



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

Oregon Coastal Management Program

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April 29, 2020

Alexis Barry

Chief Executive Officer

Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians

1245 Fulton Ave.

Coos Bay, Oregon 97420



Dear CEO Barry and Members of the Coos, Lower Umpqua and Siuslaw Indians Tribal Council,

The Rocky Habitat Working Group thanks the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (CTCLUSI) for your letter commenting on Oregon's Territorial Sea Plan (TSP) Rocky Habitat Management Strategy (Strategy) amendment process. We appreciate you sharing with us context about your history, culture, and connection to coastal lands and associated rocky habitat ecosystems. We look forward to continuing this consultation and working with your leadership and the CTCLUSI Department of Natural Resources and Culture to better support sustainable coastal management in Oregon.

The Working Group takes your concerns seriously. We offer our partnership with you to help seek to have them addressed by the appropriate entities and levels of government. In pursuit of this effort, the Working Group has forwarded your March 5, 2020 letter to the Ocean Policy Advisory Council (OPAC) and the Governor's Natural Resource office and requested their responses. The Working Group is exploring ways in which the draft of the Rocky Habitat Management Strategy can be improved to better address the concerns outlined in the your letter, and acknowledges that consultation in this effort should continue. Although some of the concerns in your letter are discussed below, the Working Group recognizes that these will likely be better resolved through continuation of consultation and communication throughout the amendment process.

1. Consultation

Consultation policies and responsibilities are recognized by the State, and the Working Group is committed to engaging in this process with due deference to limits of CTCLUSI capacity. In pursuit of fulfilling this commitment, the Working Group has maintained a Tribal representative seat, which is currently open. OPAC membership is beyond the jurisdiction of the Working Group as it is provided by the Oregon Legislature and codified in the Oregon Revised Statutes. Your request has been sent to the Governor's Natural Resource Office for consideration for legislative review. The Working Group has submitted a formal recommendation to the OPAC supporting CTCLUSI's requests for appropriate Tribal nation

representation on the Council as well as other working groups. We agree that increasing Tribal nation representation in cultural and natural resources decision-making is an effective way to ensure that plans and strategies represent the diversity of cultural practices, spiritual connections, and beliefs in line with the values held by each Tribal nation. Until that time, the Working Group requests continued consultation with the CTCLUSI to develop and review relevant language for the Strategy.

2. Site Designations

The Working Group recognizes and encourages our shared goals of protection and sustainable use of natural resources, cultural identity, and connection to place. The site management designation framework described in the Strategy outlines three basic levels of rocky habitat resource management prescriptions, and are not intended to preclude or supersede complimentary designations external to it including but not limited to CTCLUSI Traditional Cultural Property or state and federal properties recognized through the National Historic Preservation Act. The Working Group is considering changes to Strategy text that can better consider CTCLUSI cultural designations. In addition, we recognize that incorporating these designations into other upland and coastal state plans and strategies will require coordination from the OPAC and other state and local government partners. We recognize the importance of addressing cultural use designations extends beyond rocky habitats and the Strategy. The Working Group would like to understand the objectives and outcomes CTCLUSI staff envision by establishing an alternate designation pathway to designate these types of areas while ensuring these potential designations are not separated from the current designation process.

3. Cultural Significance

Appropriate response to CTCLUSI designated areas of cultural significance is a challenge that the Working Group takes seriously. We believe furthering this goal will best be served through continued consultation and coordination with CTCLUSI and other coastal Tribal nations to assist in developing and reviewing Strategy language. The Working Group has reviewed some initial text edits to the Strategy that will benefit from Tribal nation review. This includes specific call-out of submerged aquatic vegetation (SAV) in section B.3.a. Cultural Significance, as well as direct reference to the Oregon Dept. of Education's Essential Understandings of Native Americans in Oregon document. While Policy N defines cultural resources and requires consultation on impacts to them, the Working Group acknowledges that other sections of the Strategy will require expanded and amended language to better recognize Tribal nation cultural values. We request CTCLUSI and other coastal Tribal nations' assistance with developing and reviewing that language.

4. Education and Public Awareness

Messaging for promoting and protecting rocky habitats in Oregon is defined in the currently adopted Rocky Habitat Communication Strategy, which will be updated in Phase III of this TSP amendment process. This will be an additional opportunity to coordinate with CTCLUSI staff and other coastal Tribal nations on developing messaging and language that incorporates CTCLUSI history and perspectives, including practices, beliefs, stories, and management strategies. The Working Group will seek consultation with coastal Tribal nations in development of this document so that it is appropriately representative and inclusive.

5. Tribal Authorities

Section C.2.c. of the current Strategy, Oregon's Coastal Tribes, affirms that, "treaty-protected gathering rights, consent decrees, and other legal mechanisms... shall be respected (in consultation with the tribes as appropriate) when making any resource management decision". Section E. of the Strategy requires the Oregon Coastal Management Program (OCMP) to obtain Tribal nation input and seek consultation as necessary to address any potential conflicts with cultural and natural resources in the site designation proposal process. In this way, the Working Group aims to ensure that Tribal nation authorities and cultural designations such as Traditional Cultural Property are respected and that consultation remains integral to site designation approvals.

6. Baldich, Gregory Point

The Tribal nation engagement requirements outlined in the site designation proposal processes are intended to address any relevant concerns, which includes use and protection of cultural resources that affect rocky habitat sites. Changes to existing rocky habitat site management designations listed in the Strategy (such as those at Cape Perpetua, Strawberry Hill, Bob Creek to Heceta Head, Gregory Point, Shell Island/Simpson Reef, and Cape Arago) proceed through the site management process outlined in the Strategy, which requires obtaining input from Tribal nations and addressing their concerns through consultation (see Section E.3 & 4). In addition, CTCLUSI's concerns associated with Gregory Point could potentially be addressed through your request for an alternate site designation process.

The Working Group and OCMP are committed to maintaining a strong government-to-government relationship with the CTCLUSI. We appreciate the opportunity for continued consultation on the process to better understand the CTCLUSI's thoughts and concerns regarding management of coastal rocky habitats. Although the Working Group recognizes in-person meetings are preferred, we do not want to risk participant health and safety during this health emergency. We welcome scheduling an opportunity for additional consultation through phone and online platforms. If CTCLUSI staff or leadership would like to discuss this or any other topic related to the Strategy update process, please contact OCMP's Rocky Shores Coordinator, Michael Moses at (503) 934-0623 or via email at michael.moses@state.or.us. We

will also contact Culture and Natural Resource Director Roselynn Lwenya to follow-up directly.

Respectfully,



Patricia L. Snow, Manager
Oregon Coastal Management Program,
on behalf of the Rocky Habitat Working Group.

Cc: Charlie Plybon, Surfrider Foundation
Tom Calvanese, Port Orford Research Station
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