



# 2021 Government-to-Government Report on Tribal Relations

October 1, 2020 – September 30, 2021

The Oregon Department of Forestry respectfully submits this 2021 report of tribal activities. The department works with 10 federally recognized tribes. Nine tribes are in Oregon and one in Idaho.

The department’s mission is “to serve the people of Oregon by protecting, managing, and promoting stewardship of Oregon’s forests to enhance environmental, economic, and community sustainability.” To carry out this mission, the department works with many people and groups who share these goals.

## A. Policy adopted under ORS 182.164

The department continues to implement its 2018 government-to-government relations policy and procedures. These documents instruct staff on how to address tribal government topics. They also reflect the tribal interests, department needs, and best practices for responsibly managing forests.

The policy defines the department’s goals, roles, and responsibilities. The procedures set expectations for employees to:

- Communicate and collaborate with tribes early and often.
- Identify programs that may affect tribes.
- Handle inadvertent discovery of historic, cultural, and human remains.
- Receive training on tribal government relations and cultural resources.
- Report tribal engagements annually.

## B. Developing and implementing programs that affect tribes

The department’s tribal liaison is Acting Deputy State Forester, Kyle Abraham. Forest Resources Division Field Coordinator, Keith Baldwin, supports the department’s liaison.

All employees may do work that involve tribes. The executive and leadership teams develop and implement the department’s programs. These are the team members:

### Executive Team

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## Field Offices

### Eastern Oregon Area

Central Oregon District Rob Pentzer, Acting District Forester 541-447-5658 <a href="mailto:Rob.S.Pentzer@odf.oregon.gov">Rob.S.Pentzer@odf.oregon.gov</a>	Klamath-Lake District Dennis Lee, District Forester 541-883-5681 <a href="mailto:Dennis.Lee@odf.oregon.gov">Dennis.Lee@odf.oregon.gov</a>	Northeast Oregon District Matt Howard, District Forester 541-963-3168 <a href="mailto:Matt.Howard@odf.oregon.gov">Matt.Howard@odf.oregon.gov</a>
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### Northwest Oregon Area

Astoria District Dan B. Goody, District Forester 503-325-5451 <a href="mailto:Dan.B.Goody@odf.oregon.gov">Dan.B.Goody@odf.oregon.gov</a>	Forest Grove District Mike J. Cafferata, District Forester 503-359-7430 <a href="mailto:Mike.J.Cafferata@odf.oregon.gov">Mike.J.Cafferata@odf.oregon.gov</a>	North Cascade District Steve V. Wilson, District Forester 503-859-4341 <a href="mailto:Steve.V.Wilson@odf.oregon.gov">Steve.V.Wilson@odf.oregon.gov</a>
Tillamook Forest Center Jennifer L. Magby, Director 503-815-7062 <a href="mailto:Jennifer.L.Magby@odf.oregon.gov">Jennifer.L.Magby@odf.oregon.gov</a>	Tillamook District Kate J. Skinner, District Forester 503-815-7001 <a href="mailto:Kate.J.Skinner@odf.oregon.gov">Kate.J.Skinner@odf.oregon.gov</a>	West Oregon District Michael Curran, District Forester 541-929-9151 <a href="mailto:Michael.Curran@odf.oregon.gov">Michael.Curran@odf.oregon.gov</a>

### Southern Oregon Area

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### Forest Protective Associations

Coos Forest Protective Association Mike E. Robison, District Manager 541-267-3161 <a href="mailto:Mike.E.Robison@odf.oregon.gov">Mike.E.Robison@odf.oregon.gov</a>	Douglas Forest Protective Association Pat Skrip, District Manager 541-672-6507 <a href="mailto:Pat.Skrip@odf.oregon.gov">Pat.Skrip@odf.oregon.gov</a>	Walker Forest Protection Association R.D. Buell, District Manager 541-433-2451 <a href="mailto:RD.Buell@odf.oregon.gov">RD.Buell@odf.oregon.gov</a>
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## C. Process to identify which programs affect tribes

The department has and continues to engage tribes to identify forestry issues and department programs relevant to them. Once identified, the department seeks input from the tribes on these topics.

### Fire protection

- Fuel hazard treatments.
- Fire liability on forest operations.
- Protection agreements.
- Firefighter training on how to protect cultural resources during emergency fire response.
- Working with incident management teams.

### **Forest health**

- Management for resilient forests.
- Sudden oak death.
- Swiss needle cast.
- Emerald ash borer and collecting Oregon ash seeds.
- Annual insect and disease report.

### **Private forests**

- Administering the Forest Practices Act.
- Effectiveness and implementation monitoring.
- Work with landowners and operators to avoid impacts to archaeological sites and objects.

### **State forests**

- State forests annual operating plans.
- Draft Habitat Conservation Plan.
- Forest Management Plan.
- Collection of cultural vegetation for tribal ceremonial practices.
- Seedling diversity and planting density.
- Participation on the State Forests Advisory Committee.

### **Federal Forest Restoration**

- Federal forestland management impacts to tribal forestland and ceremonial areas.
- Archaeological resource surveys for Good Neighbor Authority project areas.

### **Non-program-specific areas of interest**

- Stream enhancement projects.
- Climate change.
- Impacts of herbicide use on big game habitat and cultural plants.
- Joint trainings on topics such as forest health, pest identification, or firefighting.

## **D. Promoting communications and relationships with tribes**

The department continued promoting increased communication and improving relationships with each tribe. The following are activities the department has done throughout 2021 to continue this effort.

### **Department-wide**

- Each year the State Forester sends a letter to Oregon's nine federally recognized tribes. The letter describes department initiatives and Board of Forestry plans on topics of potential interest for the tribes to provide early notice of upcoming opportunities for engagement.
- The department participates in the:

- State-Tribal Cultural Resources Cluster.
- State-Tribal Natural Resources Workgroup.
- Intergovernmental Cultural Resource Council.
- Oregon Geographic Names Board.
- Legislative Commission on Indian Services, including discussions, summits, and Tribal Governments Day.
- Governor’s Task Force on Tribal Cultural Items, including the cultural items survey.

### **Fire Protection**

- The S-503 fire burned on the north end of the Warm Springs Reservation and burned a total of 6,200 acres, 535 of which were private lands within the reservation boundary that are protected by ODF. Personnel from Central Oregon District helped jointly manage the fire during initial attack and through the deployment of PNW Team 8 during extended attack. Severity aircraft contracted through ODF were also used in support of the fire.
- The Confederated Tribes of the Umatilla Indian Reservation and Nez Perce Tribe continue a strong wildland firefighting relationship with the Northeast Oregon District through long-standing contracts and agreements that designate ODF/NEO District as their primary protection agency.
- Cooperation among the department, the Bureau of Indian Affairs, the Confederated Tribes of the Umatilla Indians, and the tribal fire department provides fire protection for residents of the Umatilla Reservation.
- Tribal representatives were actively involved with state forest protection associations.

### **Private Forests**

- Each tribe received the annual [Forest Health Highlights, USDA and ODF](#).
- The Confederated Tribes of the Umatilla Indian Reservation, the Nez Perce Tribe, and ODF continue to be involved in water quality planning processes in the Upper Grande Ronde, Walla Walla, and Umatilla Rivers, as well as the Wallowa, Lower Grande Ronde, and Imnaha River basins in Wallowa County. Tribal interests in northeastern Oregon are well represented in all facets of salmon recovery and water quality issues.
- The Confederated Tribes of the Umatilla Indian Reservation, the Nez Perce Tribe in Idaho, and the Northeast Oregon district participated in water quality planning. This effects the Upper Grande Ronde, Walla Walla, Umatilla Rivers, Wallowa, Lower Grande Ronde, and Imnaha River basins.
- ODF and the Department of Environmental Quality sought tribal input on the agencies’ draft memorandum of understanding regarding water quality. The agencies added cultural resources language to the final MOU per input from the Coquille Tribe.
- ODF sought input from tribes on the third-party draft assessment of Private Forests’ implementation monitoring methods.
- Field staff coordinated with the tribes and Natural Resources Conservation Service (NRCS) archeologists for cultural resource surveys as needed on projects.

## **State Forests**

- The State Forests staff regularly seek input on planned timber sales, also called Annual Operations Plans, from tribal forestry staff.
- The division continued with the interagency agreement with the Oregon Department of Transportation that provides cultural and historic resource support. This provides an archaeologist's database review of timber sales and forest projects for recorded cultural and historic resources. This database helps protect or avoid cultural and historic resources when planning forest management activities on state forests. 2021 is the last year of this agreement. It was terminated by the Oregon Department of Transportation due to a lack of capacity. We are currently developing a technical services contract for review of timber sales and forest projects for recorded cultural and historic resources.
- A representative from the Confederated Tribes of the Siletz serves on the State Forests Advisory Committee. This group provides input to the department and the board on state-managed forests.
- The division engaged with the Confederated Tribes of Grand Ronde Historic Preservation Office on recovery and restoration activities planned on the Santiam State Forest due to damage from the 2020 Labor Day fires.
- State Forests utilized the Government-to-Government Cultural Resources and Natural Resources Workgroups to receive input from tribes on the Forest Management Plan and development of a Habitat Conservation Plan.
- State Forests requested tribal input through the Cultural Resources Cluster on the draft cultural goals and strategies for the next iteration of the statewide state forestland management program that is currently under development. At the request of the Cultural Resources Cluster, the division worked with tribes to develop a workgroup on this topic. This workgroup is open to all Natural Resources Cluster and Cultural Resources Cluster representatives as well as their designees. This workgroup is shaping our approach to cultural and historical resources protection and is identifying opportunities to honor tribal ancestral ties to the lands that the dept currently manages.

## **Tribe-specific activities**

### **Confederated Tribes of the Umatilla Indians and ODF's Northeast Oregon District**

- Stewardship foresters from ODF's La Grande Unit have used their working relationships with local private landowners to introduce them to biologists with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) regarding potential stream restoration projects. Foresters also occasionally work with CTUIR in large wood, tree, and log acquisition for stream restoration work.
  - Stewardship foresters and CTUIR biologists also serve together on the Natural Resources Conservation Service (NRCS) Upper Grande Ronde Regional Conservation Partnership Program. This work group's goal is to provide a coordinated and integrated approach to forest health and natural resources restoration in target areas within the basin. The La Grande Unit and CTUIR were two of the agencies that successfully worked to secure the multi-agency Regional Conservation Partnership Program proposal. The proposal was approved by

- NRCS and includes multi-faceted watershed level treatment on private lands to help protect and enhance habitat in the Upper Grande Ronde Watershed.
- The CTUIR contracts with the district to provide wildland fire protection on approximately 21,600 acres of fee lands within the district's protection that are owned and managed by the tribe. The Umatilla Agency of the Bureau of Indian Affairs has protection responsibilities for approximately 55,000 acres of Indian trust lands within the district. The CTUIR Fire Department has protection responsibility for all lands within the Umatilla Reservation. This checkerboard pattern of protection requires ODF, BIA and CTUIR Fire Department maintain a close working relationship. This relationship provides the residents of the CTUIR with an effective and responsive fire protection, fire prevention, and smoke management system.
    - This is the tenth season that the BIA used the Blue Mountain Interagency Dispatch Center as their primary dispatch center for fire activity, which continues to increase the level of coordination between BIA and ODF. ODF has continued to allow BIA to use ODF radio frequencies to dispatch crews, provide fire updates, and order shared resources (retardant aircraft, crews, etc.). A BIA frequency is available as back-up communications for both BIA and ODF fire resources if ODF's primary frequency were to go down.
    - The BIA, CTUIR, and ODF have mutual aid fire protection agreements that enable ODF's Pendleton Unit, the BIA Umatilla Agency, and the CTUIR Fire Department to assist each other with available firefighting resources as needed and available. The principal responsibility of the CTUIR Fire Department is structural protection, while BIA and ODF are primarily trained as wildland firefighters. Throughout fire season, there is communication between ODF, CTUIR, and BIA firefighters and fire managers. Close cooperation among the agencies continues to provide an effective fire protection system for all residents of the Umatilla Reservation, including private landowners within the reservation boundary.
    - In June 2018, an agreement was signed by ODF and the BIA for a cooperatively funded firefighter position. The first three years of this cooperatively funded position have been deemed a success by both the BIA and ODF. The cooperatively funded employee continues to gain hands on prescribed fire training and experience while helping the BIA develop prescribed fire plans for multiple burn units involving tribal fee and BIA trust lands within the CTUIR boundary. The co-funded employee played a critical role in the BIA successfully reintroducing fire to the landscape at a scale never seen before on the Umatilla Reservation in 2021.
    - ODF and BIA also hosted joint training during the 2021 season to meet the critical training needs of seasonal firefighters from both programs. This training allowed firefighters from all agencies to build a cohesive relationship which in turn helps both agencies provide the best service possible to all residents of the Umatilla Reservation.
  - During the 2021 fire season, four fires occurred on ODF protection within the CTUIR boundary. Three of these fires were human caused and burned a total of 0.3 acres with a total estimated cost of \$4,169.64. Only one lightning caused statistical fire occurred

within the CTUIR boundary in 2021 burning 1.3 acres and costing an estimated \$2,021.60 to suppress. ODF provided mutual aid to the BIA on two additional fires burning on trust lands within the CTUIR boundary in 2021. The Jennings Creek fire burned 0.1 acres and the Kanine fire burned 10.6 acres.

- ODF's Pendleton Unit received mutual aid from the BIA on one additional fire. On July 11th, the Government Mountain fire burned 5.6 acres northeast of Weston, Oregon. ODF in turn provided BIA fire resources training opportunities on this incident to help build fire qualifications within their program.
- ODF administers Oregon's Forest Practices Act on private lands within the reservation boundary of the CTUIR. Under the FPA, notifications of operations and permits to operate power-driven machinery are required on all private forest land operations. There are also separate tribal requirements around conducting forest activities.
  - Stewardship foresters coordinated with CTUIR forestry staff and private landowners regarding permit requirements for forest activities and assisted two private landowners with completing the required documents to obtain permits for forest activities.
  - ODF sent out 14 letters that dealt with potential Cultural Resources that referenced the Tribal Historic Preservation Officer.
- Both the CTUIR and ODF are active members of the Umatilla National Forest Collaborative Group and attend monthly meetings and participate with the local NRCS working group on topics such as opportunities to collaborate on large-scale forest restoration and fuels treatment projects within Umatilla County.

### **Burns Paiute Tribe**

- The Rangeland Protection Association program is committed to provide basic fire training to the tribe.

### **Confederated Tribes of Grand Ronde**

- A series of Native American Heritage Month social media posts that were created in partnership with members of the Confederated Tribes of Grand Ronde and Confederated Tribes of Siletz Indians in 2019 were resurrected and posted to the Tillamook Forest Center's Facebook page in November 2020. This effort focused on a way to use ODF's platform to share information about cultural relationships to Oregon's forests in a modern context while elevating tribal voices and serving as advocates.
  - Some were also shared on ODF's main Facebook page, which has more than 50,000 followers.
- Two TFC interpretation and education staff members attended the *Confederated Tribes of the Grand Ronde Education Summit* as a continued effort toward strengthening tribal partnerships and incorporation of the tribal [\*Essential Understandings of Oregon Native Americans\*](#), which highlights nine points of essential understanding that were created to serve as an introduction into the vast diversity of the Oregon Native American experience.
- Typically, the Tillamook Forest Center's interpretation and education team and the Chachalu Museum's Cultural Resources Department partner to provide professional

development training opportunities. Due to the pandemic closures, TFC staff had to cancel a certified interpretive host training for the tribal community.

- In 2021, planning efforts resumed and the TFC will be leading this training course in December 2021, in partnership with the Oregon State Library.
- ODF's Forest Grove District worked with Michael Karnosh and the Grand Ronde Tribe on the Salmonberry Trail Canyon/River Segment Planning. Mr. Karnosh was part of the Review Committee, which provided knowledge and assistance to the planning process.
  - Jennifer Purcell of Regional Solutions and Mike Cafferata of ODF, representing the Salmonberry Trail Intergovernmental Agency (STIA), co-convened the River and Canyon Segments Plan Review Committee, which operated from 2020 to 2021.
- The West Oregon District has a fee-based fire protection agreement with the tribe. The tribe is a member of the West Oregon Forest Protective Association and tribal staff attend the meetings. The tribes and department often work together on firefighting.

### **Confederated Tribes of Siletz**

- A series of Native American Heritage Month social media posts that were created in partnership with members of the Confederated Tribes of Grand Ronde and Confederated Tribes of Siletz Indians in 2019 were resurrected and posted to the Tillamook Forest Center's Facebook page in November 2020. This effort focused on a way to use ODF's platform to share information about cultural relationships to Oregon's forests in a modern context while elevating tribal voices and serving as advocates.
  - Some were also shared on ODF's main Facebook page, which has more than 50,000 followers.
- ODF's West Oregon District has a fee-based fire protection agreement with the tribe. The tribe is a member of the West Oregon Forest Protective Association and tribal staff attend the meetings. The tribes and department often work together on firefighting.
- The West Oregon District extended an invitation to a forester from the Confederated Tribes of the Siletz Indians to attend the district's annual operations plan meeting, and the tribe has offered to help the district with locating and surveying for cultural resources.
- The West Oregon District has been working with the tribe on reciprocal permanent easements to help both parties manage their forests.

### **Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians**

- Western Lane District staff attended the Xintmiis txain' (sharing our path) program. This was designed to educate organizations on tribal history, culture, and government.
- ODF staff met with members of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, including the chief, tribal council members, and natural resources staff to share information about the draft Habitat Conservation Plan for state forestlands.

### **Confederated Tribes of Warm Springs and Central Oregon District**

- The tribe, Central Oregon District staff, Central Oregon Fire Chiefs Association, and the Central Oregon Fire Operations Group participated in monthly fire meetings.

- District staff and tribal members participated in fire training together.
- The tribe and ODF's Central Oregon District (COD) worked together on the S-503 fire. (See Section D → "Fire" for more information.)

### **Coquille Indian Tribe and Coos Forest Protective Association**

- The Coos Forest Protective Association, through agreements with the Bureau of Indian Affairs and a local operating agreement, maintains a positive and productive relationship with the Coquille Indian Tribe.
- The association provides fire protection on tribal trust lands. The tribe is an active association member.

### **Cow Creek Band of Umpqua Tribe of Indians and Douglas Forest Protective Association**

- DFPA continues to have a very close and positive working relationship with the Cow Creek Band of Umpqua Tribe of Indians. DFPA, through agreements with the Bureau of Indian Affairs, provides fire protection on approximately 32,053 acres of tribal lands that are located throughout Douglas County, this includes 21,794 acres that are held in trust and 10,258 acres of fee lands, which are owned and managed by the tribe.
- As a member of DFPA, the tribe attends the Annual Membership Meeting and engages with DFPA staff on a regular basis. The tribe chose to become an association member in 2016. Tim Vredenburg was appointed and serves on the DFPA board of directors.
- DFPA and the tribe met on several occasions throughout the year to review and update the local operating plan, discuss fire management throughout the landscape, and to update cooperative working agreements. These meetings were very productive and provided managers from DFPA and the tribe the opportunity to share the critical information that is necessary for efficient and effective fire suppression operations. DFPA and the tribe maintained frequent contact throughout the year with all forms of communication. DFPA and the tribe have planned to continue these meetings into the future.
- DFPA continues to work with the tribe on forest health and fuels management projects that are on or adjacent to tribal lands, including both trust and fee lands. DFPA and the tribe will continue to coordinate on smoke management issues. Opportunities for an active forest management plan including slash and pasture burning program continue to grow.
- The tribe and DFPA are engaged in an agreement to provide workers to the Tribe as needed for various off season co-op projects. Over the past several years the projects have included trailing slash units, slash and agricultural burning, road brushing, water impoundment maintenance, and tree planting inspecting.
- This year the tribe also assisted DFPA during the Skyline Ridge and Devil's Knob Complex fires with landowner knowledge, equipment, and personnel. This engagement was instrumental in protecting not only tribal land, but also adjacent private and federal lands.
- The tribe provided critical assistance during the pandemic by providing a site for vaccinations and rapid testing for personnel, allowing firefighters to return to duty much sooner than with other forms of testing available at the time.

### **Klamath Tribes and Klamath-Lake District**

- The Sun Creek Project is an ongoing partnership. It expands bull trout distribution downstream from Crater Lake National Park into a section of Sun Creek in the Sun Pass State Forest. The project supports the U.S. Fish and Wildlife’s Draft Recovery Plan for this species. State and federal fishery agencies say this is one of the most important recovery actions for bull trout in the Klamath Basin.
  - On-site monitoring from the Klamath Tribes has occurred throughout the project. Trout Unlimited has led this work with the tribes.
  - The Sun Creek channel has been restored and connected to the Wood River. Monitoring of fish expansion and channel use continues.
- The department participates in the Klamath-Lake Forest Health Partnership, which includes the U.S. Forest Service and tribes.
- The department participates in pre-fire season check-ins with tribal leadership.

### **Nez Perce Tribe (federally recognized in Idaho) and Northeast Oregon District**

- ODF’s Wallowa Unit and the Nez Perce Tribe continue working together on forestry issues.
- The Oregon Forest Practices Act is administered by ODF on the Nez Perce tribal lands in Wallowa County. Given the limited access, steep terrain, and the primary management purpose of promoting wildlife habitat, forest management activity is generally anticipated to be low, with no notifications of operations filed in 2021.
- ODF’s Wallowa Unit Forester is a member of the steering committee that provides input to tribal staff to aid management plan implementation for tribal lands in Wallowa County.
  - The current draft of the Precious Lands Wildlife Management Area Plan was completed in 2005 with review provided by ODF. The land was purchased with Bonneville Power Administration wildlife mitigation funds, with the primary objective for these lands being to preserve and enhance wildlife habitat.
- ODF and the tribe are participants in the Wallowa County Natural Resources Advisory Council and Technical Committee. Of interest to the tribe were the continuing collaborative discussions on the Wallowa-Whitman National Forest’s Lower Joseph Creek Restoration Project (aka “Lower Jo”), noxious weeds, and associated fisheries concerns.
- ODF’s Wallowa Unit has a Cooperative Fire Protection Agreement with the tribe, which has been in place since 1999. Under this agreement, ODF provides fire protection on approximately 14,984 acres of tribal land within the district’s protection boundary (Precious Lands Wildlife Management Area).
  - The tribe also provides a representative (resource advisor) to work with fire managers in instances where heavy equipment or retardant will be used on the property, due to the potential presence of cultural and fishery resources.
  - ODF coordinates with the local resource manager to ensure that any access changes, gate combinations, etc., are effectively communicated.

- There was one significant fire on the Precious Lands Wildlife Management Area during the 2021 fire season. The Joseph Canyon fire was started by lightning on June 4, 2021 and burned a total of 7,610 acres. Burned acreage on tribal lands was estimated at 1,120 acres. The Wallowa Unit worked closely with Nez Perce resource advisors on the suppression repair work, which was completed in September.

### **E. Training opportunities and other educational events**

The department has participated in various training and educational events and plans to do so in the future. Due to COVID-19, many 2021 trainings and events were canceled, so there are no items to report.

### **F. Employee notification on the provisions of ORS 182.162 to 182.168 and the department policy on tribal government relations**

The department has a government-to-government workgroup, comprised of field and headquarters staff. The role of the workgroup is to create an environment for continued learning, communicating, and implementing the government-to-government policies and procedures to enhance the department's relationship with the tribes.

This workgroup serves as an advisory group to the department's executive team on the department's policy and procedures documents on tribal government relations.