



Government-to-Government 2021 Activity Report

Oregon Department of Transportation

Introduction

In accordance with Oregon Revised Statute 182.166, the Oregon Department of Transportation (ODOT) submits this report to Governor Kate Brown and the Legislative Commission on Indian Services. This report identifies the ODOT divisions, regions, and individuals responsible for developing and implementing programs that affect the nine federally recognized tribal governments in Oregon. The information in this report was provided by each of the ODOT divisions and regions and was compiled by the ODOT Director's Office.

In accordance with Oregon Revised Statute 182.164, ODOT adopted an official policy statement guiding the department's interactions with tribal governments. ODOT Policy INT 13 was most recently revised on July 31, 2019. This policy states:

It is the policy of the Department, pursuant to ORS 182.162 et. seq., to promote and enhance government-to-government relations between the Department and the federally recognized American Indian Tribes in Oregon through programs that include tribes in the development and implementation of transportation projects and other activities which may affect tribal lands, resources, or interests.

ODOT's mission is to provide a safe, efficient transportation system that supports economic opportunity and livable communities for Oregonians. To accomplish this mission, ODOT operates under the direction of agency Director Kristopher Strickler. Many parts of the agency have extensive tribal interactions and involvement, which will be discussed individually in the proceeding report.

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Director's Office

About

ODOT Director Kristopher Strickler and his staff oversee the management of the department from the headquarters office on the Oregon State Capitol Mall in Salem. Director Strickler and his team of assistant directors are working to better prepare ODOT for the future, to continue ODOT's evolution into a multimodal agency, to have a greater agency-wide focus on social equity, to be better prepared to respond to financial challenges, and to carry on the mission of the agency despite waves of retirement. The following assistant directors are responsible for carrying out this vision for ODOT:

- Cooper Brown, Assistant Director for Operations
- Travis Brouwer, Assistant Director for Revenue, Finance and Compliance
- Lindsay Baker, Assistant Director for External and Government Relations
- Nikotris Perkins, Assistant Director for Social Equity

Government Relations

ODOT's tribal liaison function is housed in the agency's Government Relations Section and is administered by Trevor Sleeman (see contact info above). In January 2021, Carolyn Holthoff joined the Government Relations Section as the agency's first full time Tribal Relations Manager. These two positions make up the tribal affairs team, and they serve as the central points of contact at ODOT for tribal governments seeking to access ODOT's programs, services, and personnel. ODOT's tribal relations team works centrally to promote communication and positive government-to-government relationships with each of Oregon's tribes. The relations team also works internally with ODOT staff statewide to ensure tribal governments are appropriately involved in the agency's business. While ODOT's regional staff frequently engage with tribes on local operational issues like winter maintenance or vegetation management,

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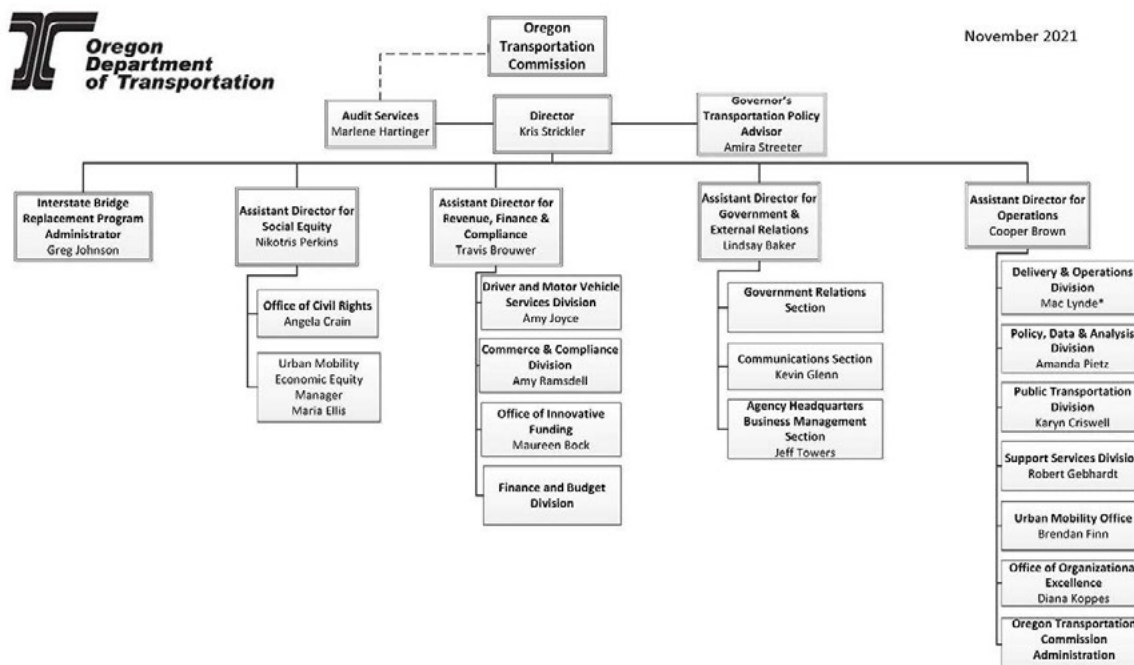
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the tribal liaison interacts with tribal governments on broader policy matters. This can involve a number of issues ranging from tribal employment rights to broader statewide policy initiatives. In addition, the tribal relations team also participates in meetings of the Legislative Commission on Indian Services clusters on cultural resources, natural resources, and Economic Development and Community Services. The tribal relations team disseminates to tribes information regarding state and federal grant programs and provides regular updates to agency management regarding issues of interest to tribal governments. The tribal relations team also works to assist ODOT staff members in accessing effective government-to-government trainings and other key information.

Tribal Cultural Awareness Series

Starting in the fall of 2021, ODOT's Tribal Relations Manager initiated a series of cultural awareness discussions to build understanding among ODOT staff about Oregon's tribes. Key leaders from tribal culture and historic preservation offices have led these discussions and have covered important topics like tribal sovereignty, history, cultural practices, and interactions with ODOT. The series will continue into 2022. In 2021, the following individuals graciously gave of their time to help raise awareness among ODOT staff across the state:

- **October 27:** Diane Teeman, Burns Paiute Tribe
- **October 25:** Bambi Rodriguez, Confederated Tribes of the Umatilla Indian Reservation
- **November 29:** Perry Chocktoot, The Klamath Tribes
- **December 13:** Bobby Brunoe, Confederated Tribes of Warm Springs

Land Acknowledgment Initiative Coordination

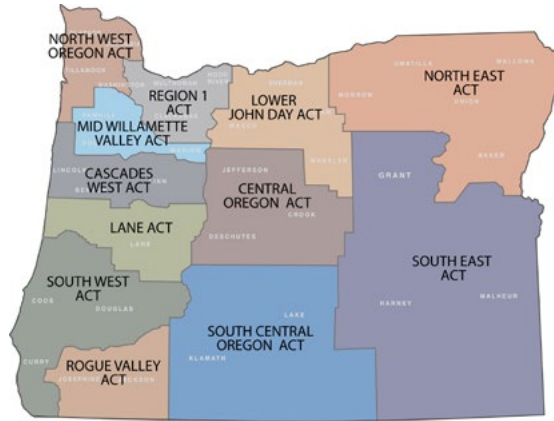
ODOT's Tribal relations team met with representatives from Oregon's nine federally recognized tribes to discuss the appropriate use of land acknowledgements and explore whether or not ODOT should pursue developing language in the future. ODOT staff hosted two meetings- one on February 24th and another on March 15th to discuss options, recommendations and concerns. It was noted that the Legislative Commission on Indian Services would be developing guidance for the state. Once distributed, ODOT will work to ensure consistent and appropriate agency-wide use.

2020 Wildfire Response and Debris Management

ODOT continues to partner with the Federal Emergency Management Agency, Department of Environmental Quality, and the Oregon Office of Emergency Management to lead the State Debris Removal Task Force. The Task Force is charged with the post-wildfire removal of hazard trees along affected state highways and some county roads, as well as household debris removal from private residences and state and county facilities burned in the historic 2020 wildfires. Protection of cultural resources has been a key element of this work and ODOT continues to use consultant teams for field monitoring services and coordinating avoidance of known sites and any inadvertent discoveries that occur. ODOT and consultant teams also continue to coordinate on monitoring to avoid and minimize effects to fisheries and wildlife habitat, streams and wetlands and other natural resources.

Tribal consultation and logistical coordination for the fire recovery work has been led by ODOT and the Federal Emergency Management Agency. Close coordination with Oregon's tribes has been critical to the success of the fire recovery efforts. In 2021, ODOT received \$1.25 million to help address gaps in the cultural resources surveys for the 2020

wildfire recovery effort. ODOT hosted two meetings with consulting tribes to discuss best use of funds- one on August 9th and one on September 15th. ODOT recently released a proposal for field work based on tribal recommendations and consultant research. ODOT is awaiting feedback from tribes, and once that feedback is received, ODOT will proceed with fieldwork in 2022. Tribes will be engaged and consulted throughout the survey process.



AREA COMMISSIONS ON TRANSPORTATION

Oregon Transportation Commission

The Oregon Transportation Commission, ODOT’s governor-appointed oversight body, is supported by staff in ODOT’s Director’s Office. The Oregon Transportation Commission establishes state transportation policy. The commission also guides the planning, development and management of a statewide integrated transportation network, and, among other things, hiring the ODOT Director. In 2021, the commission held its meetings virtually due to the COVID-19 pandemic, however, in normal times, the commission works to rotate its monthly public business meetings to all parts of the state, including holding meetings on tribal lands.

Area Commissions on Transportation

In 1996, the Oregon Transportation Commission authorized the creation of regionally based transportation advisory commissions known as Area Commissions on Transportation to expand opportunities for local citizen involvement in ODOT’s decision-making. Tribal leaders are important participants on area commissions across the state. Area commissions address transportation issues broadly with primary focus on the state transportation system. Area commissions consider regional and local transportation issues that affect the state system, and they work with other local organizations dealing with transportation-related issues.

Area commissions play a key role in developing the Statewide Transportation Improvement Program, ODOT’s four-year transportation capital improvement plan. Through an in-depth public process, and following adopted project eligibility criteria, area commissions meet regularly to prioritize transportation problems and solutions and to recommend projects in their area for inclusion in the Statewide Transportation Improvement Program.

All areas of the state are represented by area commissions. All nine federally recognized tribes are voting members on at least one area commission.

Current listing of area commissions:

- Northwest Oregon Area Commission on Transportation
 - » No current tribal representation
- Mid-Willamette Valley Area Commission on Transportation:
 - » Confederated Tribes of Grand Ronde
- Cascades West Area Commission on Transportation:
 - » Confederated Tribes of Siletz Indians
- Southwest Oregon Area Commission on Transportation
 - » Coquille Indian Tribe
 - » Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
 - » Cow Creek Band of Umpqua Tribe of Indians
- Rogue Valley Area Commission on Transportation
 - » No current tribal representation

- Lower John Day Area Commission on Transportation
 - » Confederated Tribes of Warm Springs
- Central Oregon Area Commission on Transportation
 - » Confederated Tribes of Warm Springs
- South Central Oregon Area Commission on Transportation
 - » The Klamath Tribes
- North East Area Commission on Transportation
 - » Confederated Tribes of the Umatilla Indian Reservation
- Southeast Area Commission on Transportation
 - » Burns Paiute Tribe
- Lane Area Commission on Transportation
 - » Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
- Region 1 Area Commission on Transportation
 - » No current tribal representation

Office of Civil Rights

About

The Office of Civil Rights manages ODOT’s implementation of federal and state programs that provide equal access to services and economic opportunities for all. All ODOT regions are required by the Federal Highway Administration to house an Office of Civil Rights Field Coordinator who works at the regional level to carry forward the Office of Civil Rights’ mission, values, and program information.

The Office of Civil Rights has several programs that affect the nine federally-recognized tribes, and individual tribe members in Oregon. These programs include:

- Tribal Employment Rights Ordinance Memorandum of Understanding agreements
- Workforce Development, Equal Employment Opportunity, On-The-Job Training Programs
- Disadvantaged Business Enterprises Program
- Emerging Small Business Program
- Small Contracting Program
- Title VI Program

Interactions with Tribes

Tribal Employment Rights

The most typical area of tribal interaction is through the implementation of the current memoranda of understanding ODOT has with the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of Grand Ronde and the Confederated Tribes of Warm Springs to implement the “Indian hiring preference” provision in federal law.

The United States Code, Title 23, Section 140 (“Indian Employment and Construction”) established preferential employment of Indians living on or near a reservation on federally funded construction projects and contracts on Indian reservation roads. This section of US Code also states that, “States may implement a preference for employment of Indians on projects carried out under this title near Indian reservations.”

ODOT’s Office of Civil Rights is identified as the State Liaison for the Tribal Employment Rights Office Memorandum of Understanding agreements with the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of

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Grand Ronde, and the Confederated Tribes of Warm Springs. These signed agreements ensure that the Tribal Employment Rights Ordinance and the “Indian hiring preference” provisions of United States Code are followed for all federally funded construction projects either on or near the reservation. For each construction project subject to the agreement, hiring goals and compliance fees are coordinated between the tribal employment rights offices and ODOT regional offices. Construction projects that are subject to Indian hiring preference provisions allow tribes the ability to set hiring goals for a tribal workforce as well as to collect fees for working within their recognized boundaries.

Workforce Development Program

ODOT and the Oregon Bureau of Labor and Industries are committed to assisting construction contractors in the highway construction trades. ODOT’s goal in creating the Workforce Development program is to find, train, and employ a diverse, skilled workforce that is prepared to meet upcoming construction demands. This program is designed to expand diversity in employment, increase apprenticeship participation, and increase training resources and opportunities for highway construction jobs throughout Oregon. This program provides pre-apprenticeship classes to help diverse applicants develop the skills and knowledge they need to become qualified apprentices.

The Workforce Development Program, Equal Employment Opportunity, and On-the-Job Training programs directly impact individual tribal members as tribal apprentices are utilized through On-the-Job Training opportunities on ODOT projects. This program also offers supportive services to diverse apprentices. Supportive services include: Transportation-Travel assistance, Lodging/Per-Diem (meals-incidentals), Child Care Support, Tools and Job Related Supplies

and Retention Services. The purpose of these supportive services is to keep apprentices in their programs so they will finish their programs and journey out.

Equal Employment Opportunity

This program is a federally required affirmative action program that must be implemented by contractors and subcontractors with contracts and subcontracts of \$10,000 and more on all federally funded construction projects. Under this program, all affected contractors are required to provide equal employment opportunities to presumed socially and economically disadvantaged groups. The program sets targets for minority and female participation, which are expressed in terms of the contractor’s aggregate workforce in each trade on all construction work in a covered area.

Disadvantaged Business Enterprise Program

A Disadvantaged Business Enterprise firm includes small businesses that are at least 51% owned by: women, minorities (Native Americans, African Americans, Hispanic Americans, Asian-Pacific Americans and Subcontinent Asian Americans). Firms are required to be a certified Disadvantaged Business Enterprise to participate in the Disadvantaged Business Enterprise Program. The U.S. Department of Transportation establishes criteria for certification that applies to Disadvantaged Business Enterprise-eligible firms seeking contracts funded with federal transportation related money. ODOT’s Regional Field Coordinators provide outreach to known Native American owned business to provide information on how to seek certification.

Emerging Small Business Program

The mission of the Emerging Small Business Program is to create new and innovative contracting opportunities for Oregon’s small business community. The

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program also strives to assist emerging small businesses in overcoming barriers to participating in the state’s extensive public contracting procurement programs. Regional Field Coordinators provide outreach to known Native American-owned businesses to provide information on how to seek certification.

Title VI Program

Title VI of the Civil Rights Act of 1964 and associated federal laws prohibit discrimination on the basis of race, color, national origin, sex, age, and disability in ODOT’s programs, activities and services. ODOT’s Title VI program ensures that public funds are not spent in a way that encourage, subsidize, or result in discrimination, including by sub recipients of federal funds distributed through ODOT. The Office of Civil Rights Intermodal Manager has regular contact with seven of the nine federally recognized tribes to assist with the development and collection of transit related Title VI plans and semi-annual Disadvantaged Business Enterprise usage reports.

Specific Interactions in 2021

- **January 16:** Office of Civil Rights attended the Confederated Tribes of Grand Ronde first Quarter Contractor’s Certification Training.
- **January 21:** Region 2 Field Coordinator reviewed tribal contract specifications with the Director of the Confederated Tribes of Grand Ronde Tribal Employment Rights Office.
- **February 5:** Region 5 Field Coordinator and other Office of Civil Rights staff attended the Confederated Tribes of the Umatilla Indian Reservation Tribal Employment Rights Office Contractor Certification Training in Mission.
- **February 19:** Region 1 Field Coordinator and the Confederated Tribes of Warm Springs discussed current project selection, work scopes, the status of contract reviews and compliance.

- **February 20:** Region 1 and Region 2 Field Coordinators met with the Confederated Tribes of Grand Ronde to meet the new Tribal Employment Rights Office Director and discuss workforce and training opportunities. Also discussed planning for a Summer Youth Employment Camp to be held after the COVID-19 pandemic.
- **February 24:** Region 1 Field Coordinator discussed training program opportunities around workforce with the Confederated Tribes of Warm Springs.
- **February 24:** Region 4 Field Coordinator attended the online contractor certification workshop held by the Confederated Tribes of Warm Springs.
- **February 25:** Region 2 Field Coordinator presented ODOTs Tribal programs at the General Inspector Certification training and discussed ODOTs three tribal employment rights programs and how inspectors interact with them. Virtual training was well attended with over 50 participants.
- **February 26:** Region 4 Field Coordinator attended the Confederated Tribes of Warm Springs quarterly Tribal Employment Rights Office certification training held online.
- **March 4:** Region 5 Field Coordinator attended Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, Quarterly Contractor Certification Training (Virtual Meeting).
- **March 10:** Region 2 Field Coordinator worked with Confederated Tribes of the Grand Ronde Tribal Employment Rights Office Director discussing what was needed and how to gather the information for an article in the ODOT Office of Civil quarterly newsletter
- **March 10:** Confederated Tribes of Grand Ronde Tribal Employment Rights Office staff met with Office of

- Civil Rights Region 2 Field Coordinator, Office of Civil Rights Manager, and other ODOT staff for annual tribal employment rights project review meeting.
- **March 10:** Region 2 Field Coordinator co-presented with the Confederated Tribes of Grand Ronde and Confederated Tribes of Warm Springs, training on Tribal Employments Rights in Salem at the annual Construction Project Civil Rights and Labor Compliance training offered to ODOT project delivery personnel, local agency staff, and prime/sub-contractors.
 - **March 11:** Region 2 Field Coordinator presented ODOTs Tribal programs at the General Inspector Certification training and discussed ODOTs three tribal employment rights programs and how inspectors interact with them. Virtual training was well attended with over 50 participants
 - **March 25:** Region 1 Field Coordinator and the Confederated Tribes of Warm Springs discussed current project selection, work scopes, the status of contract reviews and compliance.
 - **March 27:** Region 1 Field Coordinator, the prime contractor Tapani and the Confederated Tribes of Grand Ronde discussed tribal employment rights workforce on the Powell Boulevard project.
 - **April 7:** Region 2 Field Coordinator conversation with Confederated Tribes of Grand Ronde Tribal Employment Rights Office Director about outreach and youth training for Tribal youth. Continued conversations about Tribal youth outreach and how ODOT could support and participate with presentations and information about Heavy-Highway construction needs and how the TERO program partners with that.
 - **April 29:** Region 2 Field Coordinator out lined the tribal employment rights program during the all-day event: Doing Business with ODOT.
 - **May 4:** Region 1 Field Coordinator and the Confederated Tribes of Warm Springs discussed project goals and opportunities for workforce with the contractors.
 - **May 6:** Region 5 Field Coordinator attended the Confederated Tribes of the Umatilla Indian Reservation Tribal Employment Rights Office Contractor Certification Training (Virtually).
 - **May 18:** Office of Civil Rights and the Confederated Tribes of Warm Springs discussed some challenges that the tribes are facing with the workforce and hiring goals.
 - **May 26:** Region 1 Field Coordinator and the Confederated Tribes of Warm Springs attended a preconstruction conference to discuss the partnership of tribal employment rights and ODOT.
 - **May 29:** Office of Civil Rights, flagging contractor and the Confederated Tribes of Warm Springs discussed the flagging training and hiring opportunities for a local flagging firm.
 - **June 4:** Office of Civil Rights attended the Confederated Tribes of Grand Ronde second Quarter Contractor’s Certification Training.
 - **June 8:** Office of Civil Rights participated with the Confederated Tribes of Warm Springs regarding project specific goals, workforce and compliance.
 - **June 10:** Office of Civil Rights, ODOT staff, Carter and Company and the Confederated Tribes of Warm Springs discussed specific goals and workforce training opportunities.
 - **June 17:** Region 2 Field Coordinator presented ODOTs Tribal programs at the General Inspector Certification training and discussed ODOTs three tribal employment rights programs and how inspectors interact with them. Virtual training was well attended with over 50 participants.

- **June 24:** Office of Civil Rights and the Confederated Tribes of Warm Springs participated in discussions around the memorandum of understanding and associated reports.
- **July 1:** Confederated Tribes of Grand Ronde Tribal Employment Rights Office staff met with ODOT Office of Civil Rights staff, and the Certification Office for Business Inclusion and Diversity (COBID) staff for an introduction meeting & review of the COBID certification process and how Indian Owned Businesses could benefit from certification.
- **July 15:** Region 2 Field Coordinator Quarterly reporting conversation with the Confederated Tribes of Grand Ronde Tribal Employment Rights Office Director. Discussed reporting.
- **July 14th:** Region 5 Management, Civil Rights Field Coordinator and Office of Civil Rights Manager met with the Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office (Virtually) for the 2021 annual review and selection of upcoming 2021/2022 construction projects.
- **July 28:** Region 1 Field Coordinator and the Confederated Tribes of Warm Springs participated in the process of Compliance Agreements and the review of subcontractor’s workforce.
- **July 28:** Region 3 Field Coordinator attended virtual meeting with The Cow Creek Band of Umpqua Tribe of Indians Workforce Development Manager/ Tribal Youth Council and Lead Advisor regarding workforce development/ student support.
- **August 5:** Region 5 Field Coordinator attended Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, Quarterly Contractor Certification Training (Virtual Meeting).
- **August 6:** Region 5 Field Coordinator organized and attended the tribal employment rights Informative Session for Consultant Project Managers/ Contract Administrators. Program Manager John Barkley led a 30-45 Minute session regarding tribal employment rights, with an open forum at the end for questions and discussion.
- **August 23:** Office of Civil Rights Manager, Region 4 Field Coordinator and Region 4 Construction Area Manager participated in an annual meeting with the Tribal Employment Rights Office of the Confederated Tribes of Warm Springs. Region 4 projects were reviewed for goals and operational issues were discussed.
- **August 24:** Region 2 Field Coordinator conversation with Confederated Tribes of Grand Ronde Tribal Employment Rights Office Director regarding Indian Owned Businesses and about how to increase the use of these businesses on both federally funded and state funded ODOT projects.
- **August 26:** Office of Civil Rights Manager participated in a quarterly Tribal Employment Rights Office certification training held online by the Confederated Tribes of Warm Springs.
- **September 28:** Region 3 Field Coordinator updated the Cow Creek Band of Umpqua Tribe of Indians CEO regarding the Southern Oregon Trade Careers Expo.
- **September 3:** Office of Civil Rights attended the Confederated Tribes of Grand Ronde third quarter contractor’s certification training.
- **October 6:** Region 3 Field Coordinator shared fire clean-up & fire recovery opportunities with the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians; The Cow Creek Band of Umpqua Tribe of Indians, Coquille Tribe and Coquille Economic Development Corporation. Resulted in tribal businesses contacting Field Coordinator for more information/support.

- **November 4:** Region 5 Field Coordinator attended Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, Quarterly Contractor Certification Training (Virtual Meeting).
- **November 4:** Region 2 Field Coordinator presented ODOTs tribal programs at the General Inspector Certification training and discussed ODOTs three tribal employment rights programs and how inspectors interact with them. In-person training with 30 participants.
- **November 5:** Region 5 Field Coordinator attended Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, Quarterly Contractor Certification Training (Virtual Meeting).
- **November 18:** Office of Civil Rights Manager and Region 4 Field Coordinator participated in a quarterly Tribal Employment Rights Office contractor certification training held online by the Confederated Tribes of Warm Springs.
- **November 19:** Region 1 Field Coordinator and the Confederated Tribes of Warm Springs discussed workforce training, partnerships and union agreement updates in addition to recent TERO certified firms.
- **Throughout 2021:** Region 1 & 2 Field Coordinators provided tribal employment rights overview of all federally recognized tribes at the ODOT General Inspector Certification Trainings (Multiple Dates).
- **2021 (Ongoing):** Region 1 Field Coordinator attends the bi-monthly networking meetings of the Oregon Native American Chamber. This event provides a unique opportunity to meet, network, and build relationships with business and community leaders (Native and non-native) from across Oregon and southwest Washington.
- **2021 (Ongoing):** Office of Civil Rights Field Coordinators attend pre-construction conferences with tribal partners to provide a process review for projects including tribal employment rights goals.

Fuels Tax Group

About

ODOT’s Fuels Tax Group administers the Fuels Tax Laws pursuant to Oregon Revised Statutes Chapter 319. The Fuels Tax Group is part of the Financial Services Branch of ODOT’s Finance and Budget Division.

The Fuels Tax Group administers the fuel tax refund program that, for fuel sold on the reservation, allows tribes to obtain refunds of fuel taxes paid by tribal members for fuel used on reservation lands. Under that program, the Fuels Tax Group administers the following intergovernmental agreements:

- **Confederated Tribes of the Umatilla Indian Reservation:** The tribes, and their fuel suppliers, collect state taxes on fuel sold at the Arrowhead Travel Plaza and remit the taxes collected to the Fuels Tax Group. The Fuels Tax Group refunds a portion of the taxes collected to the tribe for tribal use. This agreement is operating successfully.
- **Confederated Tribes of Warm Springs:** The tribes, their fuel suppliers, and the operators of 3 Warriors Market, DMJ Automotive Services, and the Plateau Travel Plaza collect state taxes on fuel sold on the reservation and remit the

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taxes collected to the Fuels Tax Group. The Fuels Tax Group then refunds a portion of the taxes collected to the tribes for tribal use. This agreement is operating successfully.

- **The Klamath Tribes:** The tribes, and their fuel suppliers, collect state taxes on fuel sold at the Crater Lake Junction Travel Center and remit the taxes collected to the Fuels Tax Group. The Fuels Tax Group refunds a portion of the taxes collected to the tribes for tribal use. This agreement is operating successfully.

Additionally, all federally recognized tribes are eligible to receive refunds of fuels tax paid for fuel used in tribal government vehicles when used for official business. Currently only the Confederated Tribes of

the Umatilla Indian Reservation and the Confederated Tribes of Warm Springs, and the Klamath Tribes apply for refunds. The Fuels Tax Group will continue its outreach to inform tribes of the opportunities regarding fuels tax refunds.

The 2021 Oregon Legislature passed House Bill 3055. Included in the bill is a provision for federally recognized tribes that operate service stations on reservation or trust land to purchase tax exempt Motor Vehicle Fuel from licensed Motor Vehicle Fuel Dealers. The Fuels Tax Group is working on updating administrative rules and tax forms. A notice detailing requirements has been delivered to the federally tribes in Oregon. The provision is effective for fuel sold on or after January 1, 2022.

Driver and Motor Vehicle Services Division

About

ODOT’s Driver and Motor Vehicle Services Division (DMV) issues driving privileges, identification cards, vehicle registrations, and vehicle titles to members of the nine federally recognized tribes in Oregon.

Tribal members can access these services by visiting any of the 60 DMV field offices across Oregon, going online through DMV2U.oregon.gov, and via mail at DMV Headquarters.

Tribal identification cards and tribal government-issued birth certificates from members of all nine federally recognized tribes are accepted as proof of identity when applying for a standard Oregon driver license, driver permit, or identification card.

Government-exempt vehicle registrations and license plates are issued to all nine federally recognized tribes when tribal governments apply to register any

government-owned vehicles. In addition, the department continues to title and register motor vehicles owned by tribal members which are operated outside of reservation boundaries.

Interactions with Tribes

DMV makes contact with all tribal governments when implementing new or amended state and/or federal laws, administrative rules or DMV policies. Information is distributed via newsletters, bulletins, fact sheets and frequently asked questions via the same broad-based outreach effort used to communicate with all Oregonians. This communication is distributed throughout the implementation process. DMV welcomes feedback from tribal communities to understand how a given change will affect their communities.

Since July 2020, Oregon has offered optional driver licenses and identification cards that are compliant with the federal

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REAL ID Act. Holders of REAL ID credentials will be allowed to board domestic commercial flights after May 3, 2023, without additional documentation. To obtain a REAL ID credential, federal regulations require applicants to provide proof of lawful status. Acceptable proofs for U.S. citizens include a government-issued birth certificate, a valid passport, a Certificate of Citizenship, or a Certificate of Naturalization. Federal REAL ID regulations do not include tribal cards as acceptable proof. However, the Transportation Security Administration (TSA) will continue to accept federally recognized tribal-issued photo ID to board domestic commercial aircraft. Tribal identification cards remain acceptable as proofs of identity and legal presence for standard Oregon driver licenses and identification cards. Information regarding the acceptance of tribal identification cards for identity purposes can be found on DMV's website.

Oregon is required to undertake a public information program to educate the public about REAL ID cards, requirements and alternatives. The Real ID Communication Plan identifies tribal governments as one of

the focuses of the outreach effort. Relevant information was provided directly to tribal government contacts during the REAL ID implementation process. Additional information will be provided through a public education campaign targeting all Oregonians in the months leading up to the federal Real ID enforcement date of May 3, 2023.

False document recognition training is delivered to tribal government employees upon request. This type of training is most frequently used to help gaming employees detect altered or counterfeit identity documents.

DMV provides photographs, vehicle registered owner information and other records directly to tribal law enforcement agencies. These records are used to aid with ongoing tribal law enforcement investigations.

When contacted by tribal representatives, DMV will provide training to volunteers and attend outreach events to provide information to attendees. DMV remains committed to reaching out to all tribal communities for participation on committees as appropriate.

Delivery and Operations Division

ODOT's Delivery and Operations Division (formerly the Highway Division) is responsible for the maintenance, operations, preservation, and improvement of the state's multimodal transportation system. The Delivery and Operations Division is responsible for delivering major construction programs like the large transportation investment package passed by the Oregon State Legislature in 2017 ([Keep Oregon Moving](#)) as well as federally funded projects included in the Statewide Transportation Improvement Program – ODOT's four year capital improvement

program. The Delivery and Operations Division maintains nearly 2,700 bridges and more than 8,000 centerline miles of state highway. Typical maintenance work includes emergency road repairs, snow removal, vegetation management, patching potholes, and incident response. Several state highways provide access to, or run directly through, tribal lands. The Delivery and Operations Division's maintenance forces and construction staff frequently interact with tribal governments in this capacity.

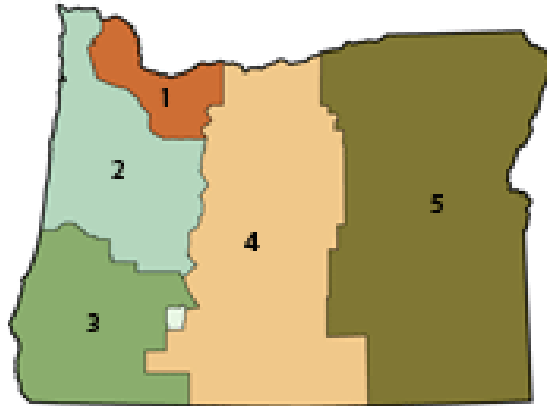
Regions

Much of the Delivery and Operations Division's work is accomplished through ODOT's five geographic regions. Each region is responsible for the construction, maintenance, and operations of the state highway system within its boundaries. ODOT's regions serve as the primary liaisons to local governments and other regional stakeholders, including the Area Commissions on Transportation. ODOT staff members from regional offices participate in local government transportation planning and oversee the delivery of federally funded local projects.

Each region conducts project development and construction activities. Within the regions, these construction activities are divided geographically by area. The area offices typically take the lead in developing environmental documents to address the National Environmental Policy Act in advance of preliminary and final design work. Coordination with tribal governments takes place whenever tribal resources may be impacted.

Once regulatory approvals have been granted, region staff goes through a process of preliminary and final design for ODOT projects with their areas. Region staff coordinates with tribal governments, as appropriate, based on possible impacts identified during the environmental documentation process.

After completion of preliminary and final design, Region offices manage the construction process. Tribal interests, resources, and concerns, as identified through the environmental documentation process and through preliminary and



TRANSPORTATION REGIONS

final design, are managed during the construction process.

Region staff funds and conducts a variety of long-range planning activities, in coordination with local governments, stakeholders, and the general public. Planning staff work directly with tribes to ensure proper consultation on long-range planning document. These efforts establish public support for system management and improvement priorities and set the stage for subsequent project development and implementation when funding is available.

Each region conducts maintenance activities on the state highway system. Within the regions, these maintenance activities are subdivided into districts. District offices routinely coordinate maintenance activities with tribal governments including, traffic control during events, highway closures and other emergency activities, snow removal and other winter maintenance, lane closures, construction delays, severe weather events, and other restrictions.

Region staff members have some of the most frequent face-to-face interactions with tribes because of their local focus.

Delivery and Operations Division: Region 1

About

ODOT Region 1 encompasses Clackamas, Hood River, Multnomah, and Washington counties. The Region 1 headquarters office is in Portland. Construction offices in west Portland, east Portland, and Troutdale administer construction contracts which may have tribal involvement. Offices in Clackamas and Troutdale house district maintenance functions.

Interactions with Tribes

Area Commissions on Transportation

The Region 1 Area Commission on Transportation covers Clackamas, Hood River, Multnomah, and Washington counties and does not currently have a tribal government representative as a voting member.

Hood River Bridge Replacement Project

ODOT and the Federal Highway Administration are coordinating with the Port of Hood River to continue consultation with federally recognized tribes with a connection to the project area. The primary purpose of this project is to improve multi-modal transportation of people and goods across the Columbia River between the Hood River and White Salmon/Bingen communities by replacing the existing Hood River-White Salmon Bridge. The Federal Highway Administration, along with the Port of Hood River and Oregon Department of Transportation, are the joint lead agencies for compliance with the National Environmental Policy Act. In April 2019, the Federal Highway Administration invited the following tribes to become Participating Agencies in the development of a supplemental draft environmental impact statement for the project: Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, Confederated Tribes of Warm Springs,

and Confederated Tribes of the Umatilla Indian Reservation. These same tribes were recognized as consulting parties under Section 106 of the National Historic Preservation Act and results of the cultural resources reports were shared with each of the consulting tribes. The Confederated Tribes of Warm Springs and the Confederated Tribes of the Umatilla Indian Reservation have reserved fishing rights along the Columbia River, as stipulated in their respective treaties with the United States Government. In 2021, the Federal Highway Administration, ODOT and the Port of Hood River met with a special joint session of the Fish and Wildlife Commission together with the Cultural Resource Committee of the Confederated Tribes of the Umatilla Indian Reservation. At this joint session project details were provided to the Tribe with preliminary findings of anticipated impacts to established Treaty Fishing areas and effects to cultural resources. Also in 2021, the Federal Highway Administration, ODOT and the Port of Hood River held a series of Section 106 Consulting Party Meetings which were attended by representatives of the Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, Confederated Tribes of Warm Springs, and Confederated Tribes of the Umatilla Indian Reservation.

Oregon City-West Linn Pedestrian and Bicycle Bridge Concept Plan Project

ODOT, in cooperation with the Federal Highway Administration—Oregon Division, City of Oregon City, City of West Linn, Clackamas County, and Metro jointly undertook an effort to investigate the feasibility of a pedestrian and bicycle bridge across the Willamette River connecting Oregon City and West Linn. ODOT and the Federal Highway Administration formally initiated Section 106 consultation with the Confederated Tribes of Grand

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Ronde, Confederated Tribes of Siletz Indians, Confederated Tribes of Warm Springs, and Confederated Tribes of the Umatilla Indian Reservation. These same Tribes attended a joint consultation meeting with ODOT in January at which the scope of the planning project was explained and Tribes were invited to share initial concerns. Separately ODOT met with staff from the Confederated Tribes of the Grand Ronde to discuss their initial concerns. As the current owner of the former Blue Heron Paper Mill property adjacent to the falls, the Confederated Tribes of Grand Ronde has both economic and cultural interests within the Concept Plan Project Area and engaged in multiple contacts with the project team. In addition,

the Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, Confederated Tribes of Warm Springs, and Confederated Tribes of the Umatilla Indian Reservation were members of the Project Advisory Committee.

Specific Interactions in 2021:

- **March 8:** ODOT staff met virtually with the Confederated Tribes of the Grand Ronde Community of Oregon to discuss Region 1 construction projects
- **April 20 and November 16:** ODOT staff met virtually with the Confederated Tribes of the Umatilla Indian Reservation and discussed Region 1 projects of interest.

Delivery and Operations Division: Region 2

About

ODOT Region 2 encompasses Benton, Clatsop, Columbia, Lane, Linn, Marion, Polk, Tillamook, and Yamhill counties, and a portion of western Washington County. The Region 2 headquarters office is in Salem. Offices in Salem, Astoria, Corvallis, and Springfield house local maintenance, planning, project delivery, and construction functions. The government offices of the Confederated Tribes of Grand Ronde and the Confederated Tribes of Siletz Indians are within Region 2.

Area Commissions on Transportation

Region 2 includes four Area Commissions on Transportation (ACTs). The Mid-Willamette Valley ACT covers Marion, Polk, and Yamhill counties. The Confederated Tribes of Grand Ronde participate as a full voting member on this ACT. The Cascades West Area Commission on Transportation covers Linn, Benton, and Lincoln counties. The Confederated

Tribes of Siletz Indians participate as a full voting member on this ACT. The Lane Area Commission on Transportation covers Lane County. The Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians participate as full voting members on this ACT. The Northwest Oregon Area Commission on Transportation covers Clatsop, Tillamook, Columbia, and rural western Washington counties; no tribal government is represented on this ACT.

Interactions with Tribes

Region 2 Maintenance

Highway maintenance activities in Region 2 are conducted through district offices in Salem, Astoria, Corvallis, and Springfield. Region 2’s district offices routinely coordinate maintenance activities with tribal governments. Typical activities include traffic control during events, highway closures and other emergency activities, lane closures, construction delays, severe weather events, and other restrictions.

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ODOT District 3 has worked with the Region 2 Environmental staff to maintain a ‘no mow’ area at milepost 12 of OR 22W where the Confederated Tribes of Grand Ronde collects and monitors butterfly larvae. The District Office has also issued three permits to the Grand Ronde Water Association for maintenance and operation of their facilities.

ODOT’s District 4 office (Linn, Benton, and Lincoln Counties) has executed an intergovernmental agreement (extended through 2023) with the Confederated Tribes of Siletz Indians to allow tribal members to collect Camas Bulbs at two specific locations on ODOT-owned right-of-way. ODOT’s District 5 office (Lane County) has been working with the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians to discuss the tribes’ interest in the Waite Ranch Wetlands Restoration Project located east of Cushman on OR 126W that is solely owned by the McKenzie River Trust.

Region 2 Construction and Project Delivery
OR 18/Fort Hill to AR Ford Road

ODOT has begun development of the next phase of improvements on OR 18 in the Fort Hill/Grand Ronde area. This project is considering options for improvements at the OR 18/OR 22 intersection (Valley Junction) and widening of the highway consistent with the improvement project completed between Fort Hill and Wallace Bridge. Staff from the Confederated Tribes of Grand Ronde are active participants in this project development activity. Work on a facility plan has been completed it has been submitted to Polk County for adoption prior to approval by the ODOT.

US 20: Pioneer Mountain – Eddyville
Region 2 construction staff and the Confederated Tribes of Siletz Indians continued negotiations for the transfer of surplus ODOT property to the tribes that is currently within the US 20 Pioneer Mountain – Eddyville project area. These negotiations have been ongoing, appraisals are complete, and conservation easement and property transfer agreements are currently being reviewed.

Region 2 Planning and Development Review

Region 2 funds and conducts a variety of long-range planning activities, in coordination with tribes, local governments, and the general public. These efforts establish public support for system management and improvement priorities and set the stage for subsequent project development and implementation when funding is available.

Ongoing long-range planning projects include:

- Newport Transportation System Plan
- Willamina Transportation System Plan
- A joint Transportation System Plan for Wheeler, Nehalem, and Manzanita
- An Interchange Area Management Plan for I-5/Brooklake Road (Brooks)
- A Facility Plan for OR 99W in South Corvallis
- A Facility Plan for US 101 in Gearhart
- An Active Transportation Safety Study on the OR 99W Couplet in McMinnville
- Creswell OR 99 Feasibility and Scoping Study

Tribal governments have been invited to participate in each of these studies.

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Delivery and Operations Division: Region 3

About

ODOT Region 3 encompasses Coos, Curry, Douglas, Jackson, and Josephine Counties. The Region 3 headquarters office is in Roseburg. Offices in Roseburg, White City and Coquille house local maintenance and construction functions. The government offices of the Coquille Indian Tribe, the Cow Creek Band of Umpqua Tribe of Indians, and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, are within Region 3. The Confederated Tribes of the Grand Ronde Community of Oregon, Confederated Tribes of Siletz Indians, and the Klamath Tribes also have ancestral ties to Region 3.

Area Commissions on Transportation

Region 3 has two area commissions on transportation. The Rogue Valley Area Commission on Transportation covers Jackson and Josephine counties, and the Southwest Oregon Area Commission on Transportation covers Coos, Curry, and Douglas counties. The Rogue Valley Area Commission on Transportation includes representation from the Cow Creek Band of Umpqua Tribe of Indians. The Southwest Oregon Area Commission on Transportation includes representation from the Coquille Indian Tribe, the Cow Creek Band of Umpqua Tribe of Indians, and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. The Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, and the Klamath Tribes requested to participate as ex officio members and receive notifications.

Interactions with Tribes

Region 3 Maintenance

Modification and maintenance of state highways can potentially have impacts on

abutting properties. A number of federally recognized tribes own property, both in fee and in trust, throughout southwestern Oregon; some of that property abuts state highways. Maintenance managers and staff regularly contact tribal governments whose properties or interests might be impacted by maintenance activities.

Region 3 maintenance generates approximately 30 projects a year within Region 3. Examples of typical projects include culvert repairs or replacements, scour repairs, and minor drainage improvements. Region 3 maintenance is also charged with maintaining the ODOT right-of-way. In general, the Region 3 Archaeologist/Tribal Liaison consults with the tribes that have ancestral ties to the project location.

Seven Feathers Truck Stop

Region 3 has worked with the Cow Creek Band of Umpqua Tribe of Indians on traffic backups that have been occurring on the frontage road near the Seven Feathers truck stop. Region 3 is monitoring and staff have provided the Tribe with some signage improvements. Region 3 staff has ongoing communications regarding capacity issues at the southbound exit 99 onramp, and discuss when the gate will be closed to ensure safe operations of the facility.

Access OR 42

Region 3 has worked with the Coquille Indian Tribe to adjust access to land the Tribe owns along OR 42. This access adjustment was intended to meet the Tribe's needs and to provide a safer egress to OR 42.

Wetland Bank

Region 3 has worked with the Cow Creek Band of Umpqua Tribe of Indians to adjust drainage from I-5 onto Tribe owned land to create a wetland bank near milepost 104.

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Winston Surplus Land

Region 3 has worked with the Cow Creek Band of Umpqua Tribe of Indians to identify ODOT surplus land for disposition near Highway 99 in Winston.

Winter Maintenance

Region 3 maintenance coordinates with the Cow Creek Band of Umpqua Tribe of Indians on closures on state facilities due to inclement weather.

Illegal Camping

Region 3 maintenance works with Cow Creek Band of Umpqua Tribe of Indians Police Department to share information about areas with illegal camping. In particular, Region 3 and the Tribe have coordinated to address areas of concern near Interstate 5 and Yokum Road bridge as well as at the bridge between Dillard and Winston where both ODOT and the Tribe manage adjacent properties.

Region 3 Construction and Project Delivery

Similar to Region 3 maintenance, Region 3 construction staff work with tribal governments whose properties or interests might be impacted by construction activities. This coordination is facilitated by the Region 3 Archaeologist/Tribal Liaison. Region 3 construction staff is charged with implementing the Statewide Transportation Improvement Program – ODOT’s four year capital improvement program. All projects in this program generated tribal coordination in 2021. Coordination happens early in the design phase, throughout project development, and if requested through the construction phase.

Region 3 Environmental

In addition to the above, Region 3 environmental interacts regularly with designated Tribal staff to discuss the Statewide Transportation Improvement Program, Local Agency Program, and

maintenance projects. Discussions typically involve the identification of archaeological sites and culturally significant vegetation. Opportunities for collaboration as well as avoidance measures or protections for cultural sites are also discussed.

Region 3 Planning

Region 3 planning manages the development of state and federally required transportation planning documents. These documents can include plans for future transportation projects to improve the transportation system, to improve safety, and relieve congestion. Plans can also include policies designed to reduce the impact of property development on the transportation system. Planning staff regularly interact with tribes when tribal interests or property might be affected by decisions made in transportation plans.

Planning staff conduct outreach to tribes whose properties and other areas of interest coincide with the study area of a given planning effort. Tribes are invited to participate on review committees for planning efforts. Planning staff annually interact with tribal government staff regarding planning grant programs like the Transportation and Growth Management Program (see Policy Data and Analysis Division section of this report for more on this grant program).

Planning staff conduct reviews of potential land use changes and developments. Planning staff have worked with the Coquille Indian Tribe, the Cow Creek Band of Umpqua Tribe of Indians, and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians on tribal property developments to ensure that tribal interests and the state transportation system are both accommodated.

Planning staff have or are currently working on the following long-range plans with Tribal Governments:

Umpqua Public Transportation District Master Plan

ODOT planning staff is working with the newly formed Umpqua Public Transportation District (UPTD) to develop its first transit master plan. The project is funded through ODOT’s Transportation Growth Management program and will identify eligible transit improvements. The Cow Creek Band of Umpqua Tribe of Indians is invited to participate in focus groups and on advisory committees to determine efficiencies in transit service for Tribal members.

Interstate 5 Bottleneck Corridor Plan

ODOT planning staff is developing the Interstate 5 Bottleneck Corridor Plan. The Cow Creek Band of Umpqua Tribe of Indians were invited to participate in focus groups and on advisory committees. The project has been completed, and will be soon go before the Oregon Transportation Commission for adoption.

OR138E Design Concept Plan

ODOT planning staff is in negotiations with a consultant to prepare the OR138E Design Concept Plan. The plan will identify roadway, bicycle and pedestrian improvements for OR138E from Stephens Street east to the Roseburg city Limits. The Cow Creek Band of Umpqua Tribe of Indians will be invited to participate in focus groups and on advisory committees. A notice to proceed is expected in January 2022.

US 199 Corridor Plan

ODOT planning staff is working with Josephine County to prepare the US 199 Corridor Plan. The plan will identify roadway, bicycle and pedestrian improvements for US 199 from the Applegate River west to the California border. The Confederated Tribes of Siletz Indians and the Confederated Tribes of Grande Ronde have been invited to participate in focus groups and on advisory committees.

Interstate 5 Exit 27 Interchange Area Management Plan Update

ODOT planning staff is developing a transportation solutions and Alternate Mobility Target for the Interstate 5 Exit 27 Interchange Areas Management Plan Update. The update will identify roadway, bike and pedestrian safety and operations improvements within the interchange influence area, and an Alternative Mobility Target for the South Medford Interchange. The Confederated Tribes of Siletz Indians and the Confederated Tribes of Grande Ronde will be invited to participate.

Interstate 5 Exit 124/125 Interchange Area Management Plan Update

ODOT planning staff is developing a Statement of Work for the Interstate 5 Exit 124/125 Interchange Area Management Plan update. The update will identify roadway, bike and pedestrian improvements within the interchange influence area. The Confederated Tribes of Siletz Indians and the Confederated Tribes of Grande Ronde will be invited to participate.

City of Winston Transportation System Plan Update

ODOT planning staff is working with the City of Winston to update its Transportation System Plan (TSP). The Cow Creek Band of Umpqua Tribe of Indians, Confederated Tribes of Grand Ronde, and the Confederated Tribes of Siletz Indians receive monthly email updates on project process. The three tribes have each been consulted and invited to review project deliverables for consistency with Tribal efforts.

Other Interactions:

Region 3 management has worked with the Coquille Indian Tribe, the Cow Creek Band of Umpqua Tribe of Indians, and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians to discuss and develop unique tribal consultation

processes with each tribe. These processes assist ODOT and tribes in reviewing planning, maintenance, and construction projects (including review of the Statewide Transportation Improvement Program). The discussions include development of preferred methods of communication, appropriate contacts, consultation opportunities, documentation, and process evaluation.

Region 3 has coordinated with ODOT headquarters environmental staff and Department of Environmental Quality staff in a statewide, multi-agency effort

with a number of Tribes on the Jordan Cove Pacific Connector Pipeline project. The discussions around the pipeline have included The Confederated Tribes of Grand Ronde, the Coquille Indian Tribe, the Cow Creek Band of Umpqua Tribe of Indians, and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians

Region 3 is currently implementing an ODOT pilot program regarding staging and disposal site selection. This pilot program is intended to facilitate better coordination with tribes regarding contractor designated staging areas.

Delivery and Operations Division: Region 4

About

ODOT Region 4 encompasses Crook, Deschutes, Gilliam, Jefferson, Klamath, Lake, Morrow, Sherman, Wasco, and Wheeler counties. The Region 4 headquarters office is in Bend. Offices in Bend, The Dalles, and Klamath Falls house local maintenance and construction functions. ODOT Region 4 primarily interacts with tribal governments in the areas of highway maintenance, construction project delivery, planning, and traffic. The government offices of the Klamath Tribes and the Confederated Tribes of Warm Springs are within Region 4.

Area Commissions on Transportation

Region 4 includes three area commissions on transportation with tribal representation. The Lower John Day Area Commission on Transportation covers Gilliam, Sherman, Wheeler, and Wasco counties. The Confederated Tribes of Warm Springs participate as full voting members on this area commission. The Central Oregon Area Commission on Transportation covers Crook, Deschutes,

and Jefferson counties. The Confederated Tribes of Warm Spring also participate as full voting members on this commission. The South Central Oregon Area Commission on Transportation covers Klamath and Lake Counties. The Klamath Tribes participate as full voting members on this commission.

Interactions with Tribes

Maintenance

Region 4 is covered by three ODOT highway maintenance districts. Typical highway maintenance activities include emergency response, snow plowing and winter maintenance, and other routine activities to maintain safe operations on state highways for the traveling public. Maintenance District 9, which covers the northern portions of Region 4, works with the Confederated Tribes of Warm Springs on matters related to the ongoing operations of the state highway system. Maintenance District 10, which covers the central part of Region 4, also works with the Confederated Tribes of Warm Springs. Maintenance District 11, which covers the southern portion of Region 4

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works with the Klamath Tribes on highway maintenance and operations related issues. ODOT Region 4 maintains US 26, US 97, and OR 216, all of which are routed through and provide access to tribal lands.

The routing of US 26 and OR 216 through the Warm Springs Reservation requires close partnership between ODOT and the Confederated Tribes of Warm Springs and has resulted in a number of formal agreements and informal coordination meetings. While regular coordination meetings were suspended in 2020 due to COVID-19, ODOT continued to operate under existing agreements that had been drafted in previous years. Region 4 maintenance crews frequently cooperate with the Confederated Tribes of Warm Springs public safety officers on highway incidents and wildfires. Region 4 maintenance continually works with the Confederated Tribes of Warm Springs to address hazard tree removal, drainage issues, rock fall hazards, and steep shoulder areas on US 26 and OR 216. In 2021, ODOT and the Confederated Tribe of Warm Springs came to an agreement clarifying responsibility for snow removal on the new multi-use path adjacent to US26. A plan has been developed and shared with the tribes for future winter activity.

Region 4 Maintenance also involves the Construction Enterprise of the Confederated Tribes of Warm Springs on future ODOT work. In District 9, communication continues between ODOT and the Construction Coordinator. The Warm Springs Construction Enterprise continues to assist Region 4 with traffic control, periodically deploying trained flaggers since 2018. An Inter-Governmental Agreement has been drafted between the two entities to provide traffic control services on ODOT projects.

Since the last report, Region 4's maintenance districts are now providing all Tribes in Region 4 with copies of permits for third party utilities locating in ODOT right of way. Additionally, the

Confederated Tribes of Warm Springs reached out to District 10 early in the COVID-19 pandemic to help notify travelers about closure of tribal lands. The Confederated Tribes of Warm Springs asked ODOT to help spread the message, which District 10 accomplished through the TripCheck traveler information website. This arrangement is ongoing.

During 2021, there were no opportunities to partner with CTWS for rock scaling work but the Region continues to partner on hazard tree removal where applicable within the Reservation. Region 4 and the tribes are expecting to make use of this same arrangement for hazard tree removal on an ongoing basis.

The District 11 maintenance office in Klamath Falls has worked hard to build stronger relationships with the Klamath Tribes, meeting informally when the need arises. District staff planned to formally meet twice annually with tribal staff to explore potential collaboration opportunities, but those meetings were cancelled in 2021 due to COVID-19. District 11 staff continues to furnish the Klamath Tribes with copies of third party utility permits as an informational tool. This work is expected to continue in 2022.

In September 2021, a wildfire broke out on the Chiloquin Ranger District of the Fremont-Winema National Forest. Eventually named the "242 Fire," (because of the Highway 97 milepost from where it was first reported) it burned for nearly a month, tore through 14,500 acres, and damaged or destroyed nearly 100 structures. There was extensive collaboration between ODOT, representatives from the Klamath Tribes, and Oregon State Parks—especially in the early planning stages. Considerable work went into ensuring crews were cutting appropriately and not disturbing Tribal sites or affecting Tribal fishing grounds. Tribal monitors were on site during much of the work monitoring activities and providing insight.

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Construction and Project Delivery

Through the Lower John Day and Central Oregon Area Commissions on Transportation and through regular coordination, Region 4 Project Delivery staff continues to collaborate with Confederated Tribes of Warm Springs staff to seek funding opportunities for priority transportation needs. Region 4 also includes staff from the Confederated Tribes of Warm Springs Technical and Emergency Services in the development of construction projects for the Statewide Transportation Improvement Program. Region 4 will participate in the tribes’ transportation coordination meetings (when they reconvene), where project delivery is a recurring topic.

Specific interactions in 2021 included:

- Continued collaboration and partnering on the US26 Warm Springs Corridor Safety Project. The \$7.5+ million safety and pavement preservation project will be substantially complete by the end of 2021. This project added pedestrian crossings of US26, a multi-use path, and other safety improvements within the Warm Springs Reservation. (Also, see reference above in the Maintenance section to the agreement reached regarding snow removal along this stretch.)
- Region 4 staff continued participating in partnering sessions with ODOT’s Office of Civil Rights Staff and Confederated Tribes of Warm Springs representatives to discuss employment issues affecting tribal members, including implementation of the Tribal Employment Rights Ordinance (TERO).

Through the South Central Oregon Area Commission on Transportation, the Klamath Tribes participate in the selection and development of construction projects for the Statewide Transportation Improvement Program. The South Central Oregon Area Manager participates in regular meetings with the Klamath Tribes

Planning and Transportation Departments, along with cultural resources staff and ODOT archaeologists to discuss projects in development and construction.

- Region 4 worked with the Klamath Tribes to develop an upcoming Safe Routes to Schools project in Chiloquin where pedestrian safety improvements, including a new pedestrian walking path will be constructed.
- Region 4 collaborated with the Klamath Tribes to create the first of its kind wetland restoration project where the endangered Lost River (C’waam) and Short Nose (Koptu) sucker fish will be protected as juveniles and then released into Klamath Lake as adults.

Traffic

Region 4 Traffic is a technical group that provides expertise on traffic engineering, roadway engineering, and traffic standards. In 2021, Region 4 Traffic group continued to work with the Confederated Tribes of Warm Springs to improve the safety of the US 26 Corridor through Warm Springs through the development of the US 26 Warm Springs Safety Corridor Project. Following the project, Region 4 Traffic is actively working with concerned residents to understand their concerns regarding changes to the highway and how they impact safety, operations and local access through Warm Springs.

Planning

The Region 4 Planning unit works to develop long-range plans for meeting future transportation needs as well as short-term planning activities for ODOT’s construction work. In addition to these planning activities, Region 4 Planning staff works with tribal governments, local jurisdictions, developers, and others to better coordinate land development and transportation. As a part of this coordination, Region 4 Planning staff often works with tribal governments in reviewing

land use and development applications. Planning staff also works with tribal governments through the Transportation Growth Management grant program (See the Policy Data and Analysis Division report for more details on this program) and ODOT’s Statewide Planning Research fund to support education, outreach, code-assistance, planning studies, and long-range planning.

Region 4 Planning coordinates and participates in formal consultation

processes with tribal governments on the development of long range and capital improvement planning. Informal collaboration meetings also take place frequently with tribal governments.

In 2021, Region 4 Planning participated in a Transportation Planning Meeting with the Klamath Tribes to introduce new staff, review the Safe Routes to School program, and discuss transportation topics of interest to the Klamath Tribes and ODOT.

Delivery and Operations Division: Region 5

About

ODOT Region 5 encompasses Morrow, Umatilla, Union, Wallowa, Grant, Baker, Harney and Malheur counties. The Region 5 headquarters office is located in La Grande. Offices in La Grande, Ontario and Pendleton house local maintenance and construction functions. The government offices of the Confederated Tribes of the Umatilla Indian Reservation and the Burns Paiute Tribe are within Region 5.

Area Commissions on Transportation

Region 5 includes two area commissions on transportation. The Northeast Area Commission on Transportation covers Morrow, Umatilla, Union, Baker, and Wallowa counties. The Confederated Tribes of the Umatilla Indian Reservation are voting members of this commission. The Southeast Area Commission on Transportation covers Grant, Harney and Malheur counties. The Burns Paiute Tribe is a voting member.

Tribal Employment Rights

ODOT has a signed memorandum of understanding with the Tribal Employments Rights Office of the

Confederated Tribes of the Umatilla Indian Reservation. This memorandum establishes policies and procedures for ODOT and the tribes to follow in order to ensure the Tribal Employment Rights Office Code and the “Indian Preference” provisions of federal law are met. Per the terms of the agreement, Region 5 staff participates in an annual project selection meeting in advance of the construction season with staff from the tribes’ Tribal Employment Rights Office. This year, the project selection meeting occurred via teleconference on July 14th, 2021. The Tribal Employment Rights Office is also invited to every pre-construction meeting that is subject to the tribal employment rights memorandum. Per the memorandum of understanding, these pre-construction meetings take place either on or near the reservation, but due to COVID restrictions, have taken place virtually. Tribal Employment Rights Office compliance officers are encouraged to attend scheduled project weekly/bi-weekly meetings to receive the most recent updates on project progress, project issues, and project staffing.

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Region 5 Maintenance

Region 5 includes three ODOT maintenance districts. District 12 encompasses much of the Umatilla Indian Reservation and the various state highways that provide access to the Reservation. The District 12 offices are in Pendleton. District 12 and 13 also fall within the negotiated boundary as identified in the Tribal Employment Rights Ordinance memorandum of understanding. District 14, which is headquartered in Ontario, includes the Burns Paiute Reservation.

District 12 works with the Confederated Tribes of the Umatilla Indian Reservation in multiple ways throughout the year. For example, when maintenance forces are performing work within the reservation boundary, the district office alerts the Tribal Employment Rights Office that ODOT is performing state-funded work within ODOT right-of-way. When ODOT crews are unable to perform the necessary maintenance work, ODOT opens up a given project to a competitive bidding process. If the work is within the reservation boundary, then the Tribal Employment Rights Office is eligible to assign a hiring goal and to collect a compliance fee from contractors for working on the reservation.

With new tribal developments in the vicinity, District 12 is engaged with the tribes to create strategies to help Highway 331 function safer and efficiently and continues to work with the Confederated Tribes of the Umatilla Indian Reservation during Interstate 84 road closure events at exit 216 for coordination of truck parking at businesses operated on tribal lands. There is coordination with the tribes' Hazmat Team on reportable hazmat releases that occur on highways within the Reservation boundary. The district works in conjunction with tribes in issuing chain up permits each winter. The tribes provide five permits to tribal members to assist commercial trucks chaining up on tribal

lands. ODOT provides additional permits to individuals to assist commercial trucks chaining up on Interstate 84.

District 12 will continue to engage the Confederated Tribes of the Umatilla Indian Reservation on land use actions in proximity to state highways within the Reservation boundary. Similarly, the district will continue efforts to work with the tribes on safety improvement projects and other projects that benefit the public on state highways within the Reservation boundary. ODOT continues to engage with Confederated Tribes of the Umatilla Indian Reservation Water Quality Staff regarding salt usage protocols.

District 13 has coordinated with tribes on several stream bank restoration projects adjacent to state highways. ODOT continues to offer hazard trees that are within the right-of-way to be used as stream features during these conservation projects.

District 14 continues coordination with the Burns Paiute Tribe on the transfer of an ODOT owned quarry with significant cultural resources over to the tribes. On September 27, 2021, District 14 maintenance staff attended Diane Teeman's presentation cultural awareness presentation (as described above in the Director's Office section of this report). On October 20 and 21, 2021, the Burns/Juntura crews worked with Region 5 Archeologist Alex New on tree cutting within the right of way on US395C, with regards to the construction being near an archaeological site.

Region 5 Construction and Project Delivery

Through the Area Commissions on Transportation, the Burns Paiute Tribe and the Confederated Tribes of the Umatilla Indian Reservation participate in the selection and development of construction projects for ODOT's Statewide Transportation Improvement Program.

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In addition to the presentation of the draft 2024-2027 Statewide Transportation Improvement Plan at the area commission on transportation meetings, the Region 5 Area Manager reached out to the Confederated Tribes of the Umatilla Indian Reservation and Burns Paiute Tribe for input on the list of potential construction projects in October of 2021. The desired outcome was to determine if any of the proposed projects were in areas of concern and to provide earlier advance notice of projects that ODOT is considering. There was great collaboration and cooperation with the Burns Paiute Tribe on US 20 Culverts project.

Throughout 2021, Region 5 staff attend all quarterly Tribal Employment Rights Office Contractor Certification training sessions by the Confederated Tribes of the Umatilla Indian Reservation and at each training session (all of which were held virtually).

- **March 4, 2021:** Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, Quarterly Contractor Certification Training, virtual meeting.
- **May 6, 2021:** Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, Quarterly Contractor Certification Training, virtual meeting.
- **July 14, 2021:** Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, Statewide Transportation Improvement Program annual review and selection of upcoming 2021 construction projects; teleconference.
- **August 5, 2021:** Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, Quarterly Contractor Certification Training, virtual meeting.
- **August 6, 2021:** Region 5 Field Coordinator organized and attended the TERO Informative Session for Consultant Project Managers/Contract

Administrators. TERO Program Manager John Barkley led a 30-45 Minute Informative Session regarding TERO and their processes, with an open forum at the end for questions and discussion.

- **November 4, 2021:** Confederated Tribes of the Umatilla Indian Reservation, Tribal Employment Rights Office, Quarterly Contractor Certification Training, virtual meeting.

Tribal consultation meetings and discussion for Region 5 project development and construction actions are coordinated and directed by ODOT’s Cultural Resources Program staff (See the Environmental and Hydraulic Engineering section of this report for more). To complement the work of the Cultural Resources Program, Region 5’s environmental staff and Area Manager provided support and attended meetings with cultural resources divisions of the Confederated Tribes of the Umatilla Indian Reservation and the Burns Paiute Tribe. The Region 5 archaeologist coordinates tribal consultation on all Statewide Transportation Improvement Program projects, state funded projects within reservation boundaries, and specific Maintenance projects.

Region 5 Planning

Planning staff consults with both the Burns Paiute Tribe and the Confederated Tribes of the Umatilla Indian Reservation to deliver strategic intermodal planning projects and policies. This includes discussion, consultation, and planning for all transportation modes.

Region 5 planning continues to reach out to both the Confederated Tribes of the Umatilla Indian Reservation and the Burns Paiute Tribe regarding applicable grants, invitations, and planning-related initiatives. The Confederated Tribes of the Umatilla Indian Reservation were awarded an Oregon Community Paths

grant to construct a walking and bicycling path to access the tribal services center. The Confederated Tribes of the Umatilla Indian Reservation Transportation and Growth Management Program (see the

Policy Data and Analysis Division section of this report for more on this program) grant to assist with the update of the multi-modal Transportation System Plan is under development.

Delivery and Operations Division: Environmental and Hydraulic Engineering Section

About

ODOT’s Environmental and Hydraulic Engineering Section (EHES) supports environmental regulatory compliance and best engineering practices for state transportation projects and programs. The section is responsible for development of statewide standards of practice, guidance and manuals, training, and asset management for geology, hydrology, and environmental disciplines within ODOT.

Environmental and Hydraulic Engineering staff serve as stewards of the public interest for a variety of natural and cultural resources and for safe transportation infrastructure. The majority of EHES’s interactions with tribes occur through three program areas: Wildlife Crossings Program, Fish Passage Program, and Cultural Resources Program. In addition, ODOT’s cultural resources program team lead holds a seat on the Legislative Commission on Indian Services’ Cultural Resources Cluster, and ODOT’s environmental unit manager participates in the Natural Resources Workgroup meetings.

Wildlife Crossings Program

The ODOT wildlife passage program identifies and builds wildlife passage structures to reduce animal-vehicle collisions on state highways. The goals of the program are to identify areas of heaviest wildlife movement across state

highways, reduce animal-vehicle collisions on state highways, determine highest-priority areas to improve wildlife passage across state highways, and inform and educate the public on wildlife corridors and how they can reduce animal-vehicle collisions. ODOT continues to work with FHWA to establish a wildlife passage interest group, including local, state, and federal agencies as well as tribal and non-profit partners to address the issue of wildlife passage.

ODOT’s Wildlife Crossing Coordinator serves on a committee with the Burns Paiute Tribe to explore the potential for a wildlife crossing feasibility study near tribal property east of Juntura. This committee continued coordinating in 2021 to develop solutions for effective wildlife passage.

Wetlands Program

The Wetlands Program addresses ODOT’s compliance with the Clean Water Act and Removal-Fill Law. In order to achieve compliance and address compensatory mitigation needs in advance of ODOT project needs, the agency has developed a Mitigation and Conservation Banking Program. Banking program projects include the recently built compensatory mitigation site on Upper Klamath Lake, where ODOT is working with the Klamath Tribes on reintroducing suckers. The Banking program manages several other sites throughout the state as well.

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Fish Passage Program

ODOT's fish passage program supports the Oregon Plan for Salmon and Watersheds. The purpose of the program is to benefit native migratory fish by replacing or retrofitting culverts for improved fish passage on the state highway system in the most cost effective and efficient manner possible. Working with the Oregon Department of Fish and Wildlife and regional stakeholders, Fish Passage Program staff assess high-priority fish passage barriers when selecting improvement projects across the state. In addition, the program is integrated with ODOT's Culvert Repair Program to help ensure that culvert repairs and replacements are designed to improve fish passage conditions. ODOT updates tribes on our fish passage program through the Legislative Commission on Indian Services Natural Resources Workgroup meetings.

In 2021, ODOT delivered five projects under the ODOT / Oregon Department of Fish and Wildlife Culvert Repair Agreement. These projects improved native migratory fish access to over 13 miles of potential habitat. Three additional projects, designated as statewide high priority barriers, finished design for full replacement and are slated for construction starting in 2022.

ODOT Fish Passage and Hydraulic Engineering staff visited the Confederated Tribes of Warm Springs Reservation of Oregon in the summer of 2021 to evaluate potential fish passage barriers. Several sites were surveyed with tribal biologists. Surveys found that fish passage conditions were acceptable at high priority locations. Confederated Tribes of Warm Springs biologists will continue to monitor these sites, and coordinate with ODOT should conditions change.

Cultural Resources Program

ODOT's cultural resources program supports transportation projects while protecting cultural resources across the

state. The program works with ODOT regional offices, tribal governments, local governments, and others to identify cultural resources and potential concerns early in project delivery and throughout the project lifecycle. In addition, the Federal Highway Administration has delegated tribal coordination responsibilities to ODOT archaeologists for transportation projects subject to Section 106 of the National Historic Preservation Act. ODOT's Cultural Resources team provides statewide training to ODOT staff on cultural resources, tribal awareness and government-to-government training.

Cultural Resources Work Agreements

ODOT maintains intergovernmental agreements with tribes to support cultural resources compliance and protection work. Agreements are maintained with the following:

- Burns Paiute Tribe
- Confederated Tribes of Grand Ronde (currently being renegotiated)
- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Reservation of Oregon
- Coquille Indian Tribe
- Cow Creek Band of Umpqua Tribe of Indians
- The Klamath Tribes

Tribal Summit

ODOT received grant funding from the Federal Highway Administration in the fall of 2019 to host our first Tribal Summit on Natural and Cultural Resources. ODOT formed a planning committee composed of ODOT, Federal Highway Administration staff, Tribal, and State Historic Preservation Office staff and held planning meetings throughout 2019 and 2020. The plan was to host the meeting in May of 2020 but in March 2020, COVID-19 forced the cancellation of this summit. As the COVID-19 pandemic has persisted into 2021 the summit has been rescheduled to occur September 14 and 15, 2022.

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New Section 106 Programmatic Agreement

ODOT cultural staff completed an initial draft of a new program-level Section 106 Programmatic Agreement (PA) to replace the existing 2011 PA. This draft PA was sent to Oregon’s nine federally recognized Tribes for initial review on October 6, 2021, with a request to submit any comments within 60 days.

Additional Interactions in 2020

COVID-19 has changed some of ODOT’s regular tribal consultation methods. For safety reasons, ODOT cultural resources program representatives conduct virtual meetings to maintain connections and open lines of communication. ODOT staff met with tribes throughout the year regarding ODOT’s transportation projects and other special initiatives and trainings. The following meetings occurred in 2020:

- January 19, 2021: ODOT and Federal Highway Administration staff met virtually with representatives from the Burns Paiute Tribe to discuss program and project updates.
- February 4, 2021: ODOT cultural program lead participated in the Intergovernmental Cultural Resource Council meeting.
- February 9, 2021: ODOT cultural program lead participated in the Cultural Resources Cluster meeting.
- March 8, 2021: ODOT and Federal Highway Administration staff met virtually with representatives from the Confederated Tribes of Grand Ronde to discuss program and project updates.
- March 19, 2021: ODOT staff met virtually with representatives from the Cow Creek Band of Umpqua Tribe of Indians to discuss program and project updates.
- April 6, 2021: ODOT staff participated in the Joint Natural and Cultural Resources Cluster meeting.

- April 20, 2021: ODOT staff met virtually with the Confederated Tribes of the Umatilla Indian Reservation Cultural Resources Committee and cultural staff to discuss program and project updates.
- June 4, 2021: ODOT and Federal Highway Administration staff met virtually with representatives from the Klamath Tribes to discuss program and project updates.
- June 8, 2021: ODOT cultural program lead participated in the Cultural Resources Cluster meeting.
- June 10, 2021: ODOT cultural program lead participated in the Intergovernmental Cultural Resource Council meeting.
- August 10, 2021: ODOT cultural program lead participated in the Cultural Resources Cluster meeting.
- October 6, 2021: ODOT cultural program lead participated in the Intergovernmental Cultural Resource Council meeting.
- October 12, 2021: ODOT cultural program lead participated in the Cultural Resources Cluster meeting.
- October 28: ODOT Staff met on site with Tribes and Agency representatives on the Zayo Prineville-Reno Fiber Optic Project to discuss options for addressing cultural resource concerns.
- November 16, 2021: ODOT staff met virtually with the Confederated Tribes of the Umatilla Indian Reservation Cultural Resources Committee and cultural staff to discuss program and project updates.
- November 16, 2021: ODOT staff met virtually with the Confederated Tribes of Coos, Lower Umpqua and Siuslaw cultural staff to discuss program and project updates.

- ODOT routinely includes tribal representation on hiring committees related to cultural resources hires for the agency. One panel convened in August 2021 involved the hiring of one of our Region Archaeologists.
- December 20, 2021: ODOT and Federal Highway Administration staff met virtually with representatives from the Confederated Tribes of Grand Ronde to discuss program and project updates.

Urban Mobility Office

About

ODOT Urban Mobility Office is a new office within ODOT, established in January 2020, and part of a new comprehensive approach to addressing congestion, access and mobility in the state. The Urban Mobility Office is responsible for delivering the design, development and implementation of the state's largest and most complex multimodal transportation projects and systems in urban areas. The initial focus is on the most densely populated and fastest growing geographic region in the state – the Portland metropolitan region. To date, the office is focused on developing and delivering innovative solutions for a comprehensive congestion management and mobility plan, inclusive of the ODOT Toll Program, the Interstate 5 Rose Quarter Improvement Project, and the Interstate 205 Improvements Project.

Interactions with Tribes

Toll Program

As part of *Keep Oregon Moving* (HB 2107), the Oregon Legislature directed the Oregon Transportation Commission to pursue and implement tolling on Interstate 5 and Interstate 205 in the Portland metropolitan region to provide additional traffic management tools to further manage congestion. A feasibility analysis determined that tolling could help manage congestion and raise revenue on Interstate 5 and Interstate 205.

In partnership with the Federal Highway Administration, planning for the Interstate 205 Toll Project began in 2020. As part of the National Environmental Policy Act process for the Interstate 205 Toll Project, ODOT and the Federal Highway Administration are coordinating with eight consulting Tribes, four of which are federally recognized in Oregon: Confederated Tribes of Grand Ronde; Confederated Tribes of Siletz Indians; Confederated Tribes of the Umatilla Indian Reservation; and Confederated Tribes of Warm Springs. Of these, only the Confederated Tribes of Grand Ronde responded to ODOT's August 2020 participating agency invitation: The Confederated Tribes of Grand Ronde declined this invitation and asked to initiate government-to-government consultation. In May 2021, the Federal Highway Administration sent government-to-government consultation initiation letters to Confederated Tribes of Grand Ronde; Confederated Tribes of Siletz Indians; Confederated Tribes of the Umatilla Indian Reservation; and Confederated Tribes of Warm Springs. The Confederated Tribes of Grand Ronde responded with a meeting request, and ODOT and the Federal Highway Administration met with the Tribes' representatives on August 4, 2021. The Federal Highway Administration and ODOT presented a description of the Interstate 205 Toll Project and the progress being made on the associated Environmental Assessment. No other

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Tribes in Oregon have expressed an interest in government-to-government consultation.

The Regional Mobility Pricing Project was initiated in late 2020 and is currently in a pre-National Environmental Policy Act phase known as Planning and Environmental Linkages. It is anticipated that the project will require an Environmental Assessment that will be initiated in mid-2022. On behalf of the Regional Mobility Pricing Project on September 20, 2021, the Federal Highway Administration sent invitations to Tribes, inviting them to participate in government-to-government consultation, to act as Participating Agencies, and to serve as consulting parties under Section 106. The following Oregon Tribes received invitations: The Confederated Tribes of Grand Ronde; The Confederated Tribes of Siletz Indians; The Confederated Tribes of the Umatilla Indian Reservation; and The Confederated Tribes of Warm Springs. The invitation letter included a map of the Regional Mobility Pricing Project area.

Interstate 5 Rose Quarter Improvement Project

The Interstate 5 Rose Quarter Improvement Project adds auxiliary lanes and shoulders to reduce congestion and improve safety on Interstate 5 between Interstate 84 and Interstate 405, and the project will improve community connections by redesigning overpasses and reconnecting neighborhood streets, enhancing public spaces, and promoting economic development opportunities. The Environmental Assessment process, per the National Environmental Policy Act, was completed in 2020. The Federal Highway Administration and ODOT published the Finding of No Significant Impact and a Revised Environmental Assessment on November 6, 2020.

On August 22, 2017, The Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, and Confederated Tribes of Warm Springs were sent invitations to be Participating Agencies during the National Environmental Policy Act process. The project team plans to engage in tribal coordination in the upcoming year to provide a project status update, information on construction contracting opportunities, and coordination on the Tribal Employments Rights Office ordinances.

Interstate Bridge Replacement Program

About

The Interstate Bridge Replacement program is co-led by the Federal Highway Administration and the Federal Transit Administration and is being delivered by ODOT and the Washington State Department of Transportation acting together as the Interstate Bridge Replacement Program. The previous planning effort to replace the Interstate 5 bridge across the Columbia River, known

as the Columbia River Crossing project, was active from 2005 until 2014, when it did not receive adequate funding to reach construction. During this effort, a Federal Environmental Impact Statement was completed, and the Record of Decision signed in December 2011. In November 2019, Oregon Governor Kate Brown and Washington Governor Jay Inslee signed a bi-state Memorandum of Intent to restart work to replace the Interstate Bridge. This memorandum outlined how the Interstate

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Bridge Replacement Program will develop a multimodal replacement solution delivered by a bi-state, multiagency team. The program is utilizing and updating past work to leverage extensive relevant portions of past work. The Interstate Bridge Replacement Program is currently identifying what has changed since the previous project ended, and incorporating current regional goals and priorities, to determine design for the multimodal Interstate Bridge Replacement solution.

The Interstate Bridge Replacement Program has established multiagency environmental groups to work collaboratively on the environmental compliance process. Outreach to Tribes began in August of 2020 and continues now. Of the eleven consulting Tribes, four are federally recognized Oregon Tribes: The

Confederated Tribes of Siletz Indians, The Confederated Tribes of Grand Ronde, The Confederated Tribes of Warm Springs, and The Confederated Tribes of the Umatilla Indian Reservation.

Tribes will be engaged throughout the life of the program, with special emphasis on the major project milestones. Letters sent in August of 2020 reinitiated consultation. Since that time, the project team has been meeting individually with the consulting Tribes to discuss the program and path forward. Discussions have focused on the status of the National Environmental Policy Act process, as well, as various natural and cultural resources issues. An intertribal meeting is planned for December 10, 2021 to bring the consulting Tribes together with the Interstate Bridge Replacement Program team and federal agencies.

Public Transportation Division

About

The Public Transportation Division exercises statewide leadership and vision in promoting, developing, funding, and managing multimodal statewide networks of transportation systems and facilities. These systems and facilities provide access to Oregon for the state’s citizens and visitors, provide efficient movement of commerce, support healthy sustainable travel choices and safe transportation system use, and enhance Oregon’s competitive position in national and international markets. There are four sections in the Division:

Policy and Strategic Investment Unit

This unit develops strategies and prioritizes investments to advance modal plans, statutes, and agency policies to create a more integrated statewide multimodal system rail to reach intended outcomes. The unit

manages and develops program guidance and selection criteria, combines funding and strategic management and maximizes the value of transportation investments locally, regionally and statewide.

Program Implementation Unit

This unit implements investment strategies in ODOT regions directly through existing regional transit coordinators, training staff and through collaboration with ODOT regional staff, such as active transportation liaisons, planners, delivery and operations staff and external partners. The Program Implementation Unit has six [regional transit coordinators](#) as single points of contact for tribes within described geographic areas of the state, corresponding to ODOT region boundaries. Regional transit coordinators are available to assist tribes with public transportation program development,

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grants and payments, technical support and training, transit program questions and oversight of transit projects. Regional transit coordinators frequently interact with tribal transit personnel via phone, email and in-person meetings.

Program Services Unit

This unit provides essential multimodal transportation system administration, business processes, and services at the headquarters office in Salem. The unit ensures funding is available and distributes those funds to eligible tribal governments. Staff assist tribes with the technical aspects of grants and payments, reporting and asset management. Support analysts interact with tribal transit personnel via phone and email. The website administrator ensures that information pertinent to tribes is posted and updated regularly. Unit staff manage agreement language in coordination with Oregon Department of Justice attorneys and tribal experts to ensure distinct clauses are included for tribal agencies and that their status as sovereign governments is acknowledged and respected.

Rail Operations and Statewide Multimodal Network Unit

This unit manages contracted delivery of public transportation services. In collaboration with regional transit coordinators, the unit facilitates local partnerships to identify and fill gaps in the statewide public transportation network through local providers or through increased Public Transit Division services. The Unit manages implementation and delivery of capital, operations and research projects that support statewide freight rail, passenger rail, and public transportation systems.

Advisory Committees

Public Transportation Advisory Committee

The [Public Transportation Advisory Committee](#) provides a statewide forum for public and special needs transportation providers and advocacy stakeholders within Oregon. The committee also provides input regarding significant transportation issues to the Oregon Transportation Commission and the Public Transportation Division. The committee will resume holding one or more of its bi-monthly meetings in rural areas, as COVID-19 restrictions permit. Arrangements had been for the July 2020 meeting to be hosted by the Coquille Indian Tribe with several of the tribal council members planning to attend. Unfortunately, these plans were postponed until 2022 due to the COVID-19 pandemic.

To ensure the interests of the tribal communities are considered at all times there is a designated seat on the Committee for a tribal transportation representative. The seat is currently filled by a member of the Coquille Indian Tribe. Additionally, PTAC looks for engagement from tribal members when creating workgroups and subcommittees to assist in making decisions and/or recommendations. For example, a member of the Coquille Indian Tribe is currently participating on a workgroup to refresh the Committee purpose and structure.

Safe Routes to School Advisory Committee

The [Safe Routes to School Advisory Committee](#) provides a statewide forum to recommend allocations from the Safe Routes to School fund to projects and programs that address barriers to students walking and rolling to school within Oregon. The committee also provides input regarding Safe Routes to School policy and program structure. The Safe Routes to School Advisory Committee includes two members from Oregon tribes representing the Confederated Tribes of the Umatilla Indian Reservation and the Coquille Indian Tribe.

Oregon Bicycle Pedestrian Advisory Committee

The [Oregon Bicycle and Pedestrian Advisory Committee](#), or OBPAAC, is an eight-member committee appointed by the governor that acts as a liaison between the public and Oregon Department of Transportation. It advises ODOT in the regulation of bicycle and pedestrian traffic, the establishment of bikeways and walkways, and other statewide bicycle and pedestrian issues. The committee meets six times a year in various locations around the state to support implementation of the [Oregon Bicycle and Pedestrian Plan](#) and listen to the views and concerns of interested citizens, local officials and ODOT staff.

In September 2021, Governor Brown appointed Lauren Morris, a member of the Coquille Indian Tribe and Mobility Coordinator for the Ko-Kwel Wellness Center, to membership on the committee.

Rail Advisory Committee

PTD also facilitates a [Rail Advisory Committee](#) to provide advice to the Public Transportation Division and Oregon Transportation Commission on issues that affect rail freight and passenger facilities and services in Oregon, including rail project selection for Connect Oregon funding. There is currently no tribal representative on the Committee.

Consolidated STIF Rules Advisory Committee

The Statewide Transportation Improvement Fund will merge with the Special Transportation Fund program beginning in the 2023-25 biennium. J.D. Tovey of the Confederated Tribes of the Umatilla Indian Reservation, served on the [2021 Consolidated STIF Rules Advisory Committee](#) representing tribal government transit providers. In this role, Mr. Tovey expressed concerns regarding project eligibility, funding stability, and burdens

around reporting and Advisory Committee requirements that other tribal members have expressed.

Parallel to the work of the Rules Advisory Committee, the Public Transit Division engaged with the nine tribes for informal programmatic consultation and, subsequently, formal consultation. Programmatic consultation efforts included information sharing by regional transit coordinators, offers to arrange listening and discussion sessions, and a Tribal Transit Roundtable. The Klamath Tribes engaged in a programmatic consultation and, in addition, representatives from six tribes attended the Tribal Transit Roundtable. The tribes include the Confederated Tribes of the Umatilla Indian Reservation, the Burns Paiute Tribe, the Coquille Indian Tribe, the Confederated Tribes of Warm Springs, the Klamath Tribes, and the Cow Creek Band of Umpqua Tribe of Indians. The roundtable was a collaborative effort between Public Transit Division and Mr. Tovey. Mr. Tovey hosted this first Tribal Transit Roundtable as an opportunity to gather input from tribal transit staff on this consolidation and other planning projects affecting their communities.

Subsequent to these informal engagement efforts, ODOT Public Transportation Division staff have also offered to hold formal consultations with tribal transit representatives to discuss the consolidation and key elements of each funding program that will be maintained. These consultations will wrap up by the end of 2021, and will help ODOT staff in the creation of guidance and training materials to ensure a smooth transition to one state-funded transportation program moving forward. As formal consultation efforts wrap up in late 2021, the Public Transit Division will reach out to each tribe with a summary of the process, what we heard, and how the information shared by tribes informed the consolidation process.

Programs and Initiatives

Safe Routes to School Program

The Safe Routes to School infrastructure program provides \$10 million in state highway funds each year to the Safe Routes to School Fund. The goal of the program is to provide competitive grants that will address the physical barriers of children walking and bicycling to school. Applicants must work with schools and school districts to identify and address these barriers through infrastructure projects within a one-mile radius of the school.

In 2021, ODOT staff and consultant partners successfully worked with the Confederated Tribes of the Umatilla Indian Reservation to complete a Safe Routes to School Plan. Staff additionally presented to and gathered program input from the Klamath Tribes and Confederated Tribes of the Umatilla Indian Reservation. Staff presented to the Education Cluster and followed up with Education staff at the Confederated Tribes of Warm Springs Tribe and Burns Paiute Tribe about grant opportunities. Staff has reached out via email and phone call to all tribes in advance of the 2022 grant solicitation in order to make sure all tribes know about grant opportunities and planning assistance and are able to apply for funds and services if they want to. Staff from the Confederated Tribes of Warm Springs raised a potential issue in regard to ODOT contract language requiring grantees to relinquish sovereign immunity. ODOT staff is currently researching and looking for ways to remedy this issue.

Oregon Community Paths

The Oregon Community Paths grant program is a biennial competitive grant program for funding off-road paths that connect communities or access destinations. The program was established in 2019 after the Oregon legislature passed House Bill 2592, which provided funds from a bicycle excise tax and a portion of

the Vehicle Privilege Tax for the Oregon Community Paths program. Revenues for this are listed as the Multimodal Active Transportation Fund, and ODOT has historically collected just under \$1 million each year. ODOT added Federal Highway Administration Transportation Alternatives funding to the program to help increase available funding, now averaging \$9 million every year. Demand for this program is over \$100 million.

In the first grant cycle, the Confederated Tribes of Warm Springs was awarded a federally funded Community Paths program grant for an off-road safe route to school project. ODOT is investigating with the Confederal Tribe of Warm Springs if and how to transfer funds to the Bureau of Indian Affairs in order to provide greater project flexibility for the Tribes. If successful, it may become an option for other tribes when receiving federally funded Community Paths grants. The Confederated Tribes of the Umatilla Indian Reservation were awarded a state-funded project to construct an off-road path to the Government Center, which links to the Safe Routes to School improvements connecting to Nixyaawii Community School. The City of Chiloquin was awarded a federally funded construction project to connect communities, which will provide benefits to members of the Klamath Tribes, and leverage other community and tribal projects.

For the second round of Oregon Community Paths program grants, which will consist of \$18 Million in federal dollars and is scheduled to begin in August 2022, ODOT will work with Tribal Liaisons to speak directly to tribes to inform them of the grant opportunities and provide program overview presentations.

Oregon Pedestrian and Bicycle Program

The goals of the Pedestrian and Bicycle program are to reduce crashes involving people walking and biking, eliminate crashes that result in injuries and deaths,

and promote walking and biking to improve health and safety. We work towards these goals by supporting implementation of the [Oregon Bicycle and Pedestrian Plan](#), developing walking and bicycling safety and education materials, funding projects that improve conditions for walking and biking, providing planning and design guidance for pedestrian and bicycle projects and staffing the [Oregon Bicycle and Pedestrian Advisory Committee](#).

The Sidewalk Improvement Program distributes one percent of ODOT State Highway Funds each year to complete sidewalks and bike facilities along state highways. In 2021-2024, Sidewalk Improvement Program will distribute \$22 million in funding. Tribes are eligible to propose projects on state highways for consideration for Sidewalk Improvement Program funding by contacting their ODOT region active transportation liaison (contact available at www.oregonwalkbike.org). In 2022, ODOT will be constructing a Sidewalk Improvement Program-funded pedestrian crossing of OR 18 in Grande Ronde that was requested by the Confederated Tribes of Grande Ronde.

Statewide Transportation Improvement Fund

Section 122 of [Keep Oregon Moving](#) (HB 2017) established the Statewide Transportation Improvement Fund, an ongoing source of funding for expanding public transportation service in Oregon. This funding is allocated to four funding programs:

- **Formula Fund:** 90 percent of funding is distributed to qualified entities, including tribes, based on employee payroll taxes collected within their geographic area, with a minimum amount of \$100,000 per year to each qualified entity.
- **Discretionary Fund:** Five percent of funding is awarded to eligible public transportation service providers based on a statewide competitive grant process.

- **Intercommunity Discretionary Fund:** Four percent of funding is awarded to public transportation service providers to improve public transportation between two or more communities based on a statewide competitive grant process.
- **Public Transportation Technical Resource Center:** ODOT uses one percent of the funding for its statewide technical resource center to assist transit providers in rural areas with training, planning and information technology; and to fund ODOT administration.

All nine federally recognized Tribes in Oregon are Qualified Entities and, as such, are eligible to receive Formula funds from the Statewide Transportation Improvement Fund. At present, no tribe generates enough taxable payroll in its area of responsibility to receive more than the minimum allocation of \$100,000 per year. During the second Formula funding period, eight of the nine tribes submitted plans for funding in the 2021-23 biennium. Tribes approved for 2021-23 funding by the Oregon Transportation Commission include the Coquille Indian Tribe; the Cow Creek Band of Umpqua Tribe of Indians; the Confederated Tribes of Coos, Lower, Umpqua, and Siuslaw Indians; the Confederated Tribes of Grande Ronde; the Confederated Tribes of Warm Springs; the Confederated Tribes of Siletz Indians; the Klamath Tribes; and the Confederated Tribes of the Umatilla Indian Reservation. One tribe—the Burns Paiute Tribe—notified ODOT of their plan to defer submittal for Formula funds to next biennium. ODOT has held their funds from the 2021-23 biennium and will roll them into the next biennium upon approval of the 2023-25 Statewide Transportation Improvement Fund Plans.

2021-23 Statewide Transportation Improvement Fund Discretionary and Statewide Transit Network

All nine federally recognized Tribes in Oregon are eligible to apply for Statewide Transportation Improvement Fund discretionary and intercommunity discretionary funds where they are providers of public transportation services. For the 2021-23 solicitation period, the Confederated Tribes of the Umatilla Indian Reservation applied for and was awarded grants totaling \$524,653 to support intercommunity fixed route transportation services that serve a multi-county area in northeastern Oregon and southeastern Washington. Umatilla County applied for and received \$601,644 in awards that will also be used to maintain essential services provided by the Confederated Tribes of the Umatilla Indian Reservation’s Kayak Public Transit. As part of the ODOT project selection process, tribes are asked to provide funding recommendations and any other feedback on submitted projects that concern their areas of responsibility.

Pedestrian/Bicycle Strategic & ODOT Safe Routes to School Programs

On January 21, 2021, the Oregon Transportation Commission approved \$255 million of funding to Public and Active Transportation Program (formally Non-Highway Program) in the 2024-2027 Statewide Transportation Improvement Program. The Public and Active Transportation Program includes a variety of sub-programs for public transportation services and capital projects, pedestrian and bicycle projects, Safe Routes to School education and infrastructure and Transportation Options programs.

Public Transportation Division has identified a draft list of projects for funding through this new program through a data driven process with extensive outreach to stakeholders, including consultation with the nine federally recognized Tribes in Oregon and outreach to other tribal

groups. In 2022, ODOT will refine the project list down to those projects that can be funded with approval from the Oregon Transportation Commission.

Regional Interactions

While numerous Public Transportation Division staff interact with tribal governments, the [regional transit coordinators](#) are the division’s primary points of contact with Oregon’s nine federally recognized Tribes. These coordinators, stationed in ODOT’s regions across the state, continue to work with the tribes to develop transit programs by providing technical assistance as requested. The following are specific interactions between regional transit coordinators and tribes in 2021:

Region 2, Northwest Oregon/Willamette Valley

In 2019, the Confederated Tribes of Grand Ronde worked with Region 2 Transit Coordinator Arla Miller on a combined Transportation Human Services Coordinated Plan/Transit Development Plan. Tribal staff were challenged to put these plans in place during the COVID 19 pandemic, as transit plans and expansions were put on hold while tribes concentrated on ensuring member safety.

COVID-19 has delayed further transit expansion plans between Grand Ronde and Dallas, which as the county seat of Polk County provides amenities and community services and facilities that are not available in Grand Ronde. Tribal members will ride free. Once the service begins, it will also afford residents of Dallas and surrounding communities the opportunity to travel to Grand Ronde for jobs at the casino, to visit family members, and connect to other transportation services.

Ms. Miller worked with the Confederated Tribes of Grand Ronde tribal planner regarding the Statewide Transportation Improvement Fund. This funding should address some of the needs identified in the combined plan mentioned above.

Ms. Miller worked with Confederated Tribes of Siletz Indians staff to encourage revise and adoption of the Tribes’ Coordinated Public Transportation Human Services Plan. This plan is a requirement for receiving Federal Transit Administration Section 5310 funds. Additionally, Ms. Miller worked with tribal staff to put together a 21-23 Statewide Transportation Improvement Fund Formula Plan for both biennia of formula funding, which was approved by the Oregon Transportation Commission.



Confederated Tribes of Coos Lower Umpqua and Siuslaw Indians partnership with Lane Council of Governments Florence to Eugene Route.

Region 3, Southwest Oregon

Regional Transit Coordinator Jennifer Boardman has been working to maintain relationships during this limited travel period. Regular phone and virtual meetings with each of the three tribes headquartered in ODOT Region 3 provides technical assistance, training and facilitation between tribes and local transit providers. The COVID-19 pandemic continues to hold or delay many of the projects that were anticipated in 2021. Added in 2021 was a SW Oregon Tribal Transit Meeting, which helps to provide resources for tribal transit providers which are unique to the rural tribes in SW Oregon.



Ko-Kwel Wellness Center-Coos Bay near Coos Bay (the Tribal Transit Department is housed here).

The Confederated Tribes of Coos Lower Umpqua and Siuslaw Indians continue to partner with Lane Council of Governments and Coos County Area Transportation District on the intercity coastal transit from Coos Bay to Eugene. These services provide a vital connection to medical and social events on both ends of the travel path. Tribal transit funds were also used to purchase tickets on local transit for tribal members, but have slowed significantly due to COVID-19 and variants. The Elder bus transit and youth trips were the impacted programs in 2021.

The Cow Creek Band of Umpqua Tribe of Indians has expanded its dial-a-ride service for use by tribal elders and human service transit for the greater Umpqua Valley. The tribe had its second compliance review in the spring of 2021 and were able to refine processes and ensure their program met the FTA requirements. The expansion of these services has also required the hiring an additional driver, and the tribe will be working toward acquiring a new transit vehicle in 2022.

The Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians’ partnership projects with local transit providers and funding assistance continue to aid in closing gaps in the transit network along the central Oregon coast.

The Coquille Indian Tribe increased its transit services back to pre-pandemic numbers in 2021. The newly completed expansion of the Ko-Kwel Wellness Center in Coos Bay provided an increase in service for tribal members who are from highly sensitive populations. Often transit trips

will include travel to urban areas, like Eugene or Portland, where specialized medical care. The Coquille Indian Tribe also worked on vaccination for their members both locally and in its five county services area.

The Coquille Indian Tribe continues working with Coos County Area Transportation District on the route from Charleston to Coos Bay. The route has increased in ridership each month since starting in July 2020. The funding for this partnership was secured through a competitive Federal Transit Administration Section 5311(c) Tribal Transit funds solicitation.

Region 4, Central Oregon

In the central Oregon region, ODOT Regional Transit Coordinator Theresa Conley continues to build relationships with the Confederated Tribes of Warm Springs and the Klamath Tribes, providing technical assistance, training and facilitating meetings between tribes and local transit providers.

The Confederated Tribes of Warm Springs contract with the Central Oregon Intergovernmental Council to provide transit service within the community of Warm Springs and connecting the community to neighboring cities. Ms. Conley helped facilitate several state and federal transit grants with the tribes, participating in regional planning conversations, providing ongoing technical assistance related to state and federal transit grants, and supporting continued service delivery during the COVID-19 pandemic.

Specifically, Ms. Conley supported ODOT’s Government to Governmental relationship with the Confederated Tribes of Grand Ronde by:

- Attending two virtual Statewide Transportation Improvement Fund Committee meetings with tribal staff,

- Participating in regional conversations to continue planning for transit service connecting Warm Springs with employment centers at Mt Hood recreational areas, including the ODOT-led “Vision Around the Mountain” process.
- Facilitating tribal staff training on Public Transit Division grant management and reporting,
- Providing technical support as tribal staff conducted the required contracting process for the federal purchased service program, and
- Providing ongoing technical assistance, via phone call and virtual meetings, related to implementation of state and federal transit grants.
- Seeking programmatic consultation opportunities related to the merger of two state transit funding program.

The Klamath Tribes directly operate demand response and Quail Trail intercommunity service throughout the Klamath Basin in south central Oregon. During 2021, Ms. Conley participated in collaborative conversations among regional transit providers, supported readiness for an ODOT compliance review, and provided technical assistance in implementation of several state and federal transit grants. Specifically, Ms. Conley supported ODOT’s Government to Governmental relationship with the Klamath Tribes by:

- Facilitating a virtual programmatic consultation meeting with tribal staff in order to hear feedback on PTD’s proposed merger of two state transit funding programs. This feedback directly informed the rulemaking process.
- Participating in two meetings with staff of the Klamath Tribes transit program and neighboring Basin Transit Service to coordinate delivery of future regional intercommunity services.

- Supporting The Klamath Tribes in implementation of new Statewide Transportation Improvement Fund grant including training on required reporting.
- Supporting tribal staff in preparation for an ODOT compliance review.
- Providing ongoing technical assistance, via phone calls and virtual meetings, related to implementation of state and federal transit grants with the Klamath Tribes.
- Being available to support the use of transit resources during both the COVID-19 pandemic and the massive and fast-spreading Bootleg Fire which greatly impacted traditional tribal resource lands and communities served by the Quail Trail services.

high frequency circulator route operated by Morrow County to address the first-mile-last-mile needs of commuters.

Mr. Thomas worked closely with the Burns Paiute Tribe and Harney County Dial-a-Ride to ensure that lifeline transit lines safely continued between the Reservation and nearby communities. Mr. Thomas worked with the Burns Paiute Tribe to maintain essential report and agreement processes in an operations-ready capacity.



Region 5, Eastern Oregon

Region 5’s Regional Transit Coordinator, Frank Thomas, works closely with Kayak Public Transit, a service of the Confederated Tribes of the Umatilla Indian Reservation, and the Burns Paiute Tribe tribal transit program.

In 2021, Mr. Thomas assisted both tribes with the development of projects and priorities for the Statewide Transportation Improvement Fund Discretionary, Intercommunity, and Formula awards.

Mr. Thomas worked with the Confederated Tribes of the Umatilla Indian Reservation to advance an innovative partnership with Umatilla County to jointly fund/deliver critical intercommunity services lines (formerly offered exclusively by Kayak Public Transit).

Mr. Thomas supported the Confederated Tribes of the Umatilla Indian Reservation and Morrow County to establish public transit services to the Port of Morrow in Boardman, Oregon. The Port of Morrow is Oregon’s second largest port. A joint planning project undertaken in FY 2021 anticipates intercommunity services delivered by Kayak Public Transit and a

Training Program

Due to the ongoing COVID-19 pandemic, the 2021 Oregon Public Transportation Conference was postponed and is currently planned for March 2022.

ODOT’s Public Transit Division facilitates the Public Transportation Maintenance Group peer exchange training forum which is chaired by Rob Johnson, a member of the Confederated Tribes of the Umatilla Indian Reservation. This group meets quarterly to offer technical assistance amongst peers including guidance on vehicle maintenance, exchange information, procedures and ideas, improve safety, reliability, and efficiency and effectiveness of bus operations, reduce costs of maintenance facility operations, improve passenger comfort and encourage the development of new and improved bus technologies.

Kayak Public Transit Hub in Mission, OR.

Tribal members from the Confederated Tribes of Siletz Indians; the Coquille Indian Tribe; the Cow Creek Band of Umpqua Tribe of Indians; Confederated Tribes of the Umatilla Indian Reservation; and the Burns Paiute Tribe all attended additional trainings offered throughout the year made possible with the Technical Assistance Program scholarship funds. The trainings included managing grants, OPTIS software, Passenger Assistance (PASS), procurement instruction, vehicle maintenance management and wheelchair securement certification, as well as driver-specific training covering subjects such as communication, conflict resolution, understanding the needs of riders, person-first perspective, assisting persons with mobility differences, Americans with Disabilities Act and wheelchair securement.

Staff Training

Public Transportation Manager, Marsha Hoskins, holds a Professional Certificate in Tribal Relations from Portland State University’s Institute for Tribal Government. She continues to participate in sessions with subsequent cohorts.

In 2021, two regional transit coordinators, Arla Miller and Theresa Conley, completed Portland State University’s Professional Certificate in Tribal Relations program. The program started in in December 2020 and was held virtually. Both coordinators were able to attend in person, with COVID procedures and distancing, the Tribal Nations Tour in July of 2021.

Two division staff, Regional Transit Coordinator Jennifer Boardman and Safe Routes to School Program Manager LeeAnne Ferguson, are enrolled in the 2022 Portland State University cohort for this certification.

Technical Resource Center

The Technical Resource Center assists public transportation service providers in

rural areas with training, transportation planning and information technology. The [Technical Resource Center website](#) is designed to help Oregon’s transportation agencies acquire the resources they need to effectively carry out their respective missions.

Other Federal and State Grants

Federal Grants

The Program Services Unit administers multiple U.S. Department of Transportation Federal Transit Administration programs that are available to the nine tribes:

Enhanced Mobility of Seniors and Individuals with Disabilities Program, Section 5310

This program provides funds for capital purchases and operations that benefit seniors and individuals with disabilities. The funds are largely distributed through a formula based on population and need, with approximately six percent of funds distributed through a discretionary grant program each biennium. Tribes may use the funds for vehicle purchases or other capital needs, as well as transit operations such as purchased service and maintenance projects. All nine tribes received Section 5310 funding in 2021-23.

Formula Grants for Rural Areas Program, Section 5311

This program provides grant assistance to entities that deliver general public transportation services to communities of fewer than 50,000 people. Funds may be used for planning, administration, operations and capital purchases. The majority of funds are distributed through a formula program. Tribes are eligible to apply to ODOT for these funds. The Confederated Tribes of the Umatilla Indian Reservation, the Klamath Tribes and the Confederated Tribes of Grand Ronde currently participate in this program.

Coronavirus Aid, Relief and Economic Security (CARES) Act Funds

This one-time funding program supports projects to assist transit providers experiencing negative impacts from the COVID-19 pandemic and supports operating, capital, and other expenses generally eligible under the Section 5311 and 5311(f) programs.

Funding comes from CARES Act funds apportioned to Oregon by the Federal Transit Administration.

Tribes are eligible to apply to ODOT for these funds. The Confederated Tribes of the Umatilla Indian Reservation, the Klamath Tribes and the Confederated Tribes of Grand Ronde currently participate in this program. Additionally, tribes who receive Federal Transit Administration Section 5311 (c) Tribal Transit funding also received a direct apportionment of CARES funds.

Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) Funds

This one-time funding program supports projects to assist transit providers experiencing negative impacts from the COVID-19 pandemic and supports operating, capital, and other expenses eligible under Federal Transit Administration Section 5310 and Section 5311 programs. Recipients must certify no furloughs in order to be eligible for non-operations funding through CRRSAA. ODOT added CRRSAA funds into the 5310 and 5311 solicitations. Tribes are eligible to apply to ODOT for these funds. Coquille Indian Tribe and the Cow Creek Band of Umpqua Tribe of Indians currently receive funding from this program. Additionally, tribes who receive Federal Transit Administration Section 5311 (c) Tribal Transit funding also received a direct apportionment of CRRSAA funds.

Bus and Bus Facilities Program, Section 5339

This program supports the purchase of buses and transit facilities. The funds are distributed through a discretionary grant program; tribes that offer general public services are eligible to participate. The Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of Coos Lower Umpqua and Siuslaw Indians have Section 5339 agreements with ODOT in this biennium. Also, the Confederated Tribes of Warm Springs received a direct Section 5339 award from the Federal Transit Administration's national competitive solicitation.

Statewide Planning Federal Transit Administration Section 5304

This funding provides multimodal transportation planning in metropolitan areas and states. These funds are apportioned to each state through a formula that includes the state's proportion of the nation's urbanized area population and other factors. These funds are allocated by ODOT for local planning needs through a discretionary grant program. Applicants, which include federally recognized Tribes, may use these funds for planning activities that increase the safety, security, accessibility and mobility of the transportation system for people and freight whether they are motorized or non-motorized users. Funds were awarded to the Coquille Indian Tribe in 2021-23 for this program. Another awarded project for Basin Transit will update the joint Transportation Human Services Coordinated Plan for Klamath County and the Klamath Tribes.

Tribal Transit Funds

Federally recognized Tribes are eligible to participate as direct recipients of Federal Transit Administration Tribal Transit funds if tribes meet Section 5311 Rural Program requirements. The Klamath Tribes, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of

Warm Springs, the Confederated Tribes of Grand Ronde, and the Confederated Tribes of Siletz Indians are eligible to participate in the formula portion of the Tribal Transit program. Both the Coquille Indian Tribe and the Cow Creek Band of Umpqua Tribe of Indians are working with ODOT staff to explore obtaining formula eligibility.

State Grants

The Program Services Unit administers several state-funded programs that are available to the nine tribes:

Special Transportation Fund

This state fund supports transportation services for people who are seniors and people of any age with disabilities. Funds are distributed every two years using a population-based formula. All nine federally recognized Tribes received Special Transportation Fund funding in 2021-23. This is the last time this program will be offered. For the 2023-25 biennium, this program is consolidated with the Statewide Transportation Improvement Fund, per legislative action in July of 2020.

Statewide Transportation Improvement Fund

This fund provides a dedicated source of funding to expand public transportation to access jobs, improve mobility, relieve congestion and reduce greenhouse gas emissions around Oregon. All nine federal recognized Tribes are Qualified Entities, eligible to receive Statewide Transportation Improvement Fund Formula dollars. Seven of the nine tribes received Formula funding in 2019-21. In the Statewide Transportation Improvement Fund Formula 2021-23 cycle eight of the nine tribes will receive formula funds with the Burns Paiute tribe deferring the 2021-23 allocation into 2023-25.

Rural Veterans Healthcare Transportation Grant Program:

Public Transportation Division’s partnership with the Oregon Department of Veterans Affairs to develop the Rural

Veterans Healthcare Transportation grant program was implemented in FY 2021. The ODOT Public Transit Division invited Oregon’s federally recognized Tribes to consult on the development of the Oregon Administrative Rule guiding the Rural Veterans Healthcare Transportation eligibility (all nine tribes are categorically eligible to apply, irrespective of rurality). The Confederated Tribes of the Siletz Indians became Oregon’s first Tribal recipient during the second solicitation in October 2020.

Blanket eligibility for Oregon’s federally recognized Tribes was stipulated in House Bill 2139, which formalized RVHT in statute during the FY 2021 legislative session.

Compliance Monitoring Program

As part of its federal grant management program, the Public Transportation Division administers a compliance monitoring program for entities receiving federal and state public transportation grant funds. Reviews are conducted at least every five years. As grantees, all nine tribes participate in the program. In 2021 three tribes received a review. Those tribes reviewed included the Klamath Tribes, the Cow Creek Band of Umpqua Tribe of Indians, and the Coquille Indian Tribe. Due to COVID 19 restrictions, those reviews were conducted in a remote format rather than on-site. Three tribes are tentatively scheduled for reviews in 2022. Those include the Confederated Tribes of the Umatilla Indian Reservation, the Burns Paiute Tribe, and the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians.

The Public Transportation Division also administers a Drug and Alcohol Compliance Program for all entities receiving Federal Transit Administration Section 5311 funds that employ “safety sensitive” employees. Three of the nine tribes participate in this program. The Confederated Tribes of the Umatilla Indian

Reservation is currently being reviewed. Again, due to COVID 19 restrictions this review is being conducted remotely. The Klamath Tribes are tentatively scheduled

for an on-site review specific to Federal Transit Administration Drug and Alcohol Program requirements in 2022.

Policy Data and Analysis Division (PD&A) 2021 Report

The Division

The Policy Data and Analysis Division is the strategy, policy and planning arm of ODOT. It includes the Climate Office, Policy and Planning, Research, and Transportation Data. The division leads the efforts to implement the agency's 2021-2023 Strategic Action Plan, which focuses on building a modern transportation system that is equitable and has sufficient and reliable funding for the future.

The Division is responsible for producing the Oregon Transportation Plan, the Oregon Highway Plan, modal and topic plans as well as supporting ODOT Regions to develop individual plans for specific highway corridors.

The Policy Data and Analysis Division is also the home of interagency partnerships that help to shape the future, such as the Transportation and Growth Management Program, sustainability program and transportation/health initiatives.

The Policy Data and Analysis Division has helped Oregon take a leading role nationwide in many fields such as transportation and land use modeling, greenhouse gas reduction, and coordinated land use and transportation development.

The ODOT Climate Office is responsible for integrating climate considerations into ODOT divisions, with other state agencies, local jurisdictions, and the public participating in this work. Mitigation work focuses on reducing greenhouse gas emissions from transportation, including transportation electrification and implementing state directives.

Adaptation work focuses on preparing for and responding to the impacts of climate change to transportation infrastructure. The Climate Office also supports legislative and Governor's Office directives related to climate change mitigation, adaptation or sustainability.

Oregon Transportation Plan Update

A major update to the Oregon Transportation Plan is underway. The update process began in April of 2021 and will continue through 2023. Formal consultation for the plan will be handled by ODOT's Statewide Planning group. Letters were sent to the Tribes and the Coquille Indian Tribe requested a consultation meeting. The ODOT Statewide Planning Manager formally consulted on the Oregon Transportation Plan update with designated members of the tribe on October 14, 2021.

Transportation Safety Action Plan

A public review of the draft Transportation Safety Action Plan was conducted from May through July of 2021. During this period ODOT offered consultation opportunities to the tribes. No formal requests for consultation were received. ODOT did receive comments on the draft plan from the Confederated Tribes of Grand Ronde prior to Oregon Transportation Commission adoption of the plan on September 9th.

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Research Program

The Research Program oversees the state's federally funded research and the Technology Transfer Program. Research focuses on safety, infrastructure repair and preservation, maintenance practices, innovative contracting and project delivery, sustainable environmental practices and the land use transportation connection.

The Technology Transfer Program (T2) is a part of the Research Section and offers training, technical assistance and technology transfer to local transportation agencies, which includes cities, counties, tribal governments, and others. The Technology Transfer program's customer base includes the nine federally recognized tribes in Oregon. The T2 Center Director has been reaching out to tribes to share information about services offered and set up meetings to discuss how T2 can serve tribal needs. Multiple tribes throughout the state use some of the trainings offered by the T2 Center.

Long Range Planning

The Policy, Data and Analysis Division develops policies and strategies for operating, managing, maintaining, and funding the state's transportation system to achieve Oregon's long-range transportation vision and goals. The Oregon Transportation Plan is the state's long-range transportation system plan. It establishes a vision and policy foundation to guide transportation system development and investment. The Oregon Transportation Plan and the various mode and topic plans that fall underneath it, guide decisions by ODOT and other transportation agencies statewide and are reflected in local and regional planning efforts. All statewide policy plans are available online for reference. Consultation with tribal governments for statewide plans takes place when new plans are written or when existing plans receive updates. Statewide plan update cycles vary; those

that are established by federal regulation have a set timeline, while others will occur on an as-needed basis.

Statewide Transportation Improvement Program Development

The Statewide Transportation Improvement Program is ODOT's four-year short-term capital improvement program for state and regional transportation systems. It is developed in coordination with federal and local governments, Tribal governments, area commissions on transportation, metropolitan planning organizations, and the public. The Statewide Transportation Improvement Program directs significant investments in the transportation system, therefore ODOT strives to consult with tribal governments on its development. During the fall of 2021, ODOT initiated the tribal consultation process for the Statewide Transportation Improvement Program as agreed to by each of the nine federally recognized tribes in Oregon.

Data Section

Data services provided by the Transportation Data Section are critical for successfully managing Oregon's transportation system. The Crash and Analysis Reporting Unit provides motor vehicle crash data through database creation, maintenance and quality assurance. Ten years of crash data is maintained at all times. The unit also has ongoing communication with the Confederated Tribes of Warm Springs Police Department with regard to fatal crash reports on the tribes' lands.

Transportation and Growth Management Program

This program provides planning assistance to Oregon communities to create vibrant, livable places where people can walk, bike, take transit or drive where they want to go. The Transportation Growth Management

program continues to serve as one of the primary funding sources for tribal governments and local governments to plan for well-designed communities with a balanced, interconnected transportation network. With over 1,100 planning projects supported and completed since 1993, Oregon's Transportation Growth Management Program continues to provide value to Oregonians by helping communities plan for land use and transportation in concert with community objectives. Tribes are eligible for Transportation Growth Management grants and have been very successful at winning funding in prior years.

The Transportation and Growth Management Program protocols require that grant managers make contact with each federally recognized tribe by phone or in-person to provide information on the four grant programs offered each annual cycle. During the pre-application process, Transportation and Growth Management regional planners communicate directly with delegates from the tribes to inform tribes of available services and discuss ways in which the program could be of assistance to tribal planning needs.

Umpqua Public Transportation District, Master Plan

ODOT planning staff is working with the newly formed Umpqua Transit District to develop Douglas County's first transit master plan. The project is funded through ODOT's Transportation Growth Management program and will identify transit improvements eligible for state funding. The Cow Creek Band of Umpqua Tribe of Indians has participated on the advisory committee and in focus groups.

Curry County Public Transportation Service District, Transit Development Plan

This project is in the early stage of development through a Transportation Growth Management grant. The Coquille Indian Tribe and Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians will be invited to participate in focus groups and on advisory committees to determine efficiencies in transit service to tribal members. This project is anticipated to be complete by 2023.

City of Coos Bay, Front Street Blueprint

This project incorporates community and economic interests to achieve a vision for the City's waterfront. Tribal One has participated in focus groups and review of project deliverables to support Tribal interests. Tribal One is the Mith-ih-Kwuh Economic Development Corporation (MEDC), a federally-chartered corporation owned by the Coquille Indian Tribe.

Confederated Tribes of the Umatilla Indian Reservation Transportation System Plan

This transportation system plan update will encompass the tribal boundaries, including several roads on and off reservation. Mobility choice is a high priority of the update. The update will incorporate recommendations provided in the Transportation Growth Management-funded Mission Community Master Plan.

Transportation Safety Office

About

ODOT's Transportation Safety Office (TSO) is responsible for promoting activities that reduce the instance and severity of transportation related crashes in Oregon. This is primarily accomplished through the division's community programs and through its strategic and long-range planning efforts.

Community Program

The Community Program is designed to assist local governments, non-profits and volunteers in initiating and conducting ongoing safety programs and activities within their jurisdiction or area of interest as it relates to transportation safety. Through this program, the Transportation Safety Office also seeks to work with community representatives to direct them toward relevant grants to improve the safety of the traveling public. Tribal governments are eligible and do access the materials and resources of the office's community programs. This year the Transportation Safety Office provided materials for use by volunteers in a low contact manner due to COVID-19, and the program provided information on how to conduct meetings via electronic means which was shared widely with advocacy groups and partners throughout Oregon.

Strategic and Long-Range Planning

The Strategic Long-Range Planning program is designed to routinely develop and update the state's Transportation Safety Action Plan to guide transportation safety efforts across multiple agencies statewide. This plan also serves as the state's required Strategic Highway Safety Plan which guides investments in traffic safety improvements, both of infrastructure and non-infrastructure (education and

enforcement). Tribal governments are specifically invited to participate in the development of these safety planning efforts.

Specific Interactions in 2021

The Transportation Safety Office continued to conduct local work with several tribes to develop plans for improving safety within counties, including on reservation lands and in serving tribal memberships. In 2021, the office conducted outreach to coordinate with various Oregon tribes. In addition, many specific financial and other interactions occurred:

- The Burns Paiute: Collaborated with Tribal Prevention Coordinator to bring in a driving under the influence related training to Burns on August 26, 2021. The Burns Paiute Tribe Prevention Program provided lunch for all training attendees and promoted the training to the tribe who sent multiple staff/representatives to the training. The Burns Paiute Tribe Prevention Coordinator stated that next year they would again provide funding for this training program and offered to host the training on the tribe if needed.
- The Transportation Safety Office continues to work with the Confederated Tribes of the Umatilla Indian Reservation- Yellowhawk Health Clinic staff members to provide access to continuing education and recertification in the child passenger safety technician program. COVID resulted in certification lapse, but the tribes and the Transportation Safety Office have resolved to train a new staff person in the coming year. Transportation Safety Office staff also assisted tribal police by providing information about all available grants

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and opportunities. Multiple tribal staff/representatives and Officers attended driving under the influence related training held in Hermiston on August 23, 2021.

- The local Klamath County Transportation Safety Action plan was completed during 2021, and tribal membership was involved in development
- The Transportation Safety Office, along with other units in ODOT, worked with the Confederated Tribes of Warm Springs to address safety issues that affect tribal members both on and off reservation in 2021.
- In September 2021, a Child Passenger Safety Technician Certification course was offered in Madras, Oregon specifically at the request of the Confederated Tribes of Warm Springs Tribe. At the conclusion the newly trained Child Safety Seat Technicians hosted a Child Passenger Safety Clinic at a Warm Springs Reservation location. The event went very well and enjoyed good participation by local families.
- The Transportation Safety Office offered 2021 safety belt enforcement grants to the Confederated Tribes of Grand Ronde, which the tribes applied for and were awarded.