

TRIBAL HISTORIC PRESERVATION OFFICER PROGRAM APPLICATION COVER SHEET

Your proposal must be received prior to **June 30** to be considered for funding approval for the next fiscal year. **Please read the guidelines carefully before completing.** Submit an original application to: James Bird, Chief, Tribal Preservation Program, **by mail to:** National Park Service, Heritage Preservation Services, 1849 C Street, NW, (2255), Washington, D.C. 20240. **For courier or overnight**

Name and Address of Tribe: Provide both the legal and commonly used name if they are different. Include additional addresses for the Tribe's physical address for overnight or express mail delivery.

The Confederated Tribes of the Grand Ronde Community of Oregon (Confederated Tribes of Grand Ronde) 9615 Grand Ronde Road, Grand Ronde, Oregon 97347-9712

Name of Contact Person: Tribal Historic Preservation Officer or tribal representative

Eirik E. Thorsgard MAIS

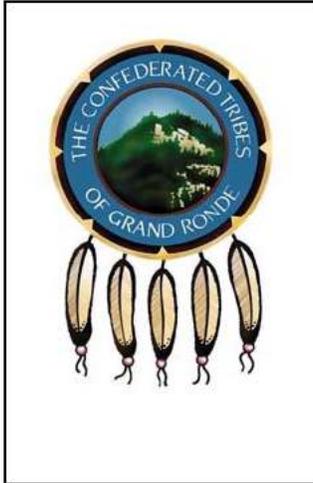
Address **9615 Grand Ronde Road**
Grand Ronde, Oregon 97347-9712

Telephone (503) 879 - 1630 **FAX Number** (503) 879 -2126 **E-mail** eirik.thorsgard@grandronde.org

Required Documentation Checklist:

- I. A signed, written request to assume SHPO functions on tribal lands from the Tribe's chief governing authority.
- II. If Item I. does not designate the THPO; please include separate documentation such as an additional resolution, tribal ordinance or executive letter of appointment that identifies the THPO.
- III. A program Plan that contains the eight following elements:
 - A.1. A description of tribal lands including,
 - a.) acreage, and
 - b.) a map(s) if the Tribe has lands in trust outside the reservation boundaries.
 2. A description of program staff or consultants needed to provide the THPO with access to individuals who meet the Secretary of the Interior's professional qualifications standards.
 3. A description of how you have established an advisory review board to provide advice for the THPO.
 4. An explanation of how the program provides appropriate participation for the Tribe's traditional cultural authorities, by representatives of other Tribes whose traditional lands may now be within your Tribe's jurisdiction, and by the interested public.
 5. An acknowledgement required by the Act that non-tribal property owners within the boundaries of your tribal lands may request the participation by the SHPO in addition to the THPO in any decisions pursuant to the Act that affect that property.
- B.1.
 - a.) A list of NHPA functions the Tribe is proposing to assume and,
 - b.) A list of functions that will remain with the State.
2. A description of how each assumed function will be performed.

3. A description of your current Historic Preservation program or activities as they relate to the SHPO function the Tribe is proposing to assume.



**The Confederated Tribes of
the Grand Ronde Community of Oregon**

**Application for Assuming State Historic
Preservation Officer Responsibilities**

Submission Date
October 1, 2010

Submitted to:

James Bird, Chief
Tribal Historic Preservation Program
National Park Service
Heritage Preservation Services (2255)
1849 C Street NW
Washington, DC 20240

I. and II. Tribal Council Resolution Requesting Assumption of Certain SHPO Functions on Tribal Lands and Designating an Interim THPO



The Confederated Tribes of the Grand Ronde Community of Oregon

Tribal Council
Phone (503) 879-2301
1-800 422-0232
Fax (503) 879-5964

9615 Grand Ronde Rd
Grand Ronde, OR 97347

Resolution No. 080-09

WHEREAS, the Grand Ronde Tribal Council, pursuant to Article III, Section I of the Tribal Constitution approved November 30, 1984, by the Acting Deputy Assistant Secretary of the Interior, Indian Affairs, is empowered to exercise all legislative and executive authority not specifically vested in the General Council of the Confederated Tribes of the Grand Ronde Community of Oregon; and

WHEREAS, the Tribe operates a cultural site protection program on Tribal lands; and

WHEREAS, the Tribal Council established goals and objectives for the Cultural Resources Department in September 2008 including increasing Tribal authority over cultural resources and establishing a Tribal Historic Preservation Office; and

WHEREAS, Section 101(d)(2) of the National Historic Preservation Act provides that "A tribe may assume all or any part of the functions of a State Historic Preservation Officer in accordance with subsections (b)(2) and (b)(3), with respect to tribal lands"; and

WHEREAS, the National Park Service, U.S. Department of the Interior accepts applications from tribes, through Tribal Historic Preservation Officer Program Plans, for the assumption of State Historic Preservation Officer responsibilities and provides annual funding to tribes so approved; and

WHEREAS, the Tribe desires and intends to assume selected State Historic Preservation Officer responsibilities as stated in the tribe's Tribal Historic Preservation Officer Program Plan.

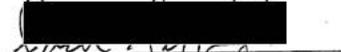
NOW THEREFORE BE IT RESOLVED, that the Tribal Council authorizes the submission of the Tribe's Tribal Historic Preservation Officer application, including the Program Plan, for the assumption of selected State Historic Preservation Officer functions stated in the Program Plan and federal funding for implementing these functions to the National Park Service; and

BE IT FURTHER RESOLVED, that the Tribal Council appoints Eirik Thorsgard as the interim Tribal Historic Preservation Officer for the purposes of this application; and

BE IT FURTHER RESOLVED, that the Tribal Council authorizes the Tribal Council Chairwoman or, in her absence, the Tribal Council Vice-Chairman to execute all documents required for this application.

CERTIFICATION: the Tribal Council of the Confederated Tribes of the Grand Ronde Community of Oregon adopted this resolution at a regularly scheduled meeting, with a quorum present as required by the Grand Ronde Constitution, held on **June 17, 2009**, by a vote of 4 yes, 0 no and 0 abstentions.


Cheryl A. Kennedy
Tribal Council Chairwoman


Jack Giffen, Jr.
Tribal Council Secretary

Umpqua Molalla Rogue River Kalapuya Chasta

III. Tribal Historic Preservation Officer Program Plan

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Introduction

The Confederated Tribes of the Grand Ronde Community of Oregon (Grand Ronde or Tribe) includes at least twenty-seven tribes and bands from western Oregon, northern California and southern Washington, including the Rogue River, Umpqua, Chasta, Kalapuya, Molalla, Clackamas, Tillamook, and Nestucca Indians. Between 1853 and 1855, these tribes signed seven treaties by which they ceded most of western Oregon: (1) the Treaty of September 19, 1853, by the Cow Creek band of Umpqua Tribe of Indians; (2) the Treaty of September 10, 1853, by the Rogue River Tribe; (3) the Treaty of November 15, 1854, by the Rogue River Tribe; (4) the Treaty of November 18, 1854, by the Chasta, Scoton and Grave Creek band of Umpquas; (5) the Treaty of November 29, 1854, by the Umpqua and Calapooia bands; (6) the Treaty of January 22, 1855, by various tribes and bands of northwestern Oregon; and (7) the Treaty of December 21, 1855, by the Molala Tribe. Grand Ronde Tribal Council Resolution No. 034-03 describing the ceded lands and a map of the ceded lands are attached as Appendix A. Tribal members were rounded up by the U.S. military who had established a number of temporary reservations, including those located at Vancouver, White Salmon, and Table Rock. Many of the ancestors of Grand Ronde were relocated from these temporary reservations to the Grand Ronde Reservation.

The original Grand Ronde Reservation was 61,440 acres and located on the eastern side of the Coast Range at the headwaters of the South Yamhill River. Much of the 61,440 acres were lost as a result of the General Allotment Act. The remaining Reservation lands were lost when Grand Ronde's federal recognition was terminated following the passage of the Western Oregon Indian Termination Act in 1954. All that remained of the Grand Ronde Reservation was 2.5 acres that held the Tribal cemetery. Grand Ronde's federal recognition was restored on November 22, 1983, through the passage of the Grand Ronde Restoration Act. Since Restoration, Grand Ronde has been actively working at purchasing lands within its original Reservation boundaries and rebuilding its government, see the description of Tribal Lands that follows.

The governmental goals of Grand Ronde include promoting the general welfare of Tribal members and their descendants, exercising certain rights of self-governance, conserving and developing our lands and resources, and promoting and safeguarding our aboriginal rights as Native people. To this end, Grand Ronde wishes to establish a Tribal Historic Preservation Officer (THPO) and assume responsibilities from the State Historic Preservation Officer (SHPO) pursuant to Section 101(d)(2) of the National Historic Preservation Act (NHPA or Act). The Act enables the Tribe to create a THPO Program Plan which incorporates the cultural traditions and values of the Tribe and protects them on Grand Ronde Tribal lands through the implementation of the Plan.

III.A PROGRAM ADMINISTRATION

III.A.1

Description of Tribal Lands

Due to termination, Grand Ronde no longer has exterior reservation boundaries. However, Grand Ronde has been active in purchasing lands within its original reservation boundaries. In 1988, the Tribe regained 9,811 acres of its original reservation when the Grand Ronde Reservation Act was passed, although the reservation boundaries were not restored, those lands were placed in trust for the benefit of the Tribe. Additional lands acquired within the original reservation and placed into trust since the Restoration Act, now bring that total to 10,333.67 acres. Today, the Tribe owns a total of 12,350.18 acres of land. An additional 375.22, outside of the reservation boundaries acres have trust status, for a total of 10,708.89 acres of trust lands and which meet the definition of “Tribal lands” under the Act (see attached map and inventory list of Tribal Lands). As seen in the attached inventory list of lands the Tribe has 10,333.67 acres of reservation (with 10,052.38 acres being designated as Reservation-Forest, and 281.29 acres designated as Reservation-Local), and 375.22 acres of trust lands. The remaining lands are in fee status or in trust application, 241.88 acres are in trust application and 1,399.43 acres of which in fee status. For the purposes of this application the 10,708.89 acres defined by Appendix B as trust lands, since the reservation boundaries are not intact, are the areas that the Tribe is applying to have under the jurisdiction of the THPO. The Tribe does retain the ability to apply to change this in the future to cover all trust lands. A map of the Tribal lands is attached as Appendix B.

III.A.2

Meeting the Secretary of the Interior’s Professional Qualifications Standards

The THPO will employ, appoint or consult with professionally qualified individuals meeting the Interior’s Professional Qualifications Standards to implement and meet the goals of the THPO Program Plan. This also includes individuals recognized by the Tribe as traditional cultural authorities.

The Tribe has had several projects in the past in which an archaeological consultant was hired to perform survey work in order to determine protection measures (including the Tribe’s forestry activities, housing projects, road improvement projects, and economic and community development projects). The SHPO maintains lists of archaeologists, historians, and architectural historians that meet federal and state guidelines. Although the Tribe does not use the same consultants every time the need arises, the consultants are chosen from the SHPO contractor lists. The Tribe then enters into a contractual relationship with the chosen consultant to perform the professional services outlined in the contract. Architectural historians and archaeologists that the Tribe has used before on contractual basis are Archaeological Investigations Northwest Inc., Byram Archaeology Consulting LLC, Applied Archaeological Research, and Willamette Cultural Resource Associates; all of whom meet both federal and state guidelines and have worked on federal, tribal, private, and state projects in both historical buildings and archaeological resources. The Tribe has used historians specifically Dr. Daniel Boxberger from Western Washington University to assist in research, and has also worked with Dr. Bob Boyd of Portland State University on historical projects. Oregon State guidelines in regards to archaeologists are higher than those given in federal statute and all contractors with the Tribe will meet both federal and state guidelines as defined in ORS 390.235 and 48 FR 44716.

The Tribe's current Cultural Preservation staff positions will contribute to work on implementing the Program Plan. The Cultural Protection Coordinator has a Masters Degree in Archaeology and meets the federal guidelines as defined by the Secretary of the Interior's Professional Qualification Standards. The Cultural Protection Coordinator's Curriculum Vitae is attached as Appendix C. Other Cultural Preservation staff have graduate degrees in Anthropology, including the Departmental Manager who has a PhD in Anthropology, and the Cultural Protection Specialist is due to receive his Masters Degree shortly. In addition to these staff, the Tribe's Natural Resources Department currently staffs a Fish & Wildlife Coordinator, a Silviculture Protection Coordinator, a Water Quality Specialist, and a Biologist, who are available to assist the THPO (e.g. culturally significant plants in the Tribal forest lands).

III.A.3

THPO Advisory Review Board

The Grand Ronde Tribal Council will designate an Advisory Board as required for the THPO. Members of the Board will be appointed by the Tribal Council.

The Advisory Board for Grand Ronde will include knowledgeable and qualified Tribal members that serve as the cultural bearers of the Tribe and it is in them that much of the knowledge of the Grand Ronde membership is held. The Board will be comprised of representatives from the Executive Office, Cultural Resources Department, Cultural Committee and others deemed appropriate by the Tribal Council with representative knowledge of Grand Ronde and development projects.

The Board will advise the THPO on cultural resource preservation, review appropriate documentation in connection with historic preservation, and review National Register nominations. The THPO will ensure that the Board will have access to professional advice when reviewing a National Register nomination.

III.A.4

Description of Participation Provisions

The Tribe will institute measures to ensure adequate participation by the public in the Tribe's activities pursuant to the NHPA. This will include, but not be limited to, an open meeting held annually at the Tribal Office. During the annual meeting, an educational presentation will be given about goals, priorities and activities of the THPO program. Public notices will be published in the local newspaper, as well as the Tribal newspaper, to notify the general public, Tribal members, and other concerned Oregon Tribes, of the annual meeting date, time and place. Notice will also be posted on Tribal offices designated for public notices. If Tribal members, local tribes or the general public cannot attend the annual meeting, submission of comments by U.S. Mail will be accepted for 30 days following the meeting date.

Subsequent to the annual meeting, careful review and consideration of the comments collected from the meeting or submitted in writing will be conducted by the THPO and Advisory Board. These comments will be incorporated, if appropriate, into the development of the Tribe's

preservation program activities. However, participation of Tribal members, local tribes and/or the public does not mean that information on traditional, cultural, and religious sites will be made available in any way which is contrary to the Tribe's customs, values or traditions. The final decision of what comments will be included in the development of program activities rests with the THPO, the Advisory Committee and Tribal Council.

There are no other tribes that have traditional lands within the boundaries of Grand Ronde's present Tribal lands. However, the Tribe is committed to involving those tribes that share borders with Grand Ronde's ceded lands and we may solicit them for comments by certified letter and other measures such as email and phone calls as needed.

The Tribe will also hold meetings as needed when properties are being nominated to the National Register. Participation of Tribal cultural authorities will be solicited as necessary for religious and spiritual reasons including the nominations of Traditional Cultural Properties and in designations of other sites that may need their expertise.

III.A.5

Acknowledgement that the Non-Tribal Property Owners within Tribal Lands May Request SHPO Participation

As stated above, Grand Ronde does not have exterior reservation boundaries. As such, there are no non-tribal property owners within Grand Ronde Tribal lands. However, pursuant to the Act, the Tribe acknowledges that with respect to properties neither owned by a member of the Tribe nor held in trust by the Secretary for the benefit of the Tribe, at the request of the owner thereof, the State Historic Preservation Officer, in addition to the Tribal Historic Preservation Officer, may exercise the historic preservation responsibilities in accordance with subsections 101(b) (2) and (b) (3) of the Act.

III.B. SHPO FUNCTIONS

III.B.1a

SHPO Functions Grand Ronde Proposes to Assume

Grand Ronde will assume the following functions listed in Section 101(b)(3) of the Act that are currently carried out by the SHPO:

- (A) In cooperation with Federal and State agencies, local governments, and private organizations and individuals, direct and conduct a comprehensive Tribal lands-wide survey of historic properties and maintain the inventories of such properties;
- (B) Identify and nominate eligible properties to the National Register and otherwise administer applications for listing historic properties on the National Register;
- (C) Prepare and implement a comprehensive Tribal lands-wide historic preservation plan;

(D) Administer the Tribal program of Federal assistance for historic preservation within its Tribal lands;

(E) Advise and assist, as appropriate, Federal and State agencies and local governments in carrying out their historic preservation responsibilities;

(F) Cooperate with the Secretary of the Interior, the Advisory Council on Historic Preservation, and other Federal and State agencies, local governments, and organizations and individuals to ensure that historic properties are taken into consideration at all levels of planning and development;

(G) Provide public information, education, training, and technical assistance in historic preservation; and

(I) Consult with appropriate Federal agencies in accordance with the Act on -

- (i) Federal undertakings that may affect historical properties; and
- (ii) the content and sufficiency of any plans developed to protect, manage, or to reduce or mitigate harm to such properties.

Grand Ronde proposes to exercise the above responsibilities for all historic properties on Tribal lands. The Tribe will assure that these undertakings are conducted in full compliance with applicable Federal and State laws as well as Tribal laws, regulations, ordinances, and traditional practices.

III.B.1b

Functions that Will Remain the Responsibility of the SHPO

The following functions listed in Section 101(b)(3) of the Act will remain the responsibility of the SHPO:

(H) Cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to subsection (c) in the Act; and

(J) Advise and assist in the evaluation of proposals for rehabilitation projects that may qualify for Federal assistance.

III.B.2

Description of How Grand Ronde Will Carry Out Each Assumed Function

Function A; *...direct and conduct a comprehensive Tribal lands-wide survey of historic properties and maintain inventories of such properties:*

The Tribe has an inventory list of historic properties on Tribal lands and plans to complete a comprehensive survey. In performing this function, the Tribe will adhere to the Secretary's Standards and Guidelines. The database as it exists today is digital and hardcopy with an

associated GIS database to display spatial orientation of known sites within the reservation boundaries as well as in the Tribes ceded lands and usual and accustomed places. Information gathered either from field work or gained from the Oregon State Historic Preservation Office will be treated as confidential information and not subject to the Freedom of Information Act or Public Records Act pursuant to Section 301 of the NHPA or ORS 192.410 to 192.505. The information in the files contains the information that is defined in the Appendix D Cultural Resource Report Form. The list of Sites will detail any archaeological, cultural, and historical data as well as photographs, and maps determining spatial orientation (through the use of GPS devices) both in hard copies as well as being listed on the Tribes GIS Cultural Sites database. Areas surveyed and found to have no sites will also be annotated on the databases to ensure that no duplication of surveys is conducted. The GIS database only has a few individuals with access due to its sensitive nature. Individuals with access are the Cultural Resource Manager, Site Protection Program Staff, and the GIS Coordinator who maintains the Tribe's GIS programs.

Archival and background research is generally undertaken prior to any field survey. Where identification is undertaken as part of a comprehensive planning process, background research may have taken place as part of the development of the historic contexts. In the absence of previously developed historical context, archival research should address specific issues and topics. It should not duplicate previous work. Sources should include, but not be limited to, historical maps, atlases, tax records, photographs, ethnographies, folklife documentation, oral histories, historical documents such as BIA records and church records, and other studies, as well as standard historical reference works such as appropriate for the research problem. In most cases this work can be done at Grand Ronde as the Cultural Resources Department has collected the largest collection of material related to the community available with the exception of some documents held in National Archives or at NARA in Seattle, Washington.

The Tribe will also employ, appoint or contract with individuals, consultants or organizations who meet the Secretary of the Interior's Professional Qualifications Standards; specifically those listed under the Oregon SHPO website. The Tribe uses the list of professionally qualified archeologists, architectural historians, consultants, and organizations prepared by the SHPO for contracting purposes. The Tribe's Cultural Resource Technicians/Site Monitors will perform or assist in this survey with review and approval by the THPO. Consultation with the Tribal cultural authorities will occur as necessary with the research, documentation, and management of sites as they are inventoried. Criteria for the Tribe will meet stricter guidelines than the NHPA as defined under Appendix D Determination of Significance for Cultural Sites; but nominations will meet federal guidelines as defined 36 CFR Part 60.4.

Field Methodology will adhere to Oregon Guidelines as defined at http://www.oregon.gov/OPRD/HCD/ARCH/docs/draft_field_guidelines.pdf and will be updated as needed. These guidelines developed by the Oregon State Historic Preservation Office meet federal and state criteria to ensure that the methodology is standardized in the state and verifiable.

Reconnaissance surveys will be employed more often than intensive surveys to identify areas where development is proposed in the future but not planned or budgeted. These areas will focus on assisting understanding of placement of known sites to the development area, identifying

areas of concern for further investigation, and areas where timber projects have been concluded. At a minimum these surveys will document:

- 1) The kinds of properties looked for;
- 2) The boundaries of the area surveyed;
- 3) The method of survey (pedestrian, shovel probes, remote sensing, etc.), including the extent of the survey coverage (both horizontally and vertically);
- 4) The kinds of historic properties present in the surveyed area (including areas of concern where further investigation is warranted);
- 5) Specific properties that were identified, and the categories of information collected; and
- 6) Places examined that did not contain historic properties.

Intensive survey is used to define spatial and temporal parameters of a historic property, as well as its components. It is also used to define mitigation measures that are necessary when development of the area is being proposed. At minimum intensive surveys should document:

- 1) The kinds of properties looked for;
- 2) The boundaries of the area surveyed, and the identified properties;
- 3) The method of survey (pedestrian, shovel probes, remote sensing, etc.), including the extent of the survey coverage (both horizontally and vertically);
- 4) A record of the precise location of all properties identified and their associated components;
- 5) Information on the appearance, significance, integrity and boundaries (including buffers) of each property sufficient to permit and evaluation of its significance.

The sampling methodology with both reconnaissance and intensive surveys in most cases will require a less than total project area survey. When this is the case sampling will be based on random, systematic, and stratified surveys, and will be based on the nature of the project, the area of proposed development, and the problem that is expected to be solved by the survey. Sample surveys may be conducted to define estimates of the number and types of historic properties within a given area of research. These areas will be done at a level of confidence to ensure that the nature of the problem can be adequately addressed during the research.

Given the research and amount of sites identified by the Tribe at this time predictive modeling will be done to extrapolate the number and frequency as well as location of potential sites that need to be addressed in the future and to further define areas where further research is needed. This model will be tested for efficacy by targeted field work, and as future developments are identified and redesigned and tested if needed.

Surveys on the reservation will be based on two primary premises. The first is areas slated for development, and the secondary is areas where timber activities are taking place. In the case of the areas of development areas will be identified and surveyed prior to any development taking place, and for timber activities will most likely take place after cuts to aid in clearance of ground materials to identify historic properties. Staffs at the Cultural Resources Department and Natural Resources Department regularly undergo Cultural Resources Technician Training to assist in surveys and in inadvertent discoveries. The Tribe has also used prior maps, GLO records, surveys in the past, BIA records, and oral traditions to define sites within the original reservation

boundaries and areas of high potential to contain archaeological and or historical properties or resources.

Upon NPS Authorization of the THPO, a digital database called “Grand Ronde Cultural Resource Inventory” will be established. At this time the Tribe does have a database of known and probable resources, but it is based on the Tribes ceded lands and not specific to the Reservation. The database shall incorporate the following:

- Information, including spatial data and site forms, on all known cultural resources, including all National Register-eligible resources (i.e. historic properties/TCP’s), archaeological sites, sacred sites, and burials on Grand Ronde trust lands.
- Spatial information on all areas on reservation and trust lands previously surveyed as part of cultural resources investigations.
- Information, including spatial data and site forms, on all known cultural resources of significance to The Confederated Tribes of Grand Ronde, e.g. sacred sites, TCP’s, and archaeological sites of interest, located outside of tribal trust lands.
- Traditional Cultural Places identified by elders and other community members.

The system for the Confederated Tribes of the Grand Ronde Community of Oregon Cultural Resources Inventory will include:

- A Master Site List with all requisite information on each site;
- A folder with digital and hard copy versions of all site forms, as appropriate; and
- A Geographic Information System (GIS) with information on site locations and surveyed areas.

Given the sensitivity of the information in the inventory and the need to maintain strict control over access to the system, the THPO will implement controls over access and user ability that will be limited to staff in the Site Protection Program, and the Tribes GIS Coordinator.

As new data is gathered using surveys, reports, new developments and other data it will be incorporated into the GIS layers in conjunction with the Tribal GIS Coordinator. This GIS data will be instrumental in the effective implementation of the Section 106 review process by the THPO.

The THPO will be responsible for setting standards for cultural resources investigations on tribal trust lands and for concurring with the sufficiency of investigations.

Function B; *...identify and nominate eligible properties to the National Register and otherwise administer applications for listing historic properties on the National Register:* Through the above mentioned comprehensive survey process the Tribe will identify and nominate eligible properties to the National Register and otherwise administer applications for listing historic properties on the National Register. Sites that are forwarded will follow 36 CFR 60.4, however additional lists of sites that meet internal policies for Grand Ronde will be maintained separately (see Appendix D Cultural Resource Report Form and Determination of Significance for Cultural Sites). Criteria of the Tribe mirror the NHPA in the criteria stipulated as A,B,C,D under the 36 CFR 60.4 listed as:

a) that are associated with events that have made a significant contribution to the broad patterns of our history; or

(b) that are associated with the lives of persons significant in our past; or

(c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(d) that have yielded, or may be likely to yield, information important in prehistory or history.

The Tribe uses a less rigid timeframe of 30 years for the Tribal list due to the Tribe's history of termination and restoration, any nominations that reach federal guidelines shall adhere to the 50 year limit as defined under 36 CFR 60. Any properties forwarded to the Advisory Council for inclusion in the National Register shall meet the federal guidelines in addition to the Tribal guidelines.

Nominations shall occur once eligibility has been determined. Nominations to have a historic property or Traditional Cultural Property included on the list are submitted to the Keeper of the National Register on a registration form (NPS Form 10-900). The THPO will be responsible for the preparation and/or review of nomination packets. Nomination packets will be submitted to the THPO Advisory Review Board for approval.

Applicable Tribal departments, consulting partners, and potentially interested parties shall be allowed opportunity to comment on nominations per 36 CFR Part 60.6(b). At a minimum, notice of intent to nominate will be given at Cultural Committee Meetings and published in the Tribal newspaper "Smoke Signals." The Tribe has no reservation lands under private ownership on the reservation, however if this were to change the THPO would send specific information of the nomination to those individuals or groups and allow a 75 day review period for comments. During this review and comment period a copy of the nomination will be kept in the Cultural Resources Department for review, and information will be given at the bi-weekly Tribal Council Meetings. If the nomination is disputed, the THPO will make every effort to resolve the dispute in accordance with 36 CFR Part 60.6(g). If there is an unresolved dispute regarding a National Register nomination, the THPO will submit the issue to the Keeper of the National Register per 36 CFR Part 60.6(n). The THPO will submit final nomination packets to the Keeper of the National Register upon completion of the process.

The THPO will establish priorities for National Register nominations on Tribal lands. In general, priority will be given to those historic properties that will be actively managed as sites of interest open to the public, or areas that require Section 106 review for capital projects. It should be noted that regardless of whether a resource is submitted for inclusion in the National Register, eligibility, not listing, is the determining factor in for the Section 106 process.

Function C; ...prepare and implement a comprehensive Tribal lands-wide historic preservation plan: Also as a part of the comprehensive survey process mentioned under function A above, the Tribe will employ, hire, or contract with individuals to assist in preparing a comprehensive

Tribal lands-wide historic preservation plan that will then be adopted and implemented by the Tribe for at least a five year term. The Plan will be modified as needed as new federal criteria are created, Tribal policies change, or to meet new standards developed in historic preservation. Current criteria and procedures for how the work of preservation planning is done are explained in Appendix D. Public meetings will be hosted by the Cultural Resources Department and THPO to ensure public and Tribal comments. The plan will conform to guidelines established by the Secretary of the Interior in 48 FR 44716 and will incorporate the THPO (currently the Site Protection Program) procedures and policies.

The plan will incorporate: goals and objectives for historic preservation; standards for treatment of historic properties, including adaptive reuse, preservation, rehabilitation, restoration, reconstruction, and minimization of harm; as assessment of threats to historic properties ; procedures for inventory of historic properties, mitigation standards, policies for inclusion of the public and consultation partners, and standard operating procedures for recurring practices.

Function D; *...administer the Tribal program of Federal assistance for historic preservation within its Tribal lands:* The Tribe manages several dozen federal grants and is fully capable of managing this Federal assistance grant program. The Tribe also has grant writers to assist with recurring grant applications and selective new competitive applications to enhance Tribal programs. Once funding is obtained each department administers its own funding and is responsible for the required reporting as well. The THPO will be responsible for administration of this grant in conjunction with other applicable Tribal programs and employees.

Function E; *...advise and assist, as appropriate, Federal and State agencies and local governments in carrying out their historic preservation responsibilities:* As described further in section III B.3. below, the Tribe's Cultural Resources Department Site Protection Program currently consults with Federal and State agencies (including Willamette National Forest, Bureau of Land Management, Oregon Department of Transportation, and the Washington State Department of Archaeology and Historic Preservation, and the Oregon State Historic Preservation Office) and local governments, as appropriate, to advise and assist them in carrying out their historic preservation responsibilities. The Tribe will continue to perform this function. As new partnering agencies and private groups are identified agreements and when applicable MOU's will be drafted to ensure that consultation is standardized.

Function F; *...cooperate with the Secretary of the Interior, the Advisory Council on Historic Preservation ... to ensure that historic properties are taken into consideration at all levels of planning and development:* As described in section III.B.3. Below, the Tribe's Cultural Resources Department currently performs this function. The Tribe has Memoranda of Understanding (MOUs) with some Federal and State agencies and plans to enter into more to strengthen coordination efforts to ensure historic properties are taken into consideration at all levels of planning and development. The Cultural Resources Department Site Protection Program also consults with Tribal programs such as Natural Resources and Engineering to assist in the Tribe taking historic properties into consideration during all aspects of planning and implementation on Tribal lands. As displayed under Function I consultation with the ACHP will occur during nominations and consultations to ensure that planning and development meet federal guidelines and new practices as they are developed.

Function G; *...provide public information, education and training, and technical assistance in historic preservation:* The Tribe's Cultural Resources Department Site Protection Program provides public information, education and training, and technical assistance in historic preservation. The Tribe provides education, training, and assistance to local timber companies, youth groups, environmental groups, state and local agencies, as well as Tribal programs. The Tribe's Cultural Resources Department takes every opportunity to provide information and training on historic preservation. The Tribe will continue to do so as a THPO.

Function I; *...consult with appropriate Federal agencies in accordance with this Act on-*
(i) Federal undertakings that may affect historical properties; and
(ii) the content and sufficiency of any plans developed to protect, manage, or to reduce or mitigate harm to such properties:

The Tribe will consult and comment on Federal undertakings on Tribal lands pursuant to Section 106 of the NHPA and the regulations at 36 CFR 800. Additionally, the Tribe will continue to consult with the SHPO, local governments, applicants, and other consulting parties as defined under 36 CFR 800 for those areas outside the Tribal lands but within the Tribe's ceded lands and other lands of cultural importance. To ensure compliance with the Act and the regulations, the THPO will work with Tribal programs that have developments occurring on Tribal lands to identify, assess, document, mitigate, and engage in emergency issues when necessary. To ensure that documentation methods meet federal criteria and maintain the highest levels of profession, the THPO will ensure that Tribal documentation guidelines follow Federal requirements. Functions A and C will assist in the compliance with 36 CFR 800. Additionally the THPO will work with Natural Resources staff on NEPA issues to ensure that the NHPA and applicable Tribal laws are taken into consideration during the planning, implementation, and closure of developments within the Tribal lands. Currently the Tribe has no National Historic Landmarks within its boundaries. If this changes, the THPO will ensure compliance with 36 CFR 800.10.

Protection of sites is the Tribe's primary goal; however when inevitabilities occur that will impact cultural and/ or archaeological sites, every effort will be made to minimize impacts by moving projects to areas without integrity, or areas cleared by archaeological testing. Testing will be done to define boundaries and depth of the given site and a finding of No Adverse Effect or Adverse Effect will be found by the responsible agency or Tribal program. In the case of No Adverse Effect this determination will be found when there may be an effect, but the effect will not be harmful to those characteristics that qualify the property for inclusion in the Tribal or Federal Registers. Upon the finding the agency or Tribal program will notify the THPO for concurrence.

An Adverse Effect finding will be made when there may be an effect, and that effect could diminish the integrity of the characteristics that qualify the property for inclusion of the Tribal or Federal Registers. Upon finding of adverse effect the responsible party will move to resolving the impact or mitigating impacts.

Mitigation will occur during consultation with the THPO describing the proposed undertaking and its area of potential effect (APE) as well as alternates in the project; steps taken to identify

the historic property in the area; a description of the affected historic property(ies) including information on the qualities that enable the property in question to be included in the National Register; an explanation of why the criteria of adverse effect was found including mitigation that may be needed in the future; and copies of the summaries of any views provided by other consulting parties.

Resolution will take place during consultation of mitigation and afterwards to resolution of the proposed project. In most cases consultation during the mitigation phase will adequately meet the necessities of the Tribe and an agreement will be reached. When an agreement is reached and successful consultation has occurred, resolutions will be signed by the applicable federal, tribal, and/or private agencies. The documentation will be forwarded to the Advisory Council to inform them of actions taken and successful resolution of consultation. In instances where resolution cannot be made and consultation terminated, either the project proponent or the Tribe may request that the Advisory Council comment per 35CFR 800.7. After receipt of the request the Advisory Council has 45 days to issue a comment. This may require an on-site inspection during this time frame. After comments are made by the Advisory Council, the federal agency may make a determination and notify the Advisory Council and consulting parties. Mitigation standards will conform to the Secretary of Interior Standards established in 42 FR 5377-79. Architectural properties will meet the standards of the Historic American Buildings Survey of the National Parks Service to ensure compliance with federal standards.

III.B.3

Description of Grand Ronde' Current Historic Preservation Program

The Mission Statements of the Cultural Resource Department and Site Protection Program provide:

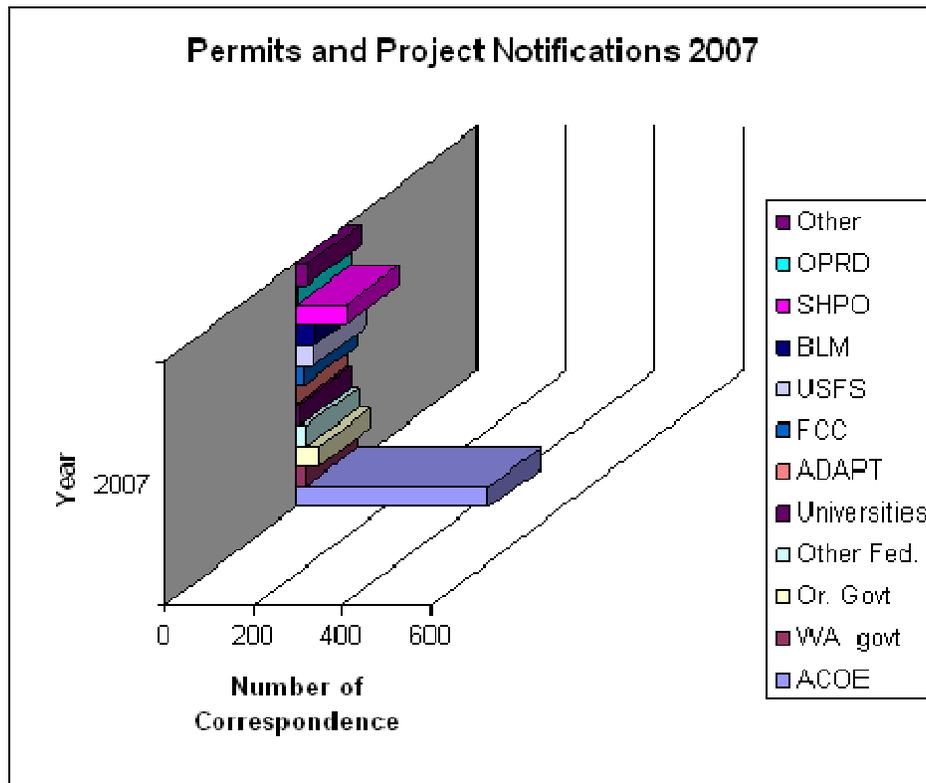
The *Cultural Resources Department* is committed to the protection, preservation, and promotion of the cultural heritage of the original people of the Grand Ronde community. The Tribe recognizes cultural resources are invaluable, irreplaceable, and endangered tribal resources. With the intent of preserving, protecting and revitalizing tribal culture, spirituality, and history the Tribe established the Cultural Resource Department. Program staff is pledged with four primary objectives: cultural education, site protection, repatriation, and creating a comprehensive repository for all materials which have historic importance to the Grand Ronde Tribes.

The mission of the *Site Protection Program* is to manage our cultural resources in accordance with our traditions, applicable laws, regulations, and professional standards, wherever they occur on our tribal lands, our ceded lands, and within our traditional usual and accustomed gathering places.

The Tribe established the Cultural Resources Department in 1997 primarily to respond to archaeological permit applications and project notifications. The Site Protection Program reviews and consults on archaeological permit applications from a variety of Federal, State and local agencies including the SHPO, the Army Corps of Engineers, and the Department of Agriculture, and on a wide variety of projects. These include: timber harvest plans; stream and vegetation restoration, enhancement, and management; road construction, maintenance,

widening and closures; interpretive plans; and various other types of projects. The following chart demonstrates the number of project notifications and archaeological permit applications that have been reviewed by the Site Protection Program for 2007.

Permits and Project Notifications 2007, by Agency, or Organization



The Site Protection Program has increased its workload in regards to consultation and collaboration every year. From 2003 to 2008 the number of notifications and archaeological permit applications that have been reviewed by the Site Protection Program has increased by 240%. Federal agencies that have sought consultation with Grand Ronde include: Army Corps of Engineers, Bureau of Land Management, Umpqua National Forest, Federal Energy Regulatory Commission, Federal Aviation Administration, Environmental Protection Agency, Fort Vancouver, Federal Highways Administration, and Willamette National Forest, United States Department of Agriculture. State agencies and assorted private agencies seeking information or consultation have varied dependant on project needs but have included: Washington State Department of Transportation, Oregon State Historic Preservation Office, Washington State Department of Archaeology and Historic Preservation, University of Oregon, Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, and Oregon Department of Transportation. The Site Protection Program also consults with other Tribal Programs such as Lands Management, Engineering, Housing, Natural Resources, and other programs that either manage Tribal property or have stakes in the development of the Tribal lands.

The Tribe tracks these project notifications and permit applications in an Excel database program. The Cultural Resources Department is creating datasets of the archaeological and cultural resource sites known to the Oregon State Historic Preservation Office and Washington State Department of Archaeology and the Tribe, within the Tribe's ceded and Tribal lands in Arc Map. When a site is discovered, a Cultural Resource Technician documents and records the site with GPS. The GPS information is transferred to GIS Arc Map and added to the database. This process will continue as long as new sites are discovered.

The Tribe's Cultural Resources/Historic Preservation office has also prepared an inventory of historic properties on Tribal lands and within the immediate Grand Ronde community. This inventory is also included in the above mentioned database and the Tribe will continue to maintain inventories of such properties, as one of these datasets.

The Tribe's Cultural Resources Department has also established a monitoring program. Cultural Resource Technicians are offered specialized training (Site Monitoring or Cultural Resource Technician Training) through all available means including other tribes, agencies, organizations, as well as ongoing on-the-job training. Staff throughout the Tribe specifically the Cultural Resource Department and Natural Resources Department receives this training on a bi-annual basis. Tribal members are encouraged to apply for the positions and are recruited through ads in the Tribal newspaper and direct mail.

Copies of the Site Protection Program's current Policies and Procedures are attached as Appendix D.

APPENDIX A



The Confederated Tribes of the Grand Ronde Community of Oregon

Tribal Council
Phone (503) 879-2301 or (800) 422-0232
Fax (503) 879-5964

9615 Grand Ronde Rd.
Grand Ronde, OR 97347

Resolution No. 034-03

WHEREAS, the Grand Ronde Tribal Council, pursuant to Article III, Section I of the Tribal Constitution approved November 30, 1984, by the Acting Deputy Assistant Secretary of the Interior, Indian Affairs, is empowered to exercise all legislative and executive authority not specifically vested in the General Council of the Confederated Tribes of the Grand Ronde Community of Oregon; and

WHEREAS, the antecedent tribes and bands that comprise the Confederated Tribes of the Grand Ronde Community of Oregon ceded certain lands in Oregon (hereinafter known as the "Ceded Homelands") to the United States by signing the following treaties: (1) the Treaty of September 19, 1853, by the Cow Creek band of Umpqua Tribe of Indians; (2) the Treaty of September 10, 1853, by the Rogue River Tribe; (3) the Treaty of November 15, 1854, by the Rogue River Tribe; (4) the Treaty of November 18, 1854, by the Chasta, Scoton and Grave Creek band of Umpquas; (5) the Treaty of November 29, 1854, by the Umpqua and Calapooia bands; (6) the Treaty of January 22, 1855, by various tribes and bands of northwestern Oregon; and (7) the Treaty of December 21, 1855, by the Molala Tribe; and

WHEREAS, antecedent tribes and bands that settled on the Grand Ronde Reservation and now comprise part of the Confederated Tribes of the Grand Ronde Community of Oregon historically inhabited other areas in Oregon and Washington not within the Tribe's Ceded Lands (hereinafter known as the "Non-Treaty Homelands"), including (1) Tillamook and Clatsop Counties, (2) portions of Lincoln County, and (3) portions of Clark, Lewis, Cowlitz, Wahkiakum, and Pacific Counties in Washington; and

WHEREAS, the Tribe's Ceded and Non-Treaty Homelands are collectively known herein as Cultural Interest Lands; and

WHEREAS, the Tribal Council believes it is in the Tribe's interest to protect Tribal cultural resources for future generations, to care for the remains of Tribal ancestors, and to respect and preserve Tribal sacred sites; and

WHEREAS, Tribal cultural resources, ancestral remains, and sacred sites located on Cultural Interest Lands are at risk of being damaged, destroyed, looted or desecrated as a result of development activity; and

WHEREAS, Tribal natural resources are potentially affected by activities outside the Grand Ronde Reservation or other Tribal lands; and

WHEREAS, the Tribe wishes to monitor development and planning activities of other governments and private parties, and participate to the extent possible in the decision-

Umpqua Molalla Rogue River Kalapuya Chasta

making for such development and planning activities, to ensure that Tribal natural resources, cultural resources, ancestral remains, and sacred sites are protected; and

WHEREAS, the Tribal Council wishes to declare the Tribe's Cultural Interest Lands so that neighboring governments and the public know what development and planning activities the Tribe will seek to be consulted on, in order to protect and preserve Tribal natural resources, cultural resources, ancestral remains, and sacred sites.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council hereby declares that the Tribe has a cultural interest in those areas of Oregon that antecedent tribes and bands of the Confederated Tribes of the Grand Ronde Community of Oregon ceded to the United States through the following treaties: (1) the Treaty of September 19, 1853, by the Cow Creek band of Umpqua Tribe of Indians; (2) the Treaty of September 10, 1853, by the Rogue River Tribe; (3) the Treaty of November 15, 1854, by the Rogue River Tribe; (4) the Treaty of November 18, 1854, by the Chasta, Scoton and Grave Creek band of Umpquas; (5) the Treaty of November 29, 1854, by the Umpqua and Calapooia bands; (6) the Treaty of January 22, 1855, by various tribes and bands of northwestern Oregon; and (7) the Treaty of December 21, 1855, by the Molala Tribe.

BE IT FURTHER RESOLVED, that the Tribal Council hereby declares that the Tribe has a cultural interest in those areas of Oregon and Washington not within the Ceded Lands that antecedent tribes and bands that comprise part of the Confederated Tribes of the Grand Ronde Community of Oregon historically inhabited, including (1) Tillamook and Clatsop Counties, (2) portions of Lincoln County, and (3) portions of Clark, Lewis, Cowlitz, Wahkiakum, and Pacific Counties in Washington.

BE IT FURTHER RESOLVED, the Tribe hereby notifies neighboring governments and the public that it will seek to be considered the primary consulting tribe regarding development and planning activities within the Cultural Interest Lands that may affect Tribal natural resources, cultural resources, ancestral remains, or sacred sites.

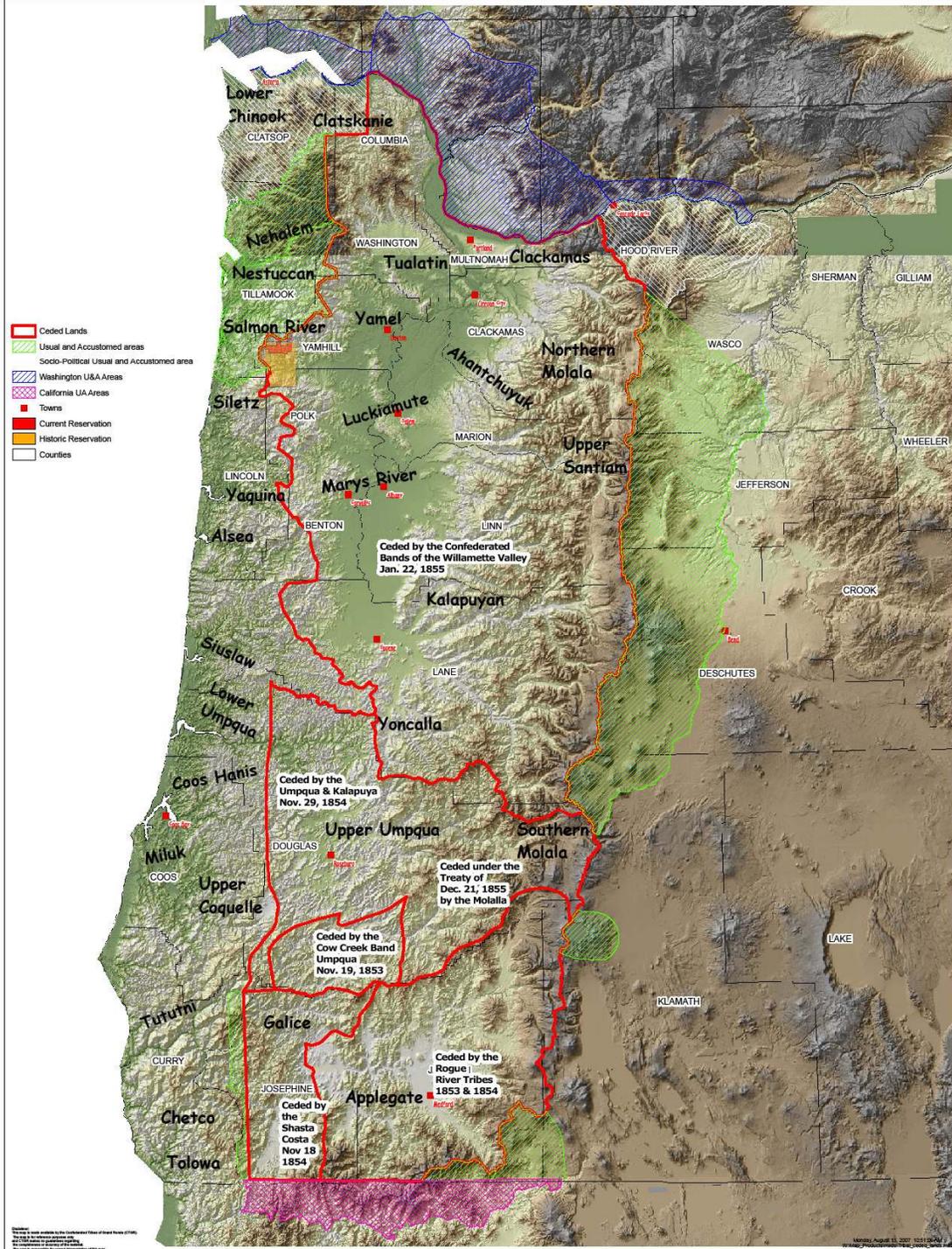
CERTIFICATION: The Tribal Council for the Confederated Tribes of the Grand Ronde Community of Oregon adopted this resolution at a regularly scheduled meeting, with a quorum present as required by the Grand Ronde Constitution held on **February 5, 2003**, by a vote of 7 yes, 0 no, and 0 abstentions.


Cheryle A. Kennedy
Tribal Council Chairwoman

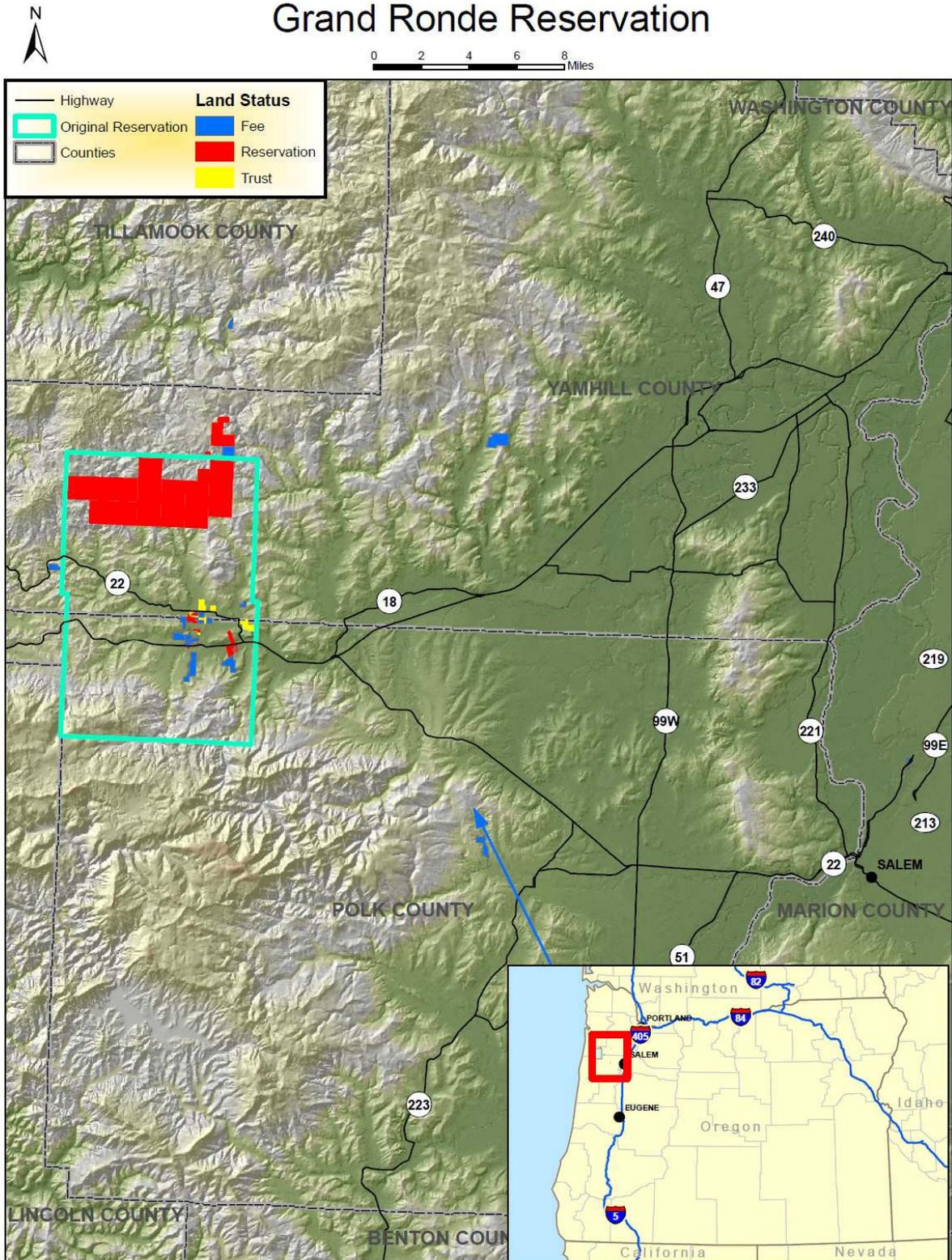

June Sell-Sherer
Tribal Council Secretary



The Confederated Tribes of Grand Ronde Ceded Lands / Usual and accustomed Areas in Oregon and Washington



APPENDIX B Grand Ronde Reservation



APPENDIX C

Eirik E. Thorsgard Curriculum Vitae



Cultural Protection Coordinator

Cultural Resources Department
Confederated Tribes of Grand Ronde Community of Oregon
9615 Grand Ronde Road Grand Ronde, OR 97347-9712

Adjunct Faculty –

Anthropology Dept.
South Puget Sound
Community College
2011 Mottman Road SW
Olympia, WA 98512-6292

Date of Birth: July 9th 1977, Fort Lewis Madigan Army Hospital, WA

Education:

Flinders University *Adelaide, Australia*

PhD Candidate in Archaeology

Oregon State University *Corvallis, OR;*

Master of Arts in Interdisciplinary Studies 2007

Applied Anthropology (Archaeology), Anthropology, Ethnic Studies

Southern Oregon University *Ashland, OR*

Bachelor of Science in Anthropology 2005

Certificate in Native American Studies

Rogue Community College *Grants Pass, OR* 2000

Activities:

2008-present Society for American Archaeology Membership

2008-present World Archaeological Congress Membership

2007-present Association of Oregon Archaeologists; Vice President

2007-present Confederated Tribes of Grand Ronde Cultural Protection Coordinator

2006-2007 Confederated Tribes of Grand Ronde Cultural Protection Specialist

2006 Confederated Tribes of Grand Ronde Cultural Committee; Vice
President

2005-2007 OSU Native American Student Association

2003-2004 SOU Anthropological Society

2003 Konaway Nika Tillicum; Teacher

2002-2003 Curriculum development for the Northwest Center for Sustainable
Resources

2001-2003 Konaway Nika Tillicum; Counselor

2001-2004 SOU Native American Student Union

2001 SOU Inclusive Curriculum Taskforce

Areas of Interest:

Indigenous Archeology Theory and Method
Reestablishment of Traditional Cultural Practices
Cultural Resource Management and Site Protection
Ethno-archaeology and Archival Research
Stewardship of Traditional Cultural Properties
Pre-Contact Land Management Practices
Experimental Archaeology
Native American Studies curriculum development

Awards and Memberships

2008 World Archaeological Congress Membership
2008 Society for American Archaeology Membership
2007-2008 Association of Oregon Archaeologists, Vice President
2006 Confederated Tribes of Grand Ronde Cultural Committee Vice-Chair
2005-2006 OSU Native American Student Association Membership
2004 Ronald E. McNair Post-Baccalaureate Achievement Scholarship
2004 Omicron Delta Kappa
2004 Director of Native American Ecological Education Symposium
2003-2004 Co-Director of Native American Ecological Education Symposium
2002-2003 SOU Anthropological Society Membership
2001-2004 Staff at Konaway Nika Tillicum
2001-2004 SOU Native American Student Union Membership
2001 Inclusive Curriculum Taskforce

Teaching Experience:

Adjunct Faculty, South Puget Sound Community College

- 2007, Teaching Certification Completed for WAOL (Washington Online Courses).
- 2009 Winter Term, Instructor – Introduction to Archaeology online course.

Instructor, Confederated Tribes of the Grand Ronde Community of Oregon

- 2009, Cultural Resources Technician Training - Basic introduction into archaeology and how to identify and monitor archaeological projects for the Tribe. Training provided to Swinomish Tribe in La Conner Washington.
- 2009, Cultural Resources Technician Training – Basic introduction into archaeology and how to identify and monitor archaeological projects for the Tribe. Training provided to CTGR Natural Resources Department
- 2008, Instructor, Confederated Tribes of the Grand Ronde Community of Oregon
- 2007, Cultural Resources Technician Training – Basic introduction into archaeology and how to monitor archaeological projects for Tribes.

Teaching Assistant, Southern Oregon University,

- 2002-2004 Native American Studies
- 2003 Konaway Nika Tillicum: Blood Quantum Issues Past and Present

Presenter, Southern Oregon University, Ashland High School,

- 2004 Physical Anthropology/Archaeology – Australopithecines

- 2003 Pre-Contact Land Management Practices
- 2002-2004 Blood Quantum Issues Past and Present

Conference Presentations:

Thorsgard, Eirik

- 2009 Shawash kagkwa k□apa anqati ikanum: Indigenous Concepts of Creation Stories. Presentation to American Society for Ethnohistory 2008 Meeting. Eugene, Oregon; University of Oregon.

Thorsgard, Eirik

- 2008 *CTGR – Tribal perspectives, asking for help, types of information that can be shared, etc.* Sponsored by Oregon Parks and Recreation Department and Commission on Historic Cemeteries to facilitate Research in Oregon.

Thorsgard, Eirik; Arrow Coyote MA, Robert Kentta, and Don Ivy

- 2007 *Panel: Western Oregon Tribes and Consultation.* Sponsored by Oregon Parks and Recreation Department to facilitate State employees in the consultation process regarding archaeological and cultural resources.

Thorsgard, Eirik E, Dr. Kenneth Ames, Dr. Dennis Griffin, Dr. Dale Croes, Dr. Rick Pettigrew, and Jenna Gaston

- 2007 *Panel: Varied Perspectives on Local Archaeo-Cultural Sites.* Sponsored by Portland State University Native American Studies Department, PSU Anthropology Student association, Lambda Alpha Beta, West Multnomah Soil and Water Conservation District, and PSU Historic Preservation Club at Portland State University, Portland, Oregon.

Thorsgard, Eirik E, Robert Kentta, Gail C. Celmer, Kirstie Haertel, and Kenneth Ames

- 2007 *Discussants: Recent Excavations at Sauvie Island (Sunken Village) Wet Site (35MU4), Portland, Oregon.* Northwest Anthropological Conference, Pullman, Washington.

Thorsgard, Eirik E.

- 2006 *Calapooia Mounds Contested Meanings and Interpretations,* Kalapuya-Amin Conference, Finley Wildlife Refuge, Corvallis, Oregon.

Thorsgard, Eirik E, and Nicole Norris

- 2004 *Pre-Contact Land Management Practices in Curriculum,* 3rd Annual Native American Ecological Education Symposium, Ashland, Oregon.

Thorsgard, Eirik E, Nicole Norris, and Christian Solfisburg

- 2004 *Archaeological Research in the Cascade Foothills of Southwest Oregon,* 8th Annual Northwest Anthropological Conference, Eugene, Oregon.

Thorsgard, Eirik E, Nicole Norris, and Frank Kanawha Lake

- 2003 *Landscape Burning and Basketry Management,* Coquille Cultural Conference, North Bend, Oregon.

Thorsgard, Eirik E, and Nicole Norris

- 2003 *Pre-Contact Land Management Practices,* Ashland High School, Ashland, Oregon.

Thorsgard, Eirik E, Bob Tom, and Nicole Norris

2003 *Integrating Native Perspectives into High School Curriculum: Ashland Project Update,*

2nd Native American Ecological Education Symposium, Ashland, Oregon.

Thorsgard, Eirik E, Brent Florendo, and Jean Maxwell

2003 *Native American Studies*, 9th Annual Oregon Diversity Institute-Rogue Community College, Grants Pass, Oregon.

Publications:

Thorsgard, Eirik

Nd *Munk-txwáp íli?i khapa nayka anqati shawash tillixam ikta*

(“*Digging for My Ancestors Things*”). Chapter for book titled *Being and Becoming and Indigenous Archaeologist* edited by Dr. George Nicholas of Simon Fraser University. No publication date set.

Thorsgard, Eirik

Nd *Calapooia Mounds Contested Meanings and Interpretation*. Kalapuya-Amin Conference. Finley Wildlife Refuge, Corvallis Oregon. Submitted for publication.

Thorsgard, Eirik, David Lewis and Volker Mell

2008 *Native Languages in Western Oregon*. Tribal GIS: Supporting Native American Policies with GIS. Eds. Nancy Sappington, David Gadsden, Anne Taylor and Christopher Thomas. ESRI. Redlands, California.

Thorsgard, Eirik, David Lewis and Volker Mell

2008 *Ceded Lands – Usual and Accustomed Areas in Oregon, Washington, and California*. Tribal

GIS: Supporting Native American Policies with GIS. Eds. Nancy Sappington, David Gadsden, Anne Taylor and Christopher Thomas. ESRI. Redlands, California.

Thorsgard, Eirik

2008 *Intellectual Property Issues in Archaeology: A Response: Shawash ilii?i hayu-kFNteks bAstfn-tIlixaN tFNtfN*. The Midden: Publication of the Archaeological Society of British Columbia. Vol 40. 1- 2008.

Thorsgard, Eirik, Dr. Scott Byram, Sara Purdy

2008 *Chankal Shrine Restoration Archaeology: 2007 Survey, Records Research, and Stone Analysis*.

Prepared by Byram Archaeological Consulting LLC for the Confederated Tribes of the Grand Ronde Community of Oregon. Grand Ronde. Oregon.

Thorsgard, Eirik

2007 *Sháwwash-tílixam taska anqati-íll?i yakwa: walamut Grand Ronde Archaeology Plan*. Thesis

Project submitted to Oregon State University. Corvallis, Oregon.

Thorsgard, Eirik

2007 *Osteology Guide of the Confederated Tribes of the Grand Ronde Community of Oregon*. CTGR Cultural Resources Department Internal Publication. Grand Ronde, Oregon.

Thorsgard, Eirik

2007 *Lithic Identification Guide of the Confederated Tribes of the Grand Ronde Community of Oregon*. CTGR Cultural Resources Department Internal Publication. Grand Ronde, Oregon.

Thorsgard, Eirik

2007 *Groundstone Identification Guide of the Confederated Tribes of the Grand Ronde Community of Oregon*. CTGR Cultural Resources Department Internal Publication. Grand Ronde, Oregon.

Thorsgard, Eirik

2007 *Culture History Model of the Confederated Tribes of the Grand Ronde Community of Oregon*.
CTGR Cultural Resources Department Internal Publication. Grand Ronde, Oregon.

Tveskov, Mark and Amie Cohen

2006 *The Archaeology of the Western Cascades of Southwest Oregon*. Appendix B. Southern Oregon University Laboratory of Anthropology Research Reports 2006-2.

Thorsgard, Eirik

2005 *Site Complexity and Function on the Middle Fork of the Coquille River*.
McNair Scholars Journal Spring 2005 Vol. 1. Ronald E. McNair Post Baccalaureate Achievement Program. Pgs 72-80. Ashland, OR.

Excavation Experience:

- 2007 Tribal Consultant: Sunken Village (35MU4); Sauvie Island, Oregon
Conducted for the Oregon SHPO and Army Corps of Engineers under the direction of Dr. Dale Croes; wet site excavation.
- 2007 Tribal Consultant: Chankal Sacred Site; Salem, Oregon
Conducted for the Confederated Tribes of the Grand Ronde Community of Oregon under the field direction of Dr. Scott Byram. Traditional Cultural Property Restoration.
- 2006 Tribal Consultant: Sunken Village (35MU4); Sauvie Island, Oregon
Conducted for the Oregon SHPO and Army Corps of Engineers under the direction of Dr. Dale Croes; wet site excavation.
- 2005 Crew Boss: China Creek Site (10NP128); Cottonwood, Idaho
Conducted for the BLM under the direction of Dr. Loren Davis.
- 2005 Crew Boss: Spring Bar Site (10IH354); Riggins, Idaho
Conducted for the BLM under the direction of Dr. Loren Davis.
- 2004 Crew Boss: Blue Gulch Site (35JA205); White City, Oregon

- 2004 Crew Boss: Hyatt Meadows Site (35JA150); Ashland, Oregon
Conducted for the BLM under the direction of Dr. Mark Tveskov.
- 2003 Crew Member: Tseriadun (35CU7); Port Orford, Oregon
Conducted for the BLM under the direction of Dr. Mark Tveskov.
- 2003 Student Crew Member: Midnight Dig Site (35JA395); White City, Oregon
Conducted for the State Parks and Coquille Indian Tribe under the direction of Dr. Scott Byram.
- 2003 Student Crew Member: Bussman Site (35CS158); Bandon, Oregon
Conducted for the BLM under the direction of Dr. Mark Tveskov.
- 2003 Student Crew Member: Bussman Site (35CS158); Bandon, Oregon
Conducted for the BLM and Coquille Indian Tribe under the direction of Dr. Mark Tveskov.

Research Experience:

- 2007-2008 Confederated Tribes of the Grand Ronde Community of Oregon Cultural Protection Specialist/Coordinator
- Researching Oral Traditions both recorded and not to locate and document Traditional Cultural Properties throughout ceded lands.
- 2006 Confederated Tribes of Grand Ronde Cultural Committee Vice-Chair
- Research of traditional camas extraction sites and practices in ceded lands of tribe to assist with First Food Ceremony.
- 2005-2006 Oregon State University Graduate Student Lab Assistant
- Curation, Management, Debitage Analysis, Chipped Stone Tool Analysis, Ground Stone Analysis on all incoming projects.
- 2004 Internship Southern Oregon University Ronald E. McNair Post Baccalaureate Achievement Scholarship
- Research on Site Complexity and Function on the Middle Fork of the Coquille River.
- 2003-2004 Coquille Tribe Contract Archeologists – Cultural Resource Management Department
- Excavation and analysis of 35CU7, and other sites.
- 2002-2004 Southern Oregon University Native American Studies Assistant Teacher
- Researched and developed curriculum regarding historical creation of Blood Quantum and its present uses regarding tribal identity.
- 2001-2004 Southern Oregon University Archaeology Lab Assistant
- Curation, Management, Debitage Analysis, Chipped Stone Tool Analysis, Ground Stone Analysis on all incoming projects.

Other Experience:

- 2007 Washington Online College Course (WAOL) certification course completed.
- 2007 Cultural Protection Coordinator
- Responsible for working to identify, protect, preserve, and manage the Tribe’s culturally significant sites and resources within the ceded lands and usual and accustomed places and areas. Helps develop and refine cultural protection standards, policies, and procedures for tribally owned lands and interaction with Private, State, and Federal land

- managers/owners within the ceded lands and usual and accustomed places and areas. Program Management Position. November 27th, 2007 until present.
- 2007 Acting Cultural Protection Coordinator
 - Responsible for working to identify, protect, preserve, and manage the Tribe's culturally significant sites and resources within the ceded lands and usual and accustomed places and areas. Helps develop and refine cultural protection standards, policies, and procedures for Tribally owned lands and interaction with Private, State, and Federal land managers/owners within the ceded lands and usual and accustomed places and areas. Program Management Position. August 27th, 2007 until November 27th, 2007.
- 2006 Attended Training: Introduction to GIS Applications in Natural Resource Management with ArcGIS at Oregon State University College of Forestry, December 7-8, 2006.
- 2006 Confederated Tribes of Grand Ronde Cultural Protection Specialist
 - Responsible for working to identify, protect, preserve, and manage the Tribe's culturally significant sites and resources within the ceded lands and usual and accustomed places and areas. Helps develop and refine cultural protection standards, policies, and procedures for Tribally owned lands and interaction with Private, State, and Federal land managers/owners within the ceded lands and usual and accustomed places and areas. June 19th, 2006 until August 26th, 2007.
- 2006 Vice Chair Cultural Committee for the Confederated Tribes of Grand Ronde (January – June)
 - Assist with implementation of policies regarding cultural resources for tribe, both of an archaeological nature as well as of a living cultural element.
- 2006 Attended Archeological Resource Protection Training in Portland Oregon July 11th, 2006 taught by Tim Canaday, Elise Foster, and Bob Palmer.
- 2006 Attended National Preservation Institute Training National Historic Preservation Act Introduction to Section 106 Training in Salt Lake City, Utah September 12th, 13th, and 14th taught by Dr. Allison Brooks Washington State SHPO.
- 2006 Attended the Coquille Cultural Conference in North Bend, Oregon.
- 2004 Director of Native American Ecological Education Symposium
 - This symposium bridges the gap between contemporary tribal representatives and governmental agencies in a University setting. My specific responsibilities were budget, meal and housing coordination, program designer, guest speaker coordinator, and break-out session coordinator (SOU – Ashland, OR)
- 2003 Keynote Speaker at the National History Day (Ashland)
 - This was a competition for 5-12th grade students regarding US history.
- 2002-2003 Curriculum Development for the Northwest Center for Sustainable Resources.

- Curriculum designed to assist High School teachers in educating students regarding Pre-contact Land Management Practices in Southwestern Oregon.
- 2002-2003 Co-Director of Native American Ecological Education Symposium
 - Same as above.
- 2001-2004 Pow-wow Staff at Southern Oregon University
 - Assisted in coordination and planning of two pow-wows a year.
- 2001 Student Representative at the Inclusive Curriculum Task Force
 - This task force was commissioned by the President of Southern Oregon University (Dr. Elizabeth Zinser) to develop a plan to create curriculum that is more open to multi-cultural perspectives and epistemologies.

APPENDIX D

CTGR Cultural Resources Department

Process for Handling Permit Requests and Project Notifications

Purpose: To establish procedures to identify, protect, preserve, and provide stewardship over the Tribe's culturally significant sites and resources within the reservation, trust, fee, and ceded lands areas.

Objectives:

1. To establish a formal procedure for the review of archaeological permit requests and project notifications consistent with federal, state, and Tribal laws, and other applicable policies and regulations.
2. To establish internal methodology for tracking all permit requests and project notifications and responses.

Confidentiality:

All permit requests and project notifications are subject to the Archival Records Management policy.

Culturally Significant Sites:

All cultural resources, items, and sacred sites, identified within the homeland of the Tribes and Bands that comprise The Confederated Tribes of Grand Ronde Community of Oregon.

Permit Request:

When an archaeological permit request comes to the CTGR Cultural Resources Site Protection Program the Cultural Protection Specialist will determine:

- If the archaeological site is within the CTGR ceded lands area.
- If the site is significant to CTGR.

The Cultural Protection Specialist will log the permit on the Permit tracking database, locate the site on a map with the Tribe's ceded lands outlined to determine whether the site is

within the ceded lands area or not. If the project or permit is within the CTGR Trust of fee lands areas, the Site Protection Program will be notified of the project location and proposed start of the date of the project. The Site Protection Program will respond to the Project Manager within 30 days. If the site is outside of the ceded lands area the Cultural Protection Specialist need not respond to the request, *unless* it is determined that the site has some significance for the Tribe.

If a site falls *outside* of the ceded lands of the CTGR, it still may be significant to the Tribe if;

- CTGR Tribal people or ancestors are buried there.
- It is a sacred or spiritual site used by CTGR people in the past or present.
- If it is a gathering or harvesting place of rare and/or endangered culturally significant resources.
- A landscape or site that is associated with oral history or traditional stories.

If the site is within CTGR ceded lands area, and/or a significant site to the CTGR, the Cultural Protection Specialist shall:

- Record the site in the CTGR Arc View database; with exact location and description.
- Review the site forms to determine the components of the site; burial site, sacred site, village, seasonal camp, or Traditional Cultural Properties.
- Carefully review the proposed activities; data recovery methods, size and location of test pits and the relevance of what the intended purpose of excavation is (i.e. Determine site boundary, complete excavation, or anything else in between).

Based on the findings of the above evaluation the Cultural Protections Specialist will make appropriate response or recommendation within the 30 day window of Tribal response to the SHPO:

- Provide Site Monitor(s)
- Initiate consultation

- Suggest alternate survey strategies
- Recommend avoidance
- Request updates and a final written report
- If it is determined that there will be no significant impact, then the Cultural Protection Specialist need not respond
- Should recommendation be to not approve the permit, respond in a written statement the reason(s) for the decision to the SHPO.
- Enter into mitigation

If other responses from the tribe are necessary they will be included with the written response to the SHPO. Other responses can include suggested changes to the excavations, tribal concerns, or the tribe's policy of non-disturbance in the case of highly sensitive areas/sites.

Project Notifications

The Cultural Protection Specialist will make the determination of significance of the project by making a review of historic documents, oral histories, and speaking with those with expertise about the area in question.

When the determination is made that a project area is within the boundaries of a culturally significant area to the Tribe, the Cultural Protection Specialist will:

- Initiate Consultation
- Recommend the project area be surveyed
- Recommend a Site Monitor be present during any ground disturbing activity

If it is determined that the site is not within the CTGR ceded lands area the Cultural Protection Specialist will refer the project proposal to the appropriate Tribe, unless the location is determined to be significant to the Tribe. In this case the Cultural Protection Specialist will consult with the Tribe in whose ceded or traditional lands that the site is located in to assist in mitigation/consultation.

Cultural Site Protection projects and permits are reviewed and appropriate action taken in the following order of Priority:

- 1. CTGR Reservation**
- 2. CTGR Trust and Fee Lands**
- 3. Land Ceded by Treaties**
- 4. Traditional Cultural Properties**
- 5. Tribal sponsored training**
- 6. Usual and Accustomed Places**

NAGPRA:

Should any cultural resource item/object found under a permit, project, or private landowner notification be identified under NAGPRA, the Inadvertent Discovery of Ancestral Remains Procedure will be initiated.

Collection/Donation:

Cultural Resource items from any project or private landowner donated to the Tribe will be submitted to the Collections Specialist with a Donation Form for appropriate inventory procedures.

**Land Acquisition and Protection Policy
Site Protection Program
Cultural Resources Department
Confederated Tribes of the Grand Ronde Community of Oregon**

The Site Protection Program has been tasked with:

Management of our cultural resources in accordance with our traditions, applicable laws, regulations, and professional standards, wherever they occur on our tribal lands, our ceded lands, and within our traditional usual and accustomed gathering places.

Given this task the Site Protection Program has several methods of protecting archaeological/cultural sites within the Tribes ceded lands and usual and accustomed places. The first level of protection is to document the site as is related in other policies and procedures for the Tribes internal use. The second level is to document the site with the Oregon State Historic Preservation Office (SHPO) or Washington State Department of Archaeology and Historic Preservation (DAHP). This specific measure is useful for private lands and public lands not in federal ownership. When a site is in federal ownership registration of the site can occur with the federal agency as well as SHPO and/or DAHP dependant on the location of the site. As a measure of last resort the Site Protection Program has the ability to recommend to the Cultural Resource Manager, Tribal Lands Dept. Manager, Executive Office, and Tribal Council the purchase of certain properties. These properties have criteria explained below for meeting the level of importance to recommend for purchase. If a property has been located that meets the criteria, the Site Protection Program shall record as much information about the site as possible and provide this information to the respective tribal departments. At no time should the Site Protection Program be involved in negotiations over price, timelines for purchase, or any other negotiations that need to take place in regards to Land Acquisition unless asked by the responsible department (Tribal Lands Department). The only task of the Site Protection Program in regards to land acquisition is documentation of the area in question and its relation to Grand Ronde's history. Final decisions over Land Acquisition shall not reside with the Site Protection Program and staff shall not indicate otherwise.

Criteria for Referral for Acquisition of Lands

Lands that have been identified under the Site Protection Program for referral to the Cultural Resources Department Manager, Tribal Lands Manager, Executive Office, and Tribal Council shall meet the following criteria:

- A) Shall only be afforded the requisite level of protection under Tribal jurisdiction (i.e. Ownership).
 - a. The levels of protection shall exceed what State and or Federal Law is capable of providing.
 - i. This can be understood as that no other legal means can protect the site from imminent damage without being under Tribal Ownership.
- B) Have a verifiable relationship with The Confederated Tribes of the Grand Ronde Community of Oregon.
 - a. The area in question must be verifiably related to Grand Ronde through ethnographic, linguistic, anthropological, historic, or Oral Traditions that can be verified.
 - i. Oral Traditions of local residents may be used but must be verified through other means, such as historic data, tribal oral traditions, or archaeological evidence.
- C) Have verifiable levels of importance that they are significant to the History and Culture of Grand Ronde.
 - a. This site in question must be more than a lithic scatter.
 - i. The site may include ancestral burial locations, village sites, or religious or spiritual locations such as Panther Den, Spirit Mountain, Halo Rock, Mary's Peak, Table Rocks, Dan-mologol or other site that is important to the Tribes Cultural integrity and identity.
 - 1. Such sites may have unique characteristics such as columnar basalt pieces (such as Dan-mologol), pictographs or petroglyph (such as Cascadia Cave, Halo Rock, and Spirit Mountain) or be unique geological areas (such as Table Rocks both the ones located in Jackson County and the Molalla Table Rocks). Even if these unique characteristics are not apparent the area in question should be documented and presented to the Cultural Lands Team.

After data is gathered the Site Protection Program should meet with other Cultural Resource staff and create a Cultural Lands Team which will evaluate and recommend proposed properties. The Team should comprise at least one member of each program in the Cultural Resources Department with invitations to other Tribal staff as needed. The primary purpose of the team is to verify if the site in question meets the requisite criteria. If the site in question is felt to meet the required criteria the proposal should be forwarded to the Cultural Resource Manager, Tribal

Lands Manager, and Executive Office to seek a meeting with Council. If requested, the Site Protection Program shall present to the Tribal Council the cultural findings of the property. In the event that the Tribal Council wishes to pursue the property for acquisition, the Cultural Protection Program shall obtain a Written Record of Instruction. During the period of Due Diligence the Site Protection Program shall work with the Cultural Lands Team to develop a management plan and associated costs. This can be preliminary, but must be completed prior to presentation to Tribal Council so that associated costs can be ascertained during the proposal. All negotiations and Due Diligence shall be facilitated by the Tribal Lands Management Department and the Tribal Legal Counsel.

**Procedures for the Inadvertent Discovery of Ancestral Remains & Adverse Impact to
Significant Tribal Cultural Sites Within the Ceded Lands of the
Confederated Tribes of Grand Ronde Community of Oregon**

I. Inadvertent Discovery of Ancestral Remains

The intent of these procedures is to ensure that any remains of tribal ancestors are treated with dignity and handled responsibly according to federal, state, and tribal customs and laws.

Upon discovery of ancestral remains as the result of any ground disturbing activity all work is to be immediately ceased until a thorough assessment of the site and surrounding area can be conducted. Upon a complete survey of the disturbed areas and adjacent areas the Oregon State Police and the CTGR Cultural Resource Manager are to be contacted immediately. The CTGR Cultural Resource Manager will notify the Tribal Council, Legal Department, the Chair Person of the Cultural Committee, and any other tribes Cultural Resource Managers that have joint jurisdiction or affiliation with the area where the remains were discovered. If the discovery of the remains is on federal land a detailed letter or report from the Agency with administrative jurisdiction over the lands shall be requested by the Cultural Resource Department. If the discovery of the remains is on private lands a detailed report will be requested of the Oregon State Police.

Inspections of burial sites should include the Cultural Protection Specialist or other designated Cultural Resource Department representative; appropriate Law enforcement, land managers/owners, a representative of the Culture Committee, an archaeologist, and a physical anthropologist or other specialist in identifying human remains. If the remains are ascertained to be of human origin and of non Caucasian origin and within the ceded or ancestral lands of the

tribe then they are assumed by the Tribe to be culturally affiliated to the Confederated Tribes of Grand Ronde Community of Oregon.

Upon findings that the remains are culturally affiliated to the Tribe the CTGR's Legal Department, and inspection team will determine if there is sufficient evidence of violation of any applicable statutes such as the Native American Grave Protection and Repatriation Act, Archaeological Resource Protection Act, National Historic Preservation Act, Native American Religious Freedom Act, Antiquities Act, and Oregon State Statutes 358.905 thru 358.961, as well as any applicable local or city ordinances. In the case of a violation of any of the applicable statutes the team shall thoroughly document the violation and initiate interim measures to secure the site until a formal plan is developed by the Cultural Resource Department.

The Cultural Resources Department and Cultural Committee shall develop appropriate plans as to the reinternment of the remains and associated artifacts. Tribal Council shall be kept informed of the plans and progress of reinternment by the Cultural Resource Manager or other designated individual. Information regarding the remains shall not be announced publicly and in certain circumstances shall be expected to remain precluded from site reports and any other literature generated regarding the archaeological site. The needs of this will be ascertained by the Cultural Resource Department in conjunction with the Cultural Committee, and possible recommendations from the Principal Investigator (contracted archaeologist) of the site.

Ancestral remains, including associated or unassociated funerary objects or artifacts shall not be handled, removed, collected, or photographed except with supervision of the Cultural Protection Specialist or other designated CTGR representative supervision and approval from the Cultural Resource Department.

If at all possible reinternment of the remains should be in the original location of discovery or a nearby area that will not be disturbed in the future. In the case of reinternment not being possible in the area of initial discovery a suitable place will be located by the Cultural Resources Department in conjunction with the Tribal Council and Cultural Committee. Tribal members interested in participating in the reinternment ceremony shall contact the Cultural Resources Department or Cultural Committee.

II. Damage to Cultural Sites

If a significant Tribal cultural site is damaged or destroyed during the course of any ground disturbing activity, the activity is to be halted immediately and the Cultural Resource Department contacted immediately.

Upon discovery of a culturally significant site as the result of any ground disturbing activity all work is to be immediately ceased until a thorough assessment of the site and surrounding area can be conducted. Upon a complete survey of the disturbed areas and adjacent areas the Oregon State Police and the CTGR Cultural Resource Manager are to be contacted immediately. The CTGR Cultural Resource Manager will notify the Tribal Council, Legal Department, the Chair Person of the Cultural Committee, and any other tribes Cultural Resource Managers that have joint jurisdiction or affiliation with the area where the site was discovered. If the discovery of the site is on federal land a detailed letter or report from the Agency with administrative jurisdiction over the lands shall be requested by the Cultural Resource Department. If the discovery of the site is on private lands a detailed report will be requested of the Oregon State Police.

Inspections of culturally significant sites should include the Cultural Protection Specialist or other designated Cultural Resource Department representative; appropriate Law enforcement,

land managers/owners, a representative of the Culture Committee, and an archaeologist. If the site is ascertained to be within the ceded or ancestral lands of the tribe then they are assumed by the tribe to be culturally affiliated to the Confederated Tribes of Grand Ronde Community of Oregon regardless of age.

Upon findings that the site is culturally affiliated to the Tribe the CTGR's Legal Department, and inspection team will determine if there is sufficient evidence of violation of any applicable statutes such as the Native American Grave Protection and Repatriation Act, Archaeological Resource Protection Act, National Historic Preservation Act, Native American Religious Freedom Act, Antiquities Act, and Oregon State Statutes 358.905 thru 358.961, as well as any applicable local or city ordinances. In the case of a violation of any of the applicable statutes the team shall thoroughly document the violation and initiate interim measures to secure the site until a formal plan is developed by the Cultural Resource Department.

The Cultural Resources Department and Cultural Committee shall develop appropriate plans as to how to mitigate the damage to the site. Tribal Council shall be kept informed of the plans and progress by the Cultural Resource Manager or other designated individual. Information regarding the site shall not be announced publicly and in certain circumstances shall be expected to remain precluded from reports and any other literature generated regarding the archaeological site. The needs of this will be ascertained by the Cultural Resource Department in conjunction with the Cultural Committee, and possible recommendations from the Principal Investigator (contracted archaeologist) of the site. Human remains, including associated or unassociated funerary objects or artifacts shall not be handled, removed, collected, or photographed except with supervision of the Cultural Protection Specialist or other designated CTGR representative supervision and approval from the Cultural Resource Department.

If damage to the site cannot be mitigated to the satisfaction of the Cultural Resources Department, a full report of the incident will be made to the Tribe's Deputy Director of Operations, Executive Officer, Tribal Council, and the Legal Department. In consultation with the Cultural Resources Department and Tribal Council, the Legal Department will initiate the appropriate legal action.

**Procedures for the Inadvertent Discovery & Adverse Impact to Significant Tribal Cultural
Sites on Private Land within the Ceded Lands of the
Confederated Tribes of Grand Ronde Community of Oregon**

I. Inadvertent Discovery of Significant Cultural Sites

The intent of these procedures is to ensure that any remains of tribal ancestors and their associated belongings are treated with dignity and handled responsibly according to federal, state, and tribal customs and laws.

Upon discovery of any cultural site as the result of any ground disturbing activity on private land all work is to be immediately ceased until a thorough assessment of the site and surrounding area can be conducted by the CTGR Cultural Resources Department or a contracted archaeologist. Upon a complete survey of the disturbed areas and adjacent areas the Oregon State Police and the CTGR Cultural Resource Manager are to be contacted immediately. The CTGR Cultural Resource Manager will notify the Tribal Council, Legal Department, the Chair Person of the Cultural Committee, and any other tribes Cultural Resource Managers that have joint jurisdiction or affiliation with the area where the site was discovered. A detailed report will be requested of the Oregon State Police and the Cultural Resource employee that has been consulting with the private landowner.

Inspections of culturally significant sites should include the Cultural Protection Specialist or other designated Cultural Resource Department representative; appropriate Law enforcement, land managers/owners, a representative of the Culture Committee, and an archaeologist.

Upon findings that the site is culturally affiliated to the Tribe the CTGR's Legal Department, and inspection team will determine if there is sufficient evidence of violation of any applicable statutes such as the Native American Grave Protection and Repatriation Act, Archaeological

Resource Protection Act, National Historic Preservation Act, Native American Religious Freedom Act, Antiquities Act, and Oregon State Statutes 358.905 thru 358.961, as well as any applicable local or city ordinances. In the case of a violation of any of the applicable statutes the team shall thoroughly document the violation and initiate interim measures to secure the site until a formal plan is developed by the Cultural Resource Department in consultation with the private landowner.

The Cultural Resources Department and Cultural Committee shall develop appropriate plans as to the mitigation of the site and any associated artifacts that may be found during ground disturbing activity. Tribal Council shall be kept informed of the plans and progress of reinternment by the Cultural Resource Manager or other designated individual.

Information regarding the site shall not be announced publicly. The needs of this will be ascertained by the Cultural Resource Department in conjunction with the Cultural Committee, and possible recommendations from the Principal Investigator (contracted archaeologist) of the site. Human remains, including associated or unassociated funerary objects or artifacts shall not be handled, removed, collected, or photographed except with supervision of the Cultural Protection Specialist or other designated CTGR representative supervision and approval from the Cultural Resource Department.

Private landowners are not covered by the same laws as federal or state land managers. If any law has been violated the Cultural Protection Specialist and/or a designated CTGR representative will determine which laws have been violated and recommend the appropriate actions to the Cultural Resource Manager. The Cultural Resource Manager will interact with the CTGR's Legal Department, Tribal Council, Legal Department, the Chair Person of the Cultural

Committee, and any other Tribes Cultural Resource Managers that have joint jurisdiction or affiliation with the area where the site was discovered.

If at all possible the private landowner should be dissuaded from continuing the ground disturbing activity including development and/or looting of the site. In the case where the private landowner will not cease ground disturbing activity the Cultural Resource Manager will work with the CTGR's Legal Department, Tribal Council, Legal Department, and the Chair Person of the Cultural Committee to develop a plan to stop further damage from being done to the site, in conjunction with State authorities.

Mitigation of the site may require excavation and the SHPO and other designated individuals should be contacted to assist with this endeavor. Should the ground disturbance be ceased the CTGR Cultural Resources Department and Cultural Committee should assist the private landowner in future actions regarding protection of the site in question. Additionally if the remains are to be removed the instigating party must pay for the cost of the removal and reinternment.

Procedures for Site Monitoring of Significant Tribal Cultural Sites Within the Ceded Lands of the Confederated Tribes of Grand Ronde Community of Oregon

Cultural Sites within the ceded lands of the Confederated Tribes of Grand Ronde Community of Oregon are numerous. Sites that are heavily impacted by looters/pot hunters or are in high impact areas from recreational activities are often at risk from damage.

Sites that are designated as in danger may be on private, state, or federal lands. When they are located in areas with management being conducted by a state or federal land manager monitoring should be conducted in conjunction with consultation with the applicable land manager. Letters of Agreement (LOA) or Memorandum of Understanding (MOU) should be initiated so that the Tribe and the applicable land managers can take proactive stances on monitoring sites for damage.

When Sites are located on private land the owners of the property should be contacted for approval of monitoring. In cases where Tribal Site Monitors/Cultural Resource Technicians are barred from monitoring this may be the result of the landowners not understanding the importance of the cultural site in question. Without providing specific information that may lead to potential damage to the site collaboration with the private landowners should be sought. Copies of all applicable state and federal laws should be provided for the landowners to facilitate the protection of the site.

Within any agreement with private, state, or federal landowners/managers time frames for site monitoring should be formalized. At least annual visits should be conducted by Tribal representatives with the opportunity for more when possible. Any damage from looting or recreational activities should be noted and forwarded to the CTGR Cultural Resource

Department Site Protection Program and if applicable to the SHPO and other federal or state agencies.

If looting activity is visible at the time of visit, contact with these individuals should be done in a careful manner. If possible names can be taken and copies of the applicable state and federal laws given to the looters. If an unsafe atmosphere is presented contact with the local law enforcement and possible federal agencies should be done immediately. If the Site Monitor/Cultural Resource Technician does not feel comfortable with any kind of contact or confrontation with the suspected looters as much information as possible should be taken regarding physical appearances and vehicles used by the looters to facilitate any legal action in the future.

Other actions by the Tribe such as mitigation or physical protection of sites by modification of land should be done through consultation with the appropriate landowners/managers.

Determination of Significance for Cultural Sites

Significance for Cultural Sites is something that is necessary for federal and state land managers in determination of eligibility for placement on the National Register of Historic Places. The Confederated Tribes of Grand Ronde Site Protection Program has an internal criterion that differs from these other stakeholders.

The Tribe maintains a record of all known cultural and archaeological sites and a list of Confederated Tribes of Grand Ronde Historic Places. These locations are not always eligible under the federal guidelines.

Criterion A - Events

Any event pre or post contact that has had an impact on Tribal lifeways is considered eligible for the CTGR Register of Historic Places. This includes areas where events such as relocation to the reservation gathering areas, the reservation itself, and areas of conflict with other Tribes and settlers.

Criterion B – Person

Any Tribal ancestor's grave or internment site is included with this section. Additionally are individuals of non Tribal heritage who had a major contribution to the Confederated Tribes of Grand Ronde and the ancestors of the Tribes.

Criterion C – Design/Construction

Any building that was constructed in pre contact era is eligible under this as well as any buildings within the agency area of the reservation that has had an impact on the lifeways of the Confederated Tribes of Grand Ronde. Unique buildings may be included if they played a role in the lives of the Tribal membership, in other cases they should be referred to the National Register.

Criterion D – Informational Potential

The Tribes policy of non-disturbance of archaeological sites makes this criterion harder to assess. In most cases the information is of less value than the need to protect the site from damage. In cases where the site has a great deal of information to be gained the criteria may apply although the Tribes stance of non disturbance shall be addressed.

Criterion E – Other Potential Criteria

The age limits are placed at 30 years of age with a contribution towards the history of the Confederated Tribes of Grand Ronde. The Tribe recognizes and will assist (when applicable) with maintaining and upkeep of other properties that are on the National Register.

Archaeological Sites are considered eligible in all cases to the CTGR Register of Historic Places as they fall within the criteria of over 30 years of age with a contribution to the history of the Confederated Tribes of Grand Ronde. Exceptions are when the property is so severely damaged that the site is not longer in any viable integrity and that maintenance would require demolition of the building or site.

If a site is determined to be eligible to the Tribal Register than documentation and explanations of this determination should be submitted to the Site Protection Program which will determine eligibility and place the property on the list.

Traditional Cultural Properties

Areas identified by Tribal members as gathering or spiritual places are unique both under federal and state laws. Often these areas require use throughout time and some kind of integrity which can be problematic under Native epistemologies. Use of an area can be suspended for generations and allowed to fall into conditions that would be remarked as derelict and still hold the same level of importance as if they had been used continuously day to day for thousands of years. As such defining a Traditional Cultural Property for the Tribe is easier internally than it is to outside agencies that do not hold the same belief patterns.

Most Traditional Cultural Properties are listed as Cultural Sites by the Site Protection Program and are defined based on whether they are spiritual or resource oriented. An area that has significance in oral tradition regardless of the spiritual use of the area is valid as spiritual

sites. Resource sites are those used either contemporarily or in the past to extract resources for food, medicine, basketry, or other means. In the case where the site is considered to be of a spiritual or sacred nature the exact location may be hard to ascertain due to a lack of knowledge by the program or outside agency intending to impact it.

Areas or places that require specialized knowledge to be involved with them are not always documented, however when they are located or knowledge of them is given to the Cultural Resources Department photographs, GPS coordinates, and some information should be documented. This will allow the Site Protection Program to protect the site from disturbance in the future. Without a minimal amount of information protection of these places cannot be accomplished.

In the case that documentation is required either due to mitigation requirements or desire for the site to be listed either internally within the Cultural Resources Department or with any State or Federal agency such research should be held to the same confidentiality as all other information within the Site Protection Program.

A Site form and all other pertinent information will be held in the Cultural Resources Department and should adhere to professional standards to allow ease of transition in the unforeseen situation where the site information must be shared for protection and stewardship of the area. The criteria set above should be used in the assessment of the site or area in question during the documentation.

Donations from Collectors of Archaeological Material

Occasionally the Tribe is contacted by private collectors who wish to donate or sell items of an archaeological nature. When contacted it is the responsibility of the Cultural Resource staff to ascertain types of artifacts, locations found, and if the material is of a recent looting or one done in the past prior to the passage of laws prohibiting these actions.

If the individual is seeking to donate the items they are in possession of the Tribal staff member should fill out a donation form and ensure that a copy is maintained for both the Tribe (with the Cultural Collections Coordinator) as well as the collector.

In the case where the Cultural Resources department is contacted regarding items for sell the Cultural Resources Manager will contact the Legal Department of the Tribe as well as the Cultural Collections Coordinator to determine the appropriate actions to take.

At no time should CTGR Cultural Resources Staff member share information regarding values on archaeological material, or the age of diagnostic tools. These types of information may be detrimental to the Tribes desire to collect and archive looted material from archaeological sites or the means to pursue legal action against current looters.

Policies Concerning Cultural Requests to the Cultural Resources Department Update version November 1, 2008

The Cultural resources Department has operated for many years as an essential repository of information and documents that are historical and culturally significant to the Grand Ronde Tribe. During this time the department has reviewed projects and freely given information and documents at no charge to Tribal Members, Tribal programs and the public. Information or documents that were deemed sensitive were kept secluded from the public or Tribal Members. CRD staff has maintained strict standards as to how information was given to organizations and has served the tribe as the essential reviewers for all cultural and historic projects. Accuracy and sensitivity to cultural issues has been paramount. The service that CRD has given gratis to many organizations and individuals is commonly a significant charge with any other similar organization.

The demand for CRD services has outgrown the ability of the staff to continue offering gratis services. Budgetary constraints have also taken a toll on the ability of the department to offer gratis documents and information.

Therefore, CRD implements the following policy regarding requests for cultural and historical documents and information.

Definition of Types of Request:

Cultural Education Request: This is a request by an individual or an organization for a speaker or requesting general information about the Tribe Cultural Education request typically do not require consultation or added staff hours beyond the initial presentation or meeting.

Document Request, Request for Printed Material or Photographs: Included under this heading are requests for photos, copies of documents, or access to archival information.

Cultural Resources Consultation: Is a request that is made by an outside institution that requires the department to be involved at a deeper level of research.

Priority of Request: This list is not exhaustive and each request will be evaluated on an individual basis.

1. Request that come from an internal Tribal Department.
2. Individual Tribal members
3. Request from a descendent or spouse
4. Government agencies
5. School groups
6. Request from another non-profit group
7. Request from for-profit groups
8. Individual community members with no affiliation

Types of request that we answer: this is by no means an exhaustive list

- Request for tribal history
- Request for general information
- Request for photos
- Request for tribal participation
- Request for a review of projects
- Request for a presentation at a school or another organization

Types of request that we do not cover.

- Request for ceremonial items for individuals
- Request for enrollment information or help
- Request for access to tribal rolls
- Request for access to extensive reports from our Family Tree Program- See above
- Request for any items or information from our archives deemed sensitive by the department.

Advanced Notice:

All external requests must be made at a minimum of two months prior to the start date of the project to gain department involvement. This does not include requests made from an internal source.

Processing cultural education request:

All cultural education requests will be submitted to the CRD Secretary. They will then be assigned to the appropriate program.

Fees:

Initial Individual Request: Effective November 1st, 2008 Cultural Resources Department is installing a fee system. Each request that comes into the department will be required to be accompanied by a \$10.00 processing fee. That fee will be waived if the requesting party is an internal requester, or a Tribal member. All other parties will be required to pay this fee regardless of our decision to fulfill the request.

Organizational Consultation Fee: A consultation application fee will be assessed at \$20.00 for all organizations wanting to have the department review and make comments on projects. This is only an initial consultation fee. If further consultation and research is required there may be other fees. Unless previously arranged through contract or MOU/MOA.

Definition of Requests:

The following is a definition of the types of request that we answer, and the fees those are associated with them.

Request for Tribal History:

The Cultural Resources Department does offer pamphlets with information about Tribal history. We have a variety of documents that tell of the extensive history of the tribal people of western Oregon. We do not conduct extensive research for individuals on this topic, as there are

extensive literary resources on western Oregon Indians. Unless previously arranged through contract or MOU/MOA.

Fees:

Free for the first hour and then \$25.00 an hour each additional hour.

Request for Cultural Resources Participation & Presentations:

Requests of this nature are reviewed to determine the ability of departmental participation. We have a limited staff and therefore cannot fulfill every request that is made of the department. Unless previously arranged through contract or MOU/MOA.

Flat rate Fees:-Schools: 25.00, Non-Profit \$50.00, For-Profit \$100.00, unless otherwise pre-arranged.

Project Reviews Request:

Request of this nature require the department to participate at a much deeper level. We require an initial consultation with the department, in which the organization or individual will present their project. Unless previously arranged through contract or MOU/MOA.

Fees:

Free for the first hour and then \$25.00 an hour each additional hour.

Photo Requests:

All photo requests are subject to approval and through the Cultural Collections Program. Permission usage agreements need to be verified before any photos are distributed. Photos will be in print form only with no CD/DVD or other recordable format given, except under special circumstances. All photos are for personal use only. Personal use is defined as: a photograph for personal, non-commercial purposes (such as private residence or photo album). Photos may not be used for publication, profit, or internet (such as a genealogy websites), etc. No other usage rights are granted. We are not allowed to distribute any photos acquired through an outside institution. The requester will be directed to the appropriate institution. Unless previously arranged through contract or MOU/MOA.

Fees:

Print Fees: All photos are subject to a printing fee of \$5.00 per 8x10 photo and \$3.00 for 4x6. This fee will be required to be paid in full before printing of photos

Publication rights fee- Meant for the release of photos owned by CTGR if the request is for publication in a book, for profit or otherwise. Suggested fee for publication rights per photo, for a single request is \$150.00.

Genealogy/ and Family tree information:

The limited genealogical records that the department currently holds are for internal departmental research only. The information provided in the family tree report is gathered from limited sources and may not be complete or 100% accurate, therefore, we do not distribute detailed reports. Only Tribal members may gain access to reports on their immediate family. These requests are processed in the order which received with a usual 8-10 week waiting period.

Fee: Each family tree report is subject to a \$10.00 fee.

Document Research:

CRD's collections of books are for internal research, the public may gain access to these books upon arranging an appointment with staff. Under no circumstance are the books to leave the department. The Laserfiche database is meant for internal research. Under special circumstance the public may gain access. Each request will be reviewed, if access is granted an appointment will be scheduled where the individual will be allowed to conduct basic research. All information that you wish to have copied will be reviewed for sensitive and confidential material. Unless previously arranged through contract or MOU/MOA.

Fees: .50/page for black and white, \$1.00 for color and Oversized documents is \$1.00/page.

We have the right to refuse service to anyone.

Type of Request	Fees
Tribal Members or Tribal Programs	Gratis for most
Government Requests	Based on previous contract or MOU/MOA with the tribe. (Government rate?)
Initial Request	\$10
Company consultation or Project consultation	\$20
Photo Request	\$3 per 4"x6" photo \$5 per 8"x10" photo \$25 an hour for research Digital file- by special arrangement
Photo publication rights	\$150 per photo- Digital format
Request for Tribal Participation in a Project	Rate is based on initial consultation and project projection
Request for general information	First hour free, each additional hr. \$25
Request for a review of projects	First hour free, each additional hr. \$25 \$25 for schools
Request for a presentation (flat fees)	\$50 for non-profit \$100 for for-profit
Request to access archival records	First hour free (per visit) \$25 each additional hour
Family Tree report	\$10 per report \$.50/page for black and white
Copy fee	\$1.00 for color \$1.00/page for oversized

It should be noted that all Cultural Education Request are filtered by the Cultural Education Program of the Cultural Resources Department and thereby only request no funding is received by the Site Protection Program.

NAGPRA Items that May Arise During Ground Disturbing Activity

Photographs and film of NAGPRA items are not allowed under most circumstances. Approval for this to occur must go through the Cultural Resources Manager who will discuss the purpose with any other applicable bodies such as the Cultural Committee, Tribal Council, Cultural Collections Coordinator, and the Legal Department. Below is a list of items that are considered NAGPRA eligible and may arise during ground disturbing activities at archaeological digs or other land development projects:

- Human Remains
- Obsidian “Wealth or Yurok” Blades
- Waisted obsidian ceremonial knives
- Nasal Piercing – usually includes a bone or stone plug and several pieces of dentalium
- Anthropomorphic, Ensiform, and Zoomorphic Clubs – usually in stone or whale bone medium
- Anthropomorphic and Zoomorphic Figurines in stone, clay, or other medium
- Ear Plugs and Spools – usually in bone or antler
- Pestles – Phallic, Zoomorphic, or Anthropomorphic
- “Killed Artifacts”
- Bone Beads, Pendants, and dice
- Glass Beads
- Camas digging stick handles – usually antler
- Marine and Freshwater shell pendants or other decorative medium – including Dentalium, Glycymeris, Littorina, Pelecypod, Acmae, Paphia staminea, Haliotis, Ipitinom, Turitella, and Olivella shell beads

- Iron nose plugs
- Labrets – bone, antler, metal, and stone composition
- Any artifact or remains covered in red ochre or any other color of ochre or copper
- Perforated Ground stone pendants
- Clay utilized in any context of a figure or tablet
- Metal objects for personal adornment – pendants, rings, buttons, beads, and bangles
- Feathers
- Tubular pipes
- Any artifact or object found within 1.3 square meters of a burial pit or deposition

Site Name: _____

Site Number: _____

Cultural Resource Reporting Form

9. Changes in Condition:

10. Changes to Location or Size Information: _____

11. Changes in Ownership: _____

12. Artifacts found:

13. National Register Eligibility Assessment:

Eligible ____ Not eligible ____ Need data ____

Explain: _____

14. Management Recommendations: _____

15. Photograph Types and Numbers: _____

16. Artifact and Field Documentation Storage Location: _____

17. Report Title: _____

18. Recorder(s): _____ 19. Date(s): _____

20. Recorder Affiliation: _____

The last page of the internal CTGR site forms is for notes and attachments of photographs if any are available.