

Memorandum of Agreement between ODFW and The Confederated Tribes of Siletz Indians

June 16, 2023

Chairman Delores Pigsley, Siletz Tribe
Craig Dorsay, Siletz Tribe Counsel
Davia Palmeri, ODFW

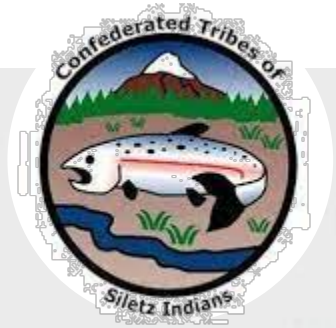
Siletz Tribal History



- **The tribes and bands comprising the Confederated Tribes of Siletz include:** Clatsop, Chinook, Klickitat, Molala, Kalapuya, Tillamook bands and tribes, Rogue River Alsea, Siuslaw/Lower Umpqua, Coos, Coquelle, Upper Umpqua, Tututni, Chetco, Tolowa, Takelma, Galic/Applegate, and Shasta.
- The tribes and bands comprising the Confederated Tribes of Siletz are indigenous to western Oregon and northern California, from the coastal areas east to the Cascade mountains.



SILETZ TRIBAL HISTORY



- The ancestors of the Confederated Tribes of Siletz spoke at least 10 different languages, and from region to region, engaged in different ways of living and cultural practices.
- On the coast, food staples included sea lion, whale, shellfish, ocean fish, and salmon; inland, food staples included deer, elk, fish (including salmon), and acorn soup.

Treaties & Relocation

- The tribes and bands which comprise the Siletz Tribe entered into seven ratified treaties and one unratified treaty with the U.S. government in the 1850s.
- Indians from these tribes and bands were removed to the Coast (Siletz) Reservation established by Executive Order in 1855.
- The Reservation was repeatedly reduced over the next several decades, until what remained was a fraction of its original size.

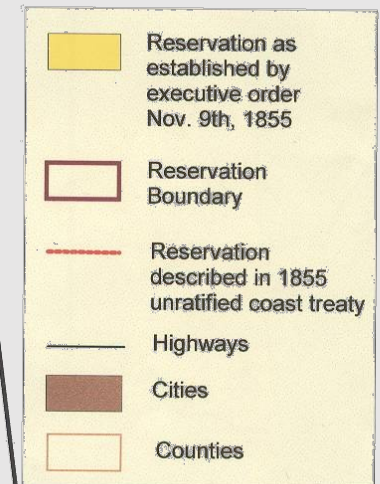


The Coast (Siletz) Reservation

Showing that the Boundaries Established by Executive Order November 9, 1855 Followed the Description and Request by Superintendent Palmer April 17, 1855 and Not those Described in the 1855 Unratified Coast Treaty



Map Produced by
Grant Casady & Mounir Louhaichi
Department of Rangeland Resources
Oregon State University
and
Robert Kenita
Confederated Tribes of Siletz Indians



Termination & Restoration

IN 1954

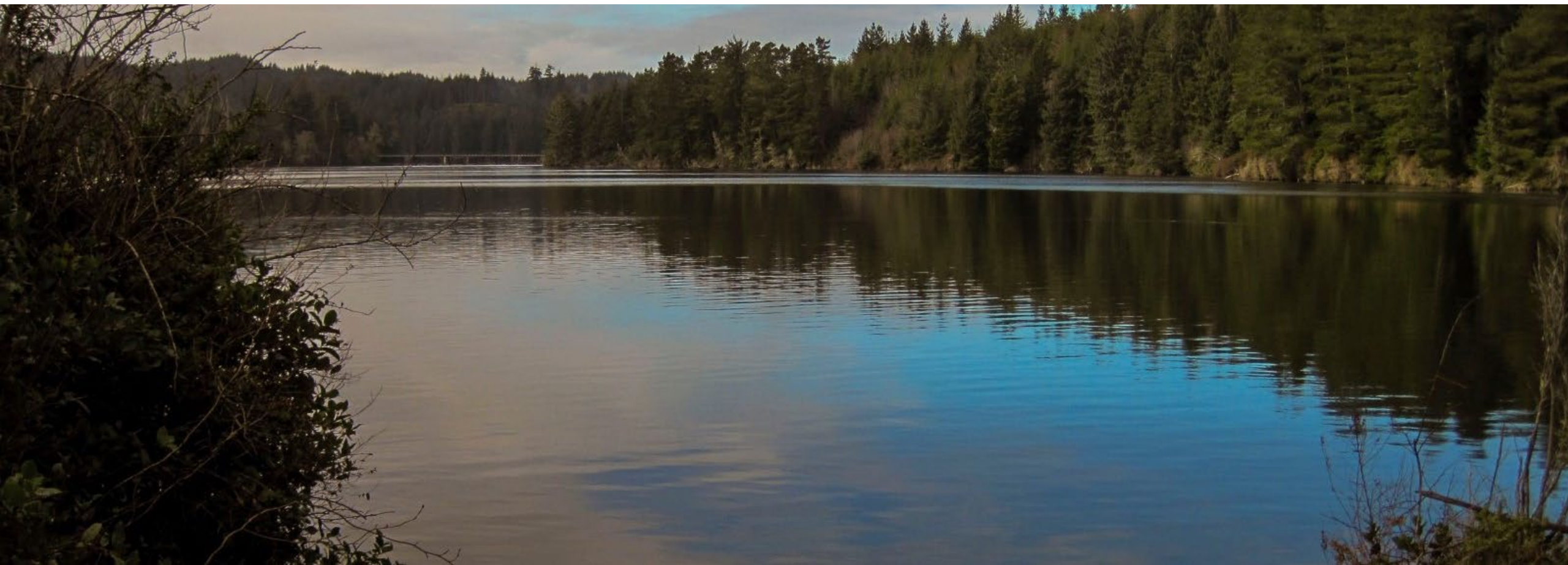
Congress terminated the federal status of the Siletz Tribe by passing the **Western Oregon Termination Act**, thereby also severing the trust relationship between the U.S. government and the Siletz Tribe.

The people of the Siletz Tribe were expected to assimilate – a policy which had **disastrous effects**.

IN 1977

recognizing the impacts of termination on the Siletz, Congress restored the Tribe's federal status through the **Siletz Indian Tribe Restoration Act**. Siletz was only the second tribe in the country to have its federal status restored following the termination era of the 1950s.

The Siletz Tribe Today





Currently has
5,603 enrolled
members



Provides services in
11 congressionally
designated counties:

Lincoln, Yamhill, Polk, Lane,
Marion, Multnomah,
Washington, Clackamas,
Tillamook, Benton, and Linn.



Has a
Constitution and
legal code



Governed by an
elected nine-member
Tribal Council.



Has a growing Natural
Resources Department
that partners with ODFW
on many projects.

Since restoration, the Siletz Tribe has prioritized revitalization of its cultural and natural resources.

The Tribe, through its **Natural Resources Department**, strives to care for, protect, enhance, and provide for the wise use of all the Tribe's natural resources in a manner which will ensure that the generations to come will benefit from these resources.



*Lhuuke Illahee Fish Hatchery
on the Siletz River*

Tribal-State Resource Co-Management

Recent and ongoing partnerships between Siletz & ODFW include:

- Shellfish Agreement
- Sea Lion Control Project at Willamette Falls
- Fish Habitat Enhancement in the Mainstem Siletz River
- Willamette Wildlife Mitigation Program
- Eel Passage at the Siletz Gorge Falls Site
- Dundas Pond Youth Trout Fishing



The Consent Decree: Background



- The 1977 Siletz Restoration Act was silent on the question of hunting, fishing, trapping and gathering (HFT&G). It was also silent on the creation of a reservation.
- The Consent Decree was in part a product of the times; the Fish Wars of the 1960s and 1970s caused significant tension around natural resource issues.
- The Siletz Tribe opposed the State's proposed agreement because of its dramatic restrictions of tribal HFT&G exercise but was told it would need to agree in order to receive a reservation.

The Consent Decree: Background

- The result was the **Agreement Among the State of Oregon, the United States of America and the Confederated Tribes of the Siletz Indians of Oregon** to Permanently Define Tribal Hunting, Fishing, Trapping and Gathering Rights of the Siletz Tribe and Its Members dated April 22, 1980.
- Siletz is one of only two tribes in the United States who was required to enter into such an agreement as a condition of receiving a reservation.
- Siletz has always thought the deal imposed on it was unconscionable and has continuously fought to overturn it.



Siletz Action and Preparation for a New HFT&G Agreement

Maintaining its strong relationship with neighboring tribes was central to Siletz as it helped develop the proposed MOA, working with other tribes at the leadership, staff and legal levels for almost two years.

Siletz has received letters of support from six other tribes: Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, Confederated Tribes of Warm Springs, Confederated Tribes of Umatilla Indian Reservation, Coquille Indian Tribe, Cow Creek Band of Umpqua Tribe of Indians, Yakama Nation.



Siletz Action and Preparation for a New HFT&G Agreement

- The Siletz Tribal Council approved the proposed MOA on August 19, 2022, Siletz Tribal Council Resolution No. 2022-283, and will amend its legal code to incorporate it upon Commission approval.
- The Tribe's expert Natural Resources team is expanding to meet the new resource management needs that would accompany the MOA.



Relevant Commission Authority

Authority over wildlife management - Implement the state's policies and programs for wildlife management consistent with the state wildlife policy.

- Specific authority to prescribe the time, place and manner in which wildlife may be harvested.
- Specific authority to prescribe the amounts of wildlife harvest, and to authorize the issuance of permits for the same.

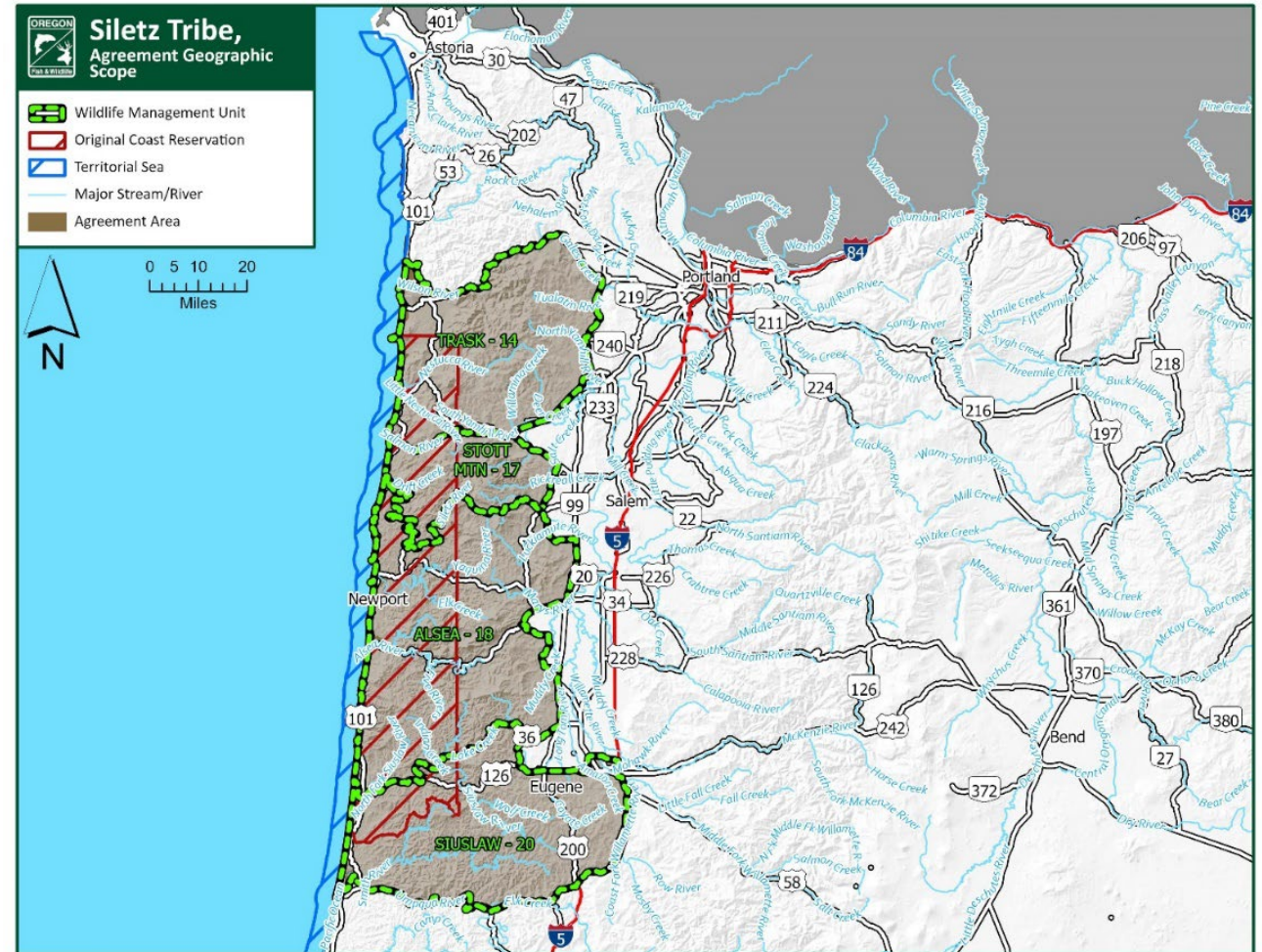
Relevant Commission Authority

Authority to enter agreements – Commission has authority to enter into agreements with any person, including tribal governments, for the development and encouragement of wildlife research and management programs and projects.

Geographic Scope (Section 4, page 5)

- Harvest on private lands only with land-owner permission
- Excludes:
 - Grand Ronde Reservation
 - Property held in trust for another federally-recognized Indian tribe
 - Columbia and Willamette Rivers from mouth to Willamette Falls

Non-exclusive: ODFW may enter similar agreements with other tribes in overlapping geography.



Cooperative Management (Section 6, page 11)

Policy statement: Coordinate the use of respective authorities, expertise, and influence as regulatory or voluntary opportunities are presented to protect, enhance, and restore fish and wildlife habitat in the geographic scope of this Agreement.

Implementation:

- Annual Meeting to identify management activities
- Coordination on pursuit of funding for fish and wildlife management
- Sharing data and information

Tribal Harvest (Section 5, page 6)

Intent: Increase opportunities for tribal members to harvest fish and wildlife resources consistent with tribal values

Applies to all animal species over which ODFW exercises management authority (mammals, birds, finfish, shellfish, crustaceans, and other aquatic animals)

Tribal Harvest - Ceremonial and Subsistence

(Section 5, page 6)

Applies only to ceremonial and subsistence harvest opportunities.

Tribal members may:

- Exchange wildlife or wildlife parts resulting from ceremonial or subsistence harvest
- Sell traditional or cultural items created from shells of shellfish, or from hides or otoliths of finfish



Tribal Harvest – Limits and Areas (5b, page

- Tribe will provide the state with a list of species and areas of interest for harvest
- State and tribe will meet to discuss limits and areas of harvest for the year or season
- Parties will seek mutual consent on the above each year
 - Dispute resolution provisions
- ODFW will issue an annual implementing permit consistent with the negotiated outcome

Tribal Harvest – Tribal Regulation (5d-e, page 9)

- Tribe will determine method and timing of harvest opportunities for enrolled members
- Tribe will promulgate rules and issue permits/licenses/tags aligned with the above
 - Tribe will follow relevant ORS
- ODFW and Tribe will annually share data on harvest
- Tribal members will carry ID and permits/licenses/tags, present to law enforcement

Tribal Harvest – Special Areas (5c, page 8)

- Tribal regulations may permit fishing and shellfishing in areas owned or managed by ODFW, excluding marine reserves and marine protected areas.
- Tribal regulations for hunting and trapping on areas owned or managed by ODFW will reflect ODFW rules for those areas.

Tribal Harvest – Communication/Enforcement

- Communication plan will be developed to provide notice to ODFW staff and OSP about tribal harvest opportunities.
- Plan to seek prosecution referral agreements.
- Coordination with other tribes in advance of annual meeting with ODFW.

Other Provisions (Sections 7-15, page 12)

- Dispute resolution -> Mediation
- Sharing available carcasses
- Equity in Cooperative Management Agreements
- Amendments/Termination
- Available Funding and Continued Authority

Response to Public Input

Issue

Resolution

Concern about overlap with pending federal legislation →

Added clarifying sentence (section 10, pg 16)

Applicability of ORS →

Amended language – all ORS apply (section 3d, pg 6)

Implementation

- If approved, the MOA will become effective through creation of OAR 635-800-0500
- Siletz Tribe, ODFW, and OSP to convene ‘summit’ to kick off implementation of the agreement if adopted today
- Siletz Tribe to adopt harvest regulations in tribal code
- Ongoing annual meetings to implement cooperative management

Final Remarks



Issue

Memorandum of Agreement to Define Exercise of Hunting, Fishing, Trapping, and Gathering of the Siletz Tribe and its Members and Setting Out Principles of Cooperative Management of Wildlife Resources Between The Confederated Tribes of Siletz Indians and The State of Oregon, by and through the Oregon Department of Fish and Wildlife.

Staff Recommendation: Adopt OAR 635-800-0500 (Attachment 4) to implement the Memorandum of Agreement between the Confederated Tribes of Siletz Indians and the state of Oregon, through the Oregon Department of Fish and Wildlife (Attachment 3).



Thank you!

Davia Palmeri,
ODFW Conservation Policy Coordinator

Chairman Delores Pigsley,
Siletz Tribe

Craig Dorsay,
Siletz Tribe Counsel

