

TRIBAL CONSULTATION FOR STATEWIDE TRANSPORTATION PLANS AND STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM

**Policy, Data and Analysis Division
Planning Section**

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Section 1: Introduction

The Oregon Department of Transportation (ODOT) Policy, Data and Analysis Division in partnership with Tribal governments established a documented consultation process in 2020 for the development of statewide transportation plans and the Statewide Transportation Improvement Program (STIP), fulfilling the intent of [23 Code of Federal Regulations 450](#). The Federal planning regulations require Tribal consultation to occur with the nine Federally-recognized Tribal governments in Oregon and Tribal governments with historic interests or ancestral lands in the state boundaries. This documentation reflects the consultation of both in-state and out-of-state Tribal governments and summarizes the expectations, roles, responsibilities and key decision-making points during planning and programming processes where consultation will take place. The following protocols and management practices will serve as a guide to be followed by ODOT to ensure adequate and effective consultation and coordination with Tribal governments.

The scope of this documentation does not include consultation practices for refinement, corridor, or facility planning, nor does it include project development or delivery consultation practices. Consultation will occur if any of the aforementioned occur on or through Tribal reservation land. ODOT's Highway Division Region offices serve as the primary conduit for Tribal government consultation as it relates to regional system planning; and the Statewide Project Delivery and Technical Services Branch serves as a key resource for Tribal government consultation related to project delivery. It is recommended that Region staff coordinate with Archaeologist/Tribal Liaisons for assistance and to strengthen information sharing as planning projects move into project development. In order to avoid costly issues or delays, it is also a recommended state of practice to consult with Tribal governments early and often and provide relevant information on project scoping and potential resource impacts for the Tribal governments to review effectively.

Government to Government Policy

ODOT adopted an official government-to-government relations policy statement guiding the Department's interactions with Tribal governments. Policy INT 13 states that, "It is the policy of the Department, pursuant to [Oregon Revised Statutes 182.162](#) et. seq., to promote and enhance government-to-government relations between the Department and the Federally recognized American Indian Tribes in Oregon through programs that include tribes in the development and implementation of transportation projects and other activities which may affect Tribal lands, resources, or interests."¹

In an effort to improve positive government-to-government relations with all Tribal governments, ODOT is suggesting an updated consultation approach for this 2024 update. This new approach has the same milestones for the Federally recognized Tribes in Oregon and Federally recognized Tribes with ancestral lands or historic interests in Oregon, unlike the prior approach that had different milestones. We hope this new approach makes consultation more effective and meaningful for all our Tribal partners.

¹ Oregon Department of Transportation. Government to Government Relations Policy Statement. INT 13. July 7, 2016.

Definition of Consultation

Tribal consultation is necessary from the outset of planning and programming processes and must be conducted in an effort to produce the most effective outcome for all partners. Effectiveness of consultation depends on appropriate and timely dialogue with authorized representatives.

Through this coordinated effort, consultation is defined as:

“Consultation is a two-way process between ODOT and Tribal governments that permits elected officials and other representatives of Tribal governments the flexibility to shape the terms of consultation; and to provide meaningful and timely input in the development of policies and plans that significantly or uniquely affect their communities.”

Considerations when working with Tribal Governments

When conducting consultation for statewide planning and STIP development, ODOT staff will submit a consultation request, in the form of an emailed formal letter, to the identified Tribal staff. These requests are triggered by a series of milestones and are summarized in Section 2 and Section 3. Following the initial request, Tribal governments will determine the most appropriate level of involvement and representation; this may include a meeting with staff or a visit to Tribal Council.

The consultation milestones outlined in this documentation do not preclude a Tribal government from being involved in other engagement opportunities. If the Tribal government is inclined to participate in ODOT’s planning and programming processes in some other form, they are encouraged to do so.

When working with Tribal Governments, other consultation guidelines include:²

- Demonstrate an understanding that each Oregon Tribe is a distinct sovereign entity.
- Confirm the authorized Tribal representative is involved in the consultation for the specific issue, and subject matter experts are represented.
- Understand that state-tribal relations are relationships that needs to be built and maintained.
- Establish planning and programming schedules that build in adequate time for consultation, recognizing that the nature of consultation may change depending on the activity.
- Understand that staff, resources and priorities change; keep in touch and up to date with the Tribal governments and key contacts.
- Communicate, clearly and early, relevant internal and external limits that may impact Tribal government consultation (e.g. decision-making timelines, such as those related to the Oregon Transportation Commission; federal and state funding authorizations; and statutory requirements, etc.) If needing to seek Tribal Council direction or input, consider meeting schedules as this may impact decision-making timelines.
- Make clear what is needed or desired from the Tribal government and by when, providing appropriate materials for review ahead of time.
- Understand that Tribal governments operate differently and uniquely from ODOT; work to minimize the potential overload of new information.

² ODOT’s Tribal Relations Best Management Practices

Section 2: Consultation with Tribal Governments

Oregon is home to nine Federally-recognized Tribes (Table 1) with Tribal government offices and lands within the State. ODOT also consults with Tribal governments with historical interests or ancestral lands in Oregon (Table 2). Tribal sovereign governments each have distinctive legal and political status separate from other sovereign governments, including other Tribal governments. Each Tribe has the inherent authority to govern its people, create infrastructure and provide governmental services to citizens.

ODOT in partnership with Tribes established a documented consultation process in 2020 for the development of statewide transportation plans and the STIP, as directed by Federal Highway Administration to fulfill the intent of [23 CFR 450](#). Consultation established through this process not only involves discussions on ODOT’s planning efforts but allows for coordination with Oregon Tribes on their individual Tribal Transportation Plans to ensure a collaborative process and strong infrastructure across the state.

Table 1: State of Oregon Federally Recognized Tribal Governments

The Burns Paiute Tribe
The Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians of Oregon
The Confederated Tribes of the Grand Ronde Community of Oregon
The Confederated Tribes of the Siletz Indians
The Confederated Tribes of the Umatilla Indian Reservation
The Confederated Tribes of the Warm Springs Reservation of Oregon
The Coquille Indian Tribe
The Cow Creek Band of Umpqua Tribe of Indians
The Klamath Tribes

Table 2: Tribal Governments with Historical Interests or Ancestral Lands in Oregon

The Cowlitz Indian Tribe
The Confederated Tribes and Bands of the Yakama Nation
The Confederated Tribes of the Colville Reservation
The Nez Perce Tribe
The Fort McDermitt Paiute and Shoshone Tribe
The Fort Bidwell Indian Community of the Fort Bidwell Reservation of California
The Tolowa Dee-ni’ Nation

A. Consultation for Statewide Long-Range Planning

ODOT Policy, Data and Analysis Division develops policy and strategies for operating, managing, maintaining, and funding the state’s transportation system to achieve Oregon’s long-range transportation vision and goals. Transportation policy guides ODOT’s decision-making towards implementation of a planned transportation system.

The Oregon Transportation Plan (OTP) is the state’s long-range transportation system plan. It establishes a vision and policy foundation to guide transportation system development and investment. The OTP and the various mode and topic plans, guide decisions by ODOT and other transportation agencies statewide, and are reflected in local and regional planning efforts. All statewide policy plans are available [online](#) for reference. Consultation for statewide plans will take place during an update cycle. Update cycles vary, those that are established by federal regulation have a set timeline, while others will occur on an as-needed basis. Table 3 summarizes and documents the status of the statewide modal and topic plans.

Table 3: Statewide Policy Plan Overview

Plan	Description	Status	Scheduled Update or Amendment
Oregon Transportation Plan	This plan explores the issues affecting all means of transportation and serves as a 25-year transportation plan that comprehensively assesses state, regional and local and both public and private transportation facilities and services. The Oregon Transportation Plan update will begin in 2020 and set the stage for the Oregon Highway Plan update.	2023 New Plan	Not scheduled
Oregon Highway Plan	This plan defines policies and investment strategies for Oregon’s state highway system for the next 20 years. It further refines the goals and policies of the Oregon Transportation Plan.	2015 Amended	Update to begin in 2024
Oregon Aviation Plan	This plan provides a comprehensive evaluation of Oregon’s aviation system and serves as a guide for future aviation development. The plan looks beyond the traditional state aviation system planning elements by combining three planning studies that assess the condition of the existing aviation infrastructure, the economic benefit of the aviation industry, and the national importance and state significance of each airport.	2019 Update Version 6.0	Business decision for Department of Aviation.
Oregon Bicycle and Pedestrian Plan	This plan is the policy foundation for the state, supporting decision making for walking and biking investments, strategies, and programs. Under the Oregon Transportation Plan, and parallel to associated mode and topic plans like the Oregon Highway Plan, the walking and biking direction established in this plan helps to bring about an interconnected, robust, efficient, and safe transportation system for Oregon.	2016 Updated	Not scheduled
Oregon Freight Plan	This plan is a roadmap for ODOT, other state and local agencies, and businesses to work together to enhance the system that keeps our economy moving. The purpose of the Oregon Freight Plan is to “improve freight connections to local, state, regional, national and global markets in order to increase trade-related jobs and income for Oregon workers and businesses.”	2022 Amended	Update to begin in 2025
Oregon Public Transportation Plan	This is a modal plan for public transportation, an element of the Oregon Transportation Plan. The Oregon Public Transportation Plan is the linkage between the Oregon Transportation Plan, corridor plans and the STIP.	2018 Updated	Not scheduled
Oregon State Rail Plan	This plan explores the issues affecting the state’s rail freight and passenger system over 25 years. It assesses both public and private transportation facilities and services at the state, regional and local level. The Oregon State Rail Plan focuses on the role of the rail freight and passenger services consistent with the Oregon Transportation Plan.	2020 Updated	Update to begin in 2024
Oregon Transportation Options Plan	This plan provides policy guidance for state and local partners to enhance and expand transportation access for all Oregonians while ensuring that transportation investments are efficient and support broader community goals such as growing the economy and improving personal and environmental health.	2015 New plan	Not scheduled
Oregon Transportation Safety Action Plan	This plan provides long-term goals, policies and strategies and near-term actions to eliminate deaths and life-changing injuries on Oregon’s transportation system by 2035.	2021 Updated	Full update to begin 2024

Statewide Policy Planning Milestones

For each milestone, outlined below, ODOT points of contact are identified and are responsible for initiating the consultation request; typically this is handled through Statewide Transportation Planning staff.³ The ODOT contact will submit an inquiry for consultation via a formal letter emailed to the identified Tribal contacts and provide a minimum of 30 days for a response from the Tribal governments. If no response is received, planning schedules will resume.

Many Tribal governments have formed relationships with ODOT Region staff over time (i.e. Planning Managers or District Managers) through local efforts such as, project development and delivery, local planning or cultural and historical resource preservation. When there is opportunity to reinforce those working relationships, Statewide Transportation Planning staff will inform ODOT Region staff about consultation. It is best practice to utilize the identified milestones to discuss the statewide planning process, timelines and opportunities to leverage consultation with other relevant work.

Statewide Policy Planning Milestones include:

Milestone #1: Policy Plan Introduction

- Description: The Policy Plan Introduction is meant to ensure each Tribal partner is fully aware of the policy plan that is being updated/developed, understand key ODOT goals/objectives/issues, and the general schedule and timelines. Additionally, as this is at the very beginning of the process, ODOT seeks to better understand Tribal policy challenges, opportunities, etc. that are important in the particular policy planning effort. This information can be important in helping to scope the project.
- Timeline: When possible, consultation opportunities will be offered prior to the particular policy plan being formally started.
- Considerations:
 - Review the statewide planning process and framework as an educational component to familiarize the Tribal government with ODOT's processes.
 - Discuss key issues, challenges, opportunities and other priorities of Tribal transportation planning efforts as they relate to the subject statewide plan (i.e Long-Range Transportation Plans, etc.).

Milestone #2: Draft Policy Plan Review

- Description: Review draft plan and discuss Tribal government priorities as it relates to the planning effort.
- Timeline: Conducted during plan development and prior to public release of the plan.
- Considerations:
 - Review draft policies prior to public release of the draft document.
 - Provide opportunity for Tribal policy language to be included in the particular policy plan being developed.

B. Consultation for STIP Development

The STIP is ODOT's four-year (i.e. FY 2027-2030) short-term capital improvement program for state and regional transportation systems. It is developed in coordination between ODOT, Federal and local

Tribal consultation contact lists are housed with the ODOT Tribal Affairs Program.

governments, Tribal governments, Area Commissions on Transportation (ACT), Metropolitan Planning Organizations (MPO), and the public. The STIP provides project scheduling and resource allocation information for most state and federally funded system improvements for which funding is approved and that are expected to be undertaken during the four-year programming period. The STIP makes significant investments in the transportation system, therefore ODOT strives to keep the public, agencies and government partners informed and seek their input at key points through an open, transparent, and accessible process. More information about the STIP is available [online](#).

Table 4 summarizes the 2027-2030 STIP development timeline. The early part of the STIP development process focuses on establishing funding targets and program goals; and the latter part of the STIP cycle focuses on identifying which projects should be funded. It is important to note that each STIP cycle is unique, and future cycles may include different processes and decision-making timelines that can be discussed during consultation.

Table 4: 2027-2030 STIP Timeline

May-October 2023	Funding Scenario Development and Outcomes Analysis
November 2023	OTC Funding Scenario Approval
January 2024	OTC Program Funding Allocation Approval
March 2024	Delivery & Operations Finalizes Fix-It Program Allocations OTC Reviews Enhance-highway Discretionary Program Guidance
May 2024	OTC Approves Fix-It Program Allocations
June 2024	Fix-It Scoping Lists and Initial Business Cases Complete
July 2024-March 2025	Field Scoping
March – May 2025 (Due by June 1)	Finalize Business Cases
July 2025	Finalize 100% Lists for Draft STIP
October 2025	Tribal TIP project selection & integration
March 2026	OTC Releases the Draft 2027-2030 STIP for Review
May 2026	OTC Review of Public Comments
July 2026	OTC Approval of the Final 2027-2030 STIP
August 2026	Final STIP to USDOT for approval
September 2026	USDOT approval of final 2027-2030 STIP

STIP Development Milestones

For each milestone, outlined below, points of contact are identified, responsible for initiating the consultation request. The ODOT contacts will submit an inquiry for consultation via a formal letter emailed to the identified Tribal contacts and provide a minimum of 30 days for a response from the Tribal governments. If no response is received, STIP development process and schedule will resume.

Similar to the documented process for statewide planning consultation, where there are established working relationships with ODOT Region staff, these staff are identified as the primary ODOT contact responsible for initiating the consultation. Elements of Tribal coordination necessary for STIP

implementation (i.e. project development and delivery) are beyond the scope of this effort and are not a component of this summary.

STIP Milestones include:

Milestone #1: Virtual Webinar Hosted by ODOT for Tribal Governments.

- Description: ODOT will host a virtual inter-tribal workshop webinar. The purpose of the webinar is to provide an overview of the STIP process, including timeline, key decision points, project identification and STIP revenue forecasting. The inter-tribal webinar will provide meaningful opportunities to share information, experiences and insight among all of our Tribal partners.
- Timeline: This consultation step will occur shortly after the OTC makes the Funding Allocation Decision for each STIP update cycle.
- Considerations:
 - Review Federal and State funding projections, authorizations and legislation that influence where ODOT funding will be generally targeted. Additionally, review the overall STIP development timeline and decision points.
 - STIP funding allocations are made at the beginning of each STIP update cycle (typically every three years) and program allocations are rolled up to high level goal areas like system preservation, safety, multimodal, etc.
 - Review opportunities and processes for Tribes to make project suggestions to the appropriate Region, including opportunities for partnerships or ways to leverage other funding sources under Tribal discretion.

Milestone #2: Tribal Priorities Discussion

- Description: Tribal governments provide input on STIP project list.
- Timeline: This consultation will occur before the public draft is released.
- Considerations:
 - Tribal governments comply with processes governed by the Bureau of Indian Affairs (BIA) and prepare TIPs on varying schedules that are not consistent with the STIP timelines. (This is specific to Oregon Tribes. Out of State Tribes should be coordinating with their respective state DOTs.)
 - Inquire about the Tribal TIP development status and investment priorities to identify opportunities to leverage work. (Same note as above.)

Section 4: Documentation Processes

Documentation

Tribal government consultation and the practices described in this documentation will be reported through the state self-certification process. ODOT submits a Self-Certification report concurrently with the STIP for approval, to demonstrate that the statewide transportation planning and programming processes meets all applicable Federal requirements, as specified in [23 U.S.C. 134, 135](#); [49 U.S.C. 5303, 5304](#); and [23 CFR 450](#). Through Self-Certification, ODOT certifies that statewide transportation planning and programming products are developed in consultation, comparison, and consideration with Tribal

governments. The Self-Certification report is revised and updated every three years and can be amended to reflect any changes to the consultation requirements. Generally speaking, Tribal consultation documentation will be made publicly available, unless prohibited by law.

Update Schedule

This documentation will be updated on a regularly occurring schedule coinciding with the preparation of the upcoming STIP, approximately every three years. The update process will be managed by the ODOT Policy, Data and Analysis Transportation Planning Section, and will incorporate input received from Tribal governments, administrative corrections and changes to the regulatory framework to ensure consistency with planning and programming requirements. Tribal governments will have approximately 30 days to submit written comments during the review and update period. The document will be shared with the appropriate ODOT staff and Tribal representatives upon each update.