

METRO COUNCIL TRIBAL AFFAIRS AGENDA FY 2022 – 2023

Draft current 09.16.2022

Metro Council desires to establish mutually beneficial relationships with interested Tribes to inform the agency's work across the region that is now known as the greater Portland metropolitan area. Creation of the Tribal Affairs program at Metro stemmed from increasing internal and external requests for tribal involvement in Metro's work and appreciation from Metro Council and leadership that Tribes should be engaged in Metro's work in recognition of tribal sovereignty.

Metro seeks to support tribal sovereignty through government-to-government coordination with Tribes, exploring opportunities to incorporate tribal interests and priorities into Metro's work and ensuring agency compliance with pertinent cultural, historic and natural resource protection laws.

Tribal relations is a new and unique body of work in addition to federal, state and local government affairs at Metro; it will take time to build relationships with interested Tribes as well as the internal staff capacity and knowledge to lead these efforts. Success will require coordinated external relationship building, focused policy development and sustained internal support across departments from the staff level to senior leadership all the way to the elected Metro Council.

Through government-to-government outreach and coordination, future policy development and training provided to staff, the Tribal Affairs program will distinguish government-to-government relations with Tribes from Metro's community engagement with urban Indigenous populations and communities in the greater Portland area.

Tribes may be engaged in many aspects of Metro's work. For example, Tribes can be engaged to identify priority focal species for Parks and Nature conservation and restoration efforts, to help develop a program check list to protect historic and cultural resources, or within a particular project to provide input on implementation actions to protect resources (e.g. where to place a hiking trail to avoid disturbance of a cultural resource, or introducing a traditional method for transplanting culturally important plant species).

Tribal Affairs cannot exist without a deep understanding of the historical and contemporary interests of Tribes and how these interests exist and can be advanced within non-tribal colonial government structures. It is critical that Metro dedicate staff time and resources to understand tribal sovereignty and the interests and priorities of Tribes with connections to the greater Portland area to inform this work. A brief overview is included at the end of this agenda. It is also critical that Metro develop productive and trustworthy relationships with the Tribes so that Metro can proactively ask what areas of Metro's work the Tribes would like to engage on.

GOALS

Through its tribal relations work, Metro seeks to accomplish and realize the following goals:

- Respect tribal sovereignty through establishing relationships and engaging in government-to-government relations with Tribes.
- Build positive relationships with Tribes, Tribal staff and representatives to explore opportunities for partnership and collaboration to address tribal interests wherever practicable in Metro's work.
- Enhance opportunities for the pursuit of traditional lifeways of Tribes and Indigenous communities in the greater Portland area.
- Improve Metro's work through incorporating tribal perspectives and expertise, Traditional Knowledge, Indigenous world views and aboriginal rights. Collaborate with Tribes to provide opportunities to increase the public's understanding of tribal interests, priorities, histories and connections in the greater Portland area, where appropriate.

Relationships and partnerships with Tribes will support Metro's efforts to advance the region's six desired outcomes and other goals and priorities of the agency.

METRO TRIBAL AFFAIRS PRINCIPLES

The Metro Tribal Affairs Principles are the key values that will guide Metro's relations, engagement, and informal consultation with Tribes. Metro Council affirms the following principles and recognizes their importance to facilitating successful tribal relations.

- **Support government-to-government relations** - Metro's relationships and engagement with Tribes will draw upon principles of diplomacy. A government-to-government relationship includes mutual recognition of the authority and position of the respective parties as governmental entities. Tribal governments will be engaged in a direct governmental manner which is distinct from community or public engagement approaches and engagement activities with urban Indigenous communities and populations.
- **Foster trust** - Trust is a fundamental element of establishing a good relationship. Honesty and integrity will be maintained by Metro at all times to foster a solid foundation of trust, common understanding and vision.
- **Engage in good faith** - Metro shall listen to and consider tribal comments carefully. Through engaging in good faith and with respect, solutions can be identified which embrace different cultures, values, interests and positions toward mutually beneficial ends. Metro will not engage Tribes on any predetermined outcomes or decisions and will strive to ensure each opportunity has the real potential to make a positive difference for all involved Tribes, Metro and the residents of our region.
- **Early planning** - Metro shall plan to engage and consult with Tribes as early as possible. Planning will include providing ample notice of meetings, multiple meeting opportunities and wherever possible, conducting meetings and engagement at both Metro and tribal locations.

- **Collaboration** - Valuable solutions arise through working together in generating, inventing, and innovating in the co-production of knowledge that will guide Metro's work. Collaboration engenders mutual understanding and respect.
- **Communication** – Continuous communication is critical. Meaningful dialogue is more than just a listening session; it is early, often and involves two-way dialogue and feedback. Metro will conduct its communication in a manner that is mindful of tribal preferences and will strive to provide full and candid project information at all times.
- **Building towards agreement and consensus** - Metro will strive to reach agreement amongst all parties. This includes ensuring all parties are heard and respected, all ideas, concerns and options are explored, best available input and information is utilized, and decisions are made in a transparent manner. Metro will create opportunities where the interests of Tribes and Metro can be shared, discussed and evaluated together, involving technical and policy leadership of all parties as appropriate.
- **Advance conservation and protection** - Metro supports efforts to protect, preserve and restore natural and cultural resources and First Foods which are integral to Tribes, tribal life-ways and historical and ongoing relationships to the landscape to create a better future in Oregon and globally.
- **Advance racial equity** - Metro envisions a region and state where a person's race, place of birth, ethnicity or zip code does not predict their future prospects and where all residents can enjoy economic opportunity and quality of life. Tribes, their communities and urban Indigenous communities and populations are included in Metro's racial equity work.
- **Advance regional coordination** - Many of our region's challenges are big and complex and require coordination between cities, counties and other local forms of government. Metro commits to exploring opportunities to support regional planning and coordination with the involvement of Tribes.
- **Commitment to Resources** – Metro will identify resources at its disposal to provide support to Tribes when limited resources may preclude or prevent their engagement with Metro. This includes providing technical assistance, accessibility assistance and other support services to ensure participation of Tribes and their representatives. When technical or subject matter expertise is provided, Metro will explore available options to provide compensation in recognition of the Tribes' time and efforts to inform Metro's work.
- **Do no harm** – Metro will use best efforts to ensure no harm comes to the Tribes through working with Metro. Exploitation of Tribes, their input, intellectual properties or Traditional Knowledge shall not occur. Metro commits itself to being a good partner who works collaboratively with all parties to productively build toward solutions and outcomes that do not erode trust or relationships.

PRIORITIES

Fiscal year 2022-2023 priorities for Metro's Tribal Affairs are organized into four areas including operational activities, policy development, project support and legislative agenda. In this agenda, Metro Council is providing direction on near-term priorities and efforts that

will support the agency to build longer term capacity to support a broad portfolio of tribal coordination activities. Priorities listed below have been identified through support requests from Metro departments, projects with existing tribal relations or coordination activities and needs, and areas of Metro's work which may intersect with tribal interests. These priorities have also been informed by early relationship development efforts with Tribes and feedback and requests which have been provided to Metro. These priorities will be updated every two years and adaptively managed using a responsive approach which adjusts as relationships with Tribes develop and their input and priorities are shared with Metro.

OPERATIONAL:

Positive contact and relationship building efforts: Metro engages and consults with Tribes through government-to-government relations which foster trust and aid in co-development of relationships, goals and objectives that can be formalized in intergovernmental agreements such as memorandums of understanding. Relationship development and coordination efforts will be supported at the Council-to-Council and staff-to-staff levels.

Annual training calendar: Develop an annual training calendar and curated learning opportunities for Metro Council, leadership and staff to advance their understanding of the tribal relations and priorities, regional history and context, federal and state Indian policy, and topical issues in Indian Country. Learning opportunities and trainings will be developed with input from Tribes and tribal organizations and equip Metro staff with the necessary knowledge, skills and abilities to support tribal coordination activities.

Department-specific Tribal Affairs planning - Support Metro departments in the preparation, planning and development of annual Programs of Work (POW) and strategies which describe how tribal coordination efforts and the Metro Council Tribal Affairs Principles will be integrated into department activities, projects and management strategies. Annual POW are necessary for and will support Council-to-Council and staff-to-staff tribal coordination meetings, identify Metro staff with tribal coordination responsibilities, and identify milestones and structural processes which can be measured to assess progress towards successful tribal relations and outcomes annually.

Government Affairs Tribal Affairs strategy development – The Government Affairs and Policy Development department shall develop and propose a five year strategic plan to advance a robust Tribal Affairs program which includes the necessary agency policies, standard staff practices and staff training to advance meaningful relationships with interested Tribes.

POLICY DEVELOPMENT:

All of Metro's Tribal Affairs policy development efforts will be done in coordination with Tribes, tribal staff and their representatives. Near term policy development efforts will focus on the following matters:

- **Cultural Resources Protection Policy** - Support development of a Metro-wide Historic and Cultural Resources Protection Policy to ensure protection and preservation of resources in Metro projects and on Metro publicly-owned and operated properties and facilities in the greater Portland area.
- **Tribal Consultation Framework** - Support development of a Metro-wide Tribal consultation framework that provides guidance to Metro staff on how to initiate and lead informal consultation and engagement with Tribes in Metro's work. Where appropriate, this work should identify linkages and make recommendations for distinctions and necessary updates to the [Strategic Plan to Advance Racial Equity](#) and the [Public Engagement Guide](#).

PROJECT WORK:

The Tribal Affairs program in GAPD will advise Metro departments and Council Office on relationship development including outreach and interactions with interested Tribes. The Tribal Affairs program is also responsible for responding to requests and inquiries from Tribes regarding engagement with Metro or Metro projects and programs. Advisory support will be provided to Metro projects and programs to help facilitate government-to-government consultation and engagement with interested Tribes. The Tribal Affairs program will prioritize supporting projects and programs that are a priority for Tribes and where there are clear opportunities to advance tribal interests and priorities in alignment with Metro's goals and values.

Metro will make best efforts to engage and consult with Tribes on projects of interest which may include Metro projects, actions, decisions or policy making which have the potential to affect tribal interests, the operation of tribal programs or services, include ground disturbing activities or are proximal to waterways or ESA listed species designated habitat.

Metro understands that tribal interests may include but are not limited to:

- Tribal Lands such as ceded lands or aboriginal homelands;
- Usual and accustomed areas or places;
- Tribal treaty rights such as the right to hunt or fish in usual and accustomed areas and or implied rights such as sufficient availability and health of critical habitat necessary to support productive fisheries for treaty-guaranteed fishing;
- Cultural resources, protection of ancestral remains, sacred sites or areas of cultural interest;
- First Foods;
- Access to areas of cultural or religious importance;
- Access to usual and accustomed areas or places;
- Ability to exercise traditional, cultural, religious or subsistence activities.

Metro departments are responsible for identifying projects, programs or actions within their purview which intersect with tribal interests and for providing necessary resources such as project management, staff and technical resources to support successful

government-to-government consultation and engagement. The Tribal Affairs program can assist departments in identifying projects which may intersect with tribal interests.

LEGISLATIVE:

The Tribal Affairs program will provide support to legislative staff to share and facilitate discussion of Metro's state and federal affairs agendas with interested Tribes.

Metro's legislative and tribal affairs staff will coordinate in order to propose potential priorities that intersect with tribal interests for Metro Council to discuss and possibly add to their agenda. Opportunities that will be explored by staff will include legislation which:

- Has a nexus with Metro's current work;
- Is a shared priority advanced by Tribes, tribal leadership and Indigenous legislators;
- Advances government-to-government relations and strengthen requirements for tribal consultation;
- Promotes substantive inclusion of Tribes and Indigenous people in decision making;
- Acknowledges past and ongoing discrimination and/or oppression of Tribes and Indigenous communities and populations;
- Works to dismantle ongoing system of oppression and/or work to rectify past harms.

Metro will not supplant any Tribe or tribal organization's efforts on legislative priorities and will strive to coordinate with legislative and policy representatives of Tribes, Tribal organizations and Indigenous legislators to determine if Metro's involvement on any legislative priorities is appropriate.

Metro will advance its legislative priorities through a variety of methods including signing onto letters, written and or oral testimony, and lobbying legislators. When advancing tribal affairs legislative priorities, Metro's role will be as an ally, striving to respect the requests of Tribes and tribal organizations on the appropriate method for Metro to express its support.

BACKGROUND:

Tribes are independent sovereigns with inherent powers of self-government and relationships with the U.S. government that derive from treaties, federal law and executive orders. These Federal-Tribal relations are political and do not derive from race or ethnicity. The extent of a Tribe's reserved rights depends significantly on the language of its treaty, statute, or executive order and, potentially, judicial interpretation of meaning of any disputed language.

Treaties are listed among the elements that make up "the supreme law of the land" under Article VI of the U.S. Constitution. Local governments, under this "Supremacy Clause" of the U.S. Constitution, must respect rights created by or reserved in Indian treaties and cannot pass ordinances or laws that interfere with, or are contrary to, those rights.

Throughout the Pacific Northwest, Tribes ceded huge swaths of their aboriginal lands to the United States in exchange for peace, certainty about the terms of non-Indian settlement, and reservation of legal rights and interests in the Euro-American legal system. Some Treaties also included language about reserved rights to hunt, fish and gather, among many other activities.

The lands now known as the greater Portland metropolitan area are part of the aboriginal homelands, traditional use areas and trade networks of numerous Tribes. For millennia, Indian people resided throughout the Willamette Valley and along the Willamette and Columbia Rivers and their tributaries in traditional villages, permanent communities and seasonal encampments. The relationship of Tribes, their lands and interests extend from time immemorial to the present day and beyond. Each Tribe's interests are distinct. These interests may overlap and intersect with the static boundaries of Metro's service area and the urban growth boundary in various ways.