



2024 Annual Government to Government Report on Tribal Relations

Submitted to: Oregon Legislative Commission
on Indian Services

By: Leah Feldon, Director

December 2024



This document was prepared by
Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland Oregon, 97232

Contact: Roxy Nayar
roxy.nayar@deq.oregon.gov
Phone: 800-452-4011
www.oregon.gov/deq



Translation or other formats

[Español](#) | [한국어](#) | [繁體中文](#) | [Русский](#) | [Tiếng Việt](#) | [العربية](#)
800-452-4011 | TTY: 711 | deqinfo@deq.oregon.gov

Non-discrimination statement

DEQ does not discriminate on the basis of race, color, national origin, disability, age, sex, religion, sexual orientation, gender identity, or marital status in the administration of its programs and activities. Visit DEQ's [Civil Rights and Environmental Justice page](#).

Executive summary

This Oregon Department of Environmental Quality Annual Government-to-Government Report on Tribal Relations provides an update on DEQ efforts and actions during the past year to consult, coordinate, collaborate and enhance relations with tribal nations. DEQ's work centers on protecting human health and the environment, and its partnerships with tribes are an important priority for the agency. Ongoing activities include work to reduce greenhouse gas emissions, protect communities from air toxics, cleanup of contaminated lands, modernization of Oregon's recycling system, protection of rivers and streams, watershed restoration projects, consultation on the development of rules, policies and procedures, technical assistance and more.



DEQ maintains government-to-government relationships with the nine federally recognized tribal governments in Oregon and communicates formally through in-person meetings, correspondence via letters and emails, as well as informally through phone conversations and coordination meetings. DEQ considers tribal nations as leaders in protecting and restoring Oregon's air, land and water quality, and acknowledges the expertise and knowledge of tribes as an important complement to our shared work.



Table of contents

Executive summary	3
1. Agency contacts	6
Tribal liaison	6
Program-area Tribal relations contacts	6
Natural Resources Cluster representative.....	6
Cultural Resources Cluster representative.....	6
Agency Director.....	6
2. Agency interest areas	7
3. Agency statement	8
4. Participation in the government-to-government process	9
5. Internal tribal relations action and training	12
6. Summary of program-related issues and activities	13
6.1. Improving water quality.....	13
2024 Integrated Report.....	13
Water Quality Standards- Triennial Review	14
Monitoring toxic pollutants	14
Groundwater management areas	15
Statewide groundwater monitoring	15
Clean Water State Revolving Loan Fund.....	16
Onsite Septic Financial Aid Program	16
Developing and implementing water quality improvement plans (TMDLs)	17
Drinking water protection for public water systems.....	18
Relicensing hydroelectric projects	19
Pesticide Stewardship Partnerships	20
Integrated water resources strategy	20
Oregon Water Data Portal Project	21
6.2 Laboratory	22
Technical assistance.....	22
Outreach and support	22

6.3. Improving Air Quality23

 Oregon Climate Protection Program.....23

 Responding to open burning complaints and asbestos issues25

 Wildfire smoke25

 Oregon Zero Emission Fueling Grants26

6.4. Improving land quality and sustainable management of materials26

 Emergency Response.....26

 High Hazard Rail Contingency Planning28

 Environmental Cleanup.....28

 Fuel tank seismic stability rules32

 Materials management32

7. Conclusion33

1. Agency contacts

Tribal liaison

Roxann Nayar
700 NE Multnomah Street, Suite 600
Portland, OR 97232
Phone: 503-593-3306
Email: Roxy.Nayar@deq.oregon.gov

Program-area Tribal relations contacts

Air Quality – Aeron Teverbaugh
Senior Policy Analyst
Email: Aeron.Teverbaugh@deq.oregon.gov

Land Quality – Abby Boudouris
Senior Policy Analyst
Email: Abby.Boudouris@deq.oregon.gov

Water Quality – Rian vanden Hooff
Senior Policy Analyst
Email: Rian.Hooff@deq.oregon.gov

Natural Resources Cluster representative

Rian vanden Hooff, 503-229-5988; Rian.Hooff@deq.oregon.gov

Cultural Resources Cluster representative

Roxann Nayar, 503-348-8904; Roxy.Nayar@deq.oregon.gov

Agency Director

Leah Feldon
700 NE Multnomah Street, Suite 600
Portland, OR 97232
Phone: 503-229-5300
Email: Leah.Feldon@deq.oregon.gov

2. Agency interest areas

As the State of Oregon's environmental protection agency, the Oregon Department of Environmental Quality partners with the nine federally recognized tribal governments in the state on issues related to air, land and water quality. DEQ's work is linked to the work of tribal governments through natural and cultural resources, as well as community and economic development programs. Programs that DEQ administers and implements often affect federally recognized tribes. In recognition of this, every year DEQ develops a comprehensive report regarding the program and policy changes (including rulemakings) that are expected to be considered by the agency's policy-making body - the Environmental Quality Commission. DEQ's tribal liaison reaches out to the key contacts from each tribal nation regarding how best to communicate relevant information, and DEQ uses this feedback to inform the agency's work. In addition, DEQ's tribal liaison provides regular updates to the primary contacts for each tribe on key topics including:

- Upcoming cleanup projects
- Information about permits scheduled for issuance in the upcoming year and details about specific permits, when requested
- DEQ's regulatory authority, timelines and processes for proposed new projects or policies that may be of tribal interest
- Development of air, land and water monitoring plans
- Presentations on monitoring results from the previous year
- Emergency/spill response activities and drills
- Funding opportunities
- Invitations to participate on advisory committees
- Any other topic as requested by tribal staff

3. Agency statement

DEQ developed a Tribal Government-to-Government Relations Program in 1996 following the signing of Executive Order 96-30. In 2002, DEQ adopted a “Statement of Intent” to implement the order and to meet the requirements of Senate Bill 770 (ORS 182.162-168), which directs state agencies to promote government-to-government relations with the nine federally recognized tribal governments in Oregon.

DEQ’s most recent Tribal Relations Policy was published in 2010. The 2010 policy states that DEQ is committed to building and maintaining strong government-to-government relations with tribes. DEQ consults and coordinates with tribal nations on air, land and water quality issues that affect tribal interests, resources and lands. DEQ strives to build positive relationships with tribal leaders, managers, staff and representatives to understand tribal interests, explore opportunities for greater partnership and collaboration, and address tribal interests in DEQ actions. These partnerships increase our collective ability to protect and enhance public health and the environment.

DEQ implements the 2010 [Tribal Relations Policy](#) through regular meetings with tribal representatives at the staff, manager and leadership levels, and by seeking opportunities to collaborate with tribes on issues important to tribal governments.

4. Participation in the government-to-government process

In 2024, DEQ engaged in the following government-to-government activities:

1. On Feb. 2, 2024, DEQ's annual letter from the agency Director was sent to the nine tribal councils sharing an overview about key areas of work, including some significant rulemakings.
2. Water Quality Program
 - DEQ has been coordinating with staff from the Coquille Indian Tribe regarding NPDES permit renewal for several municipal wastewater treatment plants in the south coast basin.
 - DEQ sent a letter to the Columbia River tribes about the upcoming total dissolved gas modification plan updates.
 - DEQ staff met with staff from the Confederated Tribes of the Coos, Lower Umpqua and Siletz Indians (CTCLUSI) to discuss the process for accrediting their lab.
 - DEQ and the Yakama Nation provided each other letters of partnership for the Columbia River fish toxics monitoring project, funded with an EPA grant.
 - DEQ notified and invited the tribes to assert their tribal reserved rights for the upcoming Triennial Review. DEQ met with the Grand Ronde and Cow Creek.
 - DEQ notified all nine tribes about a petition the agency received from Marion County to amend the Three-Basin Rule (OAR-041-0350). DEQ met with the Grand Ronde and received written comments from the tribal council about the petition.
 - DEQ staff met with staff from the Warm Springs to discuss the Outstanding Water Resource petition for the Metolius River.
 - DEQ notified the Grand Ronde, Siletz and Warm Springs about the 401 Water Quality Certification public notice for the NEXT Renewables facility.
 - DEQ staff met with staff from the Confederated Tribes of the Umatilla Indian Reservation, Warm Springs and the Columbia River Inter- Tribal Fish Commission to discuss the Cascade Transmission Project.
3. Land Quality Programs
 - Utilizing the remaining balance of an EPA Brownfields Grant, DEQ entered into an Intergovernmental Agreement with Harney County to use the funding on two projects that support the site assessments and development of sampling and analysis plans for two tribally-owned properties in Burns, Oregon that will be redeveloped for tribal uses.
 - Notified the Confederated Tribes of the Grand Ronde, Siletz and Warm Springs about the prospective purchaser agreement application DEQ received for the redevelopment of the McCormick and Baxter property in Portland. DEQ staff met with staff from the Grand

Ronde and toured the site together. DEQ will formally consult with the Grand Ronde in December 2024.

- DEQ invited all nine federally recognized tribes to participate in an upcoming PFAS rulemaking. Tribal staff from the Grande Ronde and Confederated Tribes of the Umatilla Indian Reservation will participate on the rulemaking advisory committee.
- DEQ notified the Grand Ronde, Siletz, Warm Springs and Confederated Tribes of the Umatilla Indian Reservation about the upcoming clean-up work that will be happening on Moore and Wright Island, in Portland, starting in 2025. DEQ staff met with staff from Grand Ronde to discuss.

4. Materials Management

- DEQ contacted Confederated Tribes of the Umatilla Indian Reservation, the Yakama Nation and the Confederated Tribes of the Warm Springs Reservation about the permit amendment and permit renewal submitted by Chemical Waste Management for the Arlington landfill. DEQ staff met with tribal staff from Warm Springs and Confederated Tribes of the Warm Springs Reservation to discuss the proposed permit amendment and renewal process.
- Staff from DEQ and other agencies met with Confederated Tribes of the Warm Springs Reservation staff to discuss an on-going issue with residential waste and clean-up issues occurring on a number of tribal residential properties. DEQ is providing informal assistance to help identify potential resources to address the needs.
- DEQ notified all nine tribes about the Materials Management Reduce, Reuse, Reimagine Grant Program in April 2024. The Grand Ronde applied and was awarded funding for a project.

5. Air Quality Programs

- DEQ notified the Grand Ronde that the Covanta ReWorld incineration facility was undergoing review through the CAO program.
- DEQ notified Confederated Tribes of the Warm Springs Reservation about the PGE Carty air quality permit renewal.

6. Other Engagement and coordination:

- DEQ received a Climate Pollution Reduction Grant from the EPA to create statewide plans to reduce Oregon's greenhouse gases. DEQ has engaged with tribes to inform grant outputs and planning documents.
 - To inform the Comprehensive Climate Action Plan, DEQ will also reach out to the nine federally recognized tribes in Oregon for feedback and to gather GHG reduction strategies, gaps, and funding needs.
 - The Affiliated Tribes of Northwest Indians also received funds from the EPA for climate planning. DEQ meets with ATNI regularly to collaborate on plan development.

- DEQ has developed Inter Governmental Agreements with The Confederated Tribes of the Grand Ronde and the Confederated Tribes of the Umatilla Indian Reservation for specific outreach opportunities and to gain tribal priorities on climate change.
- DEQ conducted a rulemaking to reestablish Oregon's Climate Protection Program. A representative from Confederated Tribes of the Warm Springs Reservation participated on the Rules Advisory Committee and provided feedback on the proposed rules. The program will go into effect January 1, 2025. Included in the rules is a requirement that 15% of any community climate investments received must be spent on projects or programs that reduce greenhouse gas emissions that benefit Oregon tribes and tribal communities.
- DEQ's Director and Tribal Liaison attended the Oregon Tribal Leaders Summit
- DEQ's Director and Tribal Liaison attended the Government-to-Government Summit
- DEQ staff attended and presented at this year's Oregon Tribal Environmental Forum
- Throughout the year DEQ's tribal liaison and other staff attended and presented at the tribal-state natural resources and cultural resources cluster meetings held in 2024. DEQ followed up with tribal representatives in several ways regarding topics and issues raised at those meetings.
- DEQ's Director continues to work with partners, including the Klamath, Yurok and Karuk tribes, concerning water quality issues and dam removal in the Klamath Basin.
- Throughout the year, DEQ connected with each of the nine federally recognized tribes on various topics and agency actions, including draft air and water permits that were proposed or in the process of being renewed, cleanup sites, enforcement actions, DEQ programs and restoration projects. Many of these interactions are highlighted in the following sections.

DEQ greatly appreciates the leadership and partnership of tribal governments working with the state to protect the environment, human health, as well as natural and cultural resources.

5. Internal tribal relations action and training

DEQ's internal tribal relations activities are focused on improving consultation and communication between agency and tribal leadership and staff, as well as providing training to DEQ employees on tribal government, sovereignty and issues of interest to tribal nations.

- Throughout the year, DEQ's tribal liaison advised and assisted DEQ managers and staff on issues of interest to tribal nations, providing guidance for consulting and coordinating with tribal governments on many environmental activities.
- DEQ maintains a [Tribal Government Relations web page](#) to provide information about the government-to-government process, federally recognized tribes, and DEQ's tribal relations activities. DEQ employees use this site to learn about tribal nations and our government-to-government responsibilities.
- LCIS' Executive Director provided a training to DEQ's Leadership Team about tribal affairs and relevant state laws.
- DEQ contracted with Portland State University's Institute for Tribal Government to deliver an introductory tribal relations workshop to twenty agency staff in February.
- Staff from the State Historic Preservation Office and the Legislative Commission on Indian Services delivered a training to DEQ staff about cultural resource laws and inadvertent discovery in September.
- Two DEQ staff completed the Portland State University Certificate in Tribal Relations Program in 2024, increasing to the total number of staff who have graduated from the program to four people.

6. Summary of program-related issues and activities

DEQ works to protect air, land and water quality across the state and interacts regularly with tribal leaders and staff on a broad range of activities and issues. Primary areas of collaboration and discussion between tribal nations and DEQ staff over the past year are summarized below.

6.1. Improving water quality

2024 Integrated Report

Oregon statute requires that DEQ publish the Integrated Report assessment methodology prior to the start of drafting the Integrated Report. The Draft Assessment Methodology for Oregon's 2024 Integrated Report describes how data will be evaluated at the assessment unit level and how DEQ will develop the 2024 Integrated Report to comply with Sections 305(b) and 303(d) of the Clean Water Act.

Efforts to develop the 2024 Integrated Report began in 2022, when DEQ initiated priority assessment methodology updates. The largest update for this reporting cycle, included DEQ collaborating with a technical workgroup to develop draft assessment methodologies to assess the impacts of ocean acidification and hypoxia on marine aquatic life. DEQ's Water Quality Assessment Program held two public processes for the Draft 2024 Assessment Methodology. In total, DEQ received 15 unique comments from five entities on the 2024 draft Assessment Methodology update. Additionally, DEQ requested its 2024 Integrated Report statewide call for data for inland and estuarine waters from Feb. 6, 2023, through April 7, 2023, and for marine waters from June 15, 2023- Aug. 14, 2023. Notifications for these public processes were shared with tribal staff and DEQ received data from one tribe.

Only those waters that are under the state of Oregon's jurisdiction are subject to the State's 303(d) and 305(b) assessment and reporting requirements. Tribal waters do not fall under DEQ's jurisdiction and are not assessed for water quality or developing the 303(d) list for the Integrated Report. DEQ does not develop TMDLs for tribal waters unless a specific government-to-government collaboration is requested by a tribe. When a water body lies partially within tribal reservation boundaries, DEQ only assesses the segments that are within Oregon's jurisdiction to prepare Oregon's 303(d) list. Waters that form the boundary between tribal reservations and state lands are assessed for Oregon's Integrated Report.

In April 2024 DEQ released the draft 2024 Integrated Report and broadly solicited public comment opportunity as well as specific outreach to tribal nations. In addition to the general reporting, this assessment includes four new pollutants DEQ evaluated in the draft 2024 Integrated Report: ocean acidification, marine hypoxia, [aquatic trash](#) and [PFOS](#). This assessment includes over 300,000 raw data results reported to the Water Quality Portal or submitted to DEQ by Tribal Nations. DEQ is grateful for this contribution to report on water quality status in Oregon. DEQ plans to submit the 2024 Integrated Report to EPA for approval in

the fall of 2024. The 2024 Integrated Report is effective and can be used in other Clean Water Act programs such as TMDL and NPDES permitting after EPA approval.

For now, the [2022 Integrated Report](#), represents the most up to date water quality assessment, with 303(d) list of impaired waters approved by the U.S Environmental Protection Agency on Sept. 1, 2022 effective for regulatory purposes. The reporting includes an interactive 305(b) [story map](#) which provides an overview of the water quality assessment process, displays assessment results and presents an overview of how DEQ's water quality programs are connected through monitoring, assessment and watershed protection. Additionally, an interactive [web map](#) displays the Integrated Report results by overall status of an assessment unit. An [online searchable database](#) also provides access to raw data and parameter specific categorical conclusions for all assessed units.

Water Quality Standards- Triennial Review

DEQ is currently preparing the 2024 Water Quality Standard Triennial Review. The draft work plan was open for public comment from Oct. 14 to Dec. 2, 2024. During this process, DEQ will request input from interested parties, (including Tribes) about which Oregon water quality standards should be revised, and which standards need new or improved application procedures. This is the first year DEQ's Triennial Review allows tribes to assert their tribal reserved rights during. DEQ sent a letter to all nine tribes explaining this new development and invited consultation on the process in July 2024. As of Oct. 2024, DEQ has provided an informational overview about the triennial review process and timeline to three of Oregon's tribes.

In Spring 2024, DEQ accepted nominations from the public to designate Outstanding Resource Waters to protect high quality waters that constitute an outstanding state or national resource. Nominations were submitted for the Metolius River, Steamboat Creek, Rough and Ready Creek, and Illinois River, and in some cases, included letters of support submitted by individual tribes. DEQ encourages parties interested in nominating a water to reach out to tribal governments before submitting the nomination to determine their support or concerns. DEQ staff has consulted with the Confederated Tribes of the Warm Springs regarding the nomination for the Metolius River.

Monitoring toxic pollutants

In 2019, DEQ's statewide toxics monitoring program established a trend network of approximately 60 locations based on a risk assessment using previously collected data through the toxics monitoring program. The goal is to sample sites for water quality three times annually to establish a trending network for toxics. The first sampling event was completed in fall of 2019. Initial analysis includes priority metals and will expand to organics soon. Toxics monitoring supports the evaluation of toxics impacts on tribal First Foods and ecological integrity. Due to the COVID-19 pandemic, DEQ's toxics monitoring work was limited in 2020-2022, but included statewide sediment collection, water quality in the Willamette Valley, and wildfire response water monitoring. In summer 2023, the DEQ laboratory resumed statewide toxics water monitoring, and in 2024 added an expanded list of analytes including pesticides and Bio-

Available Aluminum. In 2025, DEQ is planning method development to analyze for toxics in fish tissue samples, including PFAS, PCBs and Mercury. The statewide toxic network monitoring plans moving forward will include expanded analytes for water, sediment and tissue. DEQ will collaborate and communicate with the tribes as this work continues.

The Toxics Monitoring Program also continues to stay engaged with the Yakama Nation Toxics Monitoring Project in the Columbia River Mainstem and will further collaborate with their work as DEQ makes plans to monitor fish tissue toxics in the Oregon tributaries to the Columbia River with funding from the EPA in 2025-2027.

Groundwater management areas

Oregon revised statute 468B.180 requires DEQ to declare a groundwater management area when DEQ groundwater assessments reveal area-wide groundwater contamination problems at consistently high levels. A GWMA declaration requires DEQ, Department of Agriculture, Water Resources Department, Oregon Health Authority and other state agencies to focus efforts to reduce existing contamination and to prevent further contamination of the affected aquifer (ORS 468.184). Actions taken by agencies to address contamination under 468.160 include public education, research and implementation of best management practices, and conditions on permitted wastewater discharges, DEQ leads the effort by convening a local GWMA committee comprised of at least seven members representing a balance of interests in the area affected by the declaration. This committee provides advice to state agencies in the development and implementation of an action plan to reduce concentrations of the groundwater contaminant of interest in the area. Oregon currently has three GWMAs (Figure 2): Northern Malheur County, Lower Umatilla Basin, and Southern Willamette Valley. All three areas were designated due to widespread nitrate contamination.

The Lower Umatilla Basin Committee was convened in 1996 and finalized the first Lower Umatilla Basin Ground Water Management Area Action Plan in December 1997; a second action plan was approved by DEQ in November 2020. In September 2022, DEQ restructured the [LUBGWMA Committee](#) into 10 membership categories to better ensure broad representation of various interests on the committee, including tribal government. Two members from the Confederated Tribes of the Umatilla Indian Reservation currently serve on the committee and have been engaged in LUBGWMA Committee work over the past year. The tribes offer expertise in land use planning and cultural and natural resources, including water quality standards development, implementation, and monitoring. In September 2024, state agencies submitted a [Nitrate Reduction Plan](#) identifying actions planned and in progress to reduce nitrate contamination in the area.

Statewide groundwater monitoring

In 2023, DEQ's statewide groundwater program conducted sampling in the Southern Deschutes, between Sunriver and La Pine area to monitor trends in nitrate contamination. This effort included sampling 60 wells in the spring, resampling 20 wells for seasonal analysis in the fall of 2023, and sampling 40 additional wells in the Spring of 2024. These wells primarily consist of volunteered domestic and irrigation wells. DEQ staff have shared information about

this work with the Confederated Tribes of the Warm Springs and the Burns Paiute Tribe. As the Statewide Groundwater Program moves into new areas, DEQ will continue to engage with tribal representatives in the sampling areas and provide the monitoring results to all interested parties.

Other groundwater monitoring efforts in 2024 included continued sampling of network wells in the three GWMA's and a limited domestic well testing effort is planned for November in an area north of Prineville, Oregon.

Clean Water State Revolving Loan Fund

DEQ's Clean Water State Revolving Fund loan program continues to provide below-market rate loans for planning, design and construction of projects that enhance or protect water quality. Federally recognized tribal governments are eligible to apply to the loan program. The program offers loans for wastewater treatment, as well as stormwater and nonpoint source watershed protection projects. The program awards principal forgiveness to eligible borrowers based on affordability, as well as for projects addressing water efficiency and energy efficiency, incorporating green infrastructure or that qualify as environmentally innovative. In 2023, DEQ provided information about new opportunities for CWSRF nonpoint source funding and principal forgiveness to tribal councils and have shared program information at this year's Natural Resource Working Group and Cultural Resources Cluster meetings. The Program also met with a representative of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians and other interested parties concerning the Tenmile Lakes. Additionally, staff from the Northwest Portland Area Indian Health Board serve on the CWSRF standing advisory committee.

The CWSRF program supports protection Tribal cultural resources by requiring all construction projects to demonstrate compliance with the National Historic Preservation Act (1966) and Archeological and Historic Preservation Act (1974). This includes mandatory consultation with Tribes on many projects as part of the environmental review process. The CWSRF program also presented funding information at the 2024 Oregon Infrastructure Planning and Funding workshop in Roseburg where attendees included a representative from the Burns Paiute Tribe to discuss an infrastructure project. In addition, DEQ staff met virtually with a member of the Coquille Helena Linnell from the Coquille Tribe to discuss eligibility for a potential nonpoint source project in the Coquille watershed that involved partnering with a private landowner on riparian tree planting and bank stabilization/erosion control to restore fish habitat and reduce sedimentation. In 2024 DEQ actively helped formulate the interagency Best Practices in Community Engagement Around Water Projects as part of the implementation efforts for House Bill 3293 (2021). These practices are intended to ensure that Tribes and disadvantaged communities have the opportunity for meaningful engagement when communities undertake engagement efforts for supported water projects.

Onsite Septic Financial Aid Program

Decentralized wastewater, or septic systems, are an important method of residential wastewater treatment in rural parts of the state. The Onsite Septic Financial Assistance Program provides financial assistance to communities throughout the state and is made possible as part of the

federal American Rescue Plan Act. In 2023, DEQ worked in partnership with the Central Oregon Intergovernmental Council to make funding available to the Confederated Tribes of the Warm Springs for septic system repair and replacement. As a result, the Tribe was able to oversee over \$352,000 in improvements for 12 septic systems on the Reservation. Notably, this project established new pathways for cooperative work on water quality projects between DEQ, COIC and the Tribe.

Developing and implementing water quality improvement plans (TMDLs)

When rivers and streams exceed water quality standards set to protect people and aquatic life, DEQ develops a pollution reduction plan called a Total Maximum Daily Load, or TMDL. Many tribal governments have worked collaboratively with DEQ over the past year to develop and implement plans to reduce pollution in waters across the state that currently do not meet water quality standards. Progress made on TMDLs is summarized below.

Temperature Replacement TMDLs

In October 2019, the U.S. District Court of Oregon, Portland Division, issued its final order and judgment for NWEA v. USEPA, commonly referred to as the Temperature TMDL litigation. This case was originally filed in 2012 by Northwest Environmental Advocates to challenge EPA's action on numerous temperature TMDLs. The final order requires DEQ and EPA to develop replacement TMDLs by the end of 2028 for 15 areas (see [DEQ's Temperature replacement TMDLs web page](#)).

Throughout 2024, DEQ finalized Quality Assurance Project Plans for nearly all 15 areas and continued the technical work and public engagement to affected entities, other interested parties, and tribes on the projects due in 2024 and 2025. The Environmental Quality Commission adopted, and EPA approved the Willamette Subbasins TMDL and the Lower Columbia-Sandy Subbasin TMDL in August and September 2024 respectively. The next two TMDL projects due in order of the court schedule include the amendment to the Willamette Subbasins to include the Willamette Mainstem and Major Tributaries area, and the North and South Umpqua Subbasins. Tribal input was sought to offer basin-specific knowledge for these temperature TMDLs, and DEQ has extended invitations to participate on the Rule Advisory Committee (RAC) for the Willamette Mainstem and Major Tributaries where members are asked to provide input on fiscal impacts, racial equity, and environmental justice considerations. Considering the constraints of the temperature TMDL replacement court-ordered deadlines, the accelerated timeline did not allow for meaningful engagement beyond extending an invitation to participate on the RAC. EPA is developing the Umpqua TMDLs and has reached out to tribes including the Cow Creek Band of Umpqua Tribe of Indians, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Siletz Indians, Confederated Tribes of Warm Springs, Coquille Indian Tribe, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians and Confederated Tribes of Grand Ronde.

Tribal input will continue to be sought for the eight remaining temperature replacement TMDL projects, including invitations to participate on Rule Advisory Committees, in accordance with the project-specific court ordered deadlines in April 2026, June 2027 and May 2028.

Coquille River Subbasin TMDLs

DEQ continues to work with the Coquille Indian Tribe and provide outreach opportunities to the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians and Confederated Tribes of Grand Ronde during development of the Coquille River TMDLs to address dissolved oxygen, temperature, bacteria, chlorophyll-a and pH. DEQ also engaged with representatives from the Cow Creek Band of Umpqua Tribe of Indians staff and received their input on the South Fork Coquille River TMDL for Camas Valley. DEQ anticipates tribal input will continue to be informative in the ongoing efforts to improve water quality and fish habitat conditions on the Oregon south coast. In early 2023, DEQ invited tribal participation on the Coquille Subbasins TMDLs Rulemaking Advisory Committee and the Coquille Indian Tribe has agreed to participate as this project moves forward in 2025.

Snake River-Hells Canyon TMDLs

Consistent with the terms of a 2021 settlement agreement, DEQ is developing a TMDL for methylmercury in reaches of the Snake River that include the Hells Canyon Complex Hydroelectric Project. In 2023, DEQ initiated technical advisory committee meetings for the mercury TMDL and invited participation from parties of the agreement, the Nez Perce Tribe and conservation organizations Pacific Rivers and Idaho Rivers United. DEQ also began holding regular meetings with the Nez Perce Tribe to collaborate on TMDL development. As the Mercury TMDL progresses, DEQ will update the Tribes and conservation groups on progress and invite their participation in additional advisory groups during the public engagement. As part of the court-ordered temperature TMDL replacement projects discussed above, DEQ will also be revising the 2004 Snake River- Hells Canyon Temperature TMDL. The Temperature TMDL is under development for EPA action by June 4, 2027. DEQ plans to seek input from an advisory committee that includes.

In addition to these specific TMDL examples, many tribal governments work on projects throughout Oregon that support TMDL implementation and nonpoint source pollution management, such as channel reconstruction, fencing and flow restoration, levee elimination and riparian planting to improve water quality. The TMDL and Non-Point Source Program recognize the importance of tribal input and collaboration on these projects and the need to improve tribal engagement in the development and implementation of TMDLs. As the program continues to develop and implement TMDLs, careful consideration will be made as how to better meet the needs of tribal governments to collectively achieve water quality goals.

Drinking water protection for public water systems

In Oregon, EPA directly implements the Safe Drinking Water Act for tribal public water systems to improve access to safe drinking water. DEQ's drinking water protection program works with EPA to ensure that tribal drinking water utilities are aware of potential risks to their water supply from areas outside of their jurisdiction. In 2024, The Confederated Tribes of the Siletz Indians

were invited and attended drinking water protection informational workshops in the Mid-Coast region. These events were hosted by DEQ in February 2024 and October 2024 and supported the Mid-coast Water Planning Partnership. In May 2024, the partnership hosted a tour in the Siletz watershed which provides source water for several public water systems.

Relicensing hydroelectric projects

Tribal governments and DEQ have worked together on the following hydroelectric relicensing projects over the past year.

Hells Canyon Hydroelectric Project

The federal licensure for the Hells Canyon hydroelectric project remains in progress, but the timeline for issuance of the Federal Energy Regulatory Commission's draft Environmental Impact Statement (previously anticipated early to mid-2024) is currently unknown. DEQ will continue to work with tribal staff through the remainder of the federal process.

DEQ staff are in regular communication with Nez Perce Tribe and the tribe's natural resources staff are involved in the development of the Snake River Mercury and Temperature TMDLs, to share information about restoration and conservation opportunities in the Snake River Basin that are complementary to the 401 water quality certification conditions that will be implemented once the license is issued by FERC.

Pelton Round Butte Hydroelectric Project

DEQ and the Confederated Tribes of Warm Springs are working with other interested parties to implement the hydroelectric license for this project on the Deschutes River. The Confederated Tribes of Warm Springs have important roles as a regulatory entity, 401 water quality certification authority, Fish Committee member, and co-owner and co-licensee with Portland General Electric for the project.

DEQ is continuing a coordinated process between with PGE and the Confederated Tribes of Warm Springs to evaluate modifications to the Pelton Round Butte 401 Certification. Discussions about the modification occurred in 2024 as the required updates to the Aquatic Life Use Rule were completed. More work is anticipated in 2025.

Lower Klamath Hydroelectric Project

Removal began in January 2024 with the initiation of drawdown of the J.C. Boyle reservoir, and all active construction required to remove the dam and associated structures was completed on time, in October 2024. Restoration of the river channel and former reservoir bed sediments has started and will continue for several years, led by RES, Inc with important on-the-ground work and consultations with members of the Klamath, Yurok, and Karuk Tribes. The project represents the largest dam removal project in U.S. history and will restore access to more than 350 miles of salmon habitat in the upper basin for the first time in a century. DEQ staff are tracking implementation of conditions for the 401 Water Quality Certification (issued in September 2018) for the removal of the J.C. Boyle Dam and subsequent restoration.

Pesticide Stewardship Partnerships

Since 1999, DEQ has been using a voluntary, collaborative approach called Pesticide Stewardship Partnerships, to identify problems and improve water quality associated with pesticide use. The partnership approach uses local expertise in combination with water quality and pesticide expertise of state agencies and Oregon State University to encourage and support voluntary changes that result in measurable environmental improvements.

The Confederated Tribes of Warm Springs contributed time and financial resources to the first PSP, the Hood River Basin PSP, in the early 2000s. Representatives of the Tribe participated in Hood River PSP meetings in 2024. In addition, through their participation on the board of the Jefferson Soil and Water Conservation District, the Confederated Tribes of Warm Springs is now involved in the Middle Deschutes PSP project. The Middle Deschutes PSP project is a long-term partnership focused on the goal of reducing or eliminating pesticide concentrations in tributaries such as Campbell Creek that discharge into the river above the tribe's drinking water intake.

Beginning in late 2019, an advisory group was formed to provide input on the operation and activities of the PSP program. A representative of the Confederated Tribes of the Umatilla Indian Reservation served on the group. The group met multiple times through June 2021 and gave feedback on a number of issues, including feedback on an evaluation of how the PSP program and individual watershed projects will most effectively incorporate environmental justice principles into on-going and future activities. The PSP Advisory Group meets bi-annually (two times per year) to provide feedback.

Integrated water resources strategy

DEQ participates in the statewide work to implement the water quality recommendations in Oregon's Integrated Water Resources Strategy. One of the initiatives is place-based planning, which provides a framework for communities to understand and meet their water needs now and in the future. DEQ participates in the development of four collaborative water plans throughout Oregon and provides technical assistance as needed. Thus far, planning efforts have involved the Mid-Coast Region, Lower John Day Subbasin, Upper Grande Ronde Subbasin, and the Malheur Lake Basin. Tribal representatives participate in the planning efforts.

Another initiative is Oregon Water Resources Department's Water Project Grant and Loan Program. This program provides grants and loans for projects that increase water supply to meet instream or out-of-stream needs. DEQ works with the technical review team to review the economic, environmental, social and cultural benefits of each grant application. As part of that work, DEQ reaches out to involved tribes before making funding recommendations.

In 2024, DEQ has been involved in the statewide effort to update the IWRS, last published in 2017. The update involves multiple state natural resource agencies and has included various outreach and engagement processes aimed at soliciting input from a breadth of interested parties, including tribal governments. Specifically, DEQ has worked with the lead agency, WRD,

and other agencies to support both formal and informal tribal engagement opportunities throughout the process. The update is seeking to incorporate key elements and findings associated with recent efforts, including the 100 Year Water Vision and the Tribal Water Task Force. An initial draft of the 2024 IWRS was released for tribal and public input in March 2024 with the goal of finalizing the new strategy in summer 2024. However, following the comment period, there were a number of leadership transitions at multiple water-related natural resource agencies for the state (WRD, OWEB, ODFW, ODA) and the Governor's Office asked for a temporary pause in IWRS update work over summer 2024. A renewed reset of IWRS update efforts is underway in fall 2024 and tribal governments will again be contacted to ask for further engagement to help inform and guide development of this work. Current estimates are for finalization and adoption of an updated Strategy by mid-2025.

Oregon Water Data Portal Project

The DEQ and other state agencies, universities and contractors are currently planning a water data portal in response to direction from the 2021 Oregon Legislature (HB 5006), and widespread public interest in having improved data and information resources to support water-related decision making. Initial scoping and planning efforts for the Oregon Water Data Portal were completed in June 2023. The initial stage involved staff from many state agencies who collaborated to identify existing data that could be easily made available to a portal, and document the additional work needed to improve older data, fill data gaps, and meet the needs of multiple users. In 2023, the Oregon legislature allocated funding in DEQ's budget to conduct Stage 2 of the portal development, which will include identifying and evaluating existing state agencies technical tools and software resources that could be used to develop and support the OWDP and creating a pilot version of the portal.

During Phase I of the project (late 2022) members of the Steering Committee and Subject Matter Expert teams conducted a series of listening sessions with Tribal Government representatives and other interested parties. Following these sessions, the SME team distributed a survey to gather additional information. Survey data will inform the design and development of the OWDP to best fit data and user needs. Letters to tribal councils were also sent explaining the scope and purpose of project work, opportunities for tribal engagement and invitation for consultation. In Phase Two, the project team is organizing webinar events in late 2024 and further inviting tribal staff to provide input and guidance on development of this project.

Tribal relations and collaboration remain priorities for the Water Quality Program. A second staff person from Water Quality has enrolled the Portland State University Institute for Tribal Government Certificate in Tribal Relations program and anticipates completing the course in 2025.

6.2 Laboratory

Technical assistance

The organic section harmful algal bloom chemist provided technical support and input to the Confederated Tribes of the Lower Umpqua, Coos and Siuslaw Indians laboratory staff. He shared analytical information and assisted with answering questions and troubleshooting.

The air quality monitoring section provided quality assurance documents concerning air quality monitoring equipment to the Confederated Tribes of the Lower Umpqua, Coos and Siuslaw Indians monitoring staff. Future collaborations may occur.

The laboratory's Harmful Algal Bloom Monitoring Coordinator attended a meeting concerning water quality in the Wapato Lake National Wildlife Refuge. Since this is a refuge and no water recreation is permitted, it is not included in our regular recreational HABS monitoring. However, this area is used by the Confederated Tribes of the Grand Ronde to harvest Wapato root. The laboratory offered to sample prior to harvest if requested. As of now, we have not received that request.

Outreach and support

Staff from the Confederated Tribes of the Lower Umpqua, Coos and Siuslaw Indians laboratory toured the DEQ laboratory in May. Our Quality Assurance Officers provided quality assurance documents and assistance. Tribal staff learned about the lab's analytical and monitoring work and capabilities.

The Laboratory Administrator attended the Oregon Tribal Environmental Forum in October and presented on the capabilities of the laboratory and offered opportunities for upcoming collaborations. Future collaborations may include additional lab tours, field site visits and monitoring support. In addition, we plan to collaborate on fish tissue monitoring under the upcoming Columbia River Toxics Monitoring Grant.

The laboratory's Water Quality Toxics Monitoring Coordinator attended meetings with the Yakama Nation's Columbia River Mainstem Fish Tissue and Water Quality Monitoring Program which is in partnership with the Columbia River Intertribal Fisheries Commission, Washington Department of Ecology, Oregon DEQ, and the USGS. In the past year they have been working on Phase 2 Pilot Study in the Bonneville Pool and planning for Phase 3 Long-term Monitoring of toxics in fish, water, sediments, and invertebrates. They requested and we provided a letter of support for this project to receive additional EPA Columbia River Basin Restoration Program funding to continue Phase 3 of their project. They also provided DEQ with a letter of support for our application for the grant funding to conduct fish tissue toxics monitoring in the Oregon tributaries to the Columbia River.

6.3. Improving Air Quality

Oregon Climate Protection Program

The Climate Protection Program, adopted by the EQC on Dec. 16, 2021, went into effect Jan. 1, 2022.

That program was invalidated by the Oregon Court of Appeals on procedural grounds in December 2023. The court determined that DEQ did not fully comply with notice requirements during the 2021 CPP rulemaking process. In early 2024, DEQ initiated the Climate Protection Program 2024 rulemaking to re-establish the climate program. The 2021 program was a starting point, but DEQ has been open and interested in ways to learn from stakeholders' collective experiences with the prior program. In the spring and summer of 2024 DEQ convened in person meetings for the CPP 2024 rules advisory committee. DEQ was fortunate to have as committee members a contractor with the Coquille Tribe who served on the Tribe's Climate Resilience Task Force and also a Tribal staff member from the Confederated Tribes of Umatilla Indian Reservation. To enable equitable engagement and participation, DEQ was able to compensate committee members for their time and expertise as needed.

The EQC adopted the proposed rules on Nov. 21, 2024, and they will become effective on Jan. 1, 2025.

The program aims to:

- Reduce greenhouse gas emissions to address the worsening effects of climate change
- Achieve co-benefits from reductions in other air contaminants
- Enhance public welfare for Oregon communities, particularly environmental justice communities including communities of color, tribal communities, communities experiencing lower incomes, rural communities, and coastal communities
- Accelerate the transition from fossil fuels to lower carbon energy sources while supporting a strong statewide economy

As with the initial CPP, DEQ is proposing to partner with an Equity Advisory Committee. The Equity Advisory Committee will continue to be important to supporting an equitable transition and engaging with communities, including tribal communities. The committee will be a key program partner, particularly for the community climate investments component of the readopted CPP. Community climate investments are prioritized for the benefit of Oregon's environmental justice communities, including tribes and tribal communities. A CCI entity must use a minimum of 15% of CCI funds for projects that benefit federally recognized tribes and tribal communities in Oregon. The equity advisory committee had met multiple times over the course of 2023 before the program was invalidated. DEQ will begin soliciting interest in participating on the EAC in 2025, including from tribes and tribal communities. The EAC meetings will again be open to the public and everyone is welcome to attend. DEQ intends to continue to inform and work with tribes on the program's implementation.

Oregon's Climate Pollution Reduction Planning Grant

In March 2023, the Environmental Protection Agency announced their Climate Pollution Reduction Planning Grants, a \$5 billion Inflation Reduction Act funded program. The State of Oregon, with DEQ in lead and Oregon Department of Energy in a supporting role, applied to receive a non-competitive CPRG planning grant. This four-year grant requires the State of Oregon to deliver to EPA three plans throughout the four years: Priority Climate Action Plan, and a Comprehensive Climate Action Plan in December of 2025, and a status report in the summer of 2027.

States Participation in the planning grant, opened the door to the second phase of national CPRG funding, the \$4.3B general grant competition and the \$300M tribal grant competition. EPA released the notice of funding opportunity for the competitive grants at the end of Sept. 2023. DEQ submitted Oregon's PCAP to EPA on Feb. 29, 2024, This PCAP included priority measures that were provided by federally recognized tribes in Oregon as well as those with territorial rights. Measures identified by tribes were economy-wide, and also highlighted carbon sequestration opportunities. DEQ received implementation funding in July 2024. DEQ will be providing information to Tribes on how this grant can benefit tribal members. The Nez Perce Tribe, which had measures included in Oregon's PCAP, also received implementation funds to install electrical vehicle chargers in Oregon and Idaho.

DEQ has IGAs with the Confederated Tribes of Umatilla Indian Reservation and the Confederated Tribes of Grand Ronde to engage with tribal members and staff on the development of the CCAP and include tribal measures and priorities.

Interest in engaging in these efforts has sparked additional meetings and opportunities for listening sessions and engagement with the Confederated Tribes of Umatilla Indian Reservation, the Confederated Tribes of Grand Ronde, and the Coquille Indian Tribe. DEQ is also supporting the Upper Snake River Tribes Foundation in development of their GHG inventory which is a requirement for all CCAPs and has regular meetings with the Affiliated Tribes of Northwest Indians. DEQ continues to reach out to all Oregon Tribes to discuss climate planning.

To improve DEQ's ability to effectively and meaningfully engage with tribes, a staff member from the Office of Greenhouse Gas Programs completed the Certificate in Tribal Relations Program in 2024 through the Institute for Tribal Governance at Portland State University. The CPRG team intends to sponsor tabling at upcoming ATNI conferences in the 2024 and 2025. DEQ will continue to seek opportunities for engagement with all tribes on the many programs and efforts being led by the Office of Greenhouse Gas Programs.

Cleaner Air Oregon

DEQ continues to implement [Cleaner Air Oregon](#), a program for assessing and regulating the public health risks associated with air toxics emissions from industrial facilities. The regulations apply to all new facilities seeking permits, and existing facilities based on a [prioritization framework](#) developed in 2019. To date, the program has called-in 38 existing facilities into the

program to perform Risk Assessments. CAO has completed 40 Risk Assessments for new facilities requesting Air Quality permits in Oregon. DEQ maintains a mapping tool on the [CAO website](#) that provides the status of facilities in the program, and links to facility web pages as well as all of the technical documents and formal correspondence related to a facility's Risk Assessment. In 2024, DEQ notified the Confederates Tribes of the Umatilla Indian Reservation of activities related to Chemical Waste Management of the Northwest's health risk assessments. Chemical Waste Management of the Northwest is a hazardous waste landfill located in Arlington, Oregon. DEQ approved the final risk assessment for this facility in July 2024. The total risk from this facility was below the Source Permit Level, which is the lowest threshold in the program, above which, permit conditions are required. This means that this facility poses minimal risk to the community and will only require general permit conditions to ensure that health protective emission levels are maintained.

Responding to open burning complaints and asbestos issues

DEQ works closely with tribal governments to respond to complaints about open burning and the safe handling of asbestos, particularly when complaints occur near tribal lands. DEQ, tribal governments and tribal police departments work quickly and collaboratively to address complaints when they arise.

Wildfire smoke

The 2024 wildfire season was mild compared to many recent years with 1,956 fires across all lands for a total of approximately 1,937,512 acres. To date, there have been 1,003 fires on Oregon Department of Forestry protected lands resulting in 314,181 acres burned. ODF stands up three Type 1 Incident Management Teams which were deployed 11 times this season, including to the Shoefly fire, the Fossil Complex, and the Battle Mountain Complex. There have been significant smoke impacts in 2024, especially in areas east of the Cascade Mountain range where the majority of wildfire occurred. DEQ's smoke management team worked with partnering state agencies, local public health and tribal public health partners to ensure Oregonians were protected from smoke.

During 2024, Oregon's wildfire smoke response efforts included outreach to all tribal health or environmental contacts for statewide smoke response coordination efforts and various Incident Management structures established in response to the fires. These are part of DEQ's standard Oregon Wildfire Severe Smoke Response Protocol. Tribal representatives from all nine federally recognized tribes were invited to approximately 28 smoke coordination calls and participated in development of air quality advisories. During these meetings, state agencies provided information that focused on the concentration of fine particulate matter (PM_{2.5}), the associated health rating, and the expected impacts or conditions for weather and smoke in the upcoming days. When warranted, the team would discuss indoor clean air spaces and how to avoid or best manage smoke indoors. Meetings also discussed upcoming outdoor events and how those events may be impacted by wildfire smoke.

Oregon Zero Emission Fueling Grants

The transportation sector is one of the largest contributors of human caused greenhouse gas emissions; in Oregon, it is the largest source accounting for 35 percent of all GHG emissions.

DEQ is reducing transportation-related emissions through a variety of actions including the recent adoption of the Advanced Clean Trucks Rule and the Heavy-Duty Low NO_x Omnibus Rule. These rules require lower emitting medium and heavy-duty engines and increasing percentages of zero emission medium and heavy-duty trucks. Due to concerns with availability of new diesel trucks, the agency is proposing to delay implementation of the Low NO_x Omnibus regulations until 2026. However, to encourage the transition to cleaner burning vehicle technologies, the agency continues to administer the Diesel Emissions Mitigation grants (\$8 million), the Diesel Emission Reduction Act grants (\$1 million), and the Congestion Mitigation and Air Quality grants (~\$500,000) which provides funding for retrofitting or the scrappage and replacement of older diesel trucks. Additionally, funding provided through the federal CPRG grant, includes an additional \$14 million to support a medium and heavy-duty vehicle rebate program for the purchase of a medium or heavy duty zero emission truck and \$6 million for scrappage and replacement of older diesel trucks for a zero-emission truck.

Through HB 5202 and HB 4139 the 2022 Oregon Legislature funded a \$15 million pilot grant program for supporting medium- and heavy-duty zero-emission vehicle charging and fueling infrastructure projects. The grants to public or private entities can be used for capital improvements and technical assistance to support the installation of charging infrastructure for zero-emission medium- and heavy-duty vehicles. Oregon DEQ awarded the Umpqua Indian Development Corporation with a \$241,500 planning grant to determine feasibility of installing new electric vehicle charging infrastructure along I-5 for medium and heavy-duty trucks. DEQ is initiating another round of grant solicitations in 2025, utilizing \$3 million in federal funds received through the CPRG grant and plans to conduct outreach with federally recognized tribes.

6.4. Improving land quality and sustainable management of materials

Emergency Response

DEQ's Emergency Response Program contacts tribes regularly regarding significant incidents throughout the state. Between Nov. 1, 2023 and Nov. 1, 2024, DEQ contacted the tribes 105 times, representing 33 unique incidents, to ensure cleanup actions were undertaken in a manner to protect cultural and natural resources. Most of these incidents were regarding oil spills to soil that required in-ground disturbance work associated with the necessary cleanup actions. DEQ also provides contact information for each tribe to cleanup contractors to ensure contact is made with the appropriate tribes before any ground disturbance activities occur.

Major incidents in 2024 included:

- OR/WA Mystery Oiling Event: In May 2024, impacted wildlife and oil (tarballs) began appearing on beaches along the Long Beach Peninsula in Washington. Within days,

oiling and impacted wildlife were noted in Oregon beginning in Cannon Beach and continuing to impact shorelines, generally moving southward over the next week. DEQ partnered with the U.S. Coast Guard, the Washington Dept. of Ecology, Oregon Parks and Recreation Department and Oregon Department of Fish and Wildlife to organize and conduct the assessment of shoreline and wildlife impacts, and to accomplish cleanup to protect the public and wildlife in impacted areas. Key in the assessment of beach impacts, was coordination with the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians and the Coquille Indian Tribe, who have interests in most of the over 300 miles of shorelines surveyed. Tribal staff were critical in this partnership, providing key observation in areas of important Tribal resources and utilizing the beach surveys developed for the response to report conditions on beaches throughout the Central and South Coast (along with DEQ and OPRD staff) where impacts were lighter, allowing more response personnel to focus on cleanup of heavily impacted beaches.

- A 60-foot vessel sunk at Port of Arlington due to unknown causes. The vessel was a privately owned 60-foot trawler, with approximately 900 gallons diesel fuel and 15 gallons oil onboard. Sheen was observed by Port of Arlington who deployed limited amount of booming across the end of the pier to help contain the sheen. DEQ mobilized an Oil Spill Response Organization for booming to ensure containment due to potential for release. The vessel was removed from the water in coordination with EPA. Notifications were made to the Yakama Indian Nation, Confederated Tribes of the Umatilla Indians and the Confederated Tribes of Warm Springs.

DEQ continues to work closely with tribal partners to ensure that their interests are prioritized and addressed. As part of this effort, DEQ has a rapid notification email system. Once enrolled, tribal contacts will immediately receive Oregon Emergency Response System reports for oil and hazardous material spills, in counties they have selected to receive. To enroll in this rapid notification, please contact Sr. Emergency Response Coordinator Kimberlee Van Patten at Kimberlee.van-patten@deq.oregon.gov.

In addition to Oregon's Emergency Response Program's work, DEQ resumed its role as an advisory member to the Tribal Engagement Subcommittee of EPA's Region 10 Regional Response Team of the Northwest Area Committee after completing our term as co-chair. Tribal Engagement Subcommittee

The task force conducted a tribal perspectives survey to better understand the obstacles that tribes face in incident response. A tribal needs and gap assessment is being developed, along with a timeline for filling these identified gaps through online surveys and other means.

The task force continues to work with the Geographic Response Plan Sub-Committee/ Resources at Risk Workgroup to determine resource protection important to tribes in the northwest. The Subcommittee continues to provide outreach, training and exercise opportunities to Tribal members.

High Hazard Rail Contingency Planning

The High Hazard Rail planning program at DEQ is continuing to work to finalize GRPs along the HHR corridor in the Deschutes and plans to begin working next in Eastern Oregon along the La Grande and Umatilla rivers based on data provided by our environmental justice screening tools. The DEQ rail staff are continually engaged in field work along all of the routes in Oregon and have conducted informational sessions about the program. They are also planning visits to tribal nations to collectively build response plans tailored to the interests of those tribes. The GRP work completed by the program will directly feed into the larger Area Contingency Plan that is currently under review.

Earlier this year, the HHR program completed a rulemaking which enacted a “per tank fee” on rail cars loaded with oil and transported through Oregon. While DEQ receives no funding from this program, a direct result of the successful rulemaking allowed the Department of the State Fire Marshal to hire a new Public Safety Training Specialist. This position works closely with the HHR program at DEQ and ensures drill and exercise compliance with Oregon Statute.

Tribal relations and collaboration remain priorities for the HHR program. To that end, one of the HHR planners recently completed the Portland State University Institute for Tribal Government Certificate in Tribal Relations program. The other planner has enrolled in the next session and anticipates completing the course in 2025.

Environmental Cleanup

DEQ and tribal governments collaborate on a number of projects to investigate and clean up contaminated lands across the state. During 2024, major projects included the following:

Scappoose Bay/Multnomah Channel, St. Helens

Scappoose Bay enters the Multnomah Channel by the town of St. Helens in Columbia County. Industrial use of this area primarily consisted of the manufacturing of wood products including paper, plywood, fiberboard and treated lumber. Significant levels of hazardous substances have been identified at three former industrial sites: the Armstrong World Industries fiberboard plant, Pope & Talbot creosote treating facility, and Boise Cascade paper mill.

DEQ initiated feasibility studies in 2020 for the contaminated sediments at all three sites, stemming from more than 15 years of investigations into the nature and extent of contamination and assessment of risks to human health and ecological receptors. Based on review of the feasibility study for the former Boise mill site, DEQ selected a preferred remedy for sediments in Multnomah Channel. Records of Decision are expected for Armstrong in 2025, Pope & Talbot in early 2023 and Boise in December 2022. DEQ will continue to engage with interested tribes on cultural resources and remedy selection. DEQ has also engaged interested tribes at the Armstrong World Industries site to support the property sale via a prospective purchaser agreement and planning for an Interim Removal Action Measure.

Astoria Marine Construction Company, Astoria

The Astoria Marine Construction Company manufactured and repaired wooden-hulled fishing and ferryboats, tugboats and yachts beginning in 1924. During World War II, the shipyard expanded operations for construction of military vessels which continued through the Korean War. During the peak production period from 1940 to 1960, the facility employed more than 400 full-time workers. In the 1960s, work for the U.S. Navy decreased and operations transitioned to fishing and tugboat repair. After 1985, business primarily involved repairs of fishing boats.

EPA conducted environmental investigations in the early 2000s on and around the AMCCO site. Investigations found contamination in soil and nearby riverbed sediment in the Lewis and Clark River near the mouth of the Columbia River. Based on those findings, EPA initiated efforts to place the facility on the National Priorities List to guide cleanup under EPA's Superfund program. In 2012, an agreement deferred the site listing and EPA transferred site management to DEQ.

In coordination with AMCCO, tribal governments, and a community advisory group, DEQ selected the cleanup remedy in 2017. A natural resource restoration plan was also agreed upon to satisfy conditions of EPA's deferral agreement. AMCCO completed all major remedy construction activities during the spring and summer of 2020. These included preparation activities such as demolition of onsite buildings and structures followed by excavation of contaminated sediments in marine ways and upland soil hot spot removal for offsite landfill disposal. The property was winterized, and work resumed in the summer of 2021, including restoration of the levee, construction of a stormwater system and capping of the upland area.

Construction was completed in 2022. DEQ provided a copy of the construction completion report to tribal contacts.

In February 2024 DEQ held a public comment period on its proposed Certification of Completion and Conditional No Further Action Determination for the Site. DEQ coordinated with project interested parties, including the tribes. DEQ issued the Certification of Completion in March 2024.

Going forward, AMCCO is responsible for operation, maintenance and monitoring ("OM&M") of the upland remedy, while DEQ is responsible for OM&M for the in-water remedy.

In June 2024 DEQ's contractor prepared a Performance Monitoring, Review & Contingency Plan to guide future in-water OM&M activities. OM&M activities include annual inspections and periodic sediment testing. DEQ provided the PMRC plan to the tribal contacts for review. The first inspection, including a bathymetric survey, was completed in August 2024. Sediment testing planned during the inspection was deferred until Spring 2025 due to excessive vegetation that hampered access to sample locations. The report from the September inspection report was provided to tribal contacts.

Portland Harbor

DEQ has both lead- and support-agency responsibilities at the Portland Harbor Superfund site. DEQ works closely with six tribal governments on the site. The Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz Indians, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Warm Springs, Yakama Nation, and Nez Perce Tribe are partners in this project. DEQ, tribal partners, EPA, U.S. Fish and Wildlife and National Marine Fisheries Service representatives meet regularly to discuss technical issues on this regionally important cleanup project.

The site is located in the Lower Willamette River, stretching approximately 10 miles from River Mile 2 to River Mile 12. DEQ provides technical support and works to ensure Oregon state rules are applied to the project in support of EPA, which is the lead agency working on cleaning up pollution in the river. DEQ leads the work controlling contaminants in “upland” areas—the contaminated lands along the river—to prevent recontamination of the river following EPA’s in-water cleanup. Prior to making decisions on controlling sources of pollution, DEQ solicits input from the Confederated Tribes of the Grand Ronde Community of Oregon, Confederated Tribes of Siletz Indians, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, and the Nez Perce Tribe. EPA’s Record of Decision, issued in January 2017, relies on the upland and upriver pollution control work DEQ is conducting as part of the overall strategy for addressing contamination at the site. During 2024, DEQ solicited input on multiple upland source control related documents and on one proposed source control decisions.

Blue Heron Mill site

In August 2019, the Confederated Tribes of the Grand Ronde and DEQ signed a Prospective Purchaser Agreement for the former Blue Heron Mill in Oregon City. The 23-acre now-closed paper mill is located at the base of the Willamette Falls, an area of immense cultural significance. Until the closure of Blue Heron in 2011, site operations included flour, saw, and woolen mills, tannery operations, foundries, city waterworks, and an electrical generation plant. Numerous environmental investigations performed on the property raised concerns about asbestos, lead-based paint, electrical and hydraulic fluids, mercury and petroleum.

The agreement identifies environmental cleanup tasks to be completed, and, in turn, limits the purchaser’s future liability upon completion of the work. It is an agreement between the two parties that says they will work together to develop a scope of work for cleanup, followed by specific work plans to complete the scope of work, and a schedule for the work to be completed with DEQ oversight.

The CTGR continue to conduct remedial activities required under the agreement with DEQ. To date hazardous materials abatement and demolition of ten site buildings has been completed. In 2023 two 12,000-gallon heating oil tanks were decommissioned, and the first phase of remedial investigation was completed. Ongoing work includes additional investigation in the UST area, and the second phase of remedial investigation sampling.

Bradford Island

In addition to working with the U.S. Army Corps of Engineers, EPA, and the Washington Department of Ecology to evaluate contamination levels at Bradford Island in the Columbia River, DEQ continues to work with the Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Warm Springs, Confederated Tribes and Bands of the Yakama Nation, Nez Perce Tribe, Cowlitz Indian Tribe, Confederated Tribes of Grand Ronde, and Confederated Tribes of the Siletz Indians.

The primary concern are PCBs from electrical components that were dumped into the river decades ago. Cleanup efforts in 2000 and 2002 to remove electrical components from the river and dredging of contaminated sediment in 2007 failed to reduce contamination levels in tissue of local populations of resident fish. Due to a lack of satisfactory progress at the site, Oregon, Washington and the Yakama Nation took the unusual step of asking for a Superfund listing in 2019 and 2021. The site was added to the National Priorities list in April of 2022 with a goal of more effective and rapid progress.

A Federal Facilities Agreement was signed and implemented in 2024. The FFA includes a required site management plan. To represent diverse public interests and promote dialog during the Superfund process, USACE established a Restoration Advisory Board as an advisory body. They also prepared a draft Community Involvement Plan. In addition, USACE prepared plans for additional investigations at the site, and is preparing to conduct a non-time-critical removal action on Bradford Island to remove known areas of contamination.

McCormick & Baxter

DEQ has been working on the McCormick and Baxter Superfund site for many years. The site includes 41 acres of land along the Willamette River in north Portland and an additional 23 acres of in-water habitat that was heavily contaminated with creosote, copper, polyaromatic hydrocarbons, arsenic and other contaminants over decades of industrial use. The cleanup was completed in 2005 and included excavation and off-site disposal of upland soil, construction of a clean soil cap over the entire site, capping sediment in the Willamette River and Willamette Cove, construction of a subsurface groundwater barrier wall to control migration of pollution from the site to river sediments, institutional controls and long-term monitoring.

On May 29, 2024, DEQ received a Prospective Purchaser Agreement application from the nonprofit Portland Botanical Gardens to purchase the McCormick and Baxter property and build a ticketed botanical garden on a part of the land. Portland Botanical Gardens is also proposing construction of a public greenway along the waterfront, an interpretive native plant garden, and a semi-public open gathering space.

On Aug. 6, 2024, DEQ contacted the Confederated Tribes of the Grand Ronde, Confederated Tribes of Siletz Indians, Confederated Tribes of Warm Springs and Confederated Tribes of the Umatilla Indian Reservation, about the prospective purchaser agreement application to redevelop the property, with an offer to meet or consult. in Portland. DEQ staff met with staff from the Grand Ronde on Sept. 4 and toured the site together, and a government-to-

government consultation meeting is scheduled for Dec. 5, 2024. Tribal engagement continues at this site.

Fuel tank seismic stability rules

In 2022 the Oregon Legislature passed [Senate Bill 1567](#) requiring many large fuel storage facilities, mainly located along Willamette and Columbia River shorelines to mitigate risk of fuel spill resulting from a Cascadia Subduction Zone earthquake. A letter of support was sent by the Confederated Tribes of the Umatilla Indian Reservation reflecting significant Tribal interest in this high priority effort. [DEQ is responsible for implementation](#) of this law and is coordinating with Tribal interests. DEQ's tribal liaison informed Tribal representatives of the advisory committee plans and invited input and participation. During rule development briefings were provided at meetings of groups with Tribal representatives, including the Portland Harbor Community Action Group (10/12/2022), the State/Tribal Natural Resources Work Group (1/17/23) and the Portland Harbor Technical Coordinating Team (03/30/2023). Rule development included a comprehensive [environmental justice review](#) conducted by Portland State University. DEQ program implementation rules, including provision for ongoing public involvement, were approved on Sept 14, 2023.

DEQ welcomes Tribal involvement in ongoing program implementation and will continue offering opportunities for Tribal input at key points. Seismic Vulnerability Assessments were received from all regulated facilities by the June 1, 2024 statutory deadline and are going through technical review now. Three significant riverside facilities are already moving forward with plans to minimize their risk. In April 2024 the Vigor shipyard on Swan Island agreed to decommission its waste oil holding tanks by 2028. The Portland General Electric Beaver Generating Plant in Port Westward (Columbia River) has agreed to cease diesel oil storage in 2026. At the Portland International Airport, a Risk Mitigation Implementation Plan proposing construction of new, seismically resilient fuel storage tanks was proposed for approval with a public hearing and comment period ending December 13th. That notice and future notices seeking Risk Mitigation Implementation Plan comments will be offered for Tribal input.

Materials management

DEQ's Materials Management Program oversees and implements several programs that address the environmental impacts of the full cycle of materials, from production, consumption to disposal. Through these programs the built environment, production and design, reuse and repair, waste prevention and solid waste and recovery are addressed.

In the past year the MM program launched the Reduce, Reuse and Reimagine grant funding program this year and reached out to share updates about the grant funding opportunities. The Confederated Tribes of the Grand Ronde applied for and was awarded funding.

7. Conclusion

DEQ is grateful for the partnership with federally recognized tribal governments. These partnerships are essential in our shared efforts to protect and enhance the health of Oregon's people and environment, and the agency remains committed to improving, building and maintaining strong government-to-government relations with tribes in the future.