



State of Oregon
Department of
Environmental
Quality

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATEMENT OF INTENT - SENATE BILL 770
ON STATE/TRIBAL GOVERNMENT-TO-GOVERNMENT RELATIONS

PURPOSE

The Oregon Legislature adopted Senate Bill 770 in the 2001 Legislative Session. This bill directs state agencies to promote government-to-government relations with Oregon's Indian Tribes. State agencies are to develop and implement policies to include tribes in the development and implementation of state programs that affect tribes. The Department of Environmental Quality's (DEQ) intent is to maximize inter-governmental relations, to resolve potential conflicts and enhance the exchange of information, ideas and resources for the greater good of all of Oregon's citizens. The DEQ recognizes and respects the sovereign status of the Oregon federally-recognized Tribes and their respective authorities on tribal lands.

STATUTORY AUTHORITIES

The Department of Environmental Quality (DEQ) is a state agency with statutory regulatory authorities as well as federally delegated authorities for the maintenance, restoration and protection of the State's environmental resources. The responsibilities of the agency include:

- ◇ Monitoring and assessing the condition of the environment.
- ◇ Adopting or setting standards for air, water and waste management.
- ◇ Developing strategies such as permitting, enforcement, and technical assistance to enable the attainment of standards.
- ◇ To maintain the quality of areas that currently meet environmental standards.

The agency's policy and rulemaking authority rests with a five-member citizen commission appointed by the Governor for four-year terms. The Environmental Quality Commission (EQC) meets approximately every six weeks and strives to hold meetings throughout the State.

MISSION

The MISSION of the Oregon Department of Environmental Quality is to be a leader in restoring, maintaining, and enhancing the quality of Oregon's air, water, and land. DEQ envisions all Oregonians working cooperatively for a healthy, sustainable environment.

APPROACH AND PRIORITIES

Since the mid-1990's, DEQ 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. In the early 1990's DEQ decentralized the agency into multiple field offices vested with technical resources and decision-making ability closer to regulated sources and local governments. Three Regional Administrators oversee DEQ's field operations throughout the State and report to the DEQ Director. These Administrators are responsible for on-going staff-to-staff DEQ Tribal working relationships.

DEQ's key priorities are reflected in its four Strategic Directives:

- ◇ Deliver Excellence in Performance and Product
- ◇ Protect Oregon's Waters
- ◇ Protect Human Health and the Environment from Toxics
- ◇ Involve Oregonians in Solving Environmental Problems

TRIBAL GOVERNMENT PARTICIPATION IN DEQ POLICY DEVELOPMENT

It is important to DEQ that Tribal concerns and interests are known and considered at the front end of policy and planning developments. The EPA/DEQ Performance Partnership Agreement (PPA) and strategic planning are two key processes that establish agency priorities. DEQ will provide designated Tribal Key Contacts notice of policy and planning efforts, and consult with tribes as necessary in considering and addressing identified issues of concern. The Tribal Liaison will maintain a list of agency issues of concern that are identified by each tribe. The Tribal Key Contacts will be asked to assist in developing and maintaining these lists. The lists will be updated biennially.

TRIBAL RELATIONS PROTOCOL

The following DEQ commitments describe the means employed to create and maintain strong tribal relations:

- ◇ DEQ will maintain a Tribal Liaison on Tribal Relations.
- ◇ The DEQ Director, Tribal Liaison and appropriate Regional Administrator will meet with the Tribal Chair of each tribe to provide introductions, discuss status of agency-tribal relations, current issues, and to provide early discussion on any known upcoming issues. Additional meetings will be scheduled as requested by the Tribal Chair.
- ◇ DEQ will provide a copy of Senate Bill 770 to all DEQ employees.
- ◇ The DEQ Tribal Liaison will actively participate as a member of the State Agency-Tribal Natural Resources Cluster Work Group.
- ◇ DEQ will biennially request Tribes to update or identify DEQ programs that affect or are of interest to the tribe.
- ◇ The DEQ Tribal Liaison key communications with tribes will be directed to the designated Government-to-Government Tribal Key Contact. Communications on specific projects, programs or issues will be conducted between agency and tribe staff responsible for the project/issue.
- ◇ DEQ will maintain organization information and contact sources and will provide updates annually to the Tribal Key Contacts.
- ◇ DEQ will support the exchange of data collected by its staff or by tribal government.
- ◇ DEQ will maintain information on tribal relations issues on DEQ's website.
- ◇ DEQ will ensure that managers are aware of the sovereign authority and self-government of Native American Tribes and of the organization structure of the tribal governments.
- ◇ DEQ will provide annual training to managers and key staff who communicate or work with tribal governments.
- ◇ DEQ will maintain tribal contacts on appropriate DEQ mailing lists and will request update information biennially through the Tribal Key Contacts.
- ◇ DEQ will support and participate in cooperative efforts between the tribal government, federal, state, and local governments on environmental concerns that cross jurisdictional boundaries.
- ◇ DEQ will invite tribes to participate on DEQ advisory committees of interest to tribes and will provide tribes with annual updates of advisory committee activity relevant to tribes.
- ◇ DEQ will utilize advice and guidance when appropriate from the Legislative Commission on Indian Affairs and staff on tribal government matters.
- ◇ The DEQ Tribal Liaison will initiate meetings between the Director and Tribal Chair on matters not resolved by staff.
- ◇ When appropriate, DEQ will request assistance from the Oregon Dispute Resolution Commission to help resolve issues with tribes.

DEQ - TRIBE - ENVIRONMENTAL PROTECTION AGENCY (EPA)
RELATIONS

The EPA 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.

DEQ Director Approval of this Statement of Intent:

(signed)

(January 14, 2002)

_____ on _____
Stephanie Hallock, Director Date

Attachments: organization chart, contact list and phone numbers
sb770statement.doc

