



2016 Annual Tribal Consultation Report

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2016 Department of Interior Tribal Consultation Annual Report

The annual report is a summary of BOEM consultations during one fiscal year. The information in the Annual Report is a summary and was compiled from all of the information captured during the FY 2016 fiscal year.

I. Summarize and list all of the consultation topics.

BOEM reaches out to federally recognized tribes that have a connection to a proposed BOEM action. BOEM conducts consultation with those tribes through a variety of approaches, depending on the scope, scale and significance of an undertaking. This could include face-to-face, government-to-government meetings for complex, controversial, or large scale actions; other approaches include letters sent by certified mail, followed up with phone calls and emails. BOEM tribal liaisons also answer questions and requests for information from tribal staff as requested on a case by case basis.

Headquarters: The BOEM Headquarters did not conduct any formal government-to-government consultations during FY 2016, but did targeted outreach to federally recognized Tribes along the Atlantic Coast in the proposed program areas for the below actions.

- 2017-2022 Outer Continental Shelf (OCS) Oil and Gas Leasing Program PEIS
- Oil, Gas, and Sulphur Operations in the Outer Continental Shelf 30 CFR Part 550 – Proposed Subparts A, B, C and J

Alaska Region: The BOEM Alaska OCS Region and BOEM Headquarters conducted a combined total of 1 formal Government-to-Government Tribal Consultation and or Government-to-ANCSA Corporation Consultation during FY 2016. Tribal and ANCSA consultations are held in high trust between the two parties.

- Hilcorp's Liberty Project
- 2017-2022 Outer Continental Shelf (OCS) Oil and Gas Leasing Program PEIS
- Oil, Gas, and Sulphur Operations in the Outer Continental Shelf 30 CFR Part 550 – Proposed Air Quality Management Rulemaking
- Proposed Lease Sale 244 (in Cook Inlet)
- BOEM Alaska Studies Program
- 'An Evening of BOEM Science in the Beaufort Sea'
- Demobilization of Shell Exploration in the Chukchi Sea
- A variety of other BOEM Alaska Region related efforts in support of US participation in the Arctic Council

Pacific Region: The BOEM Pacific OCS Region did not conduct any formal government-to-government consultations during FY 2016. Rather, regional personnel conducted targeted outreach to Native Hawaiian communities and to coastal California and Oregon tribes to engage them in the decision making processes for the Pacific Renewable Energy Program; California tribal engagement includes non-federally recognized tribes. Outreach efforts are listed below:

Offshore Renewable Energy Projects:

- AW Hawaii Wind, LLC, unsolicited application for an OCS renewable energy commercial lease off the northwest coast of Oahu, HI;
- AW Hawaii Wind, LLC, unsolicited application for an OCS renewable energy commercial lease off the south coast of Oahu, HI;
- Progression Hawaii Offshore Wind, Inc., unsolicited application for an OCS renewable energy commercial lease off the south coast of Oahu, HI;
- Trident Winds, LLC, unsolicited application for an OCS renewable energy commercial lease off Morro Bay, CA;
- WindFloat Pacific Pilot Project, unsolicited application for an OCS renewable energy commercial lease off Coos Bay, OR;

Environmental Studies related to offshore renewable energy

- Archaeological and Biological Assessment of Submerged Landforms off the Pacific Coast;
- Human Dimensions of Climate Change;
- Maritime Cultural Resources Site Assessment in the Main Hawaiian Islands

Gulf Region: No Tribes requested further Government-to-Government consultations on any of the listed efforts.

Gulf of Mexico OCS Oil and Gas Lease Sales: 2017-2022 EIS

Gulf of Mexico OCS Proposed Geological and Geophysical (G&G) Activities PEIS

Central Planning Area Lease Sales 241 and 247 SEISs

Western Planning Area 248 SEIS

Eastern Planning Area 226 SEIS

Office of Renewable Energy Programs (Atlantic):

- New York/New Jersey Programmatic Agreement for Wind Energy (§106)
- Environmental Assessment for Potential Commercial Wind Lease Site Assessment Activities, Offshore New York
- Commercial Lease within the New York Wind Energy Area, Offshore New York
- Rhode Island/Massachusetts Programmatic Agreement for Wind Energy (§106)
- Deepwater Wind Site Assessment Plan Offshore Rhode Island (§106)
- US Wind, Inc. Site Assessment Plan Offshore Maryland (§106)

2. List all of the Tribes contacted

Headquarters: Outreach

Absentee Shawnee Tribe of Oklahoma

Aroostook Band of Micmacs

Catawba Indian Nation

Cayuga Nation

Cherokee Nation

Eastern Band of Cherokee Indians

Eastern Shawnee Tribe of Oklahoma
Houlton Band of Maliseet Indians
Mashantucket Pequot Tribe of Connecticut
Mashpee Wampanoag Tribe
Miccosukee Tribe
Mohegan Indian Tribe of Connecticut
Narragansett Indian Tribe
Oneida Nation of New York
Onondaga Nation
*Pamunkey Indian Tribe (Federally recognized after outreach)
Passamaquoddy Tribe-Indian Township
Passamaquoddy Tribe-Pleasant Point
Penobscot Nation
Saint Regis Mohawk Tribe
Seminole Tribe of Florida
Shinnecock Indian Nation
Stockbridge-Munsee Community of Mohican Indians
The Delaware Tribe of Indians
The Delaware Nation
The Eastern Shawnee Tribe of Oklahoma
Oneida Nation of New York
Tonawanda Band of Seneca Indians
Tuscarora Nation
United Keetoowah Band of Cherokee Indians
Wampanoag Tribe of Gay Head (Aquinnah)
Alabama-Coushatta Tribe of Texas
Caddo Nation of Oklahoma
Chitimacha Tribe of Louisiana
Coushatta Tribe of Louisiana
Jena Band of Choctaws
Miccosukee Tribe of Indians of Florida
Mississippi Band of Choctaw Indians
Muscogee (Creek) Nation
Poarch Band of Creek Indians
Seminole Nation of Oklahoma
Seminole Tribe of Florida
Choctaw Nation of Oklahoma
Tunica-Biloxi Indian Tribe of Louisiana

Alaska Region: Outreach

AK Federation of Natives
BIA Providers Conference
AK Eskimo Whaling Commission
Marine Mammal Commission
Kotzebue IRA
North Slope Borough Mayor
Native Village of Point Lay

Native Village of Kaktovik

Liberty Project:

Native Village of Kaktovik
Native Village of Nuiqsut
Native Village of Barrow
Inupiat Community of Arctic Slope
North Slope Borough Mayor
BOEM Evening *of* Science:
Community of Nuiqsut
Community of Barrow

Arctic Summary:

Native Village *of* Barrow
Inupiat Community *of* Arctic Slope
City of Barrow
North Slope Borough
Native Village *of* Kaktovik
Native Village of Nuiqsut
Kuukpiq Corporation
Kotzebue IRA
NANA Regional Corp.
KIC (Native Village Corp.)
NW Arctic Borough Mayor
Tanana Chiefs Conference

5Year Program:

Community of Kotzebue
Community of Kaktovik
Community of Nuiqsut
Alaska Eskimo Whaling Commission
North Slope Borough Mayor
Native Village *of* Point Hope (Point Hope combined meeting - *Tribe, village, Tikiqag Corp.)*
Community of Wainwright
Community of Fairbanks
Community of Anchorage

Lease Sale 244:

Ninilchik Tribe
Kenaitze Tribe
Salamatof Tribe
Kenai Peninsula Borough Mayor Navarre
Community of Ninilchik
Community of Homer

Community of Kenai
Community of Anchorage

Cultural Event:

Kotzebue IRA (Tribe)2016-2017 Studies Update Discussion (Kotzebue)
NANA Regional Corporation (Kotzebue *Honoring Former NANA Pres. John W. Schaeffer*)

Alaska Studies:

Alaska Eskimo Whaling Commission
Proposed Rulemaking:
Arctic Slope Regional Corporation
Native Village *of* Nuiqsut
City *of* Nuiqsut Community of Nuiqsut
Arctic Inupiat Offshore Corp. (Industry Meeting W/ BOEM Director)

Pacific Region: Outreach

Santa Ynez Band of Chumash Indians
Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
Confederated Tribes of Grand Ronde Community
Confederated Tribes of Siletz Indians
Coquille Indian Tribe

Gulf Region: Outreach

Alabama-Coushatta Tribe of Texas
Caddo Nation of Oklahoma
Chitimacha Tribe of Louisiana
Coushatta Tribe of Louisiana
Jena Band of Choctaws
Miccosukee Tribe of Indians of Florida
Mississippi Band of Choctaw Indians
Muscogee (Creek) Nation
Poarch Band of Creek Indians
Seminole Nation of Oklahoma
Seminole Tribe of Florida
Choctaw Nation of Oklahoma
Tunica-Biloxi Indian Tribe of Louisiana

Office of Renewable Energy Programs: Outreach

Deepwater Wind SAP, RI:

Mashantucket Pequot Indian Tribe
Mashpee Wampanoag Tribe
Mohegan Indian Tribe of Connecticut

Oneida Nation of New York
Narragansett Indian Tribe
Shinnecock Indian Nation
Wampanoag Tribe of Gay Head (Aquinnah)

US Wind Inc. SAP, MD:

Absentee Shawnee Tribe of Oklahoma
Aroostook Band of Micmacs
Catawba Indian Nation
The Delaware Nation
Eastern Band of Cherokee Indians
Eastern Shawnee Tribe of Oklahoma
Houlton Band of Maliseet Indians
Mashpee Wampanoag Tribe
Miccosukee Tribe
Narragansett Indian Tribe
Oneida Nation of New York
Onondaga Nation
Passamaquoddy Tribe-Indian Township
Passamaquoddy Tribe-Pleasant Point
Penobscot Nation
Saint Regis Mohawk Tribe
Seminole Tribe of Florida
Shinnecock Indian Nation
Stockbridge-Munsee Community of Mohican Indians
Tuscarora Nation
Wampanoag Tribe of Gay Head (Aquinnah)

Issuance of Commercial Lease, MD:

The Delaware Nation
Mohegan Indian Tribe of Connecticut
Shinnecock Indian Nation
Stockbridge-Munsee Community of Mohican Indians

NY SAP Environmental Assessment:

Cooperating Agencies: Narragansett Indian Tribe and Shinnecock Indian Nation

3. List the location of each consultation by city and state.

Headquarters: (Outreach) Kaktovik, AK; Barrow, AK; Nuiqsut, AK; Point Lay, AK; Wainwright, AK; Point Hope, AK; Kotzebue, AK; Fairbanks, AK; Anchorage, AK; Niniilchik, AK; New Orleans, LA; Houston, TX; Washington DC

Alaska Region: Kotzebue, AK; Point Hope, AK; Point Lay, AK; Wainwright, AK; Barrow, AK; Nuiqsut, AK; Kaktovik, AK; Fairbanks, AK; Anchorage, AK; Ninilchik, AK; Kenai, AK; Soldotna, AK; Homer, AK

Pacific Region: (Outreach) Honolulu, HI; Sacramento, CA; Newport, OR

Gulf Region: (Outreach) Houston, TX; New Orleans, LA; Mobile, AL

Office of Renewable Energy Programs: (Outreach) Garden City, NY; Trenton, NJ; Virginia Beach, VA; Charleston, SC; Murrells Inlet, SC; North Myrtle Beach, SC

4. Summarize and list all of the issues and recommendations.

Headquarters:

- The most common recommendation during the 2017-2022 BOEM Five-Year Program development was for Native Village meetings to be scheduled with the Spring Hunt (a sacred cultural practice) in mind. BOEM strictly adheres to this but changed meeting times and dates multiple times during the process, which affects the positive relationship the BOEM Alaska Region has with these communities.

Alaska Region:

- With respect for of the very large public documents: a) 2017–2022 BOEM Five-Year Program; and, b) Proposed Lease Sale 244 in Cook Inlet – very helpful read-ahead summaries were developed and provided for the public. Significant outreach efforts were made to get them into the hands of scientists, tribal and community leaders, and the general public well in advance of related public meetings. The results were fully positive and encouraging – a new ‘best practice’ is now in use. These 11-to-13 page documents can be found online at the BOEM website. Further, as was noted by everyone who has taken the opportunity to read and review, each Summary is filled with practical language and useful visuals.
- The consultation on the proposed air quality rulemaking with the ASRC involved three separate meetings with detailed discussion of issues and exchange of letters.
- Some combination of appointed note-takers, or court reporter(s) was responsible for recording our public meetings. The court reporters, the ‘official testimonies’ were recorded and either are, or will be, available on BOEM’s website.
- With respect to consultations – in and of themselves, consultations are held between to sovereigns (the United States, and the Federally-recognized Tribe, or ANCSA Corporation). Records are shared only between and among the consulting parties and are, by definition, not public.
- BOEM Alaska Region continues to place an obvious high value on the obtaining and use of traditional / indigenous knowledge for studies, research, and notably decision-making considerations.
- Further, the Region has stepped up efforts to ‘return and report’ to communities about the uses and applications of traditional / indigenous knowledge identifying the power and value of such input.
- Worthy of mentioning . . . separately, from the aforementioned listings included in this draft input (for the BOEM Report) are several Alaska Region outreach efforts to establish internship opportunities through partnering with the Alaska Native Science and Engineering Program (ANSEP) of the University of Alaska Anchorage. This project has many parts and pieces to it. Once it is successfully developed it may become a pathway forward that others may desire and choose to follow for Federal employment.

Pacific Region: During meetings with Chumash community leaders in support of the BOEM study, Archaeological and Biological Assessment of Submerged Landforms off the Pacific Coast:

- Concerns were raised over the proposed limited collection of targeted sediment samples during this project. Because of these concerns, the BOEM Pacific Region prepared a Finding of No Historic Properties Affected (Findings Document) of the proposed undertaking under Section 106 of the National Historic Preservation Act. This letter was sent to Chumash community leaders, the Advisory Council on Historic Preservation, and the California State Historic Preservation Office (CA SHPO), among others. In October 2016, the CA SHPO issued a letter of concurrence with the Findings Document.
- A Native American internship was created to provide up to two student interns an opportunity to spend up to two days each on the research vessel that conducted the geophysical surveys around the Northern Channel Islands. One student intern from the Santa Ynez Band of Mission Indians participated in this survey.

Gulf Region: N/A

Office of Renewable Energy Programs: N/A

5. Summarize successes and accomplishments and include recommendations for improvements to the consultation process.

- The Tribal Liaison Representatives who contributed to this Report are finalizing the first draft of a BOEM Consultation Recommended Practices policy document, which has been released to supervisors as part of the approval process. The purpose of this document is to help those who have decision making authority at the national and regional level understand their trust responsibility under Executive Order 13175 and the Department's Policies for engaging in tribal consultation (S.O. 3317; DM 512 Chapters 4 & 5). BOEM strives to ensure consistent and meaningful consultation across Regions and Program Offices.
- BOEM Tribal Liaison Representatives have recommended to management that they meet annually to exchange knowledge, plan goal implementation, and receive training in their field. An Atlantic and Gulf BOEM Outreach Plan has been drafted in order for BOEM to get better acquainted with the federally recognized Tribes in these areas.
- In November 2015, the BOEM Pacific Region released 'A Guidance Document for Characterizing Tribal Cultural Landscapes' (OCS Study BOEM 2015-047). This document presents a method for agencies to consult with tribes more effectively and appropriately in advance of any proposed undertakings. The document was developed by a team that included representatives from BOEM and the National Oceanic and Atmospheric Administration, as well representatives from the Tribal Historic Preservation Offices of the Makah Tribe of Washington, the Confederated Tribes of Grande Ronde of Oregon, and the Yurok Tribe of California. The report is available online at: <https://www.boem.gov/2015-047/>
- The BOEM Alaska Region expanded its efforts to increase the number of ANCSA Corporations – both Regional and Village – that may wish to more fully participate and engage with the agency. The Region has been actively developing several levels of new tribal relations training that have potential transportability. BOEM's Tribal Relations Working Group (the Tribal Liaison Representatives for each region and the headquarters) are engaged with further developing such training courses and usefully unpacking recent tribal related directives.