

REPLACEMENT Decision Table C: Tribal Engagement and Collaboration Amendments
5/22/20

Item	Commenter(s)	Topic	Comment or Requested Amendment	Staff recommendation	Staff rationale	Discuss?	PSC decision
C-1	BPS Staff	Archaeological Resources Protection	Proposed code section 33.475.245.B.3. does not allow for the for inclusion of Washington state based tribe(s).	Amend Proposed draft code: 3. Appropriate tribe. One or more tribes identified by the Oregon Legislative Commission on Indian Services <u>or the Washington Governor's Office of Indian Affairs as having the greatest interest in the archaeological resource.</u>	There are both Oregon and Washington based tribes that have an interest in the use of land in Portland. Therefore, we need to coordinate with a Washington state entity who can help us identify appropriate Washington based tribes.	<input checked="" type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other
C-2	BPS staff	Archaeological Resources Protection	Add the following sentence at the end of the first paragraph of commentary under 33.475.245: <u>The regulations support state and federal laws protecting cultural resources, including Oregon Statewide Planning Goal 5, Oregon Revised Statutes Chapter 358, The National Historic Preservation Act and the Native American Graves Protection and Repatriation Act.</u>	See requested amendment.	We want the commentary section to reflect the legal basis for the archaeological resources protection standard for the South Reach.	<input checked="" type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other
C-3	BPS staff SHPO	Archaeological Resources Protection	SHPO has informed staff that the draft code is not consistent with their practices and terminology.	Amend the Proposed Draft code per the following (deletions in strikethrough and additions in underline): B. Definitions. The following definitions apply for the purposes of implementing this section: 1. Archaeological resource. A resource identified through <u>by the State Historic Preservation Office (SHPO) archaeological permit process</u> that meets one or both of the following: a. An archaeological site associated with use by Native Americans prior to European-American contact that meets SHPO guidelines plus a 5-foot vertical buffer and a 5-foot horizontal buffer. The vertical buffer extends directly above the most shallow archaeological materials found in the site records. The horizontal buffer extends sideways from the archaeological resource. See Figure 475-4; or b. A traditional, sacred, or cultural use site, as documented in writing by an appropriate tribe through a SHPO permit. <u>A property of traditional religious and cultural importance as identified by SHPO and documented in writing by an appropriate tribe.</u>	These technical amendments are for consistency with State Historic Preservation Office practices and terminology.	<input checked="" type="checkbox"/>	<input type="checkbox"/> Support staff rec. <input type="checkbox"/> Other