



DSL Agency Policy

Subject: State/Tribal Government-to-Government Relations **Number:** 141-P-038

Division: Director's Office **Effective Date:** 06/26/2017

Approved:

A handwritten signature in black ink, appearing to be "J. R. L.", written over a horizontal line.

Authority: ORS 182.162 to 182.168; Governor's Executive Order 96-30

Applicability:

Executive service, management service, classified represented and unrepresented employees and volunteers.

Policy Statement:

It is the policy of the Department of State Lands (DSL) to establish, promote and improve government-to-government relations between DSL and Oregon's federally recognized tribes in compliance with ORS 182.164 as adopted by the Oregon Legislature in 2001 under Senate Bill 770. This law directs state agencies to not only promote and cultivate government-to-government relations with Oregon's federally recognized tribes, but to develop and advance policies that take into consideration tribal interests and concerns when implementing state programs that may affect tribal interests.

Because DSL recognizes and respects the sovereign status of Oregon's federally recognized tribes, the goal of this policy is to maximize tribal relations and collaborative efforts and to resolve potential concerns by enhancing the exchange of information, ideas and resources.

Definitions:

Annual Report: Refers to the annual report by DSL to the Governor and to the Legislative Commission on Indian Services on tribal relations as required by ORS 182.166.

Authorities: Refers to the Oregon Administrative Rules and Regulations and Oregon Revised Statutes that govern the actions and responsibilities.

Cultural Resource Cluster: Refers to the Tribal-State workgroup established by Senate Bill 770 to address cultural resource issues, including historic buildings, archaeological sites and elements of the natural landscape that have cultural significance. The workgroup consists of key state agency contacts and a representative from each of Oregon's federally recognized tribes.

Legislative Commission on Indian Services refers to the 13-member agency that was created by statute in 1975 to improve services to Indians in Oregon.

Natural Resources Workgroup: Refers to the Tribal-State workgroup established by Senate Bill 770 to improve communication between the state and tribes regarding natural resources protection and management. The workgroup consists of key state agency contacts and a representative from each of Oregon's federally recognized tribes and a representative from the Governor's Office.

Oregon Federally Recognized Tribes: Refers to the 9 federally recognized tribes in Oregon as represented by their Tribal Council and other authorized representatives.

Programs: Refers to the programs that the Oregon Department of State Lands implements to execute the Oregon Administrative Rules as decreed by the Oregon Constitution.

Tribal Liaison: Refers to the DSL employee who is responsible for facilitating, promoting and ensuring communication between DSL's program managers and Oregon's federally recognized tribes.

Policy:

- A. Overall responsibility for developing and implementing DSL programs that may affect tribes rests with DSL's director and deputy directors.
- B. DSL will maintain an agency liaison (tribal liaison) to Oregon's federally recognized tribes.
- C. DSL's director, tribal liaison and appropriate division administrators will offer to meet with Oregon's federally recognized tribal leaders on a regular basis to consult on tribal interests or concerns related to DSL activities, to build relationships and to discuss any upcoming issues of interest and explore opportunities for greater state-tribal partnership and collaboration.
- D. DSL will provide regular training to agency managers and key staff who communicate or work with tribal governments.
- E. DSL will support and participate in cooperative efforts between tribal governments, federal, state and/or local government on environmental issues/concerns that cross jurisdictional boundaries.
- F. DSL's tribal liaison will actively participate as a member of the Tribal-State Natural Resource Workgroup and Cultural Resource Cluster.
- G. DSL will seek tribal representation on DSL advisory committees that are of interest to tribes. DSL will support the exchange and sharing of data collected by DSL staff or by tribal governments.
- H. DSL will ensure that agency managers and all staff are aware of the sovereign authority and self-government of Native American Tribes and of the organizational structure of tribal governments.
- I. DSL will use advice and guidance when appropriate from the Legislative Commission on Indian Services and its staff on tribal government matters.
- J. DSL's Director's Office shall be responsible for submitting an annual report by December 15th every year to the Governor and the Legislative Commission on Indian Services as required under ORS 182.166(3) highlighting DSL's government-to-government activities.
- K. DSL's tribal liaison shall provide the director with a summary of the year's activities that have been completed and an updated list of individuals responsible for management of DSL's programs that may affect tribes for the annual report.