

TRIBAL CONSULTATION FOR STATEWIDE TRANSPORTATION PLANS AND STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM

**Policy, Data and Analysis Division
Planning Section**

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Table of Contents

| | |
|--|----|
| Section 1: Introduction..... | 2 |
| Section 2: Consultation between Oregon Federally-Recognized Tribal Governments..... | 4 |
| Consultation for Statewide Long-Range Planning..... | 4 |
| Consultation for STIP Development..... | 7 |
| Section 3: Consultation between Tribal Governments with Historical Interests or Ancestral Lands in Oregon..... | 12 |
| Consultation for Statewide Long-Range Planning..... | 12 |
| Consultation for STIP Development..... | 13 |
| Section 4: Documentation Processes..... | 15 |

Section 1: Introduction

The Oregon Department of Transportation (ODOT) Policy, Data and Analysis Division in partnership with Tribal governments have established a documented consultation process for the development of statewide transportation plans and the Statewide Transportation Improvement Program (STIP), fulfilling the intent of [23 Code of Federal Regulations 450](#). The Federal planning regulations require Tribal consultation to occur with the nine Federally-recognized Tribal governments in Oregon; as well as, Tribal governments with historic interests or ancestral lands in the state boundaries. This documentation reflects the consultation preferences of both in-state and out-of-state Tribal governments; and summarizes the expectations, roles, responsibilities and key decision-making points during planning and programming processes where consultation will take place. Reference [Section 2, Table 1](#) for the list of Federally-recognized Tribal governments in Oregon; and [Section 3, Table 6](#) for Tribal governments with historic interests or ancestral lands. The following protocols and management practices will serve as a guide to be followed by ODOT to ensure adequate and effective consultation with Tribal governments.

The scope of this documentation does not include consultation practices for refinement, corridor, or facility planning, nor does it include project development or delivery consultation practices. ODOT's Highway Division Region offices serve as the primary conduit for Tribal government consultation as it relates to regional system planning; and the Statewide Project Delivery and Technical Services Branch serves as a key resource for Tribal government consultation related to project delivery. It is recommended that Region staff coordinate with Cultural Resource Specialists for assistance and to strengthen information sharing as planning projects move into project development. In order to avoid costly issues or delays, it is also a recommended state of practice to consult with Tribal governments early and often, and provide relevant information on project scoping and potential resource impacts for the Tribal governments to review effectively.

Government to Government Policy

ODOT has adopted an official government-to-government relations policy statement guiding the Department's interactions with Tribal governments. Policy INT 13 states that, "It is the policy of the Department, pursuant to [Oregon Revised Statutes 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."¹

Definition of Consultation

Tribal consultation is necessary from the outset of planning and programming processes and must be conducted in an effort to produce the most effective outcome for all partners. Effectiveness of consultation depends on appropriate and timely dialogue with authorized representatives, as agreed upon by each individual Tribal government.

Through this coordinated effort, consultation is defined as:

"Consultation is a two-way process between ODOT and Tribal governments that permits elected officials and other representatives of Tribal governments the flexibility to shape the terms of consultation; and to

¹ Oregon Department of Transportation. Government to Government Relations Policy Statement. INT 13. July 7, 2016.

provide meaningful and timely input in the development of policies and plans that significantly or uniquely affect their communities.”

Considerations when working with Tribal Governments

When conducting consultation for statewide planning and STIP development, ODOT staff will submit a consultation request, in the form of an emailed formal letter, to the identified Tribal staff. These requests are triggered by a series of milestones agreed upon by ODOT and the Tribal government and are summarized in [Section 2](#) and [Section 3](#). Following the initial request, Tribal governments will inform ODOT of their preferred method of consultation; and determine the most appropriate level of involvement and representation; this may include a meeting with staff or a visit to Tribal Council.

The consultation milestones outlined in this documentation do not preclude a Tribal government from being involved in other engagement opportunities. If the Tribal government is inclined to participate in ODOT’s planning and programming processes in some other form, they are encouraged to do so.

When working with Tribal Governments, other consultation guidelines include:²

- Demonstrate an understanding that each Oregon Tribe is a distinct sovereign entity.
- Confirm the authorized Tribal representative is involved in the consultation for the specific issue, and subject matter experts are represented.
- Understand that state-tribal relations is a relationship that needs to be built and maintained.
- Establish planning and programming schedules that build in adequate time for consultation, recognizing that the nature of consultation may change depending on the activity.
- Understand that staff, resources and priorities change; keep in touch and up to date with the Tribal governments and key contacts.
- Communicate, clearly and early, relevant internal and external limits that may impact Tribal government consultation (e.g. decision-making timelines, such as those related to the Oregon Transportation Commission; federal and state funding authorizations; and statutory requirements, etc.) If needing to seek Tribal Council direction or input, consider meeting schedules as this may impact decision-making timelines.
- Make clear what is needed or desired from the Tribal government and by when, providing appropriate materials for review ahead of time.
- Understand that Tribal governments operate differently and uniquely from ODOT; work to minimize the potential overload of new information.

² Legislative Commission on Indian Services. “Foundations”. 2016.
https://www.oregonlegislature.gov/cis/Documents/2016_Foundations_brochure.pdf.

Section 2: Consultation between Oregon Federally-Recognized Tribal Governments

Oregon is home to nine Federally-recognized Tribal governments. Tribal sovereign governments each have distinctive legal and political status separate from other sovereign governments, including other Tribal governments. Each Tribe has the inherent authority to govern its people, create infrastructure and provide governmental services to citizens.

ODOT in partnership with the Federally-recognized Tribal governments in Oregon have established a documented consultation process for the development of statewide transportation plans and the STIP, as directed by Federal Highway Administration to fulfill the intent of [23 CFR 450](#). ODOT consulted with the Tribal governments listed in Table 1.

Table 1: State of Oregon Federally Recognized Tribal Governments

[The Burns Paiute Tribe](#)

[The Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians of Oregon](#)

[The Confederated Tribes of the Grand Ronde Community of Oregon](#)

[The Confederated Tribes of the Siletz Indians](#)

[The Confederated Tribes of the Umatilla Indian Reservation](#)

[The Confederated Tribes of the Warm Springs Reservation of Oregon](#)

[The Coquille Indian Tribe](#)

[The Cow Creek Band of Umpqua Tribe of Indians](#)

[The Klamath Tribes](#)

Consultation for Statewide Long-Range Planning

ODOT Policy, Data and Analysis Division develops policy and strategies for operating, managing, maintaining, and funding the state's transportation system to achieve Oregon's long-range transportation vision and goals. Transportation policy guides ODOT's decision-making towards implementation of a planned transportation system.

The Oregon Transportation Plan (OTP) is the state's long-range transportation system plan. It establishes a vision and policy foundation to guide transportation system development and investment. The OTP and the various mode and topic plans, 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 for statewide plans will take place during an update cycle. Update cycles vary, those that are established by federal regulation have a set timeline, while others will occur on an as-needed basis. [Table 2](#) summarizes and documents the status of the statewide modal and topic plans.

Table 2: Statewide Policy Plan Overview

| Plan | Description | Current Status | Scheduled Update or Amendment |
|---|--|----------------------------|---|
| <u>Oregon Aviation Plan³</u> | This plan provides a comprehensive evaluation of Oregon’s aviation system and serves as a guide for future aviation development. The plan looks beyond the traditional state aviation system planning elements by combining three planning studies that assess the condition of the existing aviation infrastructure, the economic benefit of the aviation industry, and the national importance and state significance of each airport. | 2019 Update Version 6.0 | Business decision for Department of Aviation. |
| <u>Oregon Bicycle and Pedestrian Plan</u> | This plan is the policy foundation for the state, supporting decision making for walking and biking investments, strategies, and programs. Under the Oregon Transportation Plan, and parallel to associated mode and topic plans like the Oregon Highway Plan, the walking and biking direction established in this plan helps to bring about an interconnected, robust, efficient, and safe transportation system for Oregon. | 2016 Update | Not scheduled |
| <u>Oregon Freight Plan</u> | This plan is a roadmap for ODOT, other state and local agencies, and businesses to work together to enhance the system that keeps our economy moving. The purpose of the Oregon Freight Plan is to “improve freight connections to local, state, regional, national and global markets in order to increase trade-related jobs and income for Oregon workers and businesses.” | 2022 Amendment | 2026 Update |
| <u>Oregon Highway Plan</u> | This plan defines policies and investment strategies for Oregon’s state highway system for the next 20 years. It further refines the goals and policies of the Oregon Transportation Plan. | 2015 Amendment | 2023 Update |
| <u>Oregon Public Transportation Plan</u> | This is a modal plan for public transportation, an element of the Oregon Transportation Plan. The Oregon Public Transportation Plan is the linkage between the Oregon Transportation Plan, corridor plans and the STIP. | 2018 Update | Not scheduled |
| <u>Oregon State Rail Plan</u> | This plan explores the issues affecting the state’s rail freight and passenger system over 25 years. It assesses both public and private transportation facilities and services at the state, regional and local level. The Oregon State Rail Plan focuses on the role of the rail freight and passenger services consistent with the Oregon Transportation Plan. | 2020 Update | 2024 Update |
| <u>Oregon Transportation Options Plan</u> | This plan provides policy guidance for state and local partners to enhance and expand transportation access for all Oregonians while ensuring that transportation investments are efficient and support broader community goals such as growing the economy and improving personal and environmental health. | 2015 New plan | Not scheduled |
| <u>Oregon Transportation Plan</u> | This plan explores the issues affecting all means of transportation and serves as a 25-year transportation plan that comprehensively assesses state, regional and local and both public and private transportation facilities and services. | 2022 Update | Not scheduled |
| <u>Oregon Transportation Safety Action Plan</u> | This plan provides long-term goals, policies and strategies and near-term actions to eliminate deaths and life-changing injuries on Oregon’s transportation system by 2035. | 2021 Update | 2026 Update |

³ The Oregon Aviation Plan is the authority of the Oregon Department of Aviation, it guides decisions by state, regional and local agencies but is not adopted as part of the Oregon Transportation Plan.

Statewide Planning Milestones

ODOT and the Tribal governments agreed upon the planning milestones where consultation is appropriate, described below. For each milestone, points of contact are identified, these staff are responsible for initiating the consultation request.⁴ The ODOT contacts will submit an inquiry for consultation via a formal letter emailed to the identified Tribal contacts and provide a minimum of 30 days for a response from the Tribal governments. Reference [Table 5](#) for the Tribal government and ODOT points of contact. If no response is received, planning schedules will resume.

Many Tribal governments have formed relationships with ODOT Region staff over time (i.e. Planning Managers or District Managers) through local efforts such as, project development and delivery, local planning or cultural and historical resource preservation. When there is opportunity to reinforce those working relationships, Region staff are identified as the primary ODOT contact responsible for initiating the consultation. It is best practice to utilize the identified milestones to discuss the statewide planning process, timelines and opportunities to leverage consultation with other relevant work.

Statewide Planning Milestones include:

Milestone #1: Public Involvement & Agency Consultation Plan

- **Description:** The Public Involvement and Agency Consultation Plan identifies scope and policy issues, planning milestones, public involvement and agency consultation opportunities that are context specific to the planning process. This phase takes place early in the planning process and will include unique milestones based on the specific needs of the plan.
- **Timeline:** Conducted early in plan development, consultation opportunities may be scheduled throughout the plan update process.
- **Considerations:**
 - Review the statewide planning process and framework as an educational component to familiarize the Tribal government with ODOT's processes.
 - Discuss the various approaches for how the Tribal government could be involved in the planning process (i.e. interviews, Policy Advisory Committee, Technical Advisory Committee, Focus Groups, etc.) and come to an agreement about how best to meet consultation needs and identify relevant staff to participate. Participation in public involvement or agency engagement does not preclude any requests for formal consultation.
 - Discuss priorities of Tribal transportation planning efforts as they relate to statewide plans (i.e Long-Range Transportation Plans, etc.).
 - Discuss Tribal capacity and needs for effective participation.

Milestone #2: Oregon Transportation Commission Review of the Draft Plan

- **Description:** The Oregon Transportation Commission releases the Draft Plan for review.
- **Timeline:** Conducted at the end of the plan development, 1-2 months.
- **Considerations:**

⁴ ODOT was unable to schedule meetings within the documentation development timeframe (January-June 2019) with the following Tribal governments: The Burns Paiute Tribe and The Confederated Tribes of Warm Springs Reservation of Oregon. ODOT proposed a general determination of consultation for these Tribal governments, and documentation will be amended upon the following update cycle if input is received.

- Confirm Tribal Council meeting schedules to allow adequate time for review.
- Discuss Tribal capacity and needs for effective participation.

Consultation for STIP Development

The STIP is ODOT’s four-year (i.e. FY 2024-2027) short-term capital improvement program for state and regional transportation systems. It is developed in coordination between ODOT, Federal and local governments, Tribal governments, Area Commissions on Transportation (ACT), Metropolitan Planning Organizations (MPO), and the public. The STIP provides project scheduling and resource allocation information for most state and federally funded system improvements for which funding is approved and that are expected to be undertaken during the four-year programming period. The STIP makes significant investments in the transportation system, therefore ODOT strives to keep the public, stakeholders, agencies and government partners informed and seek their input at key points through an open, transparent, and accessible process. More information about the STIP is available [online](#).

[Table 3](#) summarizes the 2024-2027 STIP development timeline; the Tribal consultation milestones are bolded for purposes of understanding how these steps align with the entire STIP development process. The early part of the STIP development process focuses on establishing funding targets and program goals; and the latter part of the STIP cycle focuses on identifying which projects should be funded. It is

Table 3: 2024-2027 STIP Timeline

| | |
|----------------------------|--|
| August-October 2020 | Funding Scenario Development and Outcomes Analysis |
| December 2020 | OTC Funding Scenario Approval |
| January 2021 | OTC Program Funding Allocation Approval |
| March 2021 | Delivery & Operations Finalizes Fix-It Program Allocations OTC Reviews Enhance-highway Discretionary Program Guidance |
| May 2021 | OTC Approves Fix-It Program Allocations |
| June 2021 | Fix-It Scoping Lists and Initial Business Cases Complete |
| July 2021-March 2022 | Field Scoping Enhance Highway Project List Finalized for Scoping |
| January 2022 | Funding Scenario Development and Outcomes Analysis to Incorporate IJA |
| March 2022 | OTC Funding Scenario Approval to Incorporate IJA |
| March – May 2022 | Finalize Business Cases |
| July 2022 | Finalize 100% Lists for Draft STIP |
| October 2022 | Tribal TIP project selection & integration |
| March 2023 | OTC Releases the Draft 2024-2027 STIP for Review |
| May 2023 | OTC Review of Public Comments |
| July 2023 | OTC Approval of the Final 2024-2027 STIP |
| September 2023 | Final STIP to USDOT for approval USDOT approval of the Final 2024-2027 STIP |

150% List: A list of projects generated early during the review of projects that would use roughly 150% of the Region’s available STIP funding.

100% List: A list of financially constrained projects generated after projects are scoped to identify a final recommendation of projects that would use roughly all of the available STIP funds.

important to note that each STIP cycle is unique, and future cycles may include different processes and decision-making timelines that can be discussed during consultation.

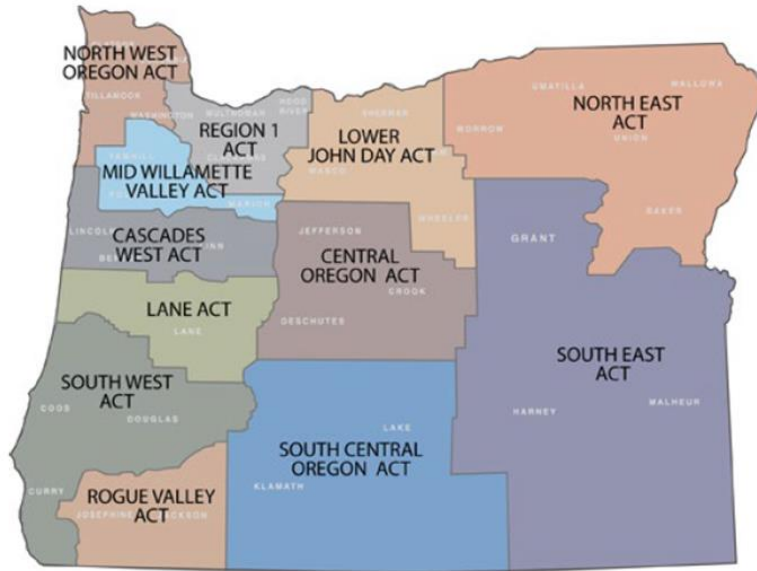
Area Commissions on Transportation

Area Commissions on Transportation (ACT) are advisory groups chartered by the [Oregon Transportation Commission](#) that play a role in the development of the STIP, by establishing a public process for area project selection priorities. All areas of the state are represented by area commissions. They address all aspects of transportation with a primary focus on the state transportation system. ACTs deal with regional and local transportation issues if they affect the state system. They work with other local organizations dealing with transportation-related issues. All of the nine Federally-recognized Tribal governments in Oregon are represented and voting members on at least one ACT. Most, but not all of the area commissions throughout the Oregon have a Tribal government representative as a voting member.

Table 4: ACTs & Tribal Government Representation

| | |
|--|---|
| Northwest Oregon ACT No current Tribal government representation | Central Oregon ACT The Confederated Tribes of Warm Springs Reservation of Oregon |
| Mid-Willamette Valley ACT The Confederated Tribes of the Grand Ronde | South Central Oregon ACT The Klamath Tribes |
| Cascades West ACT The Confederated Tribes of Siletz Indians | North East ACT The Confederated Tribes of the Umatilla Indian Reservation |
| South West Oregon ACT <ul style="list-style-type: none"> • The Coquille Indian Tribe • The Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians • The Cow Creek Band of Umpqua Tribe of Indians | Lane ACT The Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians |
| Rogue Valley ACT The Cow Creek Band of Umpqua Tribe of Indians | South East ACT The Burns Paiute Tribe |
| Lower John Day ACT The Confederated Tribes of Warm Springs Reservation of Oregon | Region 1 ACT No current Tribal government representation |

Figure 1: Map of the Area Commissions on Transportation



STIP Development Milestones

ODOT and the Tribal governments agreed upon the milestones where consultation is appropriate for the development of the STIP, described below. Elements of Tribal consultation necessary for STIP implementation (i.e. project development and delivery) are beyond the scope of this effort and are not a component of this summary.

For each milestone, points of contact are identified, these staff are responsible for initiating the consultation request.⁵ The ODOT contacts will submit an inquiry for consultation via a formal letter emailed to the identified Tribal contacts and provide a minimum of 30 days for a response from the Tribal governments. Reference [Table 5](#) for the Tribal government and ODOT points of contact. If no response is received, STIP development process and schedule will resume.

Similar to the documented process for statewide planning consultation, where there are established working relationships with ODOT Region staff, these staff are identified as the primary ODOT contact responsible for initiating the consultation.

STIP Milestones include:

Milestone #1: Oregon Transportation Commission Determines STIP Funding Allocations

- **Description:** The Oregon Transportation Commission determines STIP funding allocation scenarios for the upcoming STIP cycle.

⁵ ODOT was unable to schedule meetings within the documentation development timeframe (January-June 2019) with the following Tribal governments: The Burns Paiute Tribe and The Confederated Tribes of Warm Springs Reservation of Oregon. ODOT proposed a general determination of consultation for these Tribal governments, and documentation will be amended upon the following update cycle if input is received.

- Timeline: 3-6 months, takes place during the initial outset of the STIP development process and involves several discussions with the Oregon Transportation Commission
- Considerations:
 - Review Federal and State funding authorizations and legislation that influence how ODOT will fund projects; discuss overall STIP development timeline; and Tribal Council schedules if consultation is requested.
 - STIP funding allocations typically occur three years prior to the approval of the STIP.

Milestone #2: STIP Project Selection

- Description: ODOT prepares project Lists for inclusion into the STIP.
- Timeline: 1 year
- Considerations:
 - Discuss the 150% Lists and relevant project impacts based on preliminary project scoping, and explore opportunities to leverage investments or sequencing of investments.
 - This consultation milestone could be addressed while discussing the Tribal TIP, Milestone #2.
 - Discuss Tribal capacity and needs for effective participation.

Milestone #3: Tribal TIP Project Selection & Integration

- Description: Tribal governments prepare a TIP for inclusion into the STIP.
- Timeline: Varies, ODOT will request inclusion of the Tribal TIP into the STIP approximately 1 year prior to STIP approval.
- Considerations:
 - Tribal governments comply with processes governed by the Bureau of Indian Affairs (BIA) and prepare TIPs on varying schedules that are not consistent with the STIP timelines.
 - Inquire about the Tribal TIP development status and investment priorities to identify opportunities to leverage work.
 - This consultation milestone could also review project lists, as described in Milestone #3.
 - Discuss Tribal capacity and needs for effective participation

Milestone #4: Oregon Transportation Commission Release of the Draft STIP for Review

- Description: The Draft STIP is released for review prior to approval by the Oregon Transportation Commission.
- Timeline: 2 months
- Considerations:
 - Confirm Tribal Council meeting schedules to allow adequate time for review.
 - Discuss Tribal capacity and needs for effective participation.

Table 5: State of Oregon Federally Recognized Tribal Government and ODOT Consultation Points of Contact

| Oregon Tribal Governments | Tribal Government Contacts | Tribal Government Address | ODOT Contacts (Sends out Consultation Inquiry Letter) | Planning Milestone 1 Consultation Plan | Planning Milestone 2 OTC Review of Draft Plan | STIP Milestone 1 OTC/STIP Funding Allocation | STIP Milestone 2 STIP Project Selection | STIP Milestone 3 Tribal TIP Project Selection & Integration | STIP Milestone 4 OTC Release of Draft STIP for Review |
|---|---|--|--|--|---|--|---|---|---|
| The Burns Paiute Tribe | Diane Teeman Tribal Chairperson diane.teeman@burnspaiute-nsn.gov | 100 Pasigo Street Burns, OR 97720 | Erik Havig Statewide Policy & Planning Manager Erik.M.Havig@odot.oregon.gov | X | X | | | | |
| | Manuel Mose (CC) Tribal Transportation Planner Manuel.Mose@burnspaiute-nsn.gov | | Alice Bibler Program & Funding Services Manager Alice.Bibler@odot.oregon.gov | | | X | X | X | X |
| The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians | Brad Kneaper Tribal Chairman brad.kneaper@ctclusi.org | 1245 Fulton Avenue Coos Bay, 97420 | Erik Havig Statewide Policy & Planning Manager Erik.M.Havig@odot.oregon.gov | X | X | | | | |
| | Josh Stevens (CC) Director of Planning jstevens@ctclusi.org | | Alice Bibler Program & Funding Services Manager Alice.Bibler@odot.oregon.gov | | | X | | | X |
| | | | Darrin Neavoll Region 3 District Manager Darrin.L.Neavoll@odot.oregon.gov | | | | X | X | |
| The Confederated Tribes of the Grand Ronde Community of Oregon | Cheryle A. Kennedy Chairwoman cheryle.kennedy@grandronde.org | 9615 Grand Ronde Road Grand Ronde, OR 97347 | Erik Havig Statewide Policy & Planning Manager Erik.M.Havig@odot.oregon.gov | X | X | | | | |
| | John Mercier (CC) Public Works Coordinator john.mercier@grandronde.org | | | | | | | | |
| | Rob Greene (CC) Tribal Attorney rob.greene@grandronde.org | | Anna Henson Region 2 Area 3 Manager Anna.Henson@odot.oregon.gov | | | X | X | X | X |
| | Torey Wakeland (CC) Ceded Lands Program Manager Torey.Wakeland@grandronde.org | | | | | | | | |
| The Confederated Tribes of Siletz Indians | Delores Pigsley Chairperson dpigsley@msn.com | 201 SE Swan Avenue Siletz, OR 97380 | Erik Havig Statewide Policy & Planning Manager Erik.M.Havig@odot.oregon.gov | X | X | | | | |
| | Pam Barlow-Lind (CC) Tribal Planner pamelal@ctsi.nsn.us | | Savannah Crawford Region 2 Area Manager Savannah.Crawford@odot.oregon.gov | | | X | X | X | X |
| | Brenda Bremner (CC) General Manager BrendaB@ctsi.nsn.us | | | | | | | | |
| The Confederated Tribes of the Umatilla Indian Reservation | N. Kathryn Brigham Board of Trustees Chair Katbrigham@ctuir.org | 46411 Timine Way Pendleton, OR 97801 | Erik Havig Statewide Policy & Planning Manager Erik.M.Havig@odot.oregon.gov | X | X | | | | |
| | JD (John) Tovey (CC) Planning Director jdtovey@ctuir.org | | Alice Bibler Program & Funding Services Manager Alice.Bibler@odot.oregon.gov | | | X | | | |
| The Confederated Tribes of Warm Springs Reservation of Oregon | Jonathan Smith Tribal Chairman jonathanwsmith@wstribe.org | 1233 Veterans Street PO Box C Warm Springs, OR 97761 | Erik Havig Statewide Policy & Planning Manager Erik.M.Havig@odot.oregon.gov | X | X | | | | |
| | Robert Brunoe (CC) General Manager robert.brunoe@ctwsbnr.org | | Alice Bibler Program & Funding Services Manager Alice.Bibler@odot.oregon.gov | | | X | X | X | X |
| | Brad Houslet (CC) Planning Manager brad.houslet@ctwsbnr.org | | | | | | | | |
| The Coquille Indian Tribe | Brenda Meade Tribal Chairperson brendameade@coquilletribe.org | 3050 Tremont Street North Bend, OR 97459 | Erik Havig Statewide Policy & Planning Manager Erik.M.Havig@odot.oregon.gov | X | X | | | | |
| | Mark Johnston (CC) Executive Director markjohnston@coquilletribe.org | | Alice Bibler Program & Funding Services Manager Alice.Bibler@odot.oregon.gov | | | X | | | |
| | Matt Jensen (CC) Land Use Planner mattjensen@coquilletribe.org | | Darrin Neavoll Region 3 District Manager Darrin.L.Neavoll@odot.oregon.gov | | | | X | X | X |
| The Cow Creek Band of Umpqua Tribe of Indians | Carla Keene Tribal Chairperson ckeene@cowcreek-nsn.gov | 2371 NE Stephens Street Roseburg, OR 97470 | Erik Havig Statewide Policy & Planning Manager Erik.M.Havig@odot.oregon.gov | X | X | | | | |
| | | | Alice Bibler Program & Funding Services Manager Alice.Bibler@odot.oregon.gov | | | X | | | |
| | Jason Robison (CC) Natural Resources Director jrobison@cowcreek.com | | Darrin Neavoll Region 3 District Manager Darrin.L.Neavoll@odot.oregon.gov | | | | X | X | X |
| The Klamath Tribes | | PO Box 436 Chiloquin, OR 97624 | Jessie Plueard Archaeologist and Tribal Liaison Jessie.Plueard@odot.oregon.gov | | | | X | | |
| | Clayton Dumont Tribal Chairman cdumont.council@klamathtribes.com | | Ben Ebner Region 4 Area Manager Benjamin.j.Ebner@odot.oregon.gov | X | X | X | X | X | X |
| | Tahnaya Miller (CC) Tribal Liaison Tahnaya.miller@klamathtribes.com | | | | | | | | |
| The Klamath Tribes | Jared Hall (CC) Planning Director jared.hall@klamathtribes.com | PO Box 436 Chiloquin, OR 97624 | David Amiton Region 4 Planning Manager David.Amiton@odot.oregon.gov | X | X | X | X | X | X |
| | Les Anderson (CC) Tribal Transportation Manager & Interim Director of Culture & Heritage anna.bennett@klamathtribes.com | | | | | | | | |

Section 3: Consultation between Tribal Governments with Historical Interests or Ancestral Lands in Oregon

ODOT Policy, Data and Analysis Division in partnership with Tribal governments with historical interests or ancestral lands in Oregon have established a documented consultation process for the development of statewide transportation plans and the STIP, fulfilling the intent of [23 CFR 450.210](#). ODOT reached out to the Tribal governments listed in Table 6. The following protocols and management practices will serve as a guide to be followed by ODOT to ensure adequate and effective consultation with Tribal governments.

Table 6: Tribal Governments with Historical Interests or Ancestral Lands in Oregon

[The Cowlitz Indian Tribe](#)

[The Confederated Tribes and Bands of the Yakama Nation](#)

[The Confederated Tribes of the Colville Reservation](#)

[The Nez Perce Tribe](#)

[The Fort McDermitt Paiute and Shoshone Tribe](#)

The Fort Bidwell Indian Community of the Fort Bidwell Reservation of California

[The Tolowa Dee-ni' Nation](#)

Consultation for Statewide Long-Range Planning

For an overview of statewide planning, reference [Section 2](#).

Statewide Planning Milestones

ODOT and the Tribal governments with historical interests or ancestral lands in Oregon have agreed upon the planning milestone where consultation is appropriate, presented below. For the primary milestone, points of contact are identified, these staff are responsible for initiating the consultation request.⁶ The ODOT contacts will submit an inquiry for consultation via a formal letter emailed to the identified Tribal contacts and provide a minimum of 30 days for a response from the Tribal governments. Reference [Table 7](#) for the Tribal government and ODOT points of contact. If no response is received, planning schedules will resume. It is best practice to utilize the identified milestones to discuss the statewide planning process, timelines and opportunities to leverage consultation with other relevant work.

Statewide Planning Milestones include:

Milestone #1: Oregon Transportation Commission Review of the Draft Plan

- **Description:** The Oregon Transportation Commission releases the Draft Plan for review.
- **Timeline:** Conducted at the end of the plan development, 1-2 months.
- **Considerations:**
 - Confirm Tribal Council meeting schedules to allow adequate time for review.

⁶ ODOT was unable to schedule meetings within the documentation development timeframe (October 2019-February 2020) with the following Tribal governments: The Confederated Tribes and Bands of the Yakama Nation, The Nez Perce, The Fort McDermitt Paiute and Shoshone Tribe, The Fort Bidwell Indian Community of the Fort Bidwell Reservation of California, and The Tolowa Dee-ni' Nation. ODOT proposed a general determination of consultation for these Tribal governments, and documentation will be amended upon the following update cycle if input is received.

- Discuss Tribal capacity and needs for effective participation.

Consultation for STIP Development

For an overview of the STIP, reference [Section 2](#).

STIP Development Milestones

ODOT and the Tribal governments with historical interests or ancestral lands in Oregon agreed upon the milestones where consultation is appropriate for the development of the STIP, described below. Elements of Tribal consultation necessary for STIP implementation (i.e. project development and delivery) are beyond the scope of this effort and are not a component of this summary.

For each milestone, points of contact are identified, these staff are responsible for initiating the consultation request. The ODOT contacts will submit an inquiry for consultation via a formal letter emailed to the identified Tribal contacts and provide a minimum of 30 days for a response from the Tribal governments. Reference [Table 7](#) for the Tribal government and ODOT points of contact. If no response is received, STIP development process and schedule will resume.

STIP Milestones include:

Milestone #1: Oregon Transportation Commission Determines STIP Funding Allocations

- **Description:** The Oregon Transportation Commission determines STIP funding allocation scenarios for the upcoming STIP cycle.
- **Timeline:** 3-6 months, takes place during the initial outset of the STIP development process and involves several discussions with the Oregon Transportation Commission
- **Considerations:**
 - Review Federal and State funding authorizations and legislation that influence how ODOT will fund projects; discuss overall STIP development timeline; and Tribal Council schedules if consultation is requested.
 - STIP funding allocations typically occur three years prior to the approval of the STIP.
 - Discuss Tribal capacity and needs for effective participation

Milestone #2: Oregon Transportation Commission Release of the Draft STIP for Review

- **Description:** The Draft STIP is released for review prior to approval by the Oregon Transportation Commission.
- **Timeline:** 2 months
- **Considerations:**
 - Confirm Tribal Council meeting schedules to allow adequate time for review.
 - Discuss Tribal capacity and needs for effective participation.

Table 7: Tribal Governments with Historical Interests or Ancestral Lands in Oregon and ODOT Consultation Points of Contact

| Oregon Tribal Governments | Tribal Government Contacts | Tribal Government Address | ODOT Contacts (Sends out Consultation Inquiry Letter) | Planning Milestone 1 OTC Review of Draft Plan | STIP Milestone 1 OTC/STIP Funding Allocation | STIP Milestone 2 OTC Release of the Draft STIP for Review |
|--|---|---|--|---|--|---|
| Cowlitz Indian tribe | Patty Kinswa-Gaiser Chairperson pkinswagaiser@cowlitz.org | 1055 9th Avenue, Suite B PO Box 2547 Longview WA, 98632 | Erik Havig Statewide Policy & Planning Manager Erik.M.Havig@odot.oregon.gov | X | | |
| | Whitney Mosback (CC) Council Secretary wmosback@tc.cowlitz.org | | Alice Bibler Program & Funding Services Manager Alice.Bibler@odot.oregon.gov | | X | X |
| | Dean Reynolds (CC) Public Works Director dreynolds@cowlitz.org | | | | | |
| Confederated Tribes and Bands of the Yakima Nation | Gerald Lewis Chairperson Gerald.Lewis@yakama.com | PO Box 151 Toppenish, WA 98948 | Erik Havig Statewide Policy & Planning Manager Erik.M.Havig@odot.oregon.gov | X | | |
| | Davis Washines (CC) General Manager No email | | Alice Bibler Program & Funding Services Manager Alice.Bibler@odot.oregon.gov | | X | X |
| | Debra Winyer (CC) Transportation Director No email | | | | | |
| Confederated Tribes of the Colville Reservation | Jarred-Michael (Jarred) Erickson Chairman neeka.somday@colvilletribes.com | PO Box 150 Nespelem, WA 99155 | Erik Havig Statewide Policy & Planning Manager Erik.M.Havig@odot.oregon.gov | X | | |
| | Neeka Somday (CC) Legislative Assistant/Policy Analyst Neeka.somday@colvilletribes.com | | Alice Bibler Program & Funding Services Manager Alice.Bibler@odot.oregon.gov | | X | X |
| Nez Perce Tribe | Samuel Penney Chairperson NPTEC@nezperce.org | PO Box 305 Lapwai, ID 83540 | Erik Havig Statewide Policy & Planning Manager Erik.M.Havig@odot.oregon.gov | X | | |
| | Mary Beth Frank (CC) Transportation Planner marybethf@nezperce.org | | Alice Bibler Program & Funding Services Manager Alice.Bibler@odot.oregon.gov | | X | X |
| Fort McDermitt Paiute and Shoshone Tribe | Maxine Redstar Chairperson No email | PO Box 457 McDermitt, NV 89421 | Erik Havig Statewide Policy & Planning Manager Erik.M.Havig@odot.oregon.gov | X | | |
| | | | Alice Bibler Program & Funding Services Manager Alice.Bibler@odot.oregon.gov | | X | X |
| Ft. Bidwell Indian Community of the Ft. Bidwell Reservation of California | Germain Ruvalcaba Chairman TBD - Send to Physical Address | PO Box 129 Bidwell, CA 96112 | Erik Havig Statewide Policy & Planning Manager Erik.M.Havig@odot.oregon.gov | X | | |
| | | | Alice Bibler Program & Funding Services Manager Alice.Bibler@odot.oregon.gov | | X | X |
| Tolowa Dee-Ni' Nation | Troy Ralstin (CC) Executive Director Troy.Ralstin@tolowa.com | 140 Rowdy Creek Rd Smith River, CA 95567 | Erik Havig Statewide Policy & Planning Manager Erik.M.Havig@odot.oregon.gov | X | | |
| | Jeri Thompson Chairperson Jeri.Thompson@tolowa.com | | Alice Bibler Program & Funding Services Manager Alice.Bibler@odot.oregon.gov | | X | X |
| | Tim Hoone (CC) Planning Director tim.hoone@tolowa.com | | | | | |

Section 4: Documentation Processes

Documentation

Tribal government consultation and the practices described in this documentation will be reported through the state self-certification process. ODOT submits a Self-Certification report concurrently with the STIP for approval, to demonstrate that the statewide transportation planning and programming processes meets all applicable Federal requirements, as specified in [23 U.S.C. 134, 135](#); [49 U.S.C. 5303, 5304](#); and [23 CFR 450](#). Through Self-Certification, ODOT certifies that statewide transportation planning and programming products are developed in consultation, comparison, and consideration with Tribal governments. The Self-Certification report is revised and updated every three years and can be amended to reflect any changes to the consultation requirements.

Update Schedule

This documentation will be updated on a regularly occurring schedule coinciding with the preparation of the upcoming STIP, approximately every three years. The update process will be managed by the ODOT Policy, Data and Analysis Transportation Planning Section, and will incorporate input received from Tribal governments, administrative corrections and changes to the regulatory framework to ensure consistency with planning and programming requirements. Tribal governments will have approximately 30 days to submit written comments during the review and update period. The document will be shared with the appropriate ODOT staff and Tribal representatives upon each update.