



# Oregon

Tina Kotek, Governor

## Department of State Lands

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### State Land Board

December 15, 2023

Governor Tina Kotek  
Office of the Governor  
900 Court Street, Suite 254  
Salem, OR 97301-4047

Legislative Commission on Indian Services  
900 Court St. NE  
Salem Oregon 97301

Re: DSL Annual Government to Government Report 2023

Tina Kotek  
Governor

LaVonne Griffin-Valade  
Secretary of State

Tobias Read  
State Treasurer

Dear Governor Kotek and Commission Members:

The Oregon Department of State Lands (Department) respectfully submits our annual Government-to-Government report to the Legislative Commission on Indian Services.

Earlier this year I opened a conversation with our staff to discuss the barriers and opportunities they see in the Department's current approach to government-to-government relations.

Our Tribal Liaison is central to leading this work for our Department, and my door is always open for direct consultation on issues important to the Tribes. After consulting our staff, we identified a need to strengthen collaboration across programs to empower and educate staff, advance strategic plan goals, and offer more meaningful engagement opportunities with Tribal governments.

This summer we began piloting a Tribal Relations Collaborative comprised of nine staff across our agency. Exploring this new framework is just the first step of many in advancing relationships with the sovereign nations.

We're excited about the renewed investments from the State with the establishment of the Governor's Office on Tribal Affairs, as well as the passage of House Bill 3173 and the new Task Force on Tribal Consultation. We look forward to continued collaboration with the Commission on these issues and appreciate the insight and expertise they share with us.

Sincerely,

Vicki L. Walker  
Director

## 2023 Annual Government-to-Government Report

### Introduction

This report from the Oregon Department of State Lands (Department) to the Legislative Commission on Indian Services (LCIS) details projects and activities from the calendar year of 2023 sharing:

- Our Department's Government-to-Government policy to build and maintain relationships with the Tribal governments, as adopted under ORS 182.164.
- The primary contacts who are responsible for developing and implementing programs that affect tribes.
- The process we established to identify Department programs that affect Tribes.
- Our efforts to promote communication between the state agency and the Tribes and government-to-government relations between the state and Tribes.
- Trainings provided to Department staff on government-to-government relations and the requirements of our Government-to-Government policy

### Overview of the Department of State Lands

The State Land Board oversees the Common School Fund, which sends tens of millions every year to Oregon's K-12 public schools. As the Land Board's administrative agency, the Department manages school lands, protects waters and wetlands, and oversees South Slough National Estuarine Research Reserve. The Department's core programs:

- **Manage land to benefit education.** The Real Property Program manages school lands and other lands overseen by the Department.
- **Protect waters and wetlands.** The Aquatic Resource Management Program oversees the state's removal-fill law, the federal North American Wetlands Conservation Act, and use of state-owned waterways.
- **Increase understanding of estuaries and coastal watersheds.** The 5,900-acre South Slough Reserve, managed in partnership by the Department and the National Oceanic and Atmosphere Administration, provides research and education to support stewardship of natural resources in Oregon and beyond.
- **Ensure exceptional public service.** The Director's Office and Administration teams ensure the Department meets the expectations of the Land Board, the Legislature, and all Oregonians.



*Sites like the Metolius River in the Deschutes National Forest are designated Essential Salmonid Habitat by the Department of State Lands using scientific data from the Oregon Department of Fish and Wildlife. The ESH map is updated annually, in consultation with Tribes. A permit is required to remove or place any amount of material in these designated habitats.*

## **Our Government-to-Government Policy and Tribal Relations**

In 2006 the Department adopted the agency’s State Agency Coordination Program (SAC). Section 5 of the program outlines our efforts and procedures to coordinate with Tribal governments. The Department’s SAC program commits us to:

- Include Tribal interests in the review/comment of agency actions likely to affect Tribal members or resources of Tribal interest.
- Carefully and thoughtfully consider Tribal comments concerning pending decisions and actions.
- Provide materials to natural resource agencies within each Tribal government that explain our roles and responsibilities in natural resource management.

The Department adopted an agency policy that works to establish, promote, and improve government-to-government relations with the nine federally recognized Tribes in Oregon. See the attached appendix for our current Government-to-Government policy.

### **Changes in 2023: Tribal Relations Collaborative**

In Summer 2023 the Department launched a pilot initiative to connect more deeply across programs, share resources, and advance best practices in tribal relations. The Tribal Relations Collaborative has nine members and are beginning work on examining our government-to-government policy and creating new procedures in consultation with staff and Tribal governments.

In consultation with the Department's Director, Tribal Relations Collaborative members include:

- Government Affairs Manager
- Community Engagement Officer
- Rules and Policy Coordinator
- Communications Officer
- Archaeologist
- Manager (South Slough Reserve)
- Policy Specialist (Real Property)
- Northern Operations Manager (Aquatic Resource Management)
- Southern Operations Manager (Aquatic Resource Management)

The responsibilities of the Collaborative are to:

- Continue to fulfill all expectations outlined in the Department's State/Tribal Government-to-Government Relations policy regarding consultation, annual reporting and storytelling, and coordination of updates at cluster meetings.
- Understand Tribal interactions happening agencywide, support new and existing relationship building, and provide sounding board for projects that have a high interest from Tribal governments.
- Improve processes and centralized resources to support consultation and coordination.
- Expand and coordinate training opportunities for Department staff who communicate or work with Tribal governments.

### **Changes in 2023: Government Relations Team**

The Department is undergoing some organizational restructurings to offer our programs and services more effectively. Most notable is the creation of a Government Relations team, led by our Tribal Liaison and Government Relations Manager, Chris Castelli. This team includes staff in rulemaking, policy analysis, and community engagement and will further strengthen our role in stewarding relationships with Tribal governments.

## **Department of State Lands Contacts**

Our primary contacts for Tribal consultation and coordination are:

**Vicki Walker, Director**

(503) 798-2019

[vicki.walker@dsl.oregon.gov](mailto:vicki.walker@dsl.oregon.gov)

**Chris Castelli, Government Relations Manager (Tribal Liaison)**

503-508-4312

[chris.castelli@dsl.oregon.gov](mailto:chris.castelli@dsl.oregon.gov)

There are many Department staff who participate in or support consultation and coordination with Tribal governments across our programs.

## Process to Identify Programs that Affect Tribes

### Agencywide

Across the agency, the Department encourages staff participation in state and Tribal trainings, workshops, and community events to raise awareness of Tribal interests, increase communication on work and projects of department and Tribal overlap, and improve government-to-government relationships.

In advance of any rulemaking, the Department consults the State's Physical Anthropologist at LCIS on the geographic or issue-level Tribal interests. Our Director invites those Tribes to participate in whichever capacity best meets their needs: participation as a member of the rulemaking advisory committee (RAC), direct consultation, or staying informed.

As our newly formed Tribal Relations Collaborative connects resources across programs, and the new Government Relations Team evolves, we will continue to advance our processes to cultivate relationships with the Tribal governments.

### Operations Division: Real Property Unit & Aquatic Resource Management (ARM) Program

The Department regularly includes Tribes in notification of potential or pending actions on Oregon-owned land managed by the Department, giving the respective Tribe(s) an opportunity to comment, or otherwise respond, on the proposed action. We consult those Tribes on their preferred contacts and on the geographic areas they are most interested in.

The Department continues to discuss our notification processes, how we can better coordinate with Tribal staff on proposed actions, and our ability to condition authorizations based on comments received for various ARM applications.

New to 2023, the Department has established a new Waterways Stewardship team and positions to support healthy and safe waterways.

### South Slough National Estuarine Research Reserve

The Reserve recognizes its location on the traditional lands of the Miluk Coos people who have managed this area for abundance since time immemorial. To ensure ongoing and sound stewardship of this special place and protection of its cultural resources, the Reserve relies on regular consultation and partnership with the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians (CTCLUSI); Coquille Indian Tribe; and Confederated Tribes of Siletz Indians. Reserve staff regularly partner with Tribal staff on education and training programs, research and monitoring projects, and stewardship work. The Reserve values regular input from Tribal staff participating on the Reserve Management Commission and serving on technical advisory groups. Staff also work closely with the Tribal Historic Preservation Officers to assess potential impacts of Reserve projects on cultural resources and take measures to avoid or mitigate any negative impacts as well as measures to enhance cultural resources. The Reserve frequently collaborates with Tribal partners on grant proposals on issues such as acquiring funding to support Tribal partners with climate resiliency projects.



*In partnership with Coos Watershed Association, and funded by Coquille Tribal Community Fund, native shrubs were planted along the upper reaches of the Wasson Creek. Willow stakes await planting by South Slough Reserve staff, volunteers, and partners.*

## **Efforts to Promote Communication and Government-to-Government Relations with Tribes**

### **Agencywide**

Department staff participated in the Cultural Resources and Natural Resources Workgroup meetings throughout the year. This year those updates included ongoing updates on the Elliott State Research Forest, permanent rulemaking to protect cultural resources at Crump Lake, and expanding conversations around abandoned and derelict vessels.

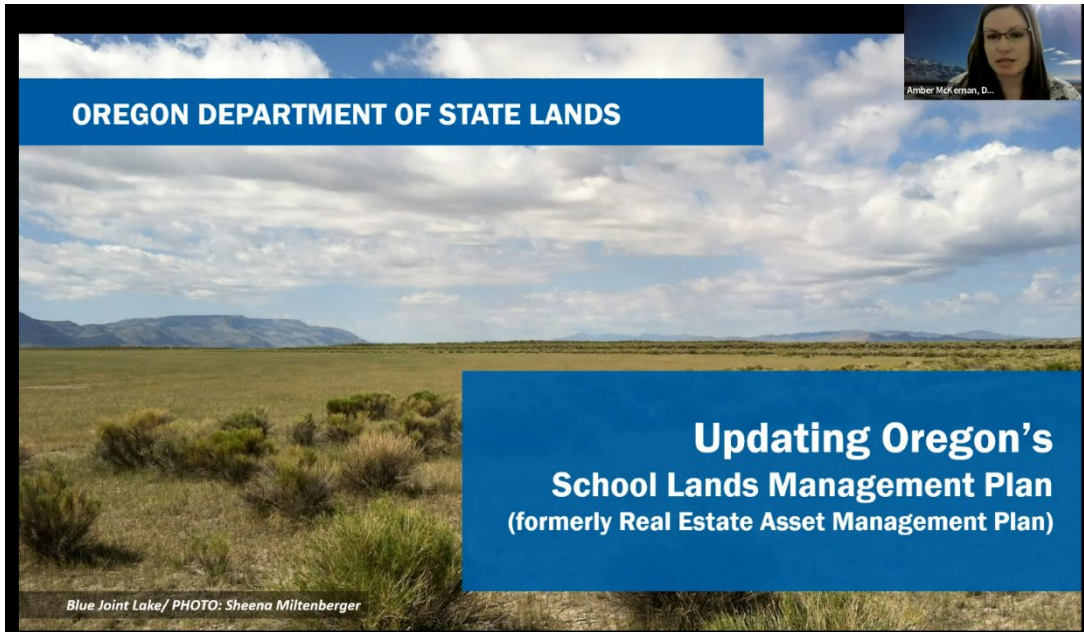
Community Engagement Specialist Cait McCusker serves as the Department’s Environmental Justice Liaison to the Governor’s Environmental Justice Council. One of her roles is to provide feedback on how environmental justice concerns may be incorporated into agency actions and decisions. Tribal communities are identified as communities who potentially have been affected by environmental justice issues. The Department is committed to building staff awareness of environmental justice to provide a common foundation of understanding of concerns and potential impacts of environmental justice communities. The goal is to provide more effective interactions with these communities, including the Tribes.

### **Operations Division: Real Property Program & Aquatic Resource Management Program**

Through the Department’s participation in the Cultural Resources Cluster and the Natural Resources Workgroup, Real Property and Aquatic Resource Management staff engage with Tribes by providing updates on rulemaking, policy issues and other specific issues raised by Tribal representatives.

The Operations Division continues its policy of notifying potentially affected Tribes regarding applications received for activities proposed on Oregon-owned and managed lands. Tribes are invited to comment on the proposed activities in the applications, and Department staff work closely with Tribal governments to address any concerns they may have. The Department Director is available for formal consultation on any agency action.

The Real Property Program’s archaeologist continues to review all activities proposed on lands managed by the Department and provides consultation with the Tribes on cultural resources. For ground disturbing projects initiated by the Department, field surveys and testing are completed as needed and those reports shared with the Tribes.



*Real Property Program Manager Amber McKernan presented the Department’s efforts to update our guiding document on land management to the Cultural Resource Cluster in March 2023.*

Below are some specific program activities of interest:

#### *Elliott State Research Forest*

Since 2019, the Oregon Department of State Lands has been working in collaboration with many, including Tribes, to transform the Elliott State Forest into the Elliott State Research Forest. The Land Board's vision for the Elliott is a public forest that has completed its obligation to funding schools, but will continue to contribute to conservation, recreation, education, Indigenous culture, local economies, and more as a publicly owned research forest.

Tribal engagement has been a focus throughout these efforts. Natural resources staff from the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians; the Confederated Tribes of the Grand Ronde Community; and the Confederated Tribes of Siletz Indians were part of the initial Advisory Committee that helped shape the foundations of the research forest. In December 2022, the State Land Board appointed a prospective board of directors that met throughout 2023 to provide input on ongoing research forest work; the prospective board included natural resources staff from the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, and the Confederated Tribes of Siletz Indians were represented.

In 2023, DSL particularly worked to understand and address concerns of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians. Conversations in 2023 with the CTCLUSI

Tribal Council, as well as natural resources staff, resulted in revisions to the habitat conservation plan for the forest as well as the overall management approach.

In December 2023, the State Land Board reaffirmed its commitment to establishing an Elliott State Research Forest in 2024, and the ongoing importance of engaging Tribal governments as the research forest becomes a reality.

#### *Villines Mitigation Bank*

The Department is seeking to address the barriers the Cow Creek Band of Umpqua Tribe of Indians (CCBUTI) experienced when seeking approval of the Villines Mitigation Bank in Douglas County. Direct consultation began earlier this year and is ongoing to identify a potential new approach to mitigation bank sponsorship by CCBUTI that is acceptable to both the State and the Tribe. Department and Tribal staff are identifying alternative solutions which, for example, could take the form of drafting agreements, reviewing Oregon administrative rule language, or proposing alternative rule language. Recently, there has been potential interest from other Tribal governments in exploring sponsorship of mitigation banks.

Should rulemaking be identified as a solution, the Department is committed to providing engagement opportunities with the nine federally recognized Tribes within Oregon in efforts to update these rules.

#### *Winchester Creek Dam*

The Department is supporting Oregon Department of Fish and Wildlife and other agencies in addressing the wildlife and habitat concerns that arose in 2023 from the maintenance work of the Winchester Creek Dam in Douglas County. The Department consulted with staff at the Cow Creek Band of Umpqua Tribe of Indians as we were doing our investigation.

#### *Rulemaking at Crump Lake in Lake County*

Frequent droughts have dried up the lakebed of Crump Lake during the summer and increasingly extending into dry years. Since 2014 the Department has received reports from State Police, community members, and local Tribes regarding property damage as well as vandalism of and looting of significant cultural artifacts, enabled by the low water conditions which expose the lakebed. Department Directors have implemented multiple emergency restrictions of the lake to all public uses during low water conditions. In 2023 the Department underwent rulemaking to create a permanent, long-term solution with a rulemaking advisory committee. A representative of the Klamath Tribes participated as a member of that committee.

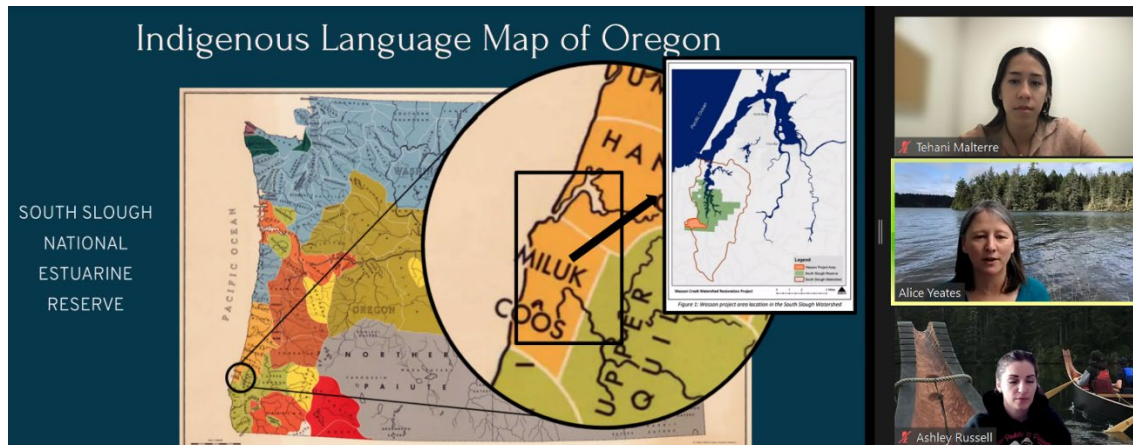
The new rule determines periodic closures when the lakebed is exposed, triggered when the water is no longer touching the foundational rocks located along the parallel line of Tern Island. Department staff will continue to monitor lake levels with satellite imagery noting soil and vegetational changes, combined with partnering with Oregon State Police to do ground truthing. The rule was approved by the State Land Board on October 10, 2023, and became effective on November 1, 2023.



## South Slough National Estuarine Research Reserve

The Reserve collaborates closely with the local Tribes on a wide range of activities including planning projects on the Reserve, doing research, creating educational opportunities, and more.

The Reserve maintains formal Memorandums of Understanding with both the CTCLUSI and the Coquille Indian Tribe. These cooperative agreements facilitate the exchange of information and data, shared use of equipment and facilities, and joint proposal development and project management.



Stewardship Coordinator and resident scientist Dr. Alice Yeates presented in a February 2023 webinar on “Indigenous Leadership and Partnerships in Estuary Stewardship.”

### *Reserve Management Commission*

By statute, the Reserve Management Commission reserves one commission seat for Tribal representation at all times. The seat held by the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians since September of 2017 transferred to the Coquille Indian Tribe in the fall of this 2022 and continued through 2023.

### *Water Quality Monitoring*

Reserve science staff continue to collaborate with the Coquille Indian Tribe and CTCLUSI to manage real-time water quality stations and to discuss data related to water quality in Coos Bay. Reserve staff have also been providing technical support to the Coquille Indian Tribe staff for new water quality monitoring efforts in Coos Bay and to help link Tribal station data to the Northwest Association of Networked Ocean Observation Systems. The Reserve’s Margaret A. Davidson Graduate Research Fellow, funded through the National Oceanic and Atmospheric Administration, is working with the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians to survey harmful algal blooms in the Coos estuary.

### *Education and Trainings*

Reserve staff continue to work with Tribal staff to deliver education programs, trainings, and summer camps. For example:

- The Reserve collaborated with the Coquille Indian Tribe staff to design and deliver a multi-day youth camp for their Tribal community.
- Stewardship Coordinator Dr. Alices Yeates developed and delivered a presentation on co-management and indigenous knowledge in partnership with the CTCLUSI.
- Staff held regular coordination meetings with the local Tribes to develop content for the exhibits on site at the Reserve and enhance educational displays for visitors.

#### *Partner on Projects on the Reserve*

Reserve staff communicate regularly with the CTCLUSI and the Coquille Indian Tribe staff to coordinate cultural reviews for restoration and research projects, maintenance work requiring soil disturbance, and newly acquired lands in the Reserve. Both Tribes serve as partners on the current Wasson Creek Watershed Restoration project and on the Indian Point Restoration project. The Tribes have been integral in providing staff support and information to meet National Historic Preservation Act Section 106 compliance for restoration planning.

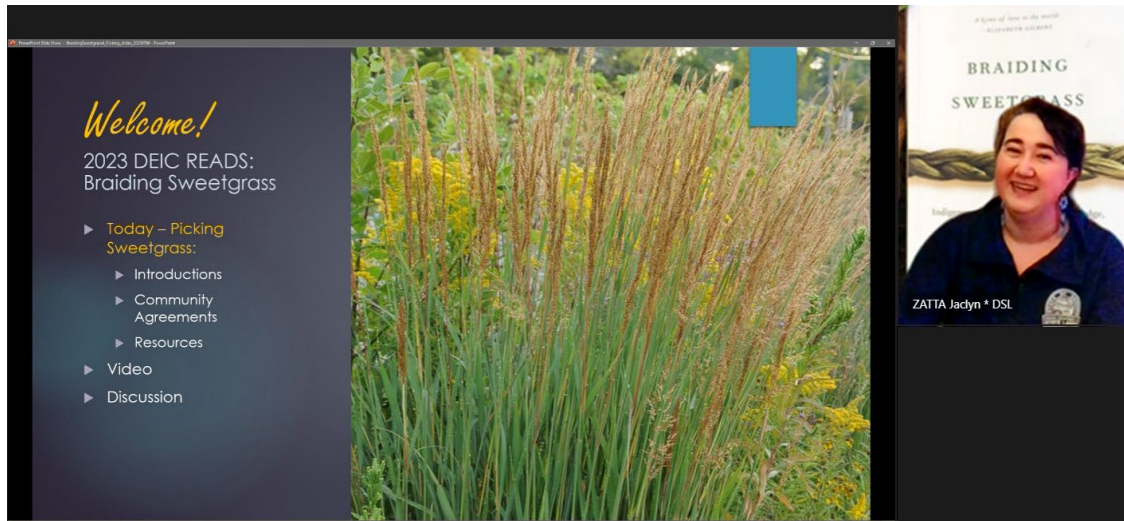
Reserve staff acquired funding for another project in partnership with other national estuarine research reserves, and work began October 1, 2023: “Integrating Indigenous knowledge and NERR science and monitoring to improve estuarine stewardship and management, with shared benefits for birds and local communities.” The project involves The Pacific Birds Habitat Joint Venture and NERRs in Hawai’i, Alaska, Washington and Oregon and their Indigenous communities.

The Reserve also regularly works with Tribal staff and Tribal members to provide opportunities for cultural plant gathering and Tribal program requests, as needed.

## **Training for Government-to-Government Relations**

A series of online agencywide trainings on the history of Tribal lands in Oregon, the value of cultural resources, and our government-to-government policy and processes were held in November 2022. Department staff also participated in the Tribal relations training hosted by DOJ’s Native American Affairs Coordinator at the 2023 Public Law Conference.

The Department’s Diversity, Equity, and Inclusion (DEI) Committee fosters an inclusive environment for all staff, promotes an agencywide climate of equity and anti-racism, and seeks to operationalize DEI in serving the Department’s mission. In 2023 the Committee hosted two educational sessions for staff on concepts and applications of traditional ecological knowledge, as well as a year-long reading and discussion series of the book “Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge, and the Teachings of Plants.” Connecting our natural resource staff with a variety of education and training opportunities is a priority.



*Jaclyn Zatta, Chair of the Department’s DEI Committee, welcomes staff at a discussion series on “Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge, and the Teachings of Plants”.*

## Looking Ahead to 2024

Supporting and improving our Tribal relations and communications within Department programs, policies, and practices is key to improving our customer service and public involvement practices, rulemaking outreach, and permit review processes.

### The Department will continue to:

- Participate in government-to-government activities such as the Cultural Resources and Natural Resources Workgroup meetings, as well as any State or Tribal trainings offered.
- Prioritize improved communication with sovereign nations on matters of Department actions that may be of Tribal interest.
- Participate on the Governor’s Environmental Justice Council.
- Collaborate on and/or participate in educational and cultural experiences with the federally recognized Tribes in Oregon at the South Slough Natural Estuarine Research Reserve.

### In 2024 the Department will be:

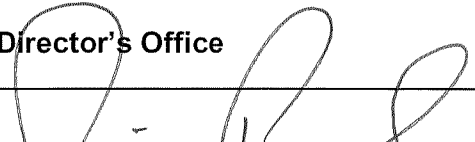
- Examining and updating our government-to-government policy, last updated in 2017.
- Hosting an LCIS-led training for Department staff. We’ll also be exploring long-term, sustainable agencywide staff trainings on Tribal history in Oregon and best practices in consultation. Last offered in 2020, South Slough Reserve staff will seek to partner again with local Tribal Historic Preservation Officers to provide a field-based cultural resource identification and protection training for staff.
- Launching a new and improved website to support people in connecting with program information and our team. The website also includes a new page dedicated to communicating our government-to-government policy, information about Tribal governments in Oregon, and major initiatives for coordination.

- Ongoing development of new customer service portal that will increase access to participation opportunities for Department wetland and waterway permits and land management decisions.
- Exploring Tribal interests for coordination and consultation in upcoming efforts:
  - The Department’s Submerged Lands Enhancement Funds (SLEF) cyclical grant to support waterway stewardship.
  - A variety of rulemaking – notably regarding undersea cables in the territorial sea, as well as the establishment of fees for removal-fill activities.
  - Upcoming policy initiatives at the direction of the Land Board or Legislature, in particular efforts to establish an Abandoned and Derelict Vessel program.
  - Coordinating with State Historic Preservation Office and identifying strategies to better evaluate cultural resources through state permitting.
  - And other projects such as the Elliott State Research Forest and Shutter Creek facility, initiatives at South Slough National Estuary Research Reserve, and other projects as requested.

*For additional information about any of these topics or to provide feedback on this report, please contact Government Relations Manager and Tribal Liaison Chris Castelli at [chris.castelli@dsl.oregon.gov](mailto:chris.castelli@dsl.oregon.gov).*



## DSL Agency Policy

<b>Subject:</b> State/Tribal Government-to-Government Relations	<b>Number:</b> 141-P-038
<b>Division:</b> Director's Office	<b>Effective Date:</b> 06/26/2017
<b>Approved:</b> 	

**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 15<sup>th</sup> 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.