



OREGON DEPARTMENT OF AGRICULTURE

Government-to-Government 2023 Annual Report

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Mission

Ensure healthy natural resources, environment, and economy for Oregonians now and in the future through inspection and certification, regulation, and promotion of agriculture and food.

Vision

The Oregon Department of Agriculture remains able to serve the changing needs of Oregon's diverse agricultural and food sectors to maintain and enhance a healthy natural resource base and strong economy in rural and urban communities across the state.

Core values

We value...

- Honesty, integrity, and fairness
- Diversity, equity, and inclusion
- Respect for people and property
- Practical collaborative approaches to problem solving
- Science-based approaches: technical and professional competence
- Transparency
- Quality Customer Service

The Oregon Department of Agriculture (ODA) recognizes the value of Oregon's tribal contributions to agriculture and the rich heritage they bring to all Oregonians. It is important that tribal interests are reviewed and considered in the ODA policy development process. To ensure tribal input and communication, ODA will:

- Establish and maintain an agency liaison (tribal liaison) to foster good working relationships between ODA and Oregon's federally recognized tribes.
- Participate in the Natural Resources Workgroup and Cultural Resources Cluster meetings. The tribal liaison will provide relevant agency updates to the tribes at the meetings.
- The tribal liaison will notify the ODA Executive Team on issues/concerns identified by tribes and facilitate a process to address them.
- Communicating with tribes to identify their interests so that opportunities for tribal input into the planning, development, and implementation of agency programs and activities that may intersect with tribal interests occurs. This includes, but is not limited to, seeking tribal representation on ODA advisory committees and boards that may intersect with tribal interests.
- Maintain a process to notify Oregon tribes before destroying records listed on ODA's special record retention schedule.
- Provide an annual letter to Oregon tribes outlining future policy and rule development and invite tribal engagement on areas of interest.

Per ORS 182.166(3), below is a summary of the 2023 government-to-government interactions with Oregon's nine federally recognized tribes by program area.

Administration

Administration includes the Directors' Office, Communication, Administrative Services, Business Operations, Information Systems, and Special Projects, which are all integral to the successful operation of the ODA. The Directors' Office provides direction and management to all ODA programs and associated activities. This office also works with the State Board of Agriculture and many other entities and individuals to support the mission and goals of the ODA.

In January 2023, ODA provided a consultation letter to tribal leaders and staff on ODA's rulemaking and other key activities planned for 2023. The purpose of the letter is to assist in the advance communication to tribes and allow for more engagement opportunities in areas of tribal interest. In March 2023, ODA corresponded with staff from the Confederated Tribes of Grand Ronde on the 2023 planned rulemaking and activities. After internal tribal review, it was relayed that there is no need for an informal meeting with ODA as tribal staff were already involved on projects of interest listed on the report.

ODA's tribal liaison represented ODA at both the Cultural Resource Cluster (CRC) and the Natural Resource Workgroup (NRWG) meetings. ODA's tribal liaison continued her role as the co-chair for the NRWG Cluster throughout 2023. The position works with the tribal co-chair to set the agenda, lead meetings, and assist agency members on state-tribal relations. At the meetings, the tribal liaison shared relevant agency information with tribal governments and arranged presentations on agency programs as requested by tribal partners. The tribal liaison then shared relevant information about the meetings with ODA's Executive Team and program staff as needed. The NRWG Charter was updated by the group in 2023. The NRWG Charter is a document that describes the purpose of the group, sets expectations, and provides a foundation for all participants to maintain and enhance tribal-state relations.

Additionally, as ODA becomes aware of funding opportunities, they are shared with Oregon's tribes. This includes the USDA Food Distribution on Indian Reservations Produce Training Program, and EPA Office of Environmental Justice and External Civil Rights webinars on upcoming grant opportunities for tribes. Invitations to participate on ODA-related boards, commissions, councils, and workgroups were also shared with tribal representatives to ensure diverse perspectives and interests have an opportunity to be represented and heard. Examples of such efforts are listed under each program area section.

In 2023, ODA continued its record destruction notification process to ensure tribes have an opportunity to identify and receive documents of potential interest before they are permanently destroyed. It also informs tribes on the types of records ODA maintains. ODA's tribal liaison continued to provide guidance to state agencies going through their respective inventory, and record destruction process for items held at the State Archives.

In June, the Cow Creek Band of Umpqua Tribes of Indians gave a presentation at the State Board of Agriculture meeting held in Roseburg. The presentation provided an overview of the Tribe's Natural Resources Department and Umpqua Indian Development Corporation.

In 2023, ODA's Deputy Director Lauren Henderson continued to lead as Acting Director during the ODA Director recruitment process. After conducting a national search, the Governor appointed Lisa Charpilloz Hanson as the new ODA Director and started her role on December 1, 2023 as the Interim Director until Senate Confirmations in January 2024. Director Charpilloz Hanson brings two decades of leadership, policy direction, and program administration, including 16 years as the Deputy Director at ODA. ODA, under Director Charpilloz Hanson's leadership is looking forward to progressing State-Tribal relations with Oregon's federally recognized tribe in the coming year.

ODA has an [Oregon Tribes](#) webpage that houses information and resources for ODA's employees and the public. The tribal liaison regularly engages with ODA staff throughout the agency on outreach and communication strategies to tribal nations, ensuring appropriate and respectful communications are occurring. The liaison is the point of contact for the agency and coordinates consultation matters between ODA and tribal nations as needed. In 2023, the tribal liaison educated staff on tribal acknowledgements and added the LCIS Land Acknowledgement Guidance document to ODA's Oregon Tribes webpage for staff reference. Tribal relations trainings within the agency is conducted on an individual basis, with regular communication with ODA staff seeking guidance on program-specific initiatives.

In November, ODA's Tribal Liaison participated in a Culture2Culture Government-to-Government Tribal Relations Training Workshop hosted by Oregon State University. The training focused on tribal history, sovereignty, and tribal government structures to enhance tribal relations with federal, state and local governments.

Natural Resource Programs

Natural Resource Programs include Agricultural Water Quality, Soil and Water Conservation Districts (SWCD), Confined Animal Feeding Operations (CAFO), Land Use, Fertilizer, Pesticide Compliance and Enforcement Program, Pesticide Licensing and Certification, Pesticide Product Registration, Pesticide Stewardship Partnership, and the Pesticide Analytical and Response Center.

Statutory authority was granted to ODA by the 2021 (HB 2032) legislature to phase in the Agricultural Drainage Channel Maintenance (ADCM) program across the state. The statute requires ODA to submit a biennial report on the progress of the program. In October, ODA reached out to Oregon tribal representatives to review and provide feedback on the proposed report before it was submitted.

In January 2023, ODA and the Oregon Department of Environmental Quality (DEQ) provided a joint response letter to the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) to address comments submitted during the 2022 public comment period for the proposed Memorandum of Agreement (MOA) between ODA and DEQ regarding *Collaboration on Achieving Water Quality Goals Relating to Agricultural Nonpoint Source Pollution*.

ODA invited Oregon's tribes in January 2023 to consult on policy development for pesticide applicator licensing associated with individuals and corporations doing business for, or on behalf of a federally recognized tribe on Oregon's non-tribal lands. This was in response to inquiries made the previous year that identified barriers to ODA's licensing authority on tribal sovereign nations. Concurrently, during the 2023 legislation session, [HB 2687](#) was introduced, and subsequently signed into law in May. This law grants ODA the authority to issue public applicator licenses to employees of federally recognized tribes. It also requires a mutually acceptable agreement with ODA before issuing a pesticide license. ODA has added a tribal-related question to the online license renewal system and license application forms to comply with HB 2687. ODA conducted outreach on this topic in a variety of ways including:

- a consultation letter in January,
- written and verbal updates during the NRWG meetings,
- email notification to key tribal staff in June, and
- a presentation at the August NRWG meeting.

ODA Pesticide Licensing staff have also met or corresponded with tribal representatives from the Confederated Tribes of Grand Ronde and Confederated Tribes of the Warm Springs Reservation on how this may impact their pesticide application practices. ODA has successfully entered into Memorandum of Agreements (MOA) with California's federally recognized Yurok Tribe and is working towards completing one with the Burns Paiute Tribe.

ODA has reached out to Oregon's tribes on potential partnerships with upcoming Pesticide collection events through the Pesticide Stewardship Partnership (PSP). This is a free event occurs around the state and is an opportunity for landowners, farmers, and other commercial pesticide users to rid storage facilities of unwanted or unused pesticide products. The purpose is to prevent and minimize unwanted pesticides from entering Oregon's waterways. ODA's Pesticide Stewardship Specialist has been in communication with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) to hold a pesticide collection event in the Spring of 2024 in their area.

ODA Soil and Water Conservation District (SWCD) Program staff have been engaged in conversation with the Tiicham SWCD, a non-profit 501(c)(3) associated with the Confederated Tribes of the Umatilla Reservation. ODA staff have been helping on board training and strategic planning and are scheduled to attend the December board meeting to develop an assistance plan to support the Tribe's SWCD.

ODA plans to send a consultation letter to Oregon's federally recognized tribes in December to discuss [Senate Bill 85 \(2023\)](#) related to Confined Animal Feeding Operations (CAFO). The bill makes significant changes to the CAFO permitting process some of which are:

- creating new definitions,
- requiring a preapplication consultation between applicants and relevant agencies,
- requiring water supply plan, construction approval and pre-populations inspections,
- creation of a nutrient application permit for producers receiving animal nutrient from a permitted CAFO and applying to land in a Ground Water Management Area, and

- limiting exempt stock water use for new or expanding CAFOs to 12,000 gal/day.

Due to the broad impacts of the legislation on the permitting process and the new requirements, the CAFO program has paused processing new applications that are impacted until rulemaking can be completed.

A Klamath Tribes representative is on the Local Advisory Committees for the Klamath Headwaters and Lost River Management Areas. Multiple check-in meetings took place in 2023 between the Klamath Tribes and ODA's Agricultural Water Quality (Ag WQ) Program staff. The meetings were discussions regarding ODA actions and The Klamath Tribes concerns regarding agricultural water quality.

The Umpqua Basin Agriculture Water Quality Biennial Review took place in March 2023. A representative from the Cow Creek Band of Umpqua Tribe of Indians is on the Local Advisory Committee and was in attendance.

ODA Ag WQ staff presented on [Strategic Implementation Areas](#) (SIAs) to a group of organizations working on the Coquille Salmon Action Plan with the Wild Salmon Center. A SIA, chosen by ODA in collaboration with local partners, is a specific geographic area where targeted outreach and assistance are offered. The goal is to help landowners implement projects that improve water quality in the local watershed and comply with state regulations. A representative from the Coquille Tribe communicated that an SIA along the Coquille River Mainstem is a priority. ODA will consider this input during the selection of the next SIA in Coos County.

ODA Ag WQ staff continue to work with the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians and other state and local partners to address water quality in the Ten Mile Lakes area of Coos County. An SIA in the Ten Mile Lakes is a viable option and tool that is being considered. Additional ODA and Soil and Water Conservation District staff focused outreach and education to the agricultural community in the Ten Mile Lakes area will continue in 2024.

Plant Protection and Conservation Programs

ODA Plant Protection and Conservation Programs includes Insect Pest Prevention and Management (IPPM), Native Plant Conservation, Noxious Weed Control, Hemp, and Nursery & Christmas Tree. These programs protect Oregon's agricultural industries and the natural environment from harmful plant pests, diseases, and noxious weeds; enhance the value and marketability of exported nursery stock; assist industry to produce hemp plants and products within regulatory guidelines; and conserve threatened and endangered plants.

ODA created a Native Plant Conservation Workgroup in early 2022, comprised of members from state, local, federal, and tribal partners. The purpose of the workgroup is to provide a forum to keep interested parties updated on program activities and the status of the state list review. In 2023, the workgroup met twice. ODA aims to hold meetings at least twice a year, with additional special meetings as needed.

In February, ODA sent out a consultation letter to Oregon's tribes on engaging in the Oregon's Threatened and Endangered (T&E) Plant List review process, recognizing that tribes have a vested interest in the conservation of native and culturally important plants. Oregon Administrative Rules 603-073-0060 directs ODA to conduct a periodic review of the State List of T&E plants every five years. ODA initiated a review of a subset of plant species on the list on an annual, rolling basis and have incorporated tribal consultation into the review process. An additional consultation letter was sent out in December to start the 2024 review process.

ODA, in partnership with several other state, federal, and non-profit organizations, began working on developing an Oregon Native Seed Strategy guidance document in 2023. The document will build upon achievements made by existing Oregon native seed partnerships, address the native seed challenges and knowledge gaps Oregon faces, and identify resources and decision-making tools required to aid stakeholders in creating and sustaining healthy native plant ecosystems. Through inclusion of a diverse work group, including representatives from Oregon tribes, local land managers, and native seed producers, the hope is to develop a better understanding of Oregon's native seed supply chain to identify seed needs in Oregon with priority placed on rare and culturally important species, as well as workhorse native species necessary for ecological restoration. Additionally, the strategy document will have a goal of addressing tribal nursery needs and barriers, first foods, and culturally significant plants directly. ODA submitted consultation letters to Oregon's federally recognized tribes inviting them to be part of a formal Working Group (WG). The first WG meeting took place in October 2023.

ODA's Lead Conservation Biologist co-authored a scientific journal article in 2023 on the collaborative work with the Burns Paiute Tribe to reintroduce semaphoregrass (*Pleurpogon oregonus* Chase [Poaceae]) on Tribal land in Logan Valley. Oregon semaphoregrass is a rare grass species that is listed as threatened in Oregon and is found in only a handful of locations in eastern Oregon, primarily on private land. The over two decades of work to propagate and increase the presence has been successful on the Burns Paiute land, thanks to coordinated efforts with ODA and the Burns Paiute Tribe Department of Natural Resources.

Emergency Response to Emerald Ash Borer (EAB): ODA received \$450,000 as part of an Oregon's Emergency Board (E-Board) request in fall 2022. The funds were allocated as initial response funds to kick-start actions to attend to the emerging infestation of EAB in Oregon. Funds have and will continue to be used to support: two limited duration positions for outreach and coordination efforts, waste collection, tree treatment, tree felling and survey efforts. ODA invited Oregon tribes to participate in various trainings in 2023 including a four-day multi-agency/multi-state biological control workshop in February and an online University of Maine workshop in March. The Oregon workshop discussed the invasion of EAB in Oregon, proper site selection for beneficial parasitoid release, and identification of target wasp species. The goal of the event was to foster effective long term management strategies for EAB. ODA continues to reach out to Oregon tribes on the EAB response efforts going on in the state.

SLAM Strategy (Slowing Ash Mortality) field work: ODA worked with land managers to mark wild Oregon Ash trees for use as trap trees or treatment trees for later assessment and management efforts. ODA released three federally approved EAB parasitoid wasp species at two locations near Forest Grove in the Spring of 2023. A temporary quarantine was in Washington County until Nov 11, 2023. The EAB quarantine restricts the movement of ash and white fringe tree materials including but not limited to logs, green lumber, nursery stock, scion wood, root stock, chips, mulch, stumps, roots, branches, and firewood of any hardwood species. Exceptions to move nursery stock and wood materials of restricted species out of the quarantine area require a compliance agreement with ODA. EAB is now considered the most destructive forest pest in North America, killing hundreds of millions of ash trees.

ODA received printed copies of several documents from EPA to distribute to interested tribes in Oregon. Documents included information on Emerald Ash Borer, Gorse, Paterson's curse, Woolly distaff thistle, and fire-resistant plant and garden handouts.

In October, ODA assisted the Oregon Invasive Species Council in conducting outreach to Oregon tribes to recruit for a tribal representative on the Council. Recruitment efforts included emails to key tribal staff and sharing the opportunity at the CRC & NRWG meetings.

Food Safety and Animal Health and Identification Programs

The Food Safety Programs include Food Safety Licensing, Regulatory Laboratory, Shellfish and Shellfish Plat Leasing, Animal Health, Animal Identification, Predator Control, Commercial Feeds, and the State Veterinarian's Office. These programs inspect all facets of Oregon's food distribution system (except restaurants) to ensure food is safe for consumption, protects and maintains animal health, and ensures animal feeds meet nutritional and labeling standards.

In February, a Food Safety Manager presented at the Oregon Tribal Preparedness Coalition Meeting in Lincoln City about Shellfish and Crab Advisories. The presentation provided an overview on how ODA inform licensees and the public on crab and shellfish alerts.

ODA assisted a local farmers' market organizer on state food safety and scale license rules on non-tribal land. Additionally, ODA provided information on licensing requirements for selling processed smoked and canned fish on non-tribal land to a representative of the Native American Youth Association.

ODA provided follow-up information to a Klamath Tribes representative in November to address questions about water quality regulations on food crops.

ODA received a request for consultation from the Coquille Tribe and engaged in conversations to discuss ODA's authority as it relates to Domoic Acid testing requirements for Dungeness Crab and the notification process on biotoxin status for commercial crab zones. ODA appreciated the conversation with the Coquille Tribal Leadership and look forward to continued dialogue on this topic when needed.

A staff member from the Columbia River Inter-Tribal Fish Commission (CRITFC) continues to sit on ODA's Food Safety Program Advisory Committee and provide insight on how certain rule changes may impact tribal activities. Tribal participation provides valuable insight and feedback to the Food Safety Program on relevant outreach, education, and funding opportunities available to tribal communities.

In September, ODA sent out a consultation letter to tribes on the Farm Direct Exemption rulemaking in response to [SB 507](#) (2023) which amended allowances and expansion of farm direct products to be sold under the exemption.

Market Access and Certification Programs

The Market Access and Certification Programs include Agricultural Development and Marketing, Certification Programs, Commodity Commissions, Commodity Inspection, Produce Safety, Smoke Management, and Plant Health Program. These programs help Oregon's agricultural producers successfully add value, sell, and ship products to local, national, and international markets by promoting and creating demand for products through marketing activities, inspection, and certification. The Weights and Measures and Motor Fuel Quality programs work together to facilitate commerce in the region by setting uniform standards for measurements equipment used in commerce, for the packaging and labeling of commodities, and for the overall quality of transportation fuels including gasoline and diesel. The caged egg-laying hen cage program sets standards for the confinement of egg-laying hens on commercial farms to promote the humane treatment of these animals.

ODA assisted the Oregon Aquaculture Association in promoting and supporting outreach and education on aquaculture opportunities in Oregon with an emphasis on tribal participation. This includes the Oregon and Pacific Northwest Aquaculture Development Conference, forum on Strategic Tribal Aquaculture & Food Security and the Oregon State Strategic Aquaculture Plan in April.

In September, an ODA Trade Development Manager was invited to, and gave a presentation on ODA grant resources at the Intertribal Agriculture Council Northwest Regional Summit in Pendleton.

Although measurement devices on tribal lands are not subject to state weights and measures laws, Oregon tribes, and some tribal members have requested that the Weights and Measures program license and test their equipment. In 2023, ODA licensed and inspected devices at the following locations:

- Confederated Tribes of the Umatilla Indian Reservation – fish market, Cascade Locks
- Cow Creek Band of Umpqua Tribe of Indians (multiple devices, multiple locations)

The ODA appreciates the breadth of knowledge Oregon tribes have for the state's natural resources and look forward to continuing our working relationship with each one. As we

prepare for the coming year, ODA hopes to learn more from all the nine federally recognized tribes and identify how to improve the services and support we have available.