at Bradford Island in the Columbia River.

The primary concern are PCBs from electrical components that were dumped into the river decades ago. Cleanup efforts in 2000 and 2002 to remove electrical components from the river and dredging of contaminated sediment in 2007 failed to reduce contamination levels in local populations of resident fish and fish tissue. Due to a lack of satisfactory progress at the Site, Oregon, Washington and the Yakama Nation took the unusual step of asking for a Superfund listing in 2019 and 2021. The site was added to the National Priorities list in April of 2022 with a goal of more effective and rapid progress.

Currently, a Federal Facilities Agreement is under development. A site management plan is needed and required. Interim Director Feldon travelled to Washington DC, along with the Yakama Nation, and the Washington Department of Ecology to meet with Assistant Secretary of the US Army, Civil Works in an attempt to improve the working relationship, and ultimately to gain progress at the site.

## 7. Conclusion

The Oregon Department of Environmental Quality is grateful for the partnership with federally recognized tribal governments. These partnerships are essential in our shared efforts to protect and enhance the health of Oregon's people and environment, and the agency remains committed to improving, building and maintaining strong government-to-government relations with tribes in the future.