2019 Training

STATE AGENCY TRIBAL CULTURAL ITEMS LIAISONS

Tuesday, May 14, 2019

Oregon Department of Fish & Wildlife – Commission Room
4034 Fairview Industrial Drive SE
Salem, Oregon

8:30 – 9:00 **Arrival and Continental Breakfast**

9:00 – 9:45 **Welcome, Introductions, and Opening Remarks**

- Welcome remarks

  Brenda Meade, Coquille Indian Tribe
  Danny Santos, Legislative Commission on Indian Services

- Introduction of tribal representatives and agency liaisons
- Brief background on the Task Force on Tribal Cultural Items

  Dustin Buehler, Governor's Office

9:45 – 10:45 **Tribal Cultural Items: What Are They and Why Are They Important?**

- Panel discussion regarding the definition of "cultural items" and why those items are important to the Tribes

  Brenda Meade, Coquille Indian Tribe (moderator)
  Danny Santos, Legislative Commission on Indian Services (moderator)

  Jesse Beers, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
  Perry Chocktoot, Klamath Tribes
  Don Ivy, Coquille Indian Tribe
  Michael Langley, Confederated Tribes of the Grand Ronde
  Brigette McConville, Confederated Tribes of Warm Springs
  Diane Teeman, Burns Paiute Tribe

10:45 – 11:00 **Break**

11:00 – 12:00 **Table Exercise: Identifying Tribal Cultural Items**

- Table-top exercise in which tribal representatives and agency liaisons view and discuss potential tribal cultural items

  Briece Edwards, Confederated Tribes of the Grand Ronde (moderator)
  Kassie Rippee, Coquille Indian Tribe (moderator)
  Diane Teeman, Burns Paiute Tribe (moderator)

12:00 – 1:00 **Lunch** – provided (networking, no formal program)

1:00 – 1:45 **The Agency Liaison Role**

- Presentation regarding the role of agency cultural items liaisons, and the timeline and expectations for the initial agency look-around survey

  Dawn Marie Alapisco, Oregon State University
  Danny Santos, Legislative Commission on Indian Services

1:45 – 2:45 **The Initial "Look-Around": Surveying Agencies for Cultural Items**

- Panel discussion regarding timeline and expectations for initial agency look-around survey, and methods for surveying agencies

  Dustin Buehler, Governor's Office (moderator)

  Dawn Marie Alapisco, Oregon State University
  Briece Edwards, Confederated Tribes of the Grand Ronde
  Robert Kentta, Confederated Tribes of Siletz Indians
  Don Ivy, Coquille Indian Tribe
  Curt Melcher, Oregon Department of Fish & Wildlife
  Kassie Rippee, Coquille Indian Tribe

2:45 – 3:00 **Break**

3:00 – 3:45 **Table Exercise: Surveying Strategies**

- Table-top exercise focused on brainstorming strategies for the initial look-around survey for tribal cultural items

  Chris Allori, Oregon State Police (moderator)
  Dustin Buehler, Governor's Office (moderator)
  Danny Santos, Legislative Commission on Indian Services (moderator)

3:45 – 4:00 **Closing Remarks**

Brenda Meade, Coquille Indian Tribe
Danny Santos, Legislative Commission on Indian Services

2019 Training for
State Agency Tribal Cultural Items Liaisons

Task Force on Oregon Tribal Cultural Items

Brief Background on the Task Force

1

Government-to-Government Relations

- The State of Oregon has ***government-to-government*** relationships with ***nine federally recognized Native American Tribes***
  - Burns Paiute Tribe
  - Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
  - Confederated Tribes of Grand Ronde
  - Confederated Tribes of Siletz
  - Confederated Tribes of Umatilla Reservation
  - Confederated Tribes of Warm Springs
  - Cow Creek Band of Umpqua Indians
  - Coquille Indian Tribe
  - Klamath Tribe

2

Government-to-Government Relations

Under ORS 182.162 to 182.168, each state agency must:

- Make a "***reasonable effort*** to ***cooperate with tribes*** in the development and implementation of ***programs*** of the state agency ***that affect tribes***." ORS 182.164(3).
- Develop and implement a ***policy*** for ***identifying those programs*** and ***communicating with tribes***. ORS 182.164(1).
- Submit an annual ***report*** to the Governor and the Legislative Commission on Indian Services (LCIS). ORS 182.166(3).

3

Executive Order 17-12

- Signed by Governor Brown in November 2017
- Establishes the ***Task Force on Oregon Tribal Cultural Items***
- "Oregon's Tribes have an interest in ***obtaining information*** relating to ***cultural items*** currently held in storage or on display at Oregon ***state agencies***, state universities, colleges, and public schools."

4

Executive Order 17-12

- **Membership** of Task Force includes ***tribal*** members; ***agency*** officials; ***university*** officials; a representative from ***LCIS***; and a representative from the ***Governor's Office***
- **Purpose** is to recommend a ***process for surveying state entities*** for ***cultural items*** within their possession that may be ***associated with Oregon's nine federally recognized Tribes***
- **Report** to Governor Brown, with ***findings and recommendations***

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Definition—Tribal Cultural Items

Native American cultural items include:

- ***Archaeological Objects***. Any material or artifact removed from an archaeological site (scientifically or otherwise, whether or not the site has been officially recorded), or any collection(s) of artifacts/objects that can be identified as originating from such a site or documented tribal territory resulting from Native American occupation or use.

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Definition—Tribal Cultural Items

Native American cultural items include:

- ***Historic Objects***. Objects or archival materials (e.g., photographs and written materials, such as diaries, journals, maps, field notes, newspapers, etc.) directly associated with persons/places significant to Oregon's Tribes' historic experience and/or contemporary identity.

Definition—Tribal Cultural Items

Native American cultural items include:

- ***Human Remains and Funerary Objects***. Any human remains of Native American origin (e.g., skeletal elements, tissue, hair), any object or artifact generally associated with death or a related ritual, whether directly recovered from a human burial, associated with a burial, or an object that by its nature or condition indicates a relationship to Native American burial or funerary practices.

Task Force Recommendations

Values

- ***Tribal perspectives***: a paramount value is to listen to and value tribal perspectives
- ***Identification and access***: at this point, the goal is to identify and provide access, *not* to collect and repatriate
- ***Education and training***: education and training is important; this will be a learned process
- ***Communication***: there must be channels for ongoing communication between agencies and Tribes
- ***Ongoing efforts***: this is an ongoing process, and the work we are engaging in is just the beginning

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Task Force Recommendations

Recommendations include:

- Use ***government-to-government framework*** to facilitate coordination regarding cultural items
- Designate/train ***tribal cultural liaison*** for each agency
- Establish ***channels*** for ***ongoing communication***
- Require agencies to conduct ***initial survey*** within ***six months*** of orientation for agency liaisons

Goal at this point is ***identification*** and ***access***

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EXECUTIVE ORDER NO. 17-12

In 1996, Executive Order 96-30 formally established government-to-government relations between the State of Oregon and the nine federally recognized Indian Tribes that reside within Oregon's borders. For more than twenty years, the State of Oregon has benefitted from the resulting increased communication with Tribal Governments about state and tribal interests.

Oregon's Tribes have an interest in obtaining information relating to cultural items currently held in storage or on display at Oregon state agencies, state universities, colleges, and public schools. Some of these items are associated with Oregon's Tribes, and the Tribes and the State share an interest in determining the provenance, the appropriate custodian, and the appropriate storage or display of such items.

There has never been a survey of how many of these items currently are held in storage by or on display within a State agency or public academic institution, and no complete inventory of such items exists. The State of Oregon and Oregon's Tribes deserve an established process to determine best practices for gathering information about these types of cultural items associated with Oregon Tribes, and for determining the most appropriate "next steps" for establishing workable strategies and plans for discussion regarding these cultural items and/or return of the items to associated Oregon Tribes.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. There is established a Task Force on Oregon Tribal Cultural Items ("the Task Force").

2. The Members of the Task Force shall include the following (members identified in paragraphs (e) – (h) shall be invited by the Governor, with the understanding that the relevant bodies may determine whether or not to participate by recommending members for appointment to the Task Force):

    a. The Governor's Legal Counsel or other designee;

    b. Any additional member of the Governor's staff as directed by the Governor;

c. A representative of the State Historic Preservation Office, appointed by the Governor upon recommendation of the Director of the Oregon Parks and Recreation Department;

d. A State Agency Director, appointed by the Governor;

e. A representative of the Legislative Commission on Indian Services;

f. A representative from each of the nine federally recognized Oregon Tribes;

g. One or more representatives of one or more public universities or colleges, appointed by the Governor;

h. One or more representatives of primary or secondary Oregon public schools, appointed by the Governor.

i. Other Members as invited by the Governor.

3. The Governor's Legal Counsel shall be responsible for convening the Task Force.

4. The Task Force's purpose is to provide advice to the Governor.

5. The Task Force shall meet to consider a process for a soliciting information from state public institutions and agencies about items they may have in storage or on display associated with Oregon Tribes.

6. The Task Force shall submit a report to the Governor summarizing its findings and recommending:

   a. A process to survey public institutions and agencies regarding these cultural items; and

   b. A timeline for completion of the survey and proposals for "next steps."

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7. The report to the Governor shall be submitted no more than one year after the first convening of the Task Force.

Done at Lincoln City, Oregon, this 2nd day of November, 2017.

Kate Brown

Kate Brown
GOVERNOR

ATTEST:

Dennis Richardson

Dennis Richardson
SECRETARY OF STATE

REPORT from the TASK FORCE ON OREGON TRIBAL CULTURAL ITEMS

November 2018

INTRODUCTION

Background and Charge

In November 2017, Governor Kate Brown signed Executive Order 17-12, establishing the Task Force on Oregon Tribal Cultural Items. *See* Appendix 1. The purpose of the Task Force is to recommend a process for soliciting information from state agencies and other public institutions relating to cultural items within their possession that may be associated with Oregon's nine federally recognized Native American Tribes.

Executive Order 17-12 requires the Task Force to submit a report to the Governor, summarizing its findings and recommendations. That report must recommend (1) a process for surveying public institutions and agencies regarding tribal cultural items; and (2) a timeline for completion of the survey, and proposals for next steps.

The Task Force submits this report to the Governor, pursuant to its charge.

Task Force Members

Members of the Task Force include representatives from each of Oregon's nine federally recognized Tribes, the Legislative Commission on Indian Services, state agencies, and public universities. Under Executive Order 17-12, the Governor's Legal Counsel is responsible for convening the Task Force, which has met regularly at locations throughout the state.

The following individuals currently serve as Task Force members:

Brenda Meade, Co-Chair
Coquille Indian Tribe

Danny Santos, Co-Chair
Willamette University College of Law (retired)

Chris Allori
Oregon State Police

Aaron Ashley
Confederated Tribes of the Umatilla Indian Reservation

Jesse Beers
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians

Dustin Buehler
Office of Governor Kate Brown

Perry Chocktoot
Klamath Tribes

Jon Erlandson
University of Oregon

Patrick Flanagan
Oregon Department of Justice

Dennis Griffin
State Historic Preservation Office, Oregon Parks and Recreation Department

Robert Kentta
Confederated Tribes of Siletz Indians

Michael Langley
Confederated Tribes of Grand Ronde

Brigette McConville
Confederated Tribes of Warm Springs

Jessie Plueard
Cow Creek Band of Umpqua Tribe of Indians

Karen Quigley
Legislative Commission on Indian Services

Diane Teeman
Burns Paiute Tribe

Task Force Staff: Shevaun Gutridge, Office of Governor Kate Brown

What are Tribal Cultural Items?

It is difficult to define the words "cultural items" in a way that adequately reflects the meaning of that phrase to each and every one of Oregon's Tribes. Tribes have different definitions of "cultural items." Practical concerns add to the difficulty of setting forth a single definition. On the one hand, a broad definition may more adequately reflect the wide scope of items that are associated with tribal culture. On the other hand, a narrower definition may be more workable for agencies implementing the Task Force's recommendations.

In an effort to provide a basic definition to state entities, the Task Force—including its representatives from Oregon's nine federally recognized Tribes—has approved the following definition of "cultural items" (preceded by an explanatory preamble):

> *The area known today as Oregon has been lived on, tended, and engaged with since time immemorial. These lands and waters are the place of origin for the nine federally recognized sovereign Tribes of Oregon. Numerous Native American archaeological and historic artifacts, and objects of cultural significance now reside in museums, universities and colleges, archives, and other state agency repositories. To date, however, no comprehensive inventory of these "cultural items" has been compiled.*
>
> *With Executive Order 17-12, Oregon Governor Kate Brown convened the Task Force on Oregon Tribal Cultural Items to create a process by which state agencies will be required to provide Tribal governments an inventory of Native American cultural items on display, in storage, in possession or under the stewardship of the state of Oregon. The Task Force has adopted a definition of "Native American Cultural Items." Such items include archaeological and historic materials and artifacts, as well as, for this purpose, human remains and funerary objects. Today, Oregon is host to some of the oldest documented cultural items in North America. Its past is one shared by all who call this place home and all share in the responsibility and undertaking of identification, understanding, protection, and preservation of these resources.*
>
> *Ancestry links the Tribes today through time to their origins. As a result* ***all*** *belongings and evidence of Tribal history (ancient through modern periods) retain significance. For this purpose, Native American Cultural Items are defined as:*
>
> - *<u>Human Remains and Funerary Objects</u> – Any human remains of Native American origin (e.g., skeletal elements, tissue, hair), any object or artifact generally associated with death or a related ritual, whether directly recovered from a human burial, associated with a burial, or an object that by its nature or condition indicates a relationship to Native American burial or funerary practices.*
> - *<u>Archaeological</u> – Any material or artifact removed from an archaeological site (scientifically or otherwise [whether or not the site has been officially recorded]), or any collection(s) of artifacts/objects that can be identified as originating from such a site or documented tribal territory resulting from Native American occupation or use.*
> - *<u>Historic</u> – Objects or archival materials (e.g., photographs and written materials [i.e., diaries, journals, maps, field notes, newspapers, etc.]) directly associated with persons/places significant to Oregon's Tribes' historic experience and/or contemporary identity.*

Even with this definition and explanatory preamble, state agencies will need further training and communication with Oregon's Tribes in order to be able to identify tribal cultural items. Each sovereign Tribe has its own unique perspective. And state entities may not recognize or

realize the cultural significance of items within their possession. (For example, an agency may possess a feather and not realize that it is of tribal funerary significance.)

The goal here is not to set forth a perfect, all-encompassing definition, but rather to give state agencies a starting point for further conversations and collaboration with the Tribes.

FINDINGS AND RECOMMENDATIONS

Values

The Task Force has met monthly since April 2018. Its discussions are summarized in the meeting minutes accompanying this report. *See* Appendix 2 (minutes from Task Force meetings, to date). This section of the report attempts to synthesize and set forth reoccurring values underlying the Task Force's discussions, as well as its findings and recommendations.

- Tribal Perspectives: a paramount value that has driven the Task Force's work to date—and that should continue to drive our collective efforts—is the need to listen to tribal perspectives on the importance of cultural items. The processes we adopt should ensure that tribal voices continue to be heard, respected, and valued.

- Identification and Access: At this point, the goal is to identify and provide access to cultural items that are in the State's possession, rather than requiring state agencies to collect or repatriate those items. Once the Tribes know what is out there, the State and Tribes can discuss next steps.

- Education and Training: Education and training of state employees will be key, as the individuals on the ground may not know what types of items qualify as tribal cultural items, even after reviewing the basic definition provided by the Task Force. This has been and will continue to be a learned process.

- Communication: There must be channels for ongoing communication between state agencies and the Tribes, so agencies can better understand tribal perspectives. Communication with Tribes will be essential as agencies perform look-arounds for cultural items, so questions regarding scope can be clarified.

- Ongoing Efforts: One agency director described the process of engaging with Tribes regarding cultural items as "a race without a finish line." Agencies will need guidance during their initial survey, and will continue to find tribal cultural items in the months and years to come. The processes we implement must take the ongoing nature of this work into account.

Recommendations

The Task Force will continue to meet in the months ahead, at least until April 2019 (one year after it first convened, at which point the Task Force's authority under the existing executive order will lapse). Although there is more work to do, the Task Force presents the following recommendations to the Governor:

1. Use the Government-to-Government Framework to Facilitate a Survey of and Communication Regarding Tribal Cultural Items

In 1996, Executive Order 96-30 formally established government-to-government relations between the State of Oregon and the nine federally recognized Tribes. In 2001, that government-to-government framework was codified in statute by Senate Bill 770. *See* ORS 182.162–182.168. Among other things, state agencies are required to develop and implement policies on tribal relations, designate key agency contacts, participate in annual meetings, and prepare annual reports.

The Task Force recommends use of the existing government-to-government framework to facilitate coordination and communication between the state and Tribes regarding tribal cultural items. Under that approach, each agency should develop a policy regarding the treatment of tribal cultural items, and should appoint a key agency contact (see separate recommendation regarding Agency Tribal Cultural Items Liaisons, below). Each agency's policy on tribal cultural items should specify how the agency plans to communicate with Tribes regarding cultural items within its possession, and how it plans to educate agency employees regarding that policy.

2. Educate Agency Leadership about Cultural Items at the Annual Government-to-Government Summit

During two of its meetings this summer, the Task Force engaged in an extended discussion about tribal cultural items with the directors of five large state agencies—the Department of Fish and Wildlife; the Department of Forestry; the Department of State Lands; the Department of Transportation; and the State Police. That dialogue was enormously useful, both to the agencies and to the Tribes; it educated agency directors regarding the definition of "cultural items," while also giving the Tribes a sense of what types of cultural items each agency might have in its possession.

During those discussions, agency directors realized that the scope of tribal "cultural items" encompasses items that they previously did not appreciate, and that prior efforts to look around their agencies were under-inclusive. For example, the Department of Fish and Wildlife realized for the first time that archival documents—such as photographs or monthly field reports—may have images or information with cultural significance to the Tribes. Similarly, the Department of State Lands realized that it will need to revisit its procedures for processing the property and belongings of persons who die without a will, to ensure that Oregon's Tribes are notified of items with tribal cultural significance.

The annual government-to-government summit in late November provides an opportunity for further education of and discussions with agency directors. We recommend that the summit incorporate a panel discussion on tribal cultural items, during which the Task Force briefly outlines its work to date and tribal members share their perspective regarding cultural items. We also recommend hosting a table discussion at the summit immediately following the panel, so agency directors can directly interact with tribal members on these issues.

3. Designate and Train a Tribal Cultural Items Liaison for Each State Agency, Who will Serve as the Key Contact for Surveying and Ongoing Efforts

A few months ago we recommended that each state agency designate a person who will serve as its Tribal Cultural Items Liaison—the agency's key contact for matters and inquiries relating to tribal cultural items. At our request, in August Governor Brown sent a letter to state agency heads, asking them to designate a Tribal Cultural Items Liaison for their respective agencies. In response, each agency has designated a Tribal Cultural Items Liaison. *See* Appendix 3.

We recommend that each liaison be responsible for ensuring that their agency performs a survey of tribal cultural items, and that they serve as an ongoing point-of-contact within the agency for issues relating to cultural items.

The Task Force and the Legislative Commission on Indian Services will coordinate and host an initial orientation training for agency liaisons, to be held in late 2018 or early 2019. Among other things, that training will discuss the definitional scope of "cultural items," potential surveying approaches, and techniques that liaisons can use to train other staff within their agencies. LCIS will then work with the Tribes and state agencies to hold an annual "refresher" training for liaisons, perhaps held in tandem with the annual summit in future years.

4. Establish Channels for Ongoing Communication with Oregon's Tribes during the Survey Process and Beyond

In addition to in-person trainings for Agency Tribal Cultural Items Liaisons, we recommend establishing other channels for ongoing communication between those agency contacts and Oregon's Tribes.

For example, an e-mail listserv—perhaps consisting of agency liaisons and tribal cultural resource officers—would allow liaisons to learn and share examples and information with the Tribes in real time. As they coordinate a look-around survey of their agencies, liaisons would be able to send an e-mail to the listserv when they have a question about a particular item or category of items, and interested Tribes would then have an opportunity to respond to the group. By reading that exchange of information, liaisons in other agencies could learn by example, and the dialogue could be posted online for the benefit of all.

Similarly, some of the agency liaisons already have expressed interest in opportunities for regular interaction with each other and with tribal members, perhaps at periodic brown-bag lunches or other events.

5. *Require Agencies to Perform an Initial Survey of Tribal Cultural Items within Six Months of the Orientation Training of Agency Liaisons*

As the Task Force and LCIS coordinate training for agency liaisons, we recommend a directive from the Governor that establishes a deadline for an initial look-around survey within each state agency. We believe that six months from the orientation of agency liaisons is a reasonable timeline for completion of an initial survey. That is a finite period of time that nonetheless allows for communication and back-and-forth between agency officials and the Tribes.

In addition to the timeline for that initial survey, we recommend a directive requiring that annual reports filed by agencies pursuant to Senate Bill 770 include a section that discusses agency efforts to identify and communicate with Tribes regarding tribal cultural items within the agency's possession.

6. *Work with the Tribes and the Department of Administrative Services to Develop and Provide Online Training Materials for State Employees*

During the Task Force's discussions with state agency directors, several directors expressed interest in having online training resources available regarding tribal cultural items. Those materials—perhaps developed collaboratively by the Tribes and the Department of Administrative Services—could then be used to provide staff-level training to agency employees. The Task Force recommends that the state and the Tribes work together to explore the feasibility of developing and disseminating that type of online training.

NEXT STEPS

In addition to implementing the findings and recommendations in this report, the Task Force plans to discuss other matters in the months ahead. Among other things, those topics include:

- ***Tribal cultural items in educational institutions***. The Task Force has had initial conversations regarding tribal cultural items held by state universities, community colleges, and public schools, but more discussion is needed. For purposes of that discussion, we may ask the Governor to appoint additional Task Force members from different types of educational institutions, so all perspectives are at the table.

- ***Preparation of survey template and/or methodology***. Given the wide range of items that have cultural significance to Oregon's Tribes, it is challenging to discern a single survey method or template that can be used by agencies and other entities. That said, the Task Force will attempt to come up with a basic template or methodology, so there is at least some consistency in the information being gathered (*i.e.*, where the item was found; who found it; etc.).

- ***Discuss issues relating to funding***. Once the Task Force fully considers the scope of work that state agencies and other public institutions will embark on pursuant to its

recommendations, it will make further recommendations as to whether state funding may be required for the completion of that work.

- ***Institutionalization of the Task Force's charge***. Pursuant to Executive Order 17-12, the Task Force's authority expires one year after it first convened—in this case, April 2019. We believe that there will be ongoing work within the Task Force's charge that will extend beyond that date, and the Task Force will discuss best practices for institutionalizing that work (whether as a group within LCIS, an ongoing Task Force, or something else). We will make a follow-up recommendation to the Governor on that point.

Governor's Task Force on Oregon Tribal Cultural Items

The Agency Liaison Role

May 14, 2019 Training Session

Daniel P. Santos

Interim Director, Legislative Commission on Indian Services

Co-Chair of the Governor's Task Force

900 Court Street NE, Room 167, Salem, OR 97301-4044

LCIS@oregonlegislature.gov

Cell 503-508-1232

1

EXISTING RESOURCES FOR YOU AND YOUR COLLEAGUES

1. Governor Brown's Executive Order No. 17-12 - https://www.oregon.gov/gov/Documents/executive_orders/eo_17-12.pdf.
2. Task Force Report to the Governor - https://www.oregon.gov/gov/Documents/Task%20Force%20Report%20to%20Governor.pdf.
3. Definition of Native American Cultural Items
4. Survey Questions for State Agencies
5. Governor's Office webpage on the Tribal Cultural Items Task Force, https://www.oregon.gov/gov/Pages/TCITF_about_us.aspx.
6. Legislative Commission on Indian Services, https://www.oregonlegislature.gov/cis.

Mary Bradford, a basket maker and member of the Rogue River Tribe, 1902

2

AS AGENCIES BEGIN THEIR SURVEY OF TRIBAL CULTURAL ITEMS, A WORD ABOUT DISCOVERY OF INDIAN REMAINS

1. On the very rare but occasional discovery of human remains in the possession of a State agency, Oregon law requires **immediate** contact with the State Police, State Historic Preservation Office, and the Legislative Commission on Indian Services [ORS 97.740-760]
   1. State Police 1-800-452-7888
   2. State Historic Preservation Office 503-986-0674
   3. Legislative Commission on Indian Services 503-986-1067
2. Training video on discovery of human remains: https://www.youtube.com/watch?v=OM-KxajB0JA&feature=youtu.be.
3. In summary, discovery of human remains requires immediate attention and should not be delayed as part of an agency's cultural items survey.

3

AGENCY LIAISON RESOURCES GOING FORWARD BROWN BAG LUNCH SESSIONS

May 14th in Salem – Agency Liaison Training 8:30-4:00 ODFW – Commission Conference Room 4034 Fairview Industrial Drive SE Salem, OR 97301	**June 4th in Salem – Brown Bag Lunch** 12:00-1:00 Capitol Building – Hearing Room 350 900 Court Street NE, Suite 350 Salem, OR 97301
July 9th in Salem – Brown Bag Lunch 12:00-1:00 Capitol Building – Treaty Room 900 Court Street NE, Suite 167G Salem, OR 97301	**July 30th in Bend – Task Force Meeting** 1:00-4:00 OSU Cascades Obsidian Conference Room 1500 SW Chandler Avenue Bend, OR 97702
Aug 6th in Salem – Brown Bag Lunch 12:00-1:00 Capitol Building – Treaty Room 900 Court Street NE, Suite 167G Salem, OR 97301	**Sept 10th in Salem – Brown Bag Lunch** 12:00-1:00 Capitol Building – Treaty Room 900 Court Street NE, Suite 167G Salem, OR 97301
Sep 17th in North Bend – Task Force Meeting 9:00-12:00 Mill Casino - Spruce & Cedar Room 3201 Tremont Street North Bend, OR 97459	**Oct 8th in Salem – Brown Bag Lunch** 12:00-1:00 Capitol Building – Treaty Room 900 Court Street NE, Suite 167G Salem, OR 97301

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AGENCY LIAISON RESOURCES GOING FORWARD CULTURAL ITEMS CONTACTS

1. Cultural Items phone line: 503-947-8488
2. Cultural Items email contact: CulturalItemsInfo@oregon.gov
3. Cultural Items List Serv: Cultural-items-contacts@listsmart.osl.state.or.us

The desire is to provide Agency Liaisons with contacts to respond to their inquiries. The response resources include Tribes, Legislative Commission on Indian Services, the Governor's Office, Agency colleagues, and Task Force members.

5

THE GOVERNOR'S TASK FORCE OF TRIBAL CULTURAL ITEMS SAYS THANK YOU AND ONWARD!

FROM THE GOVERNOR, THE 9 OREGON TRIBES, THE LEGISLATIVE COMMISSION ON INDIAN SERVICES, AGENCY LEADERSHIP, AND THE TASK FORCE, WE SO APPRECIATE YOUR WILLINGNESS TO TAKE PART IN THIS HISTORIC AND IMPORTANT WORK.

WE RECOGNIZE THAT THIS IS JUST THE START OF THE AGENCY SURVEY PROCESS AND THAT:

1. THIS IS AN INITIAL SURVEY AND NOT A REPATRIATION ACTION
2. WE HAVE TARGETED THIS INITIAL SURVEY ON A 6 MONTH TIMELINE
3. WE WILL ALL CONTINUE TO LEARN AND IMPROVE THE PROCESS

6

NAGPRA and Tribal Cultural Items Survey at Oregon State University – Lessons Learned

By Dawn Marie Alapisco, OSU NAGPRA Coordinator

What do we have?

In June 2017 I began my career as the NAGPRA Coordinator at Oregon State University. One of the first things that I was able to determine in this position is that NO ONE knew what I was supposed to do, myself included.

So, I did the first thing that came to mind, I reviewed records. And I reviewed records. And then, I reviewed more records…

And a clue…

In all of my records searching I realized that all NAGPRA related activities from Oregon State University surrounded two collections: the Horner Collection and Anthropology.

This meant that all other academic and non-academic units on campus, were as far as I could tell, not NAGPRA compliant.

How could I resolve this?

A Survey!!!

Oregon State University

NAGPRA Office
Oregon State University
Gilkey 106
P 541-737-4075
dawnmarie.alapisco@oregonstate.edu

08/08/2018
Hello (insert appropriate name, academic unit),

I am writing to ask for the contact information for your academic unit and a simple yes/no answer in regards to curated collections. Please have this information into the NAGPRA Office, at 106 Gilkey or via email at dawnmarie.alapisco@oregonstate.edu by Friday October 5, 2018. If you have any questions, please feel free to reach out to me at 541-737-4075.

Thank you,

Dawn Marie Alapisco, NAGPRA Coordinator, Oregon State University

Name:_____ Title:_____

Email:_____

Campus Address:_____

Campus Phone:_____

The following questions will help us understand each academic unit in regards to collections and curation. Please circle the appropriate answer below:

1. (Academic Unit) does curate collections at OSU: Y N
2. (Academic Unit) has ***collected and/or worked with*** Native American cultural items (archaeological artifacts, historical journals, maps, photos, etc.). Y N

   If yes to one or both please continue. If no to both, please return the form with contact information for any further communications.

3. (Academic Unit) has items of Native American origin in their curated collections: Y N

   b. Are such items currently on display, in storage, or on loan? Y N

4. (Academic Unit) is unsure if there are items of Native American Origin in their curated collections: Y N

   b. Are such items currently on display, in storage, or on loan? Y N

5. (Academic Unit) does not have items of Native American Origin in curated collections: Y N

I could SURVEY all of the academic units. One person, a liaison, could collect all of the information and in a few weeks know all that I needed to know about the state of collections at OSU.

And, No.

In a Provost's Meeting with the College Deans I presented my idea.

No one could agree on the definition of "curated" or "collections."

No unit had one person able to devote the amount of time needed to this type of data collection.

No one (outside of Anthropology) knew what a "Tribal Cultural Item" was and needed further explanation.

Let's Go Digital

It was suggested that I go digital, with a Qualtrics survey.

This met two of my objectives quickly and easily:

1. Long term institutional memories, everyone in each academic unit was going to have a voice.
2. Maintenance of the data. The system would curate the data in digital format allowing me to access it at will.
3. And inadvertently, it allowed me to take the survey campus wide in stages.

The Digital Survey

Subject: NAGPRA Survey - College of Engineering

Greetings College of Engineering Faculty and Staff,

The Oregon State University NAGPRA Office is sending this survey inquiring about OSU's collections and holdings. If you have received this survey, it is crucial that you respond. This survey is being conducted in an effort to understand the state of OSU's curated collections and holdings as they relate to the Native American Graves Protection and Repatriation Act (NAGPRA). As a public university, which receives state and Federal funding, OSU is required to ensure compliance with Federal NAGPRA legislation and potential upcoming state mandates.

NAGPRA encumbered items include human remains, associated and unassociated funerary objects, sacred items, and items of cultural patrimony that may or may not be culturally identifiable with any living lineal descendants and one or more of the 573 Federally Recognized Tribes, Native Hawaiian Organizations, and Native Alaskan Village Corporations.

This survey will be sent out in stages throughout the 2018-2019 and 2019-2020 academic years to ALL OSU faculty and staff and focuses on YOUR personal knowedge of University owned human remains and Native cultural items.

Please complete this survey by March 15, 2019.

Any questions regarding this survey should be sent to Dawn Marie Alapisco, NAGRPA Coordinator at dawnmarie.alapisco@oregonstate.edu.

Thank you,

The NAGPRA Office

Follow this link to the Survey:
Take the Survey

Or copy and paste the URL below into your internet browser:
http://oregonstate.qualtrics.com/jfe/preview/SV_50A8Iz0k8sNHTff?Q_CHL=preview

Follow the link to opt out of future emails:
Click here to unsubscribe

Oregon State University

The Oregon State University NAGPRA Office is sending this survey inquiring about OSU's collections and holdings. If you have received this survey, it is crucial that you respond. This survey is being conducted in an effort to understand the state of OSU's curated collections and holdings as they relate to the Native American Graves Protection and Repatriation Act (NAGPRA). As a public university, which receives state and Federal funding, OSU is required to ensure compliance with Federal NAGPRA legislation and potential upcoming state mandates.

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NAGPRA encumbered items include human remains, funerary objects, sacred items, and items of cultural patrimony that may or may not be culturally identifiable with any living lineal descendants and one or more of the 573 Federally Recognized Tribes, Native Hawaiian Organizations, and Native Alaskan Village Corporations.

This survey is only focusing on YOUR personal knowledge of property owned, collected, and/or curated by Oregon State University, personal property is NOT a focus of this survey.

Any questions regarding this survey should be sent to Dawn Marie Alapisco, NAGPRA Coordinator dawnmarie.alapisco@oregonstate.edu.

NEXT

Survey Powered By Qualtrics

The Digital Survey pt. 2

Oregon State University

Do you know if Oregon State University's College of Engineering possesses or maintains any collections (university property, not personal property)?

- Yes
- Maybe
- No
- I do not know

While working on behalf of Oregon State University, have you collected and/or worked with Native American cultural items (archaeological artifacts, clothing/regalia, historical journals, maps, photos, etc.) that belong to the university?

- Yes
- Maybe
- No
- I do not know

Does Oregon State University's College of Engineering have items of Native American origin in their possession and/or collections?

- Yes
- Maybe
- No
- I do not know

If yes to any of the above; are these items currently on display, in storage, or on loan?

- Yes
- Maybe
- No
- I do not know

If yes to any of the above questions do you have knowledge of the whereabouts of these items? Can you provide more information about these items? (Where are the items, who currently possesses them, are they easily recovered?)

Do you have knowledge of the College of Engineering being in possession of any human remains, including but not limited to skeletal remains?

- Yes
- Maybe
- No
- I do not know

If yes to the above, can you tell me where the College of Engineering houses said human remains?

BACK NEXT

Follow up!

[redacted]
Dawn Marie Alapisco <surveys@surveys.oregonstate.edu>
NAGPRA Survey College of Engineering- Action Required
To Alapisco, Dawn Marie

Hello,

I am reaching out to ask that all faculty and staff who have yet to engage with the NAGPRA Survey, please take a moment to do so. This survey is being conducted to save time, energy, and resources from both the NAGPRA Office and YOU. The survey takes less than two minutes and is based on YOUR knowledge of collections, native cultural items, and human remains that may or may not be held by your college. If you have no knowledge of any such items "I do not know" is an option in the survey.

If you have any questions, I am here to help you and can be reached at dawnmarie.alapisco@oregonstate.edu. If I am at my desk I am happy to take phone calls at 541-737-4075.

Thank you,

Dawn Marie Alapisco
NAGPRA Coordinator - Office of Institutional Diversity

Follow this link to the Survey:
Take the Survey

Or copy and paste the URL below into your internet browser:
http://oregonstate.qualtrics.com/jfe/preview/SV_5oA8Izok8sNHTff?Q_CHL=preview

Follow the link to opt out of future emails:
Click here to unsubscribe

Follow up as much as you can without seeming like a pest.

This is a third follow up email.

Commentary

"Is this spam? I think this is spam. I am reporting this!" – CLA Professor

"What's this?" – CLA Professor

"I do not need to do this. I KNOW that we do not have anything." – Office Specialist 2, CLA

"This is the worst designed survey I have ever taken." – CLA Professor

"Why did I receive this. I am not an anthropologist." – CLA Professor

"I did this with another college, why was this sent to me again?" – Ed Professor

Problems

Lack of awareness, not everyone reads their institutional email.

Many survey invites were deleted without being opened.

Lack of support at the College level, liaisons not always helpful.

Individuals start the survey and then stop, not completing, throwing off the metrics.

People just do not understand the importance of this issue, and honestly some do not care.

Reports of "spam" email have shut the survey down.

Qualtrics lost the survey information and had to rely on backups to restore data for two colleges.

Successes!!!

The College of Liberal Arts had one Associate Dean who knocked on doors and made sure that the CLA had 100% compliance.

The President's Office gave full approval, allowing me to take the survey campus wide. I am still working in the academic units.

Qualtrics support has been fantastic, from designing, deploying, and data analysis, if I had questions they had answers.

When Qualtrics lost my data it took a few days but they restored it from backups.

When my survey links were disabled after being reported as spam, Qualtrics and OSU IT were able to get my links working again, QUICKLY!

Most people, once they reach out and communicate with me about the survey try to go out of their way to help.

Lessons Learned

Get high level institutional support.

Make sure EVERYONE knows and understands the importance of the issue.

Keep very good records; backups are important.

Make sure that all surveys are individual.

Give a specific time frame for completion.

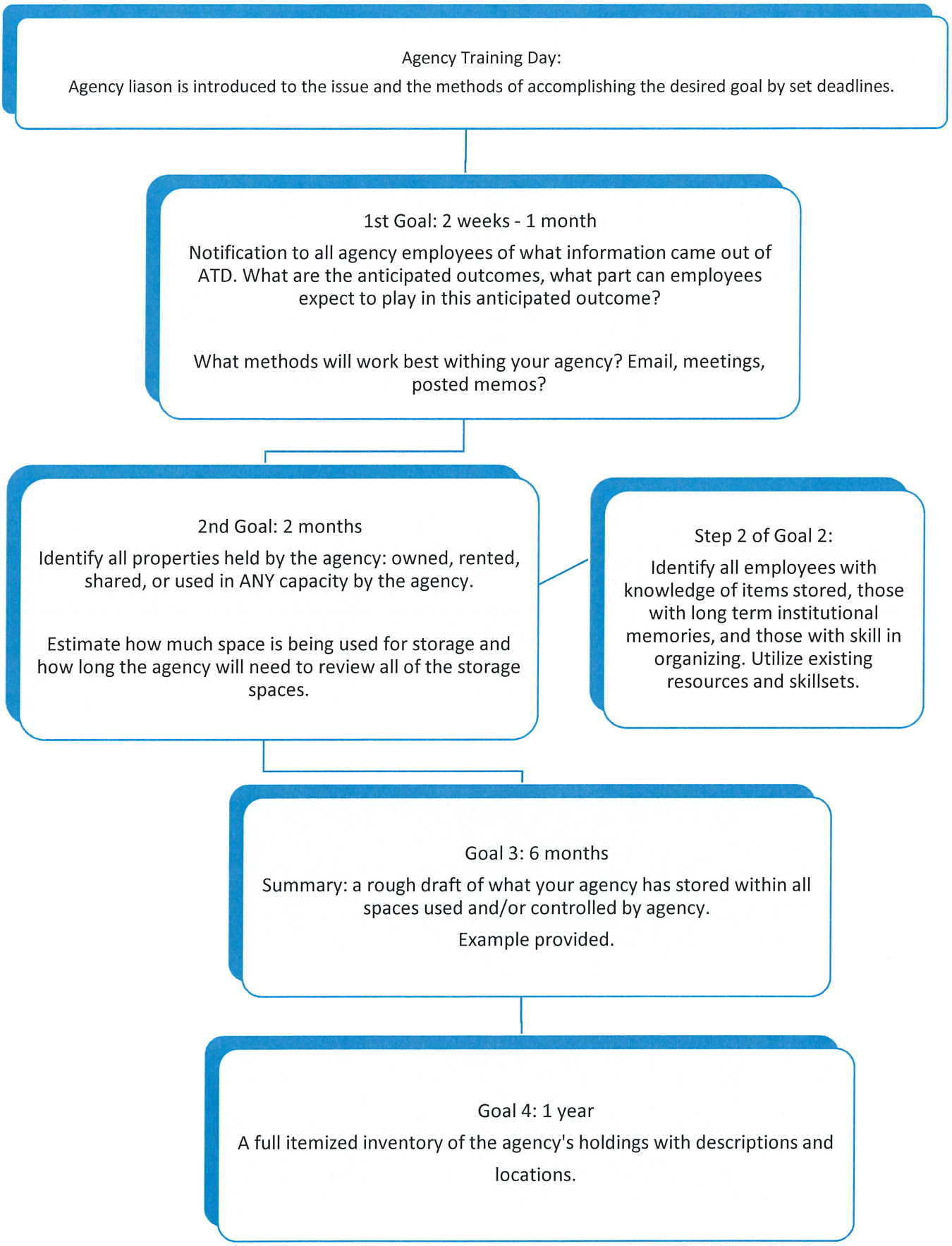
Give feedback to your high level institutional support, ask for help when you need it.

Get to your "soon to retire" individuals as soon as possible, they have the longest institutional memories.

Questions???

Thank You!!!

Agency Training Day: Agency Flowchart to Accomplishing A Basic Survey through a Full Inventory



Task Force on Oregon Tribal Cultural Items
Survey Questions for State Agencies

Introduction:

With Executive Order 17-12, Governor Kate Brown convened the Task Force on Oregon Tribal Cultural Items to create a process by which state agencies will provide Tribal governments with an inventory of Native American cultural items on display, in storage, in possession, or under the stewardship of the State of Oregon. As part of that effort, your agency is asked to respond to the following questions regarding objects, artifacts, or documents related to the cultural heritage of Oregon's nine federally recognized Native American Tribes that your agency may possess or for which it may be responsible.

At this point, the goal is to identify and provide access to tribal cultural items that are in the State's possession, rather than requiring agencies to collect or repatriate those items. Your response and cooperation is appreciated both by Governor Brown, and by Oregon's Tribes.

Questions:

1) Are there items on display, in storage, in possession, or under the stewardship of your agency that might be of cultural significance to Oregon's Native American Tribes? (Please reference the enclosed definition of "Native American Cultural Items.")

2) Within the overall operations of your agency, are there other departments, programs, or projects that may have collections or inventories (for research or archival purposes) with Native American cultural items on display or in storage?

2) At your agency, are there individuals (by person or by title) whose work—in any way—involves collecting, possessing, managing, storing, or curating Native American cultural items (archaeological artifacts, historical journals, maps, photos, records, case files, or other materials which may be of interest to the Tribes)? If so, who are those persons, and where are their offices or workplaces located?

3) Has your agency ever sponsored or participated in the conduct of archaeological excavations (whether research, teaching (field school), or in compliance with federal/state laws or policies)? If so, are the records of such activities kept within your agency, or transferred to some other location?

4) Has your agency (or any contractor/consultant under your purview) ever been an applicant for an archaeological permit from the Oregon State Historic Preservation Office (SHPO)? If so, where are the records that pertain to those applications (i.e. project description and subsequent reporting) kept? If not at your agency, where are they transferred to?

5) Does your agency possess any human remains that may be Native American, or that otherwise are of unknown origin? If so, have those remains been reported in response to the Native American Graves Protection and Repatriation Act (NAGPRA) or to any inquiry made by the SHPO? Additionally, are there any objects on display, in storage, in possession, or under the stewardship of your agency that in any way might be associated with Native American graves or burials? If so, who performed the identification of those objects, and where might the inventory/reports of those items be located?

Questions? Please contact 503-947-8488 or CulturalItemsInfo@oregon.gov

Definition – Native American Cultural Items

Adopted by the Task Force on Oregon Tribal Cultural Items

The area known today as Oregon has been lived on, tended, and engaged with since time immemorial. These lands and waters are the place of origin for the nine federally recognized sovereign Tribes of Oregon. Numerous Native American archaeological and historic artifacts, and objects of cultural significance now reside in museums, universities and colleges, archives, and other state agency repositories. To date, however, no comprehensive inventory of these "cultural items" has been compiled.

With Executive Order 17-12, Oregon Governor Kate Brown convened the Task Force on Oregon Tribal Cultural Items to create a process by which state agencies will be required to provide Tribal governments an inventory of Native American cultural items on display, in storage, in possession or under the stewardship of the state of Oregon. The Task Force has adopted a definition of "Native American Cultural Items." Such items include archaeological and historic materials and artifacts, as well as, for this purpose, human remains and funerary objects. Today, Oregon is host to some of the oldest documented cultural items in North America. Its past is one shared by all who call this place home and all share in the responsibility and undertaking of identification, understanding, protection, and preservation of these resources.

Ancestry links the Tribes today through time to their origins. As a result **all** belongings and evidence of Tribal history (ancient through modern periods) retain significance. For this purpose, Native American Cultural Items are defined as:

- Human Remains and Funerary Objects – Any human remains of Native American origin (e.g., skeletal elements, tissue, hair), any object or artifact generally associated with death or a related ritual, whether directly recovered from a human burial, associated with a burial, or an object that by its nature or condition indicates a relationship to Native American burial or funerary practices.

- Archaeological – Any material or artifact removed from an archaeological site (scientifically or otherwise [whether or not the site has been officially recorded]), or any collection(s) of artifacts/objects that can be identified as originating from such a site or documented tribal territory resulting from Native American occupation or use.

- Historic – Objects or archival materials (e.g., photographs and written materials [i.e., diaries, journals, maps, field notes, newspapers, etc.]) directly associated with persons/places significant to Oregon's Tribes' historic experience and/or contemporary identity.

Cultural Items Task Force Website:
https://www.oregon.gov/gov/Pages/TCITF_aboutus.aspx

Report to Governor Brown:
https://www.oregon.gov/gov/Documents/Task%20Force%20Report%20to%20Governor.pdf

Treatment of Native American Human Remains Discovered Inadvertently or Through Criminal Investigations on Private and Non-Federal Public Lands in Oregon

Native American burial sites are not simply artifacts of the tribe's cultural past, but are considered sacred and represent a continuing connection with their ancestors. Native American ancestral remains, funerary objects, sacred objects and objects of cultural patrimony associated with Oregon Tribes are protected under state law, including criminal penalties (ORS 97.740-.994 and 358.905-.961). The laws recognize and codify the Tribes' rights in the decision-making process regarding ancestral remains and associated objects. Therefore both the discovered ancestral remains and their associated objects should be treated in a sensitive and respectful manner by all parties involved.

Identification of Human Remains

- Oregon laws (ORS 146.090 & .095) outline the types of deaths that require investigation and the accompanying responsibilities for that investigation. The law enforcement official, district medical examiner, and the district attorney for the county where the death occurs are responsible for deaths requiring investigation. Deaths that require investigation include those *occurring under suspicious or unknown circumstances*.
- If human remains that are inadvertently discovered or discovered through criminal investigations **are not clearly modern**, then there is high probability that the remains are Native American and therefore ORS 97.745(4) applies, which requires immediate notification with State Police, State Historic Preservation Office, Commission on Indian Services, and all appropriate Native American Tribes. To determine who the "appropriate Native American Tribe" the responsible parties should contact the Legislative Commission on Indian Services (CIS). To determine whether the human remains are Native American the responsible parties should contact the appropriate Native American Tribes at the initial discovery. It should be noted that there may be more than one appropriate Native American Tribe to be contacted.
- If the human remains are possibly Native American then the area should be secured from further disturbance. The human remains and associated objects **should not be disturbed, manipulated, or transported from the original location until a plan is developed in consultation with the above named parties.** These actions will help ensure compliance with Oregon state law that prohibits any person willfully removing human remains and/or objects of cultural significance from its original location (ORS 97.745).
- All parties involved and the appropriate Native American Tribes shall implement a culturally sensitive plan for reburial.

Notification

- State law [ORS 97.745 (4)] requires that any discovered human remains suspected to be Native American shall be reported to-
    1. State Police (current contact Sgt. Chris Allori, Department of State Police, office phone 503-731-4717, cell 503-708-6461, or Dispatch 503-731-3030)
    2. State Historic Preservation Office (SHPO)

*Note: This document was created by the Government to Government Cultural Resource Cluster Group in September, 2006.

- Primary contact= Dennis Griffin, State Archaeologist, office phone 503-986-0674, cell phone 503-881-5038
- Secondary contact= John Pouley, Asst. State Archaeologist, office phone 503-986-0675, cell phone 503-480-9164.

3. Commission on Indian Services (CIS)
   - Current contact= Karen Quigley, Director, office phone 503-986-1067. Karen will provide the list of appropriate Native American Tribes.
4. All appropriate Native American Tribes provided by CIS.

   - Burns Paiute Tribe- Diane Teeman 541-417-1986
   - Confederated Tribes of Coos, Lower Umpqua and Siuslaw- Stacy Scott 541-888-9577 X7513
   - Confederated Tribes of Grand Ronde- Briece Edwards 503-879-2084
   - Confederated Tribes of Siletz- Robert Kentta 541-444-2532
   - Confederated Tribes of the Umatilla Indian Reservation- Teara Farrow 541-276-3629, secondary contact; Catherine Dickson 541-429-7231
   - Confederated Tribes of Warm Springs- Bobby Bruno 541-553-2002
   - Coquille Indian Tribe- Kassie Rippee 541-756-0904 X1216
   - Cow Creek Band of Umpqua Indians- Jessie Plueard 541-677-5575 X5577
   - Klamath Tribes- Perry Chocktoot 541-783-2219 X159

*Note: This document was created by the Government to Government Cultural Resource Cluster Group in September, 2006.