



Oregon Watershed Enhancement Board
OWEB Revised Statement of State-Tribal Relations Policy
Effective: March 26, 2018
Approved By: Meta Loftsgaarden
Meta Loftsgaarden, Executive Director

Purpose

Oregon Revised Statutes (ORS) 182.162 to 182.168 requires state agencies to promote relations with Tribes. State agencies are to develop and implement policies to include Tribes in the development and implementation of state programs that affect Tribes. The Oregon Watershed Enhancement Board (OWEB) first established its Tribal Policy in 2007. This revised policy replaces the original policy and provides additional clarity on how OWEB will involve and include Tribal members and governments in the development and implementation of policies and programs administered by the agency. OWEB recognizes and respects the sovereign status of the Tribes and their respective authorities on reservation, Tribal, ceded lands and established usual and accustomed areas and their co-management authorities over certain resources on non-Tribal lands. The goal of this policy is to maximize Tribal relations and collaborative efforts and to resolve potential concerns by enhancing exchange of information, ideas, and resources.

Definitions

A. Annual Report

The annual report by OWEB to the Governor and to the Legislative Commission on Indian Services on Tribal relations as required by ORS 182.166.

B. Authorities

The Oregon Administrative Rules and Regulations and ORS that govern the actions and responsibilities of OWEB.

C. Legislative Commission on Indian Services (LCIS)

The Commission created by statute in 1975 to improve services to Indians in Oregon. Its 13 members are appointed jointly by the Senate President and the Speaker of the House to a two-year term. LCIS members select their own officers to serve one-year terms of office. LCIS serves as the main forum in which Indian concerns are considered. It serves as a conduit through which concerns are channeled to the appropriate entity, as a point of access for finding out about state government programs and Indian communities, and a catalyst for making reforms when change is needed.

D. Natural Resources Workgroup

The Tribal-State workgroup established during meetings under Governor Kitzhaber's Executive Order 96-30. That Executive Order was later codified by Senate Bill 770 in 2001 as ORS 182.162 to 182.182. The Natural Resource Workgroup was created in order to improve communication between the State of Oregon and Tribes regarding natural resources protection and management. The workgroup consists of key state agency contacts, a representative from each of Oregon's nine federally recognized Tribes, and a representative from the Governor's Office.

E. Tribes

An Oregon Tribal Government, their Tribal Council, Board of Directors, and/or other authorized representatives that are recognized as having a government-to-government relationship with the United States, with the responsibilities, powers, limitations, and obligations attached to that designation. The 9 federally recognized Tribes in Oregon are:

- Burns Paiute Tribe;
- Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians;
- Confederated Tribes of Grand Ronde Community;
- Confederated Tribes of Siletz Indians;
- 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; and
- Klamath Tribes.

OWEB also works with the federally recognized Nez Perce Tribe of Idaho based on that Tribe's ceded lands in Northeast Oregon.

F. Programs

The programs that OWEB implements to execute Oregon Administrative Rules.

G. Tribal Liaison

The OWEB employee who is responsible for facilitating, promoting, and ensuring communication between OWEB's program managers and Tribes.

Statutory Authorities

OWEB is a state agency with statutory authority to administer constitutionally dedicated funds for the purpose of protecting and enhancing Oregon's fish and wildlife habitats. The responsibilities of the agency include:

- Managing a grant program for watershed protection and enhancement;
- Assisting in the development and implementation of watershed scale restoration efforts; and
- Coordinating the efforts of watershed councils throughout the state.

OWEB is led by a policy oversight and decision-making board. Board members represent the interests of the public at large, Tribes, state natural resource agency boards and commissions, Oregon State University Extension Service, and federal land management and natural resource agencies. The Board Tribal Representative is recommended by the governor and approved by the Senate. In advising the governor on the Tribal appointment, OWEB will reach out broadly to Tribes to seek interested volunteers to participate on the Board. The Tribal Representative seat on the Board is not intended to represent all of the Tribes' interests nor is it intended to replace the obligation OWEB has to include Tribes in the decision-making process.

OWEB provides grants and services to citizen groups, organizations, Tribes, and agencies working to restore healthy watersheds in Oregon. OWEB actions support the Oregon Plan for Salmon and Watersheds, created in 1997. Funding comes from the Oregon Lottery as a result of citizen initiatives in 1998 and 2010, sales of salmon license plates since 1997, federal salmon recovery funds, and other sources.

Mission

The mission of OWEB is "To help protect and restore healthy watersheds and natural habitats that support thriving communities and strong economies."

Approach and Priorities

Created in 1999, OWEB has embraced a community-based problem-solving approach to carry out statutory responsibilities. This has occurred in response to the need to maximize the use of available resources and identify ways to achieve environmental gains in the most efficient manner. The agency has four operational programs: Board and Policy, Grant Management, Business Operations, and Technical Services. Each program is headed by a manager responsible for honoring the relationships between OWEB and Tribes.

Tribal Government Participation in OWEB Policy Development and Implementation

It is the policy of OWEB to:

- Involve the appropriate level of Tribal decision-maker in the notification and decision-making process;
- Provide timely, accurate information regarding agency activities to Tribes including legislative, administrative, policy, and technical data and actions; and
- Promote innovations in communication by employing a Tribal Liaison and seeking early Tribal involvement in the design of a policy, program, and/or process implicating Tribal interests;

OWEB will provide to key Tribal contacts notice of policy and planning efforts, and communicate with Tribes in considering and addressing identified issues of concern. Examples of specific involvement by Tribes include, but are not limited to, solicitation of information concerning proposed land or water acquisitions, participation in grant review teams, and adoption of or changes to administrative rules.

Tribal Relations Protocol

The following OWEB commitments describe the approach to be taken to create and maintain strong Tribal relations:

- OWEB will maintain a Tribal Liaison who will be responsible for facilitating Tribal relations with Tribes;
- The OWEB Director, Tribal Liaison, and Board Tribal Representative will meet at least annually to discuss any known issues;
- The OWEB Tribal Liaison will actively participate as a member of the State Agency Tribal Natural Resources Workgroup and other Tribal State Workgroups or Clusters as deemed appropriate;
- OWEB will maintain organization information and contact sources and will provide updates annually to the key Tribal contacts;
- OWEB will support the exchange of relevant information and data collected by its staff or by a Tribal government to maximize relations and collaborative efforts and to resolve potential concerns;
- OWEB will ensure that all staff are aware of the sovereign nature and authorities of Tribes, their consequent self-governing attributes, and the basic organizational structure of Tribal governments;
- OWEB will provide training and other information exchange appropriate for agency staff to improve their capacity to promote collaboration with Tribes and execute the provisions of this Policy;
- OWEB will support and participate in cooperative efforts among the Tribal, federal, state, and local governments as well as non-governmental parties environmental and related concerns that may cross jurisdictional boundaries;
- OWEB will seek representatives from Tribes to participate on advisory committees and review teams; and
- OWEB will consider and utilize advice, guidance and recommendations when appropriate from the LCIS, the Board Tribal Representative, and staff on Tribal government matters, affairs and issues pertaining to them.