


Oregon Department of Transportation  POLICY	NUMBER INT 13	SUPERSEDES 05/12/11
	EFFECTIVE DATE 08/08/11	PAGE NUMBER 01 OF 03
	VALIDATION DATE 07/31/2019	
	REFERENCE ORS 97.740; 172.100; 172.110; 172.120; 172.130; 172.140; 182.162-168; 190.110; 358.635; 358.905; 390.235	
SUBJECT GOVERNMENT TO GOVERNMENT RELATIONS POLICY STATEMENT	APPROVED SIGNATURE Signature on File with Business & Performance Services. Travis Hammond Brouwer, Assistant Director	

PURPOSE

Establish a clear policy statement concerning the Oregon Department of Transportation's (Department) relationship and cooperation with Oregon's federally-recognized American Indian Tribes.

BACKGROUND

ORS 182.162 to ORS 182.168 require the Department to adopt a policy stating its relationship and commitment to cooperation with Oregon's federally-recognized American Indian Tribes (see above-referenced statutes).

POLICY

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.

DEFINITIONS

Commission on Indian Services (CIS): The representative group established under ORS 172.100 for the purpose of improving services to American Indians in the State of Oregon.

Under ORS 172.120, CIS has the following responsibilities:

- 1) To compile information about services for American Indians;
- 2) To develop programs to inform American Indians about services available to them;
- 3) To advise public and private agencies about the needs and concerns of the American

Indian community;

4) To assess programs of state agencies operating for the benefit of American Indians and recommend program improvements; and

5) To report biennially to the Governor and the Legislative Assembly on all matters of concern to American Indians in Oregon.

Designated Tribal Representative: Individuals identified in the Key Contact Directory maintained on the CIS website. <https://www.oregonlegislature.gov/cis/Pages/contact.aspx>

State Agency: Includes all officers, employees, agencies, boards, committees, and commissions of the legislative, executive, administrative, and judicial branches of state government per ORS 358.635. [1979 c.205 §5; 1991 c.240 §1]

Tribe: A federally-recognized American Indian Tribe in Oregon.

GUIDELINES

CIS has broad statutory responsibilities concerning the protection of cultural resources in Oregon. Under ORS 390.235 (Historic Materials) CIS is mandated to participate with the State Historic Preservation Office in the archaeological excavation permit process. Under ORS 97.740 (Burial Law) and ORS 358.905 (Archaeological Sites and Objects) CIS is responsible for providing consultation and designating the appropriate tribe if an American Indian burial or archaeological object is discovered.

In addition, CIS provides consultation services to other state agencies when their Administrative Rules require them to discharge duties relating to American Indians or cultural resources. Two examples are Department of Human Services, Child Welfare Program in American Indian child welfare matters and Water Resources Department in hydro development activities.

RESPONSIBILITY ACTION

Assistant Director	Establish a method of notifying Department employees of the provisions of ORS182.162 et. seq.
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Director, Assistant Director, Division Administrators, Branch and Region Managers	Identify individuals in the Department responsible for developing and implementing programs, projects, and activities that have the potential to affect tribes.
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Managers and	Identify the range of Departmental programs that have the potential to
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RESPONSIBILITY **ACTION**

Supervisors	affect tribal members, lands, resources, and interests.
Managers, Supervisors, and Appropriate Employees	<p>Promote substantive communication between the Department and the tribes through regular meetings and correspondence regarding Department activities and plans, appropriate to each sovereign tribal government.</p> <p>Engage in active efforts to improve and enhance government-to-government relations with the tribes through outreach, regular and open dialogue, and partnering agreements (as authorized under ORS 190.110), in cooperation with designated tribal representatives.</p>
Assistant Director, Federal Affairs Advisor and Tribal Liaison, Cultural Resources Program Manager,	Develop a program, in coordination with the Department of Administrative Services (DAS) and CIS, to educate Department managers and employees about the legal status, legal rights, and issues of concern to tribal governments, and on methods for establishing effective communication and consultation with tribal groups.
Federal Affairs Advisor and Tribal Liaison, Assigned Division Representatives, Cultural Resources Program Manager, State Key Contacts	Prepare a report for submittal to the Assistant Director by December 1 of each year, which includes this policy, identifies Department employees responsible for developing and implementing Department activities which affect tribes, outlines the process the Department established to identify programs which might affect tribes, describes the efforts made by the Department to promote communication and government-to-government relations with the tribes, and describes the training provided to Department employees regarding the intent of ORS182.162 et. seq. and this policy.
Assistant Director	Submit above report to CIS no later than December 15 of each year.