

STAFF REPORT

Agenda Item No.:	D
Topic:	2023 Government-to-Government Report on Tribal Relations
Date Presented to Board:	March 6, 2024
Contact Information:	Dr. Deanna Grimstead, Deputy Tribal Liaison and Cultural Resource Steward, deanna.n.grimstead@odf.oregon.gov Mike Shaw, Deputy State Forester and Tribal Liaison, michael.h.shaw@odf.oregon.gov

SUMMARY

Under Oregon Revised Statutes (ORS) 182.164, State agencies are directed to develop and implement policy relating to Tribal relations (“Tribe” having the meaning of any federally recognized Indian Tribe in Oregon [2001c.177§1]). Annually, agencies are required to submit a report to the Governor and Legislative Commission on Indian Services (LCIS). The report includes the adopted policy, those responsible for developing and implementing agency programs affecting Tribes, the process the agency uses to identify programs affecting Tribes, and the method the Department uses to notify employees of the adopted policy [(182.166(3)(a-f)]. The Oregon Department of Forestry (ODF) uses this report to summarize its government-to-government activities guided and required by Oregon Executive Order 96-30, SB 770 (2001), and ORS 182.164 – 182.168. Unlike previous years, this report also includes activities involving the Board of Forestry and its role in government-to-government relations with Tribes (Attachment 1).

CONTEXT

In 2023, ODF prioritized many initiatives and strategies intersecting with shared interests and goals of the nine Federally Recognized Tribes of Oregon, the Board, and the Department. This work includes Oregon’s 20-year landscape resiliency strategy; the Governor’s Environmental Justice Council, formed via House Bill 4077 (2022); and ODF’s statutorily required government-to-government policy, associated procedures, and plans currently under production.

The 2023 Government-to-Government Report on Tribal Relations highlights the Department’s efforts to promote and enhance government-to-government relationships with the nine Federally Recognized Tribes of Oregon. Noted efforts are early and often communication, including listening, learning, and hearing with direct and intentional engagement. Engagement with the nine Federally Recognized Tribes of Oregon occurs throughout the Department via direct communication, LCIS cluster participation, LCIS meeting appearances, Tribal Council formal appearances, and task force participation.

In 2023, such engagement and communication involved Board members in various spaces and places, which promoted a greater understanding of the issues of interest and concern to Tribes. Engagement with representatives from the Nine Federally Recognized Tribes of Oregon during the October 18th, 2023, event was an essential and unprecedented step in meaningful

communication to inform strategic planning, policy, program, and practice development. Continued engagement at the Board level is encouraged while the Department continues its intentional engagement strategies and methods.

RECOMMENDATION

This is informational item only.

ATTACHMENT

- (1) ODF 2023 Government-to-Government Report on Tribal Relations



2023 Government-to-Government Report on Tribal Relations

Dec. 1, 2022 – Dec. 1, 2023

The Oregon Department of Forestry respectfully submits its annual report to the nine Federally Recognized Tribes within Oregon. This report also satisfies the requirement to submit an annual report to the Legislative Commission on Indian Services (LCIS) and Governor (ORS 182.166).

Policy adopted under ORS 182.164

It is the policy of the Oregon Department of Forestry to promote and enhance government-to-government relations with the nine Federally Recognized Tribes of Oregon early and often during the development and implementation of ODF programs that may affect tribes. It is ODF's intent to strengthen intergovernmental relations, address potential concerns, and enhance the exchange of information and resources for the greater good of all Oregonians. This policy provides a framework for government-to-government interactions and opportunities for ongoing staff-to-staff discussions.

Process to identify which programs affect Tribes

Until communicated otherwise via government-to-government engagement, the department assumes all programs and programmatic changes affect Sovereign Nations, Tribes, Confederation of Tribes, and Tribal Entities. Through ongoing communication, the department and the Board of Forestry regularly evaluate the effects and evaluate adjustments. Often programmatic changes are legislatively mandated, which require more in-depth LCIS involvement to make these assessments and meet requirements. Currently, the department is engaged in government-to-government communications relating to fire protection and prevention, forest health, department management of state forests, administration of the Forest Practices Act, and multi-agency initiatives surrounding climate change, cultural and natural resource management, co-stewardship, community and urban forestry, and ecosystem resiliency.

Individuals responsible for programs that affect Tribes

All employees of the Oregon Department of Forestry develop and/or implement policy, programs, and projects affecting federally recognized tribes or members. The below list includes executive leadership and intersectional staff who hold the highest degree of responsibility for the department's programs and actions, but the department expects all employees to consider and communicate how actions or inactions affect the department's relationships with the nine federally recognized Tribes of Oregon:

Executive Leadership

<p>Cal Mukumoto Oregon State Forester 503-945-7211 cal.t.mukumoto@odf.oregon.gov</p>	<p>Michael Shaw, Deputy State Forester Tribal Liaison 503-945-7204 Michael.H.Shaw@odf.oregon.gov</p>	<p>Wendy Heckman Deputy Director for Administration 503-689-3704 Wendy.E.Heckman@odf.oregon.gov</p>
<p>Brent Grimsrud Chief Information Officer 503-400-5646 brent.grimsrud@odf.oregon.gov</p>	<p>Wendy Heckman Human Resources Director, Acting 503-689-3704 Wendy.E.Heckman@odf.oregon.gov</p>	<p>James Short Chief Financial Officer 503-302-8478 james.short@odf.oregon.gov</p>
<p>Josh Barnard, Division Chief Forest Resources 503-945-7493 Josh.Barnard@odf.oregon.gov</p>	<p>Mike Wilson, Division Chief State Forests 503-945-7351 Michael.Wilson@odf.oregon.gov</p>	<p>Dave Larson Southern Oregon Area Director 541-621-4101 Dave.Larson@odf.oregon.gov</p>
<p>Brian Pew Eastern Oregon Area Director 541-233-8741 Brian.Pew@odf.oregon.gov</p>	<p>Don Everingham Northwest Oregon Area Director 503-359-7496 Andrew.T.White@odf.oregon.gov</p>	<p>Joy Krawczyk Public Affairs Director 503-945-7487 Joy.Krawczyk@odf.oregon.gov</p>

Intersectional Staff

<p>Dr. Deanna Grimstead Deputy Tribal Liaison & Cultural Resource Steward 971-375-2093 deanna.n.grimstead@odf.oregon.gov</p>	<p>Hilary Olivos-Rood Board of Forestry Administrator 503-302-6344 Hilary.Olivos-Rood@odf.oregon.gov</p>	<p>Derrick Wheeler Legislative Coordinator 971-375-1258 Derrick.Wheeler@odf.oregon.gov</p>
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Employee notification on the provisions of ORS 182.162 - 182.168 and the Department Policy on Tribal Government Relations

In 2022, a Deputy Tribal Liaison & Cultural Resource Steward was added to the department. While this individual has many responsibilities related to Tribal relations, the development and implementation of training surrounding agency activities falls under the roles and responsibilities of this position. The department's policy is available on the department's Tribal relations webpage (<https://www.oregon.gov/odf/aboutodf/pages/tribalrelations.aspx>).

Training opportunities and other educational events

ORS 182.166(1) requires, "At least once a year, the Oregon Department of Administrative Services ... provide training to state agency managers and employees who have regular communication with tribes on the legal status of tribes, the legal rights of members of tribes and issues of concern to tribes." No such training occurred in 2023.

However, in 2023, the department's Deputy Tribal Liaison and Cultural Resource Steward, Dr. Deanna Grimstead, delivered seven formal training courses in government-to-government relations; cultural resource management; and state, federal, and international law. Additional training opportunities included:

- Numerous instances of informal ad hoc training and discussions surrounding the department’s policy, Tribal sovereignty, and Tribal self-determination.
- A session at ODF’s Agency Leadership Program.
- Topical discussions with the agency’s Executive Team and Leadership team and at Board of Forestry meetings.
- Training for field staff in archaeological field identification and the inadvertent discovery plan of the department.
- The attendance of 15 ODF staff members at the Archaeology Awareness Training hosted by the Oregon Parks and Recreation Department.

While this report focuses on what the department has done for internal education, it is important to also note outward education. The department assists private landowners in learning more about their role in the protection of cultural resources and tribal communications. Formal and informal communications with members and staff of the nine federally recognized Tribes also included some opportunities to explain how the department operates internally, especially surrounding communication and decision-making processes. Fire response and management was also an area where outward education occurred with the hopes of improving communications generally with federally recognized Tribes.

Promoting communications and relationships with Tribes

Actualization of the above policy requires early and often communication throughout the department’s organizational structure. Listening is the most important aspect of any successful Tribal communication strategy and relationship. Below the department has attempted to capture many of the communications, activities, and engagements where the Department of Forestry has actualized its government-to-government responsibilities, including early and often communication, listening, learning, and hearing, and direct and intentional engagement.

Methods of Government-to-Government Communication

- Legislative Commission on Indian Services (LCIS): presentations and requests for discourse, communications with LCIS staff, and requests for guidance or information from LCIS staff.
- LCIS Cluster Meetings: Cultural Resource Cluster, Natural Resources Working Group, Intergovernmental Cultural Resource Cluster, and the Economic Development & Community Services Cluster.
- Other Tribal Organization Involvement: Intertribal Timber Council Conference (ITC) attendance, Affiliated Tribes of Northwest Indians (ATNI) attendance, Native American Advisory Council (NAAC) invited.
- Board of Forestry Communications: Inaugural government-to-government retreat to discuss potential collaborations and space for trust building amongst the board, department, and nine federally recognized Tribes of Oregon.

- State Forester’s Communications: Annual letter of upcoming major initiatives, major programs or projects where discourse and engagement are formally requested in a direct letter to Tribal Chairs and Councils, and direct verbal communications.
- Tribal Liaisons Communications: Direct communication and engagement at the Tribal director and staff level, attendance at events or meetings at the invitation of various tribal members and staff, program and/or project specific communications leading to personnel connectivity at the appropriate government-to-government level.
- Division and Area Director Reports: Quarterly reports on activities, which inform cluster meeting report outs, but also provide internal communication concerning activities, areas of concern, or potential partnership opportunities.
- Taskforce involvement and responsiveness: Water Taskforce, Cultural Items Taskforce
- Reports: Annual report to LCIS and the Governor (this report), annual report to the Board of Forestry on government-to-government activities, and confidential cultural resource management reports involving tribal consultation.

Detailed information concerning 2023 communications, engagements, partnerships, and government-to-government program advancements.

State Board of Forestry Engagement

To promote communication and government-to-government relations with Tribes, the Board of Forestry introduced an outreach event to LCIS in August 2023 to gauge interest in attending an October Board retreat and social. LCIS provided feedback to the Board Chair and State Forester as they consider the aims for this outreach and future invitations to the respective Tribal councils, as work in the government-to-government space has nuances that are best honored in a non-traditional public meeting space. Representatives of all nine federally recognized Tribes of Oregon were invited to an inaugural engagement and work session with the Board of Forestry and department leadership. Tribal dignitaries joined when and where they could among the sessions and informal social offered as part of the retreat. This initial outreach and interaction aimed to promote communications and relationship building with Tribes, the board, and the department leadership as the elements of forestry stewardship, partnerships, and management issues in Oregon’s Forests are discussed. The department will continue to strive to provide early opportunities for meaningful Tribal discussion and consultation as they look to update their existing government-to-government policy.

Board retreat conversation highlights included:

- Appropriate government-to-government engagement includes communication at an appropriate rank. This would include some or all the members of the Board meeting with Tribal Council.

- Annual meetings at a high level, i.e., Board to Tribal Council, Director to Tribal Directors, staff to Tribal staff, would significantly increase government-to-government communication on issues of major concern or requiring long-term investment.
- Shared stewardship or co-management agreements provide an opportunity to codify shared vision for land management, which should necessarily include Tribal staff and members as part of the discussion.
- Knowledge of Tribal history, culture, preferred respectful communication methods, and capacities - inclusive of Tribal sovereignty and self-determination, is imperative in meaningful, respectful, and intentional Tribal relations. Such knowledge would inform the board and department on how to meaningfully fulfill its land stewardship responsibilities.
- From a Tribal perspective, cultural resources are natural resources and natural resources are cultural resources. As a land management department and board, there is a responsibility to manage cultural and natural resources in perpetuity.
- More communication and collaboration are desired amongst the department's fire prevention and protection programs and Tribal governments.
- The new tribal liaison position has been a critical investment in resources, which has the strong potential to begin rebuilding relationships, while assisting in opening various lines of communication.

The Board is grateful for the Tribes' participation and for the issues expressed during their time together in October. Looking forward into 2024, the Board plans to continue finding opportunities to connect with Oregon's nine federally recognized Tribes, members, and councils to further government-to-government relationships and communications. For respectful and effective engagement on these issues within the government-to-government space, relationships are essential for state and federal agencies to achieve their respective mission and function through coordination, communication, and partnerships.

Oregon Department of Forestry (ODF) Stewardship and Management of State Forests

- Lands in the Tillamook State Forest were assessed for the possibility of first foods areas and trails; emphasizing physical accommodations by those who would benefit from accessibility assistance.
- Sought guidance from the nine federally recognized Tribes to better understand how to encourage or plant the proper genetic type of huckleberry plants for various areas across ODF-managed lands.
- Various forms of government-to-government cultural resource management consultations occurred, resulting in continued ODF operational goals, while upholding commitment to cultural resource protection.
- Annual meetings with the Confederated Tribes of Siletz Indians and the Confederated Tribes of the Grand Ronde to discuss fire season planning and any pertinent local state forest business.

- Communication and engagement regarding State Forests Habitat Conservation Plan, Western Forests Management Plan, and Implementation Plans continued throughout 2023.

Cultural Resource Management & Protection

- Various forms of government-to-government cultural resource management consultations occurred, resulting in continued ODF operational goals, while upholding commitment to cultural resource protection.
- Requested consultation on the department’s Inadvertent Discovery Plan. This included integrating comments from LCIS’ State Physical Anthropologist, Dr. Elissa Bullion.
- Requested reviews of the department’s Fiscal Year 2024 State Forests Annual Operations Plans for any Cultural and/or Natural Resource Concerns. Made more intensive and targeted requests for consultation on operations with higher degrees of cultural resource impacts concerns.

Miscellaneous Communications and Engagements

- ODF Oregon Mass Timber Coalition Lead Marcus Kauffman spoke to the Natural Resources Working Group regarding the jobs, housing, and forest resilience outcomes envisioned by the Oregon Mass Timber Coalition and the \$41.4 million EDA Build Back Better Regional Challenge.
- Internal Department structural and personnel changes were communicated with updated contact information.
- At the request of LCIS, the department is partnering with the Oregon State Fire Marshal, and the Oregon Department of Emergency Management to create a new emergency management cluster. Preliminary communication with various staff and members from Tribes has begun and development and consultation will continue through 2024 and 2025.

Oregon's 20-Year Landscape Resiliency Strategy – Unified Strategy for Wildfire Mitigation

- The [20-Year Landscape Resiliency Strategy](#) represents a concerted effort to mitigate catastrophic wildfire risks statewide. This comprehensive plan, underpinned by seven strategic pillars, harmonizes ecological integrity with social and economic objectives. By strategically directing resources towards the most vulnerable areas, the strategy aims to effectively address the complex challenges of wildfire management. Tribal engagement and partnerships were and will continue to be critical in this journey.
- The development of the strategy leveraged pre-existing forums, avoiding the creation of new, potentially redundant groups. These established platforms include the state-level Government-to-Government Cultural Resource Cluster, Natural Resource Working Group, and Economic Development and Community Services Cluster. This approach ensures efficient communication and collaboration, including guidance and consultation requests to Tribal Councils and the Legislative Commission on Indian Services.

- In implementing shared stewardship, the nine Federally Recognized Tribes of Oregon are integral in addressing the rapid and widespread landscape challenges we all face, and agencies will continue to engage at a government-to-government level. This collaboration includes discussions on strategy implementation, funding, and potential joint projects.
- The Landscape Resiliency Summit, held on November 1 – 2, 2023 in Hood River, showcased the commitment to the strategy and fostered a collective understanding among partners. With over 120 participants, including representatives from various Tribes, the Governor’s office, state and federal agencies, local partnerships, and NGOs, the summit was a significant step in developing and aligning on strategy implementation.

Fire Prevention and Protection

- The Certified Burn Manager Program from Senate Bill 761 (2021) requested representative(s) to serve on the program committee, and as the program progressed into implementation ODF kept the nine Federally Recognized Tribes apprised of the opportunity. Several Tribes have taken advantage of the program:
<https://www.oregon.gov/odf/fire/pages/prescribed-fire.aspx>
- The department’s incident management teams piloted the use of expanded communication to Tribes that included connecting with staff from their emergency management, natural resources, cultural resources, community services, and all other functions who had interest in information related to the fire.
- Annual meetings with the Confederated Tribes of Siletz Indians and the Confederated Tribes of the Grand Ronde to discuss fire season planning.
- The Volunteer Fire Capacity (VFC) grant program, administered by the department on behalf of the U.S. Forest Service, awarded funding to the Confederated Tribes of Grand Ronde Department of Emergency Services, Umatilla Tribal Fire Government, Warm Springs Fire and Safety and others for fire shelters, training needs and a variety of other firefighting supplies and capacity needs in 2022/23.

Forest Resources

- The Landscape Resiliency program selected the Klamath Tribes to receive almost \$2 million in grant funds for fuels mitigation.
- Numerous communications and engagements from the department’s Urban and Community Forestry Program (<https://www.oregon.gov/odf/forestbenefits/pages/urbanforests.aspx>), including:
 - Building local, state, and regional nursery capacity to improve the supply of and local access to affordable, high-quality trees and plants.
 - Development of an UCF/Green Workforce pipeline to bolster opportunities for training and employment in the field of urban and community forestry,
 - Engagement with communities impacted by forest health concerns, including emerald ash borer, sudden oak death, climate change, etc., and

- Grant opportunities focused on communities of the nine federally recognized Tribes of Oregon, resulting from USFS Inflation Reduction Act funding.
- The Private Forest Accord called for the ability of the nine federally recognized Tribes of Oregon to opt-in to the Private Forests Habitat Conservation Plan. Section 50 of Senate Bill 1501 (2022) recognized the nine federally recognized tribes of Oregon as sovereigns having self-determination over their simple fee lands. MOU and/or IGA discussions are ongoing to further solidify this relationship between the state and sovereign entities.
- Many partnerships within the forest health unit and Tribal staff and members continue as ecosystem challenges intensify (<https://www.oregon.gov/odf/forestbenefits/Pages/foresthealth.aspx>).
- Four department personnel attended the annual Confederated Tribes of the Grand Ronde Education Summit as a continued effort toward strengthening Tribal partnerships throughout department operations and activities.