




State of Oregon  
Department of  
Environmental  
Quality

## Tribal Relations

Policy Number 060.002.2010	
Effective Date: June 22, 2010	Next Scheduled Revision Date: as needed
Approval: 	Title: Director

<b>Intent/Purpose/ Statement of Need</b>	In 2001, the Oregon Legislature adopted ORS 182.162-166 (formerly Senate Bill 770). The statute directs state agencies to promote government-to-government relations with Oregon's Indian tribes. In compliance with the law, DEQ has adopted policy to include tribes in the development and implementation of agency programs that affect tribal interests. DEQ's intent is to maximize inter-governmental relations and collaboration, to resolve potential conflicts, and to enhance the exchange of information, ideas and resources for the greater good of all Oregonians and the environment. DEQ recognizes and respects the sovereign status of the Oregon federally-recognized tribes and their respective authorities on tribal lands.
<b>Authority</b>	Oregon Revised Statutes 182.162-166 ( <u>Relationship of State Agencies with Indian Tribes</u> ) Oregon Revised Statute 468.035 and 468.045 (agency administrative authority)
<b>Applicability</b>	All DEQ employees (full time, part time, represented, management services, executive, limited duration, contract and temporary employees), volunteers and agents
<b>POLICY</b>	
	DEQ is committed to building and maintaining strong government-to-government relations with Oregon's nine federally-recognized tribes. DEQ consults and coordinates with tribal nations on air quality, water quality and land quality issues that affect tribal interests, resources or lands. DEQ builds positive relationships with tribal leaders, managers, staff and representatives to understand tribal interests, explore opportunities for greater partnership and collaboration, and address tribal interests as much as possible in DEQ actions. State-tribal partnership increases our collective ability to protect and enhance Oregon's environment and people's health.
<b>Tribal government participation in DEQ policy and planning development</b>	<ul style="list-style-type: none"> <li>• DEQ considers tribal interests and concerns at the front end of policy and planning development, including agency strategic planning, rulemaking, the EPA/DEQ Performance Partnership Agreement (PPA) and development of proposed legislation.</li> <li>• DEQ's liaison to tribal nations provides timely notice of policy and planning efforts to designated tribal key contacts, and consults with tribes as necessary to consider and address tribal interests and concerns.</li> <li>• DEQ's director offers to meet regularly with tribal leaders statewide to consult on tribal interests related to DEQ policy and planning, and to explore opportunities for greater state-tribal partnership and collaboration.</li> </ul>

**Tribal relations protocol**

DEQ focuses its tribal relations activities on building and maintaining strong government-to-government relationships at the leadership, manager and staff level with Oregon's federally-recognized tribes. This includes improving consultation and communication between agency and tribal representatives, developing new agency guidance and tools as needed and providing ongoing training to DEQ employees on tribal government, sovereignty and issues of interest to tribal nations.

The following DEQ commitments summarize the agency's actions to build and maintain strong government-to-government relations.

- DEQ will maintain an agency liaison to tribal nations.
- DEQ's director, tribal liaison and appropriate regional division administrators will offer to meet with tribal leaders on a regular basis to build relationships, consult on tribal interests related to DEQ activities, discuss any upcoming issues of interest and explore opportunities for greater state-tribal partnership and collaboration.
- DEQ will maintain a web page on tribal government relations that includes guidance to DEQ employees, links to the web pages of the federally-recognized tribes, a copy of Senate Bill 770 (ORS 182.162-166) and other resources.
- DEQ's tribal liaison will actively participate as a member of the Tribal-State Natural Resources Workgroup and Cultural Resources Cluster.
- DEQ's liaison to tribal nations will direct communications with tribes to the designated government-to-government tribal key contacts, including tribal members of the Natural Resources Workgroup and the Cultural Resources Cluster. Communications on specific projects, programs or issues will be conducted between agency and tribal staff responsible for the project/issue.
- DEQ will support the exchange and sharing of data collected by DEQ staff or by tribal government.
- DEQ will ensure that agency managers and staff are aware of the sovereign authority and self-government of Native American Tribes and of the organizational structure of the tribal governments.
- DEQ will provide regular training to agency managers and key staff who communicate or work with tribal governments.
- DEQ will maintain tribal contacts on appropriate DEQ mailing lists and will request updates to contact information through the tribal key contacts.
- DEQ will support and participate in cooperative efforts between tribal governments, federal, state, and local governments on environmental issues that cross jurisdictional boundaries.
- DEQ will invite tribes to participate on DEQ advisory committees and workgroups of interest.
- DEQ will use advice and guidance when appropriate from the Legislative Commission on Indian Services and staff on tribal government matters.
- DEQ's liaison to tribal nations will initiate meetings between the director and tribal chair on matters not resolved by staff.

**Relations between DEQ, EPA and tribal governments**

- The US Environmental Protection Agency has trustee responsibilities to protect the environment on tribal lands and tribal resources outside of reservation lands. Until tribes seek and receive delegated authority to administer their own environmental programs, EPA administers federal environmental regulations on tribal trust lands.
- There is a potential for coordination to occur on issues that involve EPA, state and

tribal shared interests and responsibilities. Opportunities exist for the three governments to coordinate, consult and partner on issues that cross jurisdictional boundaries, or that potentially impact programs of the others.

### **Environmental Quality Commission involvement**

The Environmental Quality Commission will engage in government-to-government activities as appropriate. This may include, but is not limited to, meetings to discuss opportunities for collaboration and partnership regarding shared environmental priorities and making policy and rulemaking decisions on issues important to both DEQ and tribes.

### **Definitions**

**Cultural Resources Cluster:** The Tribal-State group established by Senate Bill 770 to address cultural resources issues, including historic buildings, archaeological sites, and elements of natural landscape that have cultural significance. The work group consists of key state agency contacts and a tribal representative from each tribe.

**Environmental Quality Commission:** The EQC is a five-member citizen panel appointed by the governor for four-year terms to serve as DEQ's policy and rulemaking board. In addition to adopting rules, the EQC also establishes policies, issues orders, judges appeals of fines or other department actions, and appoints the DEQ director.

**EPA-DEQ Performance Partnership Agreement:** An agreement documenting EPA and DEQ commitments regarding the implementation of federally delegated environmental programs. The agreement also serves as the work plan for the Performance Partnership Grant (consolidated federal grants to DEQ) from EPA.

**Natural Resources Workgroup:** The Tribal-State group established by Senate Bill 770 to improve communication between the State and tribes regarding natural resources protection and management. The work group consists of key state agency contacts, a tribal representative from each tribe and a representative from the Governor's office.

**Oregon's federally-recognized tribes:** The following tribes are federally-recognized in Oregon:

- Burns Paiute Tribe
- Confederated Tribes of Coos, Lower Umpqua and Siuslaw
- Confederated Tribes of Grand Ronde
- Confederated Tribes of Siletz Indians
- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of Warm Springs
- Coquille Indian Tribe
- Cow Creek Band of Umpqua Indians
- Klamath Tribes

### **History**

Effective: January 14, 2002

Updated: March 31, 2006 (format only)

Updated: June 22, 2010 (format and section on EQC involvement)

### **Attachments**

**Tribal key contacts:** Tribal key contacts are provided on the [Legislative Commission on Indian Services web page](#)

