



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



December 12, 2016

TO: Karen Quigley, Director to Legislative Commission on
Indian Services

FROM: Jim Rue, Director and Key Contact
Gary Fish, Alternate Key Contact, Planning Services Division **GF**

RE: **2016 Government-to-Government Report**

We are pleased to transmit this report in response to legislative direction ORS 182.162-182.168 (SB 770). The report describes activities and tribal contacts of the Department of Land Conservation and Development (DLCD or the department) for 2016, as required by statute.

Major Highlights for 2016

- ✓ The department's Government-to-Government team and other agency staff are actively participating in cluster and work group meetings and other Tribal related activities.
- ✓ The Land Conservation and Development Commission (LCDC) held regularly scheduled meetings in Medford, Gold Beach, Albany, Salem, Boardman, and Redmond during 2016. LCDC meetings, particularly those held out of Salem, have traditionally provided an opportunity to hear from local jurisdictions and Tribal governments on issues of interest and concern.
- ✓ Katherine Daniels, long time contact to the Natural Resources Work Group and the department's Farm and Forest Lands Specialist, retired earlier in 2016 and has been replaced by Tim Murphy, the department's new Farm and Forest Lands Specialist. Tim will serve as the new representative and contact to the Natural Resources Work Group going forward. His contact information is provided later in the report.
- ✓ Agency staff presented information on the National Flood Insurance Biological Opinion and engaged in discussions with the Tribes and other agencies at meetings of the Cultural Resources Cluster and the Natural Resources Work Group.
- ✓ During 2016, another Tribal government was awarded a substantial Transportation Growth Management (TGM) planning grant. TGM is a joint program of the department and the Oregon Department of Transportation. This year, the Klamath Tribes were awarded a TGM grant to develop a Bicycle and Pedestrian plan for Chiloquin. The resulting plan will be jointly adopted by the City of Chiloquin and the Klamath Tribes. The 2016 TGM grant award to the Klamath Tribes joins prior awards in 2014 and 2015 to

the Coquille Indian Tribe, the Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw.

- ✓ The 2016 TGM grant award to the Klamath Tribes builds on a TGM Education and Outreach project regarding bicycle and pedestrian safety for the Klamath Tribes and the City of Chiloquin area that was completed earlier in 2016. The education and outreach project was managed by department/TGM staff member Evan Manvel.

Department Relations with Indian Tribes

Oregon statutes (ORS 182.162-182.168, SB 770) require that state agencies that work with tribal governments submit annual reports describing their relationship in response to six factors. Each of the factors is listed below, along with DLCD's response:

(a) *The policy the state agency adopted under ORS 182.164.*

ORS 182.164 directs DLCD to develop and implement a policy that:

- Identifies agency staff responsible for developing and implementing agency programs that affect the Tribes;
- Establishes a process to identify agency programs that affect the Tribes;
- Promotes communication between DLCD and the Tribes;
- Promotes positive government-to-government relations; and
- Establishes a method of notifying agency staff of the statutory provisions and agency policy.

DLCD Response to Subsection (a)

The department's policy has evolved since Executive Order EO-96-30 originally directed that state agency heads "shall be accountable to the Governor's office for adopting a departmental State/Tribal Government statement...." The Executive Order directed departments to develop an "interest statement," and present it to tribal governments and state agencies at the September 23, 1997, conference on Government-to-Government relations. The department developed and presented the interest statement as directed in the Executive Order. The interest statement is available on the department's website under "Relations with Tribes". Executive Order EO-96-30 was enacted into law by SB 770 in 2001. Following enactment of ORS 182.162-182.168 into law, the department formalized and adopted a "Policy on Government-to-Government Relations with Oregon Tribes 07-02" (2007).

The purpose section of that policy states:

"The purpose of this policy is to establish, improve and maintain partnerships with Oregon's Indian Tribal governments, while seeking to better understand each other, and work cooperatively to identify and address mutual goals and concerns arising from state land use policy that affects Tribal interests. To the extent possible, work to have the growth management and resource conservation objectives of both the State and the Tribes compatible with one another. Improve upon or design solutions and programs to help reach these objectives."

The policy section of the 07-02 document reads:

It is the policy of the Oregon Department of Land Conservation and Development to:

- *Facilitate better relations between the Tribes and state and local government.*
- *Establish a notification process to better coordinate and inform tribes, and state and local governments about development projects under consideration, and about long-term economic and community land use objectives. Determine what projects and land use policy issues are of interest to the Tribes and keep them informed.*
- *Continue "Government-to-Government" relations on land use matters at the regional level between state agency contacts in the field (or region), local government planning department staff and Tribal administrators within the region, including Regional Partnerships and Regional Economic Revitalization Teams.*
- *Work with tribal governments to share information that supports development and maintenance of resource management plans, development policies and tribal zoning ordinances applicable to lands held in trust. In the interests of state, local and tribal governments, encourage tribal land use policies and zoning to be similar and compatible with Oregon's land use planning system, including policies for preserving Oregon's best agricultural lands.*
- *Continue to assist local governments and the Tribes in natural and cultural resource site protection programs under the statewide planning goals.*
- *Be accountable for a land use program that is coordinated and consistent with the efforts under the Governor's Coastal Salmon Restoration Initiative, and keep the Tribes informed of such actions that may affect tribal interests.*
- *Work with tribal governments and stakeholders to find ways to continue government-to-government relations with fewer resources.*
- *In conjunction with the work plans of the Natural Resources Work Group and Cultural Resources Cluster Group, continue to work with tribal governments to assess what implications state and local waivers issued under ORS 197.352 will have on tribal interests, particularly with respect to natural and cultural resources and sites.*
- *Involve tribal governments, through a Working Group and Economic Development Cluster, in the development of a work plan to address the process by which sewer service may be extended to tribal lands located adjacent to urban growth boundaries or unincorporated communities.*

In addition to the provisions of this policy aimed specifically at relations with Oregon's Tribal governments, the Department has adopted an overall communication policy with local governments that includes the Tribes: DLCD Policy No. 06-01, Local and Tribal Government Communication Policy.

Accomplishments made by the Department in response to this policy, and since the Executive Order (EO-96-30) was established in 1996, are found in the Annual Report presented each year to the Governor and Legislative Commission on Indian Services.

Please refer to the agency's Annual Reports, located on our website at <http://www.oregon.gov/LCD/Pages/govtogov.aspx>, under *Relations with Tribes* to learn more about the establishment of the agency's policy for government-to-government relations that was formed under Executive Order 96-30 and ORS 182.164.¹

(b) *The name of individuals in the state agency who are responsible for development and implementing programs of the state agency that affect Tribes.*

DLCD Response to Subsection (b)

DLCD's Director, Jim Rue, is the primary (key) contact responsible for Government-to-Government relations, and for development and implementing of agency programs that affect Tribes. Gary Fish, a transportation/land use planner in the Planning Services Division, is the alternate key contact for the director. The primary and alternate key contacts, along with others assigned to the clusters or work groups, form the agency's core team on government-to-government relations.

Primary Key Contact on Government-to-Government Relations:

Jim Rue, Director
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540
Phone: (503) 934-0002
FAX: (503) 378-5518
E-mail: jim.rue@state.or.us
Web Address: <http://www.lcd.state.or.us>

¹ Policies 07-02 and 06-01 are attached at the conclusion of this 2016 annual report as requested by LCIS. These two policies together have served the department well in the Government-to-Government process and have functioned as intended in our relationships with the nine Oregon Tribes since their adoption and implementation by the department. The policies will be updated as needed in the future should programmatic specific areas of interest change or need updating to maintain continuity, or should the statutory obligations in ORS 182.164 regarding policies for state and Tribal relations, communication, and consultation change because of amendments to the statute by the Legislature.

Alternate Key Contact on Government-to-Government Relations:

Gary Fish, Land Use/ Transportation Planner
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540
Phone: (503) 934-0030
FAX: (503) 378-5518
E-mail: gary.fish@state.or.us
Web Address: <http://www.lcd.state.or.us>

Primary Contact to Natural Resources Work Group:

Tim Murphy, Farm and Forest Specialist
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540
Phone: (503) 934-0048
FAX: (503) 378-5518
E-mail: tim.murphy@state.or.us
Web Address: <http://www.lcd.state.or.us>

Alternate Contact to Natural Resources Work Group:

Gary Fish, Land Use/ Transportation Planner
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540
Phone: (503) 934-0030
FAX: (503) 378-5518
E-mail: gary.fish@state.or.us
Web Address: <http://www.lcd.state.or.us>

Primary Contact to Cultural Resources Cluster Group:

Gary Fish, Land Use/Transportation Planner
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540
Phone: (503) 934-0030
FAX: (503) 378-5518
E-mail: gary.fish@state.or.us
Web Address: <http://www.lcd.state.or.us>

Primary Contact to Economic and Community Development Cluster Group:

Gary Fish, Land Use/ Transportation Planner
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540
Phone: (503) 934-0030
FAX: (503) 378-5518
E-mail: gary.fish@state.or.us
Web Address: <http://www.lcd.state.or.us>

Alternate Contact to Economic and Community Development Cluster Group:

Jon Jinings, Community Services Specialist
888 NW Hill Street, Suite 2
Bend, Oregon 97701
Phone: (541) 318-2890
FAX: (541) 318-8361
E-mail: jon.jinings@state.or.us
Web Address: <http://www.lcd.state.or.us>

Additional DLCD staff members are responsible for developing and implementing programs, and providing services that may be of interest to the Tribes. Key staff are listed below and are available by dialing direct to the phone number indicated.

Sadie Carney, Rural Policy Analyst/Communications Manager, Phone: (503) 934-0036
Tom Hogue, Economic Development Specialist, Phone: (503) 934-0066
Amanda Punton, Natural Resource and Aggregate Specialist, Phone: (971) 673-0961
Bill Holmstrom, Transportation & Growth Management, Phone: (503) 934-0040
Christine Shirley, Natural Hazards & Floodplains, Phone: (503) 934-0027
Steve Lucker, Floodplain Map Modernization, Phone: (503) 934-0043
Gordon Howard, Urban Growth Management, Phone: (503) 934-0034
Patty Snow, Ocean/Coastal Services Division Manager, Phone: (503) 934-0052
Rob Hallyburton, Community Services Division Manager, Phone: (503) 934-0018
Matt Crall, Planning Services Division Manager, Phone: (503) 934-0046
Amie Abbott, Executive Assistant to Director and LCDC, Phone: (503) 934-0045

Regional Representatives: See agency website for regional representative assignments.
<http://www.oregon.gov/LCD/Pages/repstlist.aspx>

The department's primary and alternate key contacts are responsible for assuring that the department is kept apprised of activities that may be of interest to the Tribes, to provide appropriate tribal contacts, and to ensure that the Tribes are informed of department activities. The department recognizes that maintaining good communication is a benefit to the Tribes and to the State of Oregon.

Oregon local governments (cities and counties) are responsible for carrying out the statewide land use planning program through locally-adopted comprehensive plans and zoning codes that are approved by the state. Tribal reservations and trust lands are not subject to state and local land use laws, but these laws occasionally affect the use of Tribal lands. Under ORS 182.162-182.168, DLCD promotes government-to-government relations between the Tribes and Oregon's local governments.

(c) *The process the state agency established to identify the programs of the state agency that affect Tribes.*

DLCD Response to Subsection (c)

DLCD informs the Tribes of agency programs that affect the Tribes, primarily through agency participation in three of the cluster or working groups established following the 1996 Executive

Order 96-30 that formalized the government to government relationship. The agency actively participates in the Natural Resources Work Group, Cultural Resources Cluster, and Economic Development and Community Services Cluster, each of which is made up of representatives from other state agencies, and from the nine Tribes. These groups provide a forum for two-way communication and government-to-government relations. As directed by the agency's primary and alternate contacts, the contacts assigned to the clusters provide periodic updates to the Tribes on agency program activities, while the Tribes inform contacts of relevant tribal programs, and agency programs affecting the Tribes.

DLCD also meets with individual tribes to address specific issues as they arise in regions around the state. These department efforts have proven very successful, given the diverse interests of the Tribes, and the complexity of land use issues that affect the Tribes' unique interests. DLCD also maintains a web site, which includes a section on government-to-government relations. That site is available to keep tribal governments and other Oregonians informed of agency activities.

DLCD participation in the cluster and work group meetings is reflected in the following list of meetings:

Natural Resources Work Group: Katherine Daniels, former Farm and Forest Lands Specialist, attended a meeting of the Natural Resources (NR) Work Group on March 8, 2016. In addition, the department participated in a meeting of the NR Group on November 2, 2016 in Salem. Alternate Key Contact Gary Fish and new NR Work Group contact, Tim Murphy, represented the department at the November meeting in Salem. Ocean and Coastal Services Division Manager, Patty Snow, also attended a portion of the November meeting in Salem to discuss an ocean planning issue. In addition, Matt Crall, Planning Services Division Manager, attended the November meeting in Salem to present information on the recent National Flood Insurance Program Endangered Species Act Biological Opinion (BiOp) and to discuss the BiOp with the Tribes and other agencies.

Cultural Resources Cluster: The department participated in meetings of the Cultural Cluster on April 12 and 13, 2016 at Oregon Fish and Wildlife in Salem, on July 19, 2016 in North Bend at the Mill Casino (hosted by the Coquille Indian Tribe), and by phone on December 6, 2016 at Chinook Winds Casino (hosted by the Confederated Tribes of Siletz Indians). Alternate Key Contact Gary Fish attended the Cultural Resources Cluster meetings. Christine Shirley, Natural Hazards Specialist, also attended the July meeting in North Bend to present information on the recent National Flood Insurance Endangered Species Act Biological Opinion (BiOp) and to discuss the BiOp with the Tribes and other agencies.

Economic Development and Community Services Cluster: The department participated in the June 3, 2016 meeting at Chinook Winds Casino (hosted by the Confederated Tribes of Siletz Indians), and the October 14, 2016 meeting hosted by the Confederated Tribes of the Umatilla Indian Reservation. DLCD's Eastern Oregon Regional Representative, Grant Young, attended the October 14, 2016 cluster meeting at the Umatilla Reservation for the department.

Other Government-to-Government Meetings:

The department's Director and Key Contact, Jim Rue, and Natural Resources Work Group Contact, Tim Murphy, attended the 2016 Annual Summit hosted by the Confederated Tribes of Siletz Indians on December 7, 2016 at the Chinook Winds Casino in Lincoln City.

- (d) *The effort of the state agency to promote communication between the state agency and the Tribes, and government-to-government relations between the state and Tribes.*

DLCD Response to Subsection (d)

Including the Tribes in stakeholder meetings and activities, and moving towards written agreements with Tribes when possible, is a significant step for promoting two-way communication and government-to-government relations. As explained in greater detail below, the department's designated contacts and others have participated in three of the cluster groups or work groups, as well as with the Tribes directly. Previous land use discussions with the Legislative Commission on Indian Services have also promoted good communications and government-to-government relations between DLCD and tribal governments. DLCD is committed to continue those efforts.

Rulemaking stakeholder involvement: It is the department's practice to actively solicit rulemaking advisory committee membership from Tribal governments to participate during rulemaking, particularly when it involves issues, areas, or specific administrative rules of special interest and concern to the Tribes.

Public Comment: Contributing to meeting its government to government policy objectives, DLCD schedules specific public comments discussion each time the Land Conservation and Development Commission (LCDC) conducts a regularly scheduled meeting. In addition, regional tours are also scheduled at selected commission meetings. Tribal participation is welcomed at the Commission's regular scheduled meetings around the state. In 2016, six LCDC meetings (Medford, Gold Beach, Albany, Boardman, Salem, and Redmond) were held around the state. LCDC's meetings for calendar year 2017 are scheduled in St. Helens, Salem, Klamath Falls, La Grande, and Florence.

LCDC welcomes participation from all of the Tribes at its meetings, particularly Tribes located in or near the region where the LCDC meeting is held. LCDC is committed to conducting its regular meetings at locations around the state and will continue to welcome Tribal governments to participate in the meetings.

Web-based communication: DLCD's web site (<http://www.oregon.gov/LCD/>), under the link "Relations with Tribes," provides information on the agency Government-to-Government program and relationship, contacts, DLCD's interest statement, annual reports, and links with other Tribal web sites. When notified, DLCD updates its contact list to reflect changes in Tribal administration and Tribal councils. Contact lists are also improved through the state/Tribal clusters and work groups.

- (e) *A description of the training required by statute. (ORS 182.166(1) pertains to training(s) offered by the Department of Administrative Services at least once a year.)*

DLCD Response to Subsection (e)

Agency staff, including Alternate Key Contact Gary Fish, attended the Tribal Government Legislative Day at the Capitol Building in February 2016 to interact with the Tribes and learn about legislative issues of concern. In addition, the department's Director and Key Contact, Jim Rue, and new Farm and Forest Land Specialist, Tim Murphy, attended the Annual Summit hosted by the Confederated Tribes of Siletz Indians on December 7, 2016 at the Chinook Winds Casino in Lincoln City.

Gary Fish, Alternate Key Contact, met extensively with the new Farm and Forest Lands Specialist, Tim Murphy, to provide training and an in-depth explanation of the department's relationship with the nine Oregon Tribes and the Government-to-Government process. As noted earlier, Tim will be the new contact for the Natural Resources Work Group.

Throughout this report, department participation in Tribal clusters and the work group is described. These meetings are an important source of training for department staff in a wide range of subjects of concern to the Tribes. Information gained in this manner is shared with other members of the department, as appropriate.

- (f) *The method the state agency established for notifying employees of the state agency of the provisions of ORS 182.162 to 182.168 and the policy the state agency adopts under ORS 182.164.*

DLCD Response to Subsection (f)

The department policy under these statutes is Policy Number 07-02 "Policy on Government-to-Government Relations with Oregon Tribes," and the strategic plan. The policy, effective on May 14, 2007, is based largely on the existing government-to-government program and on the policy "interest statement" established on September 23, 1997 under Executive Order 96-30. Policy Number 07-02 concerning Tribal Relations directly links to a second specific local government and Tribal Communication policy. Policy Number 06-01 "Local and Tribal Government Communication Policy" recognizes the role that local governments play in carrying out the statewide planning program under administration by the department, and recognizes the department's role and communication obligations in the Government-to-Government process with the nine federally recognized Tribes in Oregon.

When new department staff that may work with a Tribe are hired, the department's primary and alternate key contacts arrange for staff's attendance at an annual training, brief them on cluster and work group activities, and provide an overview of the statutory requirements for working with Tribal governments on agency activities.

Programmatic Issues of Ongoing Interest

The department continues to offer growth management and natural resource conservation services to all the Tribes, and is working with some of the Tribes in several areas. These include the Oregon Coastal Management Program (OCMP), Oregon Ocean Policy Advisory Council (OPAC), natural hazards and flood plain management services, rulemaking, local government plan amendments, and periodic review. All of these activities are in addition to the work the department's primary and alternate contacts do with three of the cluster groups formed by state agencies under ORS 182.162-182.168.

Rulemaking Advisory Committees: When undertaking administrative rulemaking, it is the department's practice to actively solicit rulemaking advisory committee (RAC) membership from Tribal governments to participate during rulemaking, particularly when the rulemaking involves issues or specific administrative rule areas of special interest and concern to the Tribes. The department did solicit Tribal participation on the Goal 5 Historic Resources rulemaking now underway, but full participation by the Tribes was not forthcoming. A Tribal member from the Confederated Tribes of Grand Ronde did participate in a portion of one RAC meeting.

Goal 5: An ongoing issue identified by the Tribes is the need for the Land Conservation and Development Commission (LCDC) to better protect natural and cultural resources during the land use and development process. Please continue to refer to DLCD's 2003 Report for further discussion of Statewide Planning Goal 5 and its relationship to protection of cultural and natural resources.

Fee-to-Trust: The department's Alternate Key Contact, Gary Fish, and Ocean and Coastal Services Division (OCS) staff are active participants in the Bureau of Indian Affairs (BIA) fee-to-trust process. BIA routinely sends the Governor notification of pending fee-to-trust transfers, and the Governor's office coordinates responses and concerns from departments back to the BIA. When coastal sites are being considered, BIA's notice of the consistency of these transfers with the Oregon Coastal Zone Management Program is sent directly to the department.

In coordination with the Governor's office, DLCD works cooperatively with Tribal governments, BIA, and affected local governments in addressing the state's interests in these transfers. DLCD also works with "coastal" tribes (Confederated Tribes of Siletz Indians, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, and the Coquille Indian Tribe) to assure coastal program consistency, including the proper coordination of land use issues. The department's coordination with the Tribes usually occurs through a combination of meetings, phone calls, e-mails, and written correspondence.

Coastal: OCS) invites tribal government representatives from the coastal Tribes to participate in periodic meetings held on the Oregon Coast with local jurisdictions and other coastal program partners. Several of these meetings occurred in 2016.

As mentioned above, OCS) reviews federal energy projects on the coast to ensure consistency with Oregon's Coastal Zone Management Program (OCMP). These projects often involve the Tribes, including the Columbia River Inter-Tribal Fisheries Commission (CRITFC).

The Ocean and Coastal Services Division (OCSD) continues to work with the Oregon tribes on ocean issues. OCSD has worked with the tribes over the past year on the evolving West Coast Ocean Partnership and the West Coast Regional Planning Body. The two groups had a person-to-person meeting this October in Portland and hold monthly teleconference calls open to all interested tribes on the west coast. The two bodies are currently gathering signatures for the West Coast Regional Planning Body Charter and the West Coast Regional Ocean Partnership Strategic Framework.

The department also serves as staff to the Oregon Ocean Policy Advisory Council (OPAC). The membership of OPAC is defined by Legislation and includes one membership seat for the “coastal” Indian Tribes. OCSD is pleased that there is a new tribal representative on the Oregon Ocean Policy Advisory Council (OPAC). OPAC is holding its second meeting of the year on December 8 in Florence.

Issues and Concerns

DLCD’s involvement to date in tribal affairs has resulted in many questions and discussions about ways to address various ongoing issues and concerns.

- Continued issues and the degree of difficulty in trying to integrate or fit Tribal projects and planning into the state-local land use planning goals and planning framework that does not always include a clearly defined role for Tribal governments, nor is it applicable to Tribal trust and reservation land that are not subject to the goals;
- Limited ability to address ongoing local government and Tribal coordination issues in general, and other more specific issues important to local interests such as loss of property taxes, payments for local services, fear of a loss of local control over Tribal trust properties, and impacts on local government land use planning from properties going into Tribal trust status; and
- Limited financial and other resources, including grant funding, are available to support Tribal transportation and land use planning, and cultural and natural resource identification, protection, and planning efforts; and
- Despite continued efforts, it is not entirely clear whether all Oregon local governments and jurisdictions continue to fully understand and, more importantly, respect the nature and scope of Tribal sovereignty for Oregon’s nine federally recognized Tribes, and the department’s Government-to-Government relationship with them. Turnover at the local government staff level, new hires, and the continuous presence of newly elected local government officials make this an ongoing issue of concern to be addressed, if by no more than providing them with a reminder of Tribal sovereignty. The department will continue to make it a priority to seek opportunities to discuss its Government-to-Government relationship with local jurisdictions and the Tribes as the need arises in general and on a case by case basis.

Over the coming year, the department will do its best to continue to address and find solutions to these identified ongoing issues and concerns, and to any new issues and concerns that arise in 2017. We understand that finding practicable solutions to identified issues and concerns is of as great importance to the nine Oregon Tribes as it is to the department.


Conclusion

DLCD's ability to interact with the Tribes and follow-up in a timely manner increased in the recent past with the establishment of a formal team of staff members to work on Government-to-Government relations. At that time, the department also named the agency director as the primary key contact and designated a staff member as the alternate key contact for the director. As noted earlier in this report, Director Jim Rue is the current primary key contact and Gary Fish is the alternate key contact for the director. The small formal Government-to-Government team has continued to evolve and update its membership to better address coverage with the Tribes and the Government-to-Government process. To that end and to provide better service, the department has also made a concerted effort to involve more agency staff in the Government-to-Government process, both formally and informally. Department staff will continue to strive to consult and meet with the Tribes and seek resolution of issues in a timely and respectful manner. The training and education of new and existing department staff remains an important priority within the department.

The department continued to make progress in Tribal coordination and relations, with an increase in outreach to Tribes during the past year, particularly as noted in our presentations to the Cultural Resources Cluster and the Natural Resources Work Group regarding the National Flood Insurance Program's Biological Opinion (BiOp) from the National Marine Fisheries Service (NMFS) and how it could affect future floodplain development and the enhancement and preservation of riparian habitat and endangered species.

In addition, Tribal governments have now been selected for four substantial Transportation Growth Management (TGM) grants in the past three years – one in 2014 to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw for land use and transportation planning at Coos Head; two in 2015, one to the Coquille Indian Tribe for a Tribal comprehensive plan and another to the Confederated Tribes of the Umatilla Indian Reservation for land use and transportation planning; and one in 2016 to the Klamath Tribes for a Bicycle and Pedestrian Plan. The department also completed a separate TGM Education and Outreach project with the Klamath Tribes regarding pedestrian and bicycle safety in Chiloquin in early 2016. The department is very pleased that a great deal of progress has been made on Tribal participation and grant awards in the TGM programs over the past three years.

The department looks forward to continued cooperation with Tribal governments in 2017, and to an ongoing positive working relationship with the Tribes and with the Legislative Commission on Indian Services and its staff.

 <p>Department of Land Conservation and Development</p> <p>POLICY AND PROCEDURES MANUAL</p> <p>Issuing Division: Director's Office</p>	<p>NUMBER: 07-02</p> <p>Effective Date: May 14, 2007 (DLCD "Interest Statement" has been in effect since September 23, 1997.)</p> <p>Page 1 of 2</p>
<p>SUBJECT: Policy on Government to Government Relations with Oregon Tribes</p>	<p>Approval: Lane Shetterly</p>

PURPOSE:

The purpose of this policy is establish, improve and maintain partnerships with Oregon's Indian Tribal governments, while seeking to better understand each other, and work cooperatively to identify and address mutual goals and concerns arising from state land use policy that affects Tribal interests. To the extent possible, work to have the growth management and resource conservation objectives of both the State and the Tribes compatible with one another. Improve upon or design solutions and programs to help reach these objectives

REFERENCE:

Authorities are Oregon Administrative Rules and Oregon Revised Statutes that govern state/tribal relations and the actions and responsibilities of the Oregon Department of Land Conservation and Development. In addition, the policy reflects gubernatorial direction as outlined in Executive Order 96-30 and legislative direction as provided in Senate Bill 770 (2001).

POLICY:

It is the policy of the Oregon Department of Land Conservation and Development to:


- Facilitate better relations between the Tribes and state and local government.
- Establish a notification process to better coordinate and inform Tribes, and state and local governments about development projects under consideration, and about long-term economic and community land use objectives. Determine what projects and land use policy issues are of interest to the Tribes and keep them informed.
- Continue "Government-to-Government" relations on land use matters at the regional level between state agency contacts in the field (or region), local government planning department staff and Tribal administrators within the region, including Regional Partnerships and Regional Economic Revitalization Teams.
- Work with Tribal governments to share information that supports

development and maintenance of resource management plans, development policies and Tribal zoning ordinances applicable to lands held in trust. In the interests of state, local and Tribal governments, encourage Tribal land use policies and zoning to be similar and compatible with Oregon's land use planning system, including policies for preserving Oregon's best agricultural lands.

- Continue to assist local governments and the Tribes in natural and cultural resource site protection programs under the statewide planning goals.
- Be accountable for a land use program that is coordinated and consistent with the efforts under the Governor's Coastal Salmon Restoration Initiative, and keep the Tribes informed of such actions that may affect Tribal interests.
- Work with Tribal governments and stakeholders to find ways to continue government-to-government relations with fewer resources.
- In conjunction with the work plans of the Natural Resources Work Group and Cultural Resources Cluster Group, continue to work with Tribal governments to assess what implications state and local waivers issued under ORS 197.352 will have on Tribal interests, particularly with respect to natural and cultural resources and sites.
- Involve Tribal Governments, through a Working Group and Economic Development Cluster, in the development of a work plan to address the process by which sewer service may be extended to tribal lands located adjacent to urban growth boundaries or unincorporated communities.

In addition to the provisions of this policy aimed specifically at relations with Oregon's Tribal governments, the Department has reflected its overall communication policy with local governments, included Tribes, within DLCD Policy No. 06-01: Local and Tribal Government Communication Policy.

Accomplishments made by the Department in response to this policy, and since the Executive Order (EO-96-30) was established in 1996, are found in the Annual Reports presented each year to the Governor and Legislative Commission on Indian Services.

 <p>Department of Land Conservation and Development</p> <p>POLICY AND PROCEDURES MANUAL</p> <p>Issuing Division: Director's Office</p>	<p>NUMBER: 06-01</p> <p>Effective Date: December 28, 2006</p> <p>Page 1 of 3</p>
<p>SUBJECT: Local and Tribal Government Communication Policy</p>	<p>Approval: Lane Shetterly</p>

PURPOSE:

The purpose of this policy is to recognize that local governments play the central role in carrying out the statewide planning program, which is administered by the Oregon Department of Land Conservation and Development (DLCD). The purpose of this policy is also to recognize government-to-government relations that exist between the department and each of Oregon's federally recognized tribes.

Local governments have the following relationships with DLCD:

- Partners in implementing the statewide planning program, instituted in 1973 by SB 100
- Customers requesting technical assistance and planning grants
- Advisors to help with policy development and legislative concepts

Maintaining positive relationships with local and tribal governments is a fundamental goal of the department. The Local and Tribal Government Communication Policy is intended as a checklist to ensure DLCD's consistent relationships with local government and tribes remain intact.

Local governments most affected by agency programs and authorities include:

- Cities and counties, especially those that are experiencing high levels of population growth or economic development, or transportation problems
- Regional governments, which help coordinate regional planning in urban areas
- Special districts (ports, transit, utilities, education service, fire/ambulance, parks & recreation, etc.)

In addition, agency programs have an effect on tribal planning efforts, even though many tribal lands are not directly subject to the state and local regulatory authority. To foster government-to-government relations with each of the tribes, the department serves on several state/tribal cluster groups. The department also serves as lead staff for two independent bodies: the Ocean Policy Advisory Council (OPAC) and the Oregon Task Force on Land Use Planning. OPAC is a legislatively mandated marine policy advisory body to the governor. The Task Force on Land Use Planning was created by SB 82 (2005) to conduct a

comprehensive review of Oregon's statewide planning program. DLCD has no authority over either body, but keeps local governments up to date on the work of both bodies.

REFERENCE: Authorities are Oregon Administrative Rules and Oregon Revised Statutes that govern state/tribal relations and the actions and responsibilities of the Oregon Department of Land Conservation and Development.

POLICY: It is the policy of the Oregon Department of Land Conservation and Development to ensure that local and tribal governments have the ability, information and access they need to actively participate in the statewide planning program. To accomplish this policy, the department will strive to:

- Proactively contact local governments and, if applicable, their membership associations, and tribes to make them aware of pending decisions, policy changes, rule modifications, or other actions of the department that may affect the interests or operations of a local government or tribe. Such notification will be made far enough in advance so that affected local governments and tribes can be in a position to provide meaningful feedback.
- Engage local government elected officials, primarily through the Local Officials Advisory Committee (LOAC), in a continuing dialog – both formal and informal – as to how the department can best assist local governments in the statewide planning program. (LOAC advises the Land Conservation and Development Commission on policies and programs affecting local governments.)
- Ensure that the avenues of communication between local governments and tribes, and the department staff working with OPAC and the Oregon Task Force on Land Use Planning are consistently open, clear and accessible.
- Collect feedback from local and tribal government officials on how the department is doing in serving the needs of local and tribal governments.
- Create and update publications that can assist local governments. Key examples of this type of assistance are the Model Development Code for Small Cities and an economic development guidebook.
- Continue to make more information available on the department's Web site and through other outreach efforts.
- Host, sponsor and participate in a variety of meetings with local government staff, council or commission meetings, community forums, association conferences, etc. Conduct LCDC roundtable discussions with

officials throughout the state.

- Participate in coordination opportunities with tribes, individually or collectively, as needed to address individual land use issues and larger policy considerations.

DISPUTE RESOLUTION

Although every attempt will be made by the department to adhere to the letter and spirit of the Local Government Communication Policy, there may be occasions where disagreements arise as to whether a good-faith attempt was made by staff within the department to meet this policy.

In the event a local or tribal government, or group of local or tribal governments, wish to dispute the application of this policy, a written statement to that effect should be made to the manager in charge of the program area in question. That manager will respond to the submitted statement and, if necessary, take action to remedy the situation. If no action is deemed necessary, a written explanation will be provided to the local or tribal government.

If a satisfactory result cannot be achieved through this process, a local or tribal government may appeal to the DLCD director. The director will, at his or her discretion, work to resolve the issue to the best of his or her ability.

