

Memorandum of Understanding
The City of Salem
And
The Confederated Tribes of
Siletz Indians of Oregon

This Memorandum of Understanding is entered into by the City of Salem ("City") and the Confederated Tribes of Siletz Indians of Oregon ("Siletz Tribe") in order to strengthen the government-to-government relationship between the City and the Tribe to facilitate communication on matters of mutual interest.

The Siletz Tribe is a federally recognized Indian Tribe comprised of descendants of more than 30 tribes and bands whose ancestral homeland included all of the area from Northern California to southern Washington, from the summit of the Cascade Range to the Pacific Ocean. The Tribe is a successor to seven ratified treaties and several unratified treaties, including the Willamette Valley Treaty, 10 Stat. 1122, in which the area comprising the present-day City was ceded. The federal government confederated all of the tribes and bands, including those from the present-day City, and removed them to the Siletz Coast Reservation beginning in 1855. Termination was imposed on the Siletz Tribe in 1954 by the Western Oregon Indian Termination Act, 68 Stat. 724, 25 U.S.C. § 691, *et seq.* (Aug. 13, 1954). In November 1977, the Siletz Tribe was the second Indian tribe nationally and the first tribe in Oregon to be restored to federally recognized status. *See* Siletz Restoration Act, Pub. L. 95-195, 91 Stat. 1415, 25 U.S.C. § 711-711f (Nov. 18, 1977). In 1980, congressional legislation transferred approximately 3,630 acres of scattered timber lands in Lincoln County from the Bureau of Land Management to the Siletz Tribe. *See* Siletz Reservation Act, Pub. L. 96-340, 94 Stat. 1072 (Sept. 4, 1980).

Whereas the City is organized under the laws of the State of Oregon, and is an incorporated, home rule charter city and the county seat of Marion County and the capitol city of Oregon.

Whereas the City recognizes the Siletz Tribe has historical and active connection to the area now known as Salem.

Whereas the City has determined that upon request of its Tribal Government Partners, the City will enter into a Memorandum of Understanding.

This Memorandum of Understanding ("MOU") establishes a Protocol to facilitate communication and cooperation between the parties and to also provides methods for reaching resolution on issues of mutual interest.

Toward these ends, the City and the Siletz Tribe will use reasonable efforts to proceed under the following Protocol:

Section One: Identification of Tribally Significant Areas within the City of Salem

Representatives of the Siletz Tribe and the City will work together to maintain the geodatabase within the City's ArcMap system which includes known archaeological sites

as well as Tribally significant areas with a high probability of historic and pre-contact archaeological significance. Every effort shall be made to ensure protection of these areas, and avoidance of any adverse effects. Associated processes shall be established in order to:

1. Provide Adequate Notice: Whenever land use actions are occurring on private lands within areas identified as significant, the Siletz Tribe shall be notified in a manner consistent with existing Oregon land use law prior to such land use approval. The private property owners shall also be notified of their legal obligation to consult with the Siletz Tribe to ensure every effort is made to avoid adversely effecting significant areas.
2. Ensure Consultation:
 - a. For federally funded projects undertaken by the City or public agencies on sites of Tribal significance, appropriate consultation in compliance with federal and state law shall occur. Should avoidance of adverse effects not be feasible, consultation regarding appropriate mitigation shall be completed.
 - b. For City projects funded by sources other than federal funds on sites of Tribal significance, appropriate consultation in compliance with federal and state law shall occur. Should avoidance of adverse effects not be feasible, consultation regarding appropriate mitigation shall be completed.
 - c. For routine maintenance or other ground disturbing activity that may not require a permit, the City will provide a list of upcoming projects scheduled at least four times per year to the Siletz Tribe for sites of Tribal significance.
3. Mitigation: Should any project have an adverse effect upon a known archaeological or cultural site, mitigation based upon applicable City of Salem code, SRC 230 shall be required.

Section Two: Communication and Coordination

Develop a government to government relationship that is based on consistent contact, constructive dialogue and problem solving that will promote cooperation and coordination with regard to projects, studies, development and resource management and protection efforts. This shall be accomplished through:

1. Regular Meetings of Representatives: There will be semi-annual meetings between City and Tribal representatives, one in Salem and one on the Siletz Indian Reservation. City and Tribal representatives may meet more frequently if they believe it necessary to accomplish the work contemplated by this MOU.
2. Regular Monthly Reports: The City will provide a List of Current City Active Projects within known Tribally Significant Resource areas.

3. Data Share: The City shall provide the Siletz Tribe with any needed GIS Shapefiles necessary to assist with the development of an up to date and accurate geodatabase. The Siletz Tribe shall provide the City with appropriate data sets to assist in the identification of Tribally significant areas.

Section Three: **Education**

The Siletz Tribe and the City shall work together to develop education and outreach projects and programs which serve to share the Siletz Tribe's history and connections to Salem and the Willamette Valley. Programming shall include, but not be limited to:

1. Native American Heritage Month-November: The City shall proclaim November as Native American Heritage Month.
2. Historic Landmarks Commission Activities: The City's Historic Landmarks Commission shall develop activities in collaboration with the Siletz Tribe to honor Native American Heritage Month.

Section Four: **Resolution and Amendments**

Should the Siletz Tribe have concerns with any of the goals of this MOU, related communication or cooperation, written notice shall be provided to the City's Historic Preservation Officer or designee. Should the City have concerns, written notice shall be provided to the Siletz Tribe's Cultural Resources Director or designee. This notice shall include a detailed accounting of the concerns as well as the recommended resolution, including a recommendation (if any) to modify or amend upon mutual written agreement the MOU. The party in receipt of the notice of concern requesting resolution shall provide a response within ninety (90) days of the receipt of the written notice.

Section Five: **Additional Terms**

1. Termination: Either party may decline to participate in the processes and procedures set forth within this MOU at any time. As a matter of courtesy any party declining further participation should attempt to provide the other party ninety (90) days written notice of that decision.
2. No Legally Binding Force or Effect: It is expressly understood and agreed by the Siletz Tribe and the City that the parties do not intend that this MOU create any legally binding or enforceable obligation on the part of either party, either with respect to the MOU itself or any issues that may be considered under this agreement. If the parties wish to create a legally enforceable agreement, the parties agree to negotiate such agreement which shall be executed by the authorized individuals for each party.

3. Notice: Should the City execute an agreement with another tribe dealing with any of the goals and objectives of this MOU, it will notify the Siletz Tribe and consult with the Siletz Tribe regarding terms that may expand the City's obligations beyond those contemplated in this MOU.

It is so agreed this _____ day of _____, 2020.

Steven D. Powers, City Manager
City of Salem

Delores Piglsey, Chairman
Confederated Tribes of Siletz Indians

Resolution No. 2020 - 358
Date Approved: October 16, 2020
Subject: Confederated Tribes of Siletz
Indians/City of Salem, Oregon
Memorandum of Understanding

SILETZ TRIBAL COUNCIL
Resolution

WHEREAS, the Siletz Tribal Council is empowered to exercise the legislative and executive authority of the Confederated Tribes of Siletz Indians of Oregon pursuant to Article IV, Section 1 of the Siletz Constitution approved on June 2, 1979 by a vote of the General Council, and subsequently approved on June 13, 1979, by the Acting Deputy Commissioner of Indian Affairs, as amended; and

WHEREAS, the Siletz Tribe is comprised of descendants of more than 30 tribes and bands whose ancestral homeland included all of the area from Northern California to southern Washington, from the summit of the Cascade Range to the Pacific Ocean; and

WHEREAS, the Siletz Tribe is a successor to seven ratified treaties and several unratified treaties, including the Willamette Valley Treaty, 10 Stat. 1122, in which the area comprising the present-day City of Salem was ceded; and

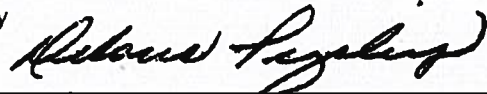
WHEREAS, the Siletz Tribe has a significant interest in preserving and protecting its cultural and historical artifacts and places, including within the City of Salem and the Willamette Valley; and

WHEREAS, entering into Memorandums of Understanding and other inter-governmental agreements with State and local governments in order to establish a framework for cooperative efforts serves that interest; now

THEREFORE BE IT RESOLVED, that the Siletz Tribal Council hereby approves the Memorandum of Understanding between the City of Salem and Confederated Tribes of Siletz Indians of Oregon establishing a protocol to facilitate communication and cooperation and reach resolution regarding construction projects occurring on or near Tribally significant areas within the City of Salem, and to develop education and outreach projects serving to share the Siletz Tribe's history and connections to Salem and the Willamette Valley; and

BE IT FURTHER RESOLVED, that the Tribal Chairman is hereby authorized to sign the Memorandum of Understanding.

Confederated Tribes of Siletz Indians
By

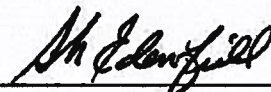


Delores Pigsley, Tribal Council Chairman

CERTIFICATION

This Resolution was adopted at a Regular Tribal Council Meeting held on October 16, 2020, at which a quorum of the Tribal Council was present, and the Resolution was adopted by a vote of 9 FOR, 0 AGAINST, and 0 ABSTAINING, the Chairman or Vice Chairman being authorized to sign the Resolution.

By



Sharon Edenfield, Tribal Council Secretary