

DRAFT 2.0

METRO COUNCIL TRIBAL AFFAIRS AGENDA FY 2022 - 2023

Metro Council desires to establish meaningful and mutually beneficial relationships with Tribes with interests in what 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 among other important considerations.

The Metro Council Tribal Affairs Agenda lays out the principles, priorities and areas for policy and program development for Metro to advance a Tribal Affairs program beginning in fiscal years 2022-2023. The Tribal Affairs program distinguishes government-to-government relations with Tribes from Metro's engagement with urban Indigenous populations and communities in the greater Portland area.

Through this work, Metro seeks to support tribal sovereignty, honor tribal rights and explore opportunities to incorporate tribal interests and priorities into Metro's work. This is a new and unique body of work in addition to federal, state and local government affairs at Metro therefore it will take time to build relationships with the Tribes and internal staff capacity to lead these efforts. Coordinated external relationship building, focused policy development and sustained internal support across departments from the staff level to senior leadership and the Metro Council are imperative to success. This document captures key needs and goals of Metro Council as this new body of Tribal Affairs work is undertaken within the office of Government Affairs and Policy Development (GAPD) Office.

BACKGROUND

Tribes are independent sovereigns with inherent powers of self-government. Tribes have a political relationship with the U.S. government that does not derive from race or ethnicity. Treaties are listed among the elements that make up "the supreme law of the land" under 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, federal law. In many treaties, Tribes ceded millions of acres of land to the United States in exchange for peace, a halting settler encroachment and certain terms, including the legal rights to hunt, fish and gather in their usual and accustomed areas both inside and outside of reservation land.

The lands of what is now known as the greater Portland metropolitan area are part of the aboriginal homelands, traditional territories and usual and accustomed areas of multiple Tribes who 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 extends from time immemorial to the present day and beyond, with complexities that were further complicated by the removal and consolidation of families and bands to multiple reservations, which largely became the basis of confederations of Tribes today. Each Tribe's interests are distinct; the multiplicity of these interests overlap and intersect with the static boundaries of Metro's service area and the urban growth boundary in various ways.

Metro will engage and consult with Tribes on 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, as appropriate or requested by the Tribes.

Tribal interests may include but are not limited to:

- Tribal Lands such as ceded lands, aboriginal homelands, areas of cultural interest or usual and accustomed areas;
- 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, ancestral remains or sacred sites;
- First Foods;
- Access to traditional areas of cultural or religious importance or usual and accustomed areas;
- Ability to exercise traditional, cultural or subsistence activities.

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 cultural resources, or within a particular project to provide input on implementation actions to protect tribal 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). It is 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:

- Build positive relationships with Tribes, tribal staff and representatives to explore opportunities for partnership and collaboration to understand and address tribal interests wherever practicable in Metro's work.
- Support tribal sovereignty and treaty rights, protect and preserve tribal interests and resources, and 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.
- Increase the public's understanding of tribal interests, priorities and connections in the greater Portland area.

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. More specifically, Metro hopes the development and implementation of its work can be informed by tribal priorities and interests, and where possible, done in conjunction and partnership with Tribes.

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 all the people/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 will be 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 never occur. Metro commits itself to being a good partner who works collaboratively with all parties, using differences if and when they arise to productively build toward solutions and outcomes that do not erode trust or relationships between Tribes and Metro, or between Tribes.

PRIORITIES

Priorities for Metro's Tribal Affairs agenda 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 for [timeframe] 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 with the potential to affect tribal interests. These priorities will be updated on [timeframe] and adaptively managed utilizing 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, elected-to-elected, and staff-to-staff 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.

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 preparation, planning and development of annual work plans 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 work plans will include program of work development for tribal coordination meetings, identify 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 necessary operational, policy, project-specific and legislative priorities in support of a robust Tribal Affairs program.

POLICY DEVELOPMENT:

Cultural Resources Protection Policy - Support development of a Metro-wide Cultural Resources Protection Policy to ensure protection and preservation of cultural 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](#).

All of Metro's Tribal Affairs policy development efforts will be done in coordination with Tribes, tribal staff and their representatives.

PROJECT WORK:

Willamette Falls Legacy Project – Provide tribal relations support Metro Council, leadership and staff to: develop of a new project governance agreement which includes Metro, Oregon City, Clackamas County, the State of Oregon, and all Tribes engaged in the project and their designated representatives including the Willamette Falls Trust; support best use of Metro bond funding; realize the project's four core values; and develop relationships with all involved parties.

Willamette Cove - Support the Special Projects and Parks and Nature project teams in planning and engaging Tribes in the remediation and future potential park development phases of the project regarding habitat restoration and conservation priorities and passive recreation opportunities at the site.

2019 Parks and Nature Bond - Support Parks and Nature staff refinement and implementation planning efforts to guide engagement efforts with Tribes. Longer term, support Parks and Nature staff efforts for programmatic and project-specific engagement on Bond program areas and projects of mutual interest to Tribes such as land acquisitions and habitat restoration activities.

Levy Renewal - Support Parks and Nature staff planning efforts for a levy renewal including strategic engagement with partners to identify levy priorities and objectives including Tribes. Longer term, support Parks and Nature staff efforts for programmatic and project-specific engagement on levy-funded projects of mutual interest to Tribes.

LEGISLATIVE:

Metro's legislative and tribal affairs staff will work together to create a recommended slate of priorities for Metro Council to discuss and possibly add to their agenda. Priorities include supporting legislation with:

- Nexus with Metro's current work;
- Priorities advanced by Tribes, tribal leadership and Indigenous legislators;
- Priorities that advance government-to-government relations and strengthen requirements for tribal consultation;
- Priorities that promote substantive inclusion of Tribes and Indigenous people in decision making;
- Wide-spread tribal and community support with particular emphasis on the Tribes in our region;
- Priorities that acknowledge past and ongoing discrimination and/or oppression of Tribes and Indigenous communities and populations;
- Priorities that work to dismantle ongoing system of oppression and/or work to rectify past harms.

Metro advances 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 to indicate Metro's support. Metro will not supplant any Tribe or tribal organization's efforts on legislative priorities.