



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



2020 Annual Government-to-Government Report

The Department of Land Conservation and Development (DLCD or the department) appreciates the opportunity to provide this annual report on Government-to-Government Relations in accordance with Oregon Revised Statutes 182.166. The report summarizes the department's Government-to-Government relations with Oregon's nine federally recognized Tribal Nations throughout 2020. Department policies (DO 120.02 and DO 120.03) were created to facilitate positive relations with the nine Tribes, working cooperatively on environment and economic development areas of interest.

Recognizing that each sovereign tribal nation has unique values and aspirations, the department works to provide assistance within the broad direction provided by state statute and executive orders. The department appreciates the support of and relationship with the Legislative Commission on Indian Services (LCIS), which includes serving on the LCIS working groups. This and prior annual reports to the LCIS can be accessed through the department's [Tribal Relations web page](#).

At the guidance of the then Legislative Commission on Indian Services Executive Director Mitch Sparks, agency staff invited consultation on the following rulemaking and major policy initiatives:

- Housing HB 2001 (Housing Choice) and HB 2003 (Housing Supply)
- Regional Housing Needs Analysis (HB 2003)
- Climate Change Adaptation Framework
- Climate Change Mitigation – Reducing Greenhouse Gas Pollution
- State Natural Hazard Mitigation Plan Update
- Coos County Natural Hazard Mitigation Plan development
- Umatilla County Natural Hazard Mitigation Plan development

Key Contacts and Policies

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.

Primary Key Contact

Jim Rue, Director

503-881-0667

jim.rue@state.or.us

Alternate Key Contact

Kirstin Greene, Deputy Director

503-934-0017

kirstin.greene@state.or.us

Director Jim Rue attended the 2020 Annual Tribal-State Government-to-Government Summit by Zoom on December 1 and 2, 2020.

Deputy Director Kirstin Greene served as DLCD's primary contact for the Cultural Resources Cluster Work Group in 2020. Natural Resources Specialist Amanda Punton was DLCD's primary Natural Resources Work Group liaison through September 2020.

Leigh McIlvaine is DLCD's primary contact to the Economic and Community Development Cluster Work Group.

The department's "Policy on Government to Government Relations with Oregon Tribes" and "Local and Tribal Government Communication Policy" are attached for reference.

Oregon Coastal Management Program

The department is the administering agency for the Oregon Coastal Zone Management Program (OCMP). This federally approved management program results in two primary benefits to the state: (1) funding to administer the program and support coastal communities; and (2) federal consistency authority. The Program includes 12 state agencies and dozens of local jurisdictions in the coastal zone. OCMP funded coastal program staff encourage coordination with all impacted tribes on programmatic initiatives and strategic planning for the program.

As a matter of practice, department staff continue to proactively coordinate with the Tribes in review of upcoming federal permits. Coastal program staff are formulating a process for tribal coordination during federal consistency reviews in the coastal zone.

In 2020, as a part of conducting Federal Consistency Review under the Coastal Zone Management Act, staff conducted staff to staff consultation and coordination with the Coos, Lower Umpqua and Siuslaw Indians as well Coquille, Siletz and Grand Ronde on the proposed Jordan Cove Energy Project and DLCD's role. Staff provided information to CTCLUSI and other coastal nations on cultural resource enforceable policies under the Coastal Zone Management Act administration. Staff reviewed letters from Tribal Nations as part of our federal consistency review. Staff fielded additional requests for information regarding OCMP enforceable policies with respect to Oregon's land use system and responsibilities for review of federal activities. Coastal program staff would like to continue discussions with staff and/or leadership of Tribal Nations regarding how we can improve enforceable policies and processes.

Coastal program staff have posted all pertinent information at <https://www.oregon.gov/LCD/OCMP/Pages/Federal-Consistency.aspx>. DLCD continues to participate in interagency and staff to staff tribal coordination meetings related to the project.

In 2021, agency staff will be able to offer financial assistance for staff participation in the National Oceanographic and Atmospheric Administration-funded Project of Special Merit for an update to the Yaquina Bay Estuary Management Plan.

Coastal program staff have also appreciated working within the framework of the West Coast Ocean Alliance. Staff participated in the 2019 annual meeting and participated in a tribal engagement training with representatives of Tribal Nations, federal and state government representatives from across the West Coast. The work of the Alliance also resulted in the development of a Guide developed by members of the West Coast Tribal Caucus, entitled:

“Guidance and Responsibilities for Effective Tribal Consultation, Communication, and Engagement.” Coastal program staff are drafting a DLCDC specific version of a land acknowledgement guide incorporating many of these guiding principles. We will seek LCIS review of this document in early 2021.

Coastal program staff including the Marine Affairs Coordinator, Rocky Habitat Project Coordinator, and Coastal Program Manager worked with staff from coastal Tribal Nations as part of the Territorial Sea Plan (TSP) Amendment process for the Rocky Habitat Management Strategy (TSP Part 3). Staff have communicated with these nations governmental staff through email, and in-person (remote) meetings to provide information on the amendment process in order to facilitate discussions regarding coastal Tribes’ feedback on the proposed plan amendments. Staff from the Tribal Nations as well as the coastal program have been focused on identifying the future coordination and consultation process needs associated with any proposals for site designations with the potential for impacting Tribal practices and lifeways.

These specific activities have been part of the process

Rocky Habitat Tribal Work Sessions - two roundtable work sessions were convened in September and October primarily with natural resources staff invited from the five Tribal Nations with land in the coastal zone. The focus of these meetings was to better engage with Tribal Nations on the TSP amendment process, help DLCDC’s Ocean and Coastal Management Program (OCMP) staff better understand Tribal Nation perspectives and concerns related to coastal rocky habitats and resources, and identify opportunities for coordination and collaboration to help ensure these views are appropriately incorporated and represented throughout the process.

Several tasks and opportunities were identified as a result of these meetings. Plans for coordination between OCMP and Tribal staff now include a) the appropriate inclusion and representation in relevant sections of the Rocky Habitat Management Strategy text, b) appropriate inclusion and representation on SeaSketch and OregonOcean.info, c) notifications and clearer expectations for engagement in the proposal processes and meetings, and d) scheduling a follow-up work session meeting in early 2021. As of this reporting, each of the above tasks are currently in progress.

In the Strategy text, participants identified a need to include clarification of the possibility that rocky habitat site management regulations, in some instances now or in the future, may not apply to Tribal Nations who have external harvest agreements with the state. This was reviewed and approved by all parties. Other sections of the Strategy relevant to the Tribal Nations may be reviewed and updated as necessary in winter and spring.

Opportunities for Tribal Nation inclusion and representation on OregonOcean.info and the SeaSketch tool have been identified through this process, drafted by agency staff and forwarded to Tribal staff for review and approval. This includes coordination on implementing Tribal lands data and information.

Modifications to the steps of the proposal review process were developed, reviewed, and approved by all parties. This change clarifies the responsibilities and expectations for

communicating with Tribal Nations through the rocky habitat proposal process, and when coordination and/or consultation may be appropriate.

Staff have sent invitations to schedule a third work session in early 2021 to Tribal Nation natural resource staff contacts. Work to schedule that meeting is underway.

On December 8, 2020, at the CTCLUSI's request, staff convened between several Tribal Nations representatives, DLCD staff, and DLCD's Department of Justice representative to discuss what consultation could look like regarding the designation process and staff recommendation to Ocean Policy Advisory Council (OPAC), OPAC's role in consultation, and a multi-agency approach to consultation as that time comes (Oregon Parks and Recreation Department, Oregon Department of Fish and Wildlife, et al). Meeting summary information will be forwarded to OPAC members.

Future work in the TSP3 amendment process will include ongoing coordination with Tribal Nations to fulfill the tasks identified above, and identify any additional tasks and opportunities for coordination with Tribal Nations. Following receipt of the public rocky habitat proposals after December 31, 2020, proposals will be forwarded to Tribal Nations staff for review and to invite feedback or consultation as necessary. Strategy text revisions to appropriately include and represent Tribal Nations will be made and included in the final Strategy draft which will be submitted for OPAC approval in their spring 2021 meeting.

The Marine Affairs Coordinator worked with the Governor's Natural Resources Office and the OPAC to appoint a new tribal government representative to the Council. This action was associated with an OPAC discussion that resulted in a letter to the Governor's office recommending removal of the statutory requirement for senate confirmation of the nominee. There was also discussion at the OPAC meeting of each coastal tribal government having a seat on the Council, but there was not support at the Council for that recommendation. This discussion resulted in a letter to LCDC from the CTCLUSI tribal government. LCDC wrote a letter to the Governor's office in support of better representation of Coastal tribes at OPAC on August 19, 2020.

In another project funded by the US Department of Defense funding to avoid conflicts between sites needed for military activities and natural resource protection, the Oregon Renewable Energy Siting Assessment project staff from DLCD and the Oregon Department of Energy (ODOE) have communicated with tribal governments in regards to their participation in project surveys and comment opportunities related to the production of a siting tool for consideration of development of renewable energy in the state. Several tribal governments have received approval for funding through Interagency Agreements to receive reimbursement for time spent on project review and feedback activities. Collaboration with tribal entities is occurring by project contractors, upon review and approval by DLCD and ODOE staff.

Coastal program staff also have been working with members of the Cultural Cluster to identify deficiencies in cultural resource protection under statewide land use planning Goal 5. Those discussions are expected to continue in 2021, with a goal of a rule update on LCDC's policy agenda for 2021-2023.

Heather Wade (971-239-9467 | heather.wade@state.or.us) is the DLCDC contact for the Jordan Cove project and other federal consistency reviews of interest to the Tribes.

Patty Snow (503-508-2215 | patty.snow@state.or.us) and Andy Lanier (503-934-0072 | andy.lanier@state.or.us) are the DLCDC contacts for regional ocean issues. Both staff are engaged with the West Coast Ocean Alliance, which is an ocean management coordinating body between the three west coast states, west coast tribes and federal agencies. Patty is also the best contact for the Goal 5 inquiry prior to July 1, 2021. After July 1, we expect that the best contact for this work will be Amanda Punton (503-206-2291 | Amanda.punton@state.or.us) when DLCDC's funding for the Natural Resources Specialist position is restored.

Natural Hazards Planning

DLCDC Hazards Team planners are working to engage Tribal Nations in regional Natural Hazards Mitigation Plan projects. Specific initiatives follow.

Planners have been working with the Burns Paiute Tribe for several years on their Natural Hazard Mitigation Plan (NHMP). Agency staff submitted the NHMP to the Oregon Office of Emergency Management (OEM) and the Federal Emergency Management Agency (FEMA) on August 26. The plan is currently at FEMA for review.

Members of the Confederated Tribes of the Umatilla Indian Reservation are participating on the Umatilla County Steering Committee for the NHMP in that region. Funding for this work was accelerated in response to the 2020 flood events.

Staff are also working with the Coos County NHMP project manager to help ensure the Coquille Indian Tribe, the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, and the Cow Creek Band of Umpqua Tribe of Indians are supported to consult with staff and engage in development of this plan, in addition to supporting Tribal hazard mitigation plan updates directly with FEMA.

Finally, staff have reached out to the Confederated Tribes of the Umatilla Indians as well as the Nez Piece Tribe regarding the Wallowa County Natural Hazard Mitigation Plan update and are in the process of following up on those communications.

DLCDC's Floodplain Manager has been supporting local communities that are processing floodplain development permits where members or representatives of Tribal Nations are the applicants. These are primarily for stream restoration projects and associated technical questions regarding the requirements. Nations include the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.

Staff also invited consultation on development of the update of the State's Natural Hazard Mitigation Plan, currently under review at FEMA.

Marian Lahav (503-689-2522 | marian.lahav@state.or.us) is the DLCDC contact for the Oregon Natural Hazards Mitigation Plan 2020 update and coordinator of the Natural Hazards group. Celinda Adair (503-930-9739 | celinda.adair@state.or.us) is the Floodplain Manager.

Regional Solutions Teams

The department participates throughout the state in Regional Solutions Teams (RST) coordinated by the Governor's office. For example, DLCD Regional Representative Lisa Phipps (503-812-5448 | lisa.phipps@state.or.us) has reached out to the Confederated Tribes of the Siuslaw Indians to inquire about interest participating in the Yaquina Bay Estuary Management Plan update. They also helped to connect CTSI staff to the Echo Mountain Wildfire Task Force.

Technical Assistance Grants

The department offers grant assistance through four department subprograms; the Oregon Coast Management Program, General Fund Grant Program, Natural Hazards Mitigation Program, and Transportation Growth Management Program.

For the 2019-2021 cycle, agency staff sent letters to each of the nine Tribes announcing it was accepting applications for General Fund Technical Assistance grants for the 2019-2021 biennium. Grant priorities for the biennium include; economic development, affordable and workforce housing, natural hazard and climate change resilience, planning for infrastructure financing, and updates to comprehensive plans and local ordinances.

Southern Oregon Regional Representative Josh LeBombard (541-414-7932 | josh.lebombard@state.or.us) met with the Cow Creek Band of Umpqua Tribe of Indians to discuss partnership opportunities regarding housing, and Central Oregon Regional Representative Scott Edelman (541-306-8530) | scott.edelman@state.or.us spoke with the Confederated Tribes of the Warm Springs Reservation about a potential grant application prior to the October 1, 2019 deadline. Ultimately, two tribes applied for grant assistance and in December 2019 the Coquille Tribe was awarded a grant for their Coquille Wharf Master Plan Development project. This project is underway.

More information about grant opportunities can be found at <https://www.oregon.gov/lcd/About/Pages/Grants.aspx> or by contacting Community Services Division Manager Gordon Howard at (503-856-6935) | Gordon.howard@state.or.us.

Transportation and Growth Management Grants

The Transportation and Growth Management (TGM) program is a partnership between DLCD and the Oregon Department of Transportation. TGM supports community efforts to expand transportation choices. [TGM Planning Grants](#) help local governments plan for streets and land use that lead to more livable, sustainable, and economically vital communities. This planning increases opportunities for transit, walking and bicycling. The table below shows the status of TGM grants awarded to Tribes over the past five years.

Tribe	Project	\$ Authorized	Project Completion	TGM #
Confederated Tribes of the Umatilla Indian Reservation	Transportation System Update	In development	2021	TBD
Klamath	Klamath Tribes & City of Chiloquin Bike-Pedestrian Master Plan	\$114,530	JAN 2019	4A-16
Coos, Lower Umpqua and Siuslaw	Coos Head Area Master Plan	\$182,080	AUG 2018	3B-14
Coquille	Empire Comprehensive Plan	\$192,895	JULY 2018	3B-15
Umatilla	Mission Community Master Plan	\$195,100	MARCH 2018	5A-15
Klamath	Chiloquin Walkability Study	\$18,240	APRIL 2016	C2F4-15
<i>Total Authorized Funds</i>		<i>\$702,845</i>		

Completed in March 2018, the Confederated Tribes of the Umatilla Indian Reservation’s Mission Community Master Plan will help create a “*vibrant, engaged, and multi-modal community that fosters cultural and environmental connectedness, economic vitality, health, and well-being.*” The Coquille Indian Tribe’s Empire Comprehensive Plan encompasses approximately 1,100 acres, and designates land use zones and a transportation network to meet pedestrian, bicyclist, and motorist needs. The CTCLUSI Coos Head Area Master Plan envisions redevelopment of 43 acres previously under U.S. Department of Defense ownership into an integrated development that will benefit Tribal members, meet Tribal economic development objectives, and provide a mix of uses available to the greater Charleston and Coos Bay communities. CTCLUSI and DLCDC staff are currently working on a scope of work to implement the rezone needed for the vision to be realized.

The 2016 TGM Bike-Pedestrian Master Plan award to the Klamath Tribes builds on a completed TGM Education and Outreach project focused on bicycle and pedestrian safety in the City of Chiloquin. The prior Education and Outreach project was managed by DLCDC Community Assistance planner Evan Manvel (503-934-0059 | evan.manvel@state.or.us).

Local Government Coordination

The department continues to serve as a resource to local governments with questions relating to coordination with Oregon's Tribal Nations. Department staff recognize and seek to underscore the importance of tribal relationships with local governments including but not limited to the area of local land use regulations on fee lands.

To ensure department wide awareness, DLCD provides regular training to staff members on government-to-government relations. The iLearn on Tribal Nations is now an annual requirement for all staff.

The Coastal Program and Farm Forest Specialist are responsible for the department's involvement in the Bureau of Indian Affairs (BIA) fee-to-trust process. To our knowledge, no fee-to-trust transfer notices were received in 2020.

Other Activities of Interest

Tribal Cultural Items. In November 2018 the Cultural Resources Task Force recommended, "agencies perform an initial survey of tribal cultural items within six months of orientation training of agency liaisons." DLCD submitted this report to the Governor's office, LCIS and the nine federally recognized Tribes on Wednesday, November 13, 2019. Agency staff provided a follow-up response regarding Goal 5 inventories on November 29, 2020.

Land Acknowledgement, Government to Government Relations. LCDC welcomes tribal participation at their [meetings](#) and makes an effort to coordinate with potentially interested Tribes well in advance. Developed with LCIS guidance, commissioner read a land acknowledgement statement at the beginning of commission meetings. Additionally, staff have developed a draft Land Acknowledgement Guidance document of which staff will request LCIS review in early 2021.

Regional Housing Needs. To implement House Bill 2003 on Housing supply and a Regional Housing Needs Analysis study required by the Oregon Legislature, staff member Sean Edging has been reaching out to housing staff for each Tribal Nation.

The Regional Housing Needs Analysis is a pilot methodology intended to assess whether a statewide analysis of housing need would support more equitable, affordable, and fair housing outcomes. A clear priority for DLCD was assessing whether such an analysis, if implemented, could be used by Tribal Nations to better support their housing planning efforts. Through conversations with housing and planning staff at various Tribal Nations, we have taken away the following draft key insights to incorporate into the report and recommendations.

- *Eroding Federal Support* – As we understand it, much of the housing planning landscape for Tribal Nations is driven by federal programs, including the Indian Housing Block Grant Program administered by the U.S. Department of Housing and Urban Development. Over time, the support from federal programs has diminished, especially as distribution of funding driven by Census data has become increasingly austere.
- *Measuring Need for Tribal Members* – Incorporating tribal-owned lands into the Oregon Population Forecast Program is a good first step towards better measuring housing

needs for tribal members, but it is important to recognize that many tribal members live elsewhere in the state. A separate data collection effort would be necessary to measure and better address that need. Any effort should recognize and anticipate a lack of trust in government within these communities.

- *Need for State Policy Action* – While better measuring need is a good step forward, the effort spent measuring these issues means little if they are not accompanied with policy actions to address the need. There is a clear need for policy direction that better supports the provision of housing to support tribal nations, especially publicly supported housing.


Agency staff are also planning a follow-up conversation with Housing Executive Director for the Siletz Tribal Housing Department and Housing Stability Council Member, Sami Jo Difuntorum, to discuss more discreet state policy recommendations into the RHNA legislative reports developed by DLCD and OHCS.

Cultural Resource Protection. The Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians requested an update to the Goal 5 rules for cultural resources be included on the agency's revised policy agenda for 2019-2021. While this was not possible in the short term due to COVID-related budget reductions and temporary rule writing to support wildfire recovery, staff continue to meet in a staff to staff setting to scope out what a rule update would address and the remedies such an activity would endeavor to provide. Agency staff expect to recommend some form of rule update to better respond to the need to protect cultural resources in the 2021-2023 biennium. At that time, DLCD's Natural Resource Specialist will be back from rotation and able to devote staff time to this important suite of issues.

Land Use Planning Goal Review for Equity. The Governor's Revised Budget assigns DLCD to complete a review of Oregon's 19 land use planning goals for equity and climate. We would appreciate close coordination with Tribal nations on those updates.

Conclusion

DLCD looks forward to continuing to strengthen its government-to-government relationships with Oregon's nine federally recognized Tribes. The department is grateful for Tribes participation in agency programs, and for guidance received. The department will continue to strive to provide early opportunities for meaningful tribal consultation and guidance in 2021. In 2021, the department anticipates working with the Tribes on ocean and coastal issues, climate change adaptation and mitigation, hazards planning and cultural resource protection.

 <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.

 <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.