



## **2018 Tribal Consultation Report**

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## **2018 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 2018 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 and tribal staff as requested on a case by case basis.

#### **Atlantic Region:**

BOEM led outreach to federally recognized tribes along the Atlantic Coast in the proposed program areas for these actions. Six federally-recognized tribes were individually invited to participate in a series of scoping meetings held in southern New England from April 16 to 19, 2018: the Mashantucket (Western) Pequot Tribal Nation, the Mashpee Wampanoag Tribe, the Mohegan Tribe of Indians of Connecticut, the Narraganset Indian Tribe of Rhode Island, the Shinnecock Indian Nation of New York, and the Wampanoag Tribe of Gay Head (Aquinnah). BOEM received comments related to cultural, historic, archaeological, or tribal resources. These are presented in BOEM's EIS Scoping Report, available here: <https://www.boem.gov/VW-EIS-Scoping-Report/>. As a result of the scoping, BOEM confirmed that coordination with the potentially affected tribes in determining whether any of the proposed lease areas are historically, culturally, or spiritually important should continue throughout the project. Further, Tribes requested the opportunity to participate when archaeology work is being conducted, as opposed to being invited to discuss results after fieldwork has been completed. The recommendation is for BOEM work to promote this level of coordination for the proposed Project, and BOEM will continue to consider this recommendation for this and future construction plans in the future. Currently, several archaeological consultants invite tribal participation by viewing subsurface cores collected offshore, and by monitoring during terrestrial archaeological surveys. In addition, Tribes will continue to be notified and invited to participate in pre-geotechnical survey planning for all offshore wind projects as a condition of the project lease for this (and all other) offshore wind energy leases.

In addition, on April 24, 2018, BOEM continued consultation under the NHPA with the tribes listed above as part of its efforts to identify consulting parties. BOEM requested information on properties of historic/cultural significance that the proposed Project could affect and offered BOEM's assistance in providing additional details and information on the proposed Project to the tribes.

## **Atlantic Renewable Energy Programs:**

In August 2018, BOEM met with the Mashantucket Pequot Indian Tribe, the Mohegan Tribe of Indians of Connecticut, and the Narragansett Indian Tribe to update these tribes on the general status of Atlantic offshore wind projects, and the status of the Vineyard Wind Offshore Wind Project in particular. BOEM requested tribal perspectives on the layout, extent, and possible environmental effects from visual effects and the construction of the proposed electrical export cable through the Nantucket Sound Traditional Cultural property (TCP).

The Narragansett Indian Tribe emphasized the need for developing Tribal capacity so that they can review agency undertakings, and not rely on non-tribal consultants for assessing impacts. They also noted that the requests for reviews by federal agencies is a continuing problem, given the limited funding available to the Tribe. All three tribes expressed interest in continuing consultation with offshore wind, and all emphasized the importance of early consultation in project development; participation in field evaluation for both marine and terrestrial archaeological survey was also requested for future projects.

## **Alaska Region:**

### Liberty Project

To meet the outreach requirements associated with the Liberty Project, the BOEM-Anchorage Office assured inclusion of and consultations with key tribal and ANCSA corporations.

In several instances, at the request of the Tribe, the ANCSA corporation and /or their village leaders, a tri-lateral consultation was held and is noted accordingly. The Tribes included:

Native Village of Barrow in Utqiagvik

Inupiat Community of the Arctic Slope in Utqiagvik

Alaska Eskimo Whaling Commission in Utqiagvik

Native Village of Point Lay from Anchorage (via Teleconference due to blizzard along the coast)

Kotzebue IRA in Kotzebue

Native Village of Barrow in Anchorage (follow-on during BIA Providers Conference)

Native Village of Wainwright in Anchorage (during BIA Providers Conference)

Bilateral or Trilateral consultations were held as noted:

Bilateral Consultation with Native Village of Kaktovik and Kaktovik Inupiat Corporation (ANCSA) in Kaktovik.

Tri-Lateral Consultation with Native Village of Nuiqsut, Kuukpik Corporation (ANCSA and the City of Nuiqsut in Nuiqsut.

Tri-Lateral Meeting with Native Village of Point Hope, Tikigaq Corporation (ANCSA), and the City of Point Hope in Point Hope.

Individual Government-to-ANCSA Corporation Consultations were held with:

Arctic Slope Regional Corporation in Anchorage  
Doyon Corporation (ANCSA) in Anchorage  
Cully Corporation (ANCSA) of Point Lay in Anchorage  
Kuukpik Corporation (ANCSA) Nuiqsut in Anchorage

Regional and/or village leaders in the following locations were also included in discussions specifically related to the Liberty Project (in addition to those mentioned above). Each of these regional or village governments are administered by duly elected Alaska Native leaders. They included: Northwest Arctic Borough Mayor in Kotzebue, Wainwright Mayor, North Slope Borough Mayor in Utqiagvik, Mayor of Barrow (Utqiagvik), and the Mayor of Kaktovik

#### Marine Mammals

The Savoonga Tribe, of St. Lawrence Island in the Bering Sea, requested and received consultation relating to Marine Mammal activities and BOEM studies in the Bering, Chukchi, and Beaufort Seas.

#### Proposed Arctic Rule

The Proposed Arctic Rule was another important outreach effort that, timewise, ran generally in tandem with the outreach efforts for the Liberty Project. The consultations were spread across a three-week period that included flying into the villages (unless otherwise noted) to assure the possibility of receiving indigenous / traditional knowledge was included with and among the comments of the various leaders, council members, and respective community leaders and members. Importantly, with each consultation the agenda and the actions of the combined representatives went to significant lengths to keep the comments for the Proposed Arctic Rule completely separated from the Liberty Project.

Kotzebue IRA in Kotzebue

Native Village of Point Lay from Anchorage (via Teleconference due to severe weather)

Inupiat Community of the Arctic Slope in Utqiagvik

Bilateral or Trilateral consultations were held as noted:

Tri-Lateral Meeting with Native Village of Point Hope, Tikigaq Corporation (ANCSA), and the City of Point Hope.

Tri-Lateral Meeting with Native Village of Nuiqsut, Kuukpik Corporation (ANCSA) and the City of Nuiqsut.

Bilateral Meeting with Native Village of Kaktovik and Kaktovik Inupiat Corporation (ANCSA)

Native Village of Wainwright in Anchorage (during BIA Providers Conference)

Native Village of Barrow in Anchorage (during BIA Providers Conference)

Doyon Corporation (ANCSA Corporation) headquartered in Anchorage.

Elected regional and/or village leaders in the following locations were also included in discussions specifically related to the Proposed Arctic Rule (in addition to those mentioned above). Each of these governments are administered by duly elected Alaska Native leaders. They included: Northwest Arctic Borough Mayor in Kotzebue, Wainwright Mayor, North Slope Borough Mayor in Utqiagvik, Mayor of Barrow in Utqiagvik, and the Mayor of Kaktovik.

### **Gulf of Mexico Region:**

The Gulf of Mexico Region (GOMR) initiated consultation with the Southern Ute Indian Tribe regarding BOEM's proposed rulemaking to revise financial security requirements for offshore oil and gas lease holders. The Southern Ute Indian Tribe wholly owns Red Willow Production Company, an energy company which holds offshore oil and gas interests that may be affected by the proposed rulemaking. A consultation phone call was held with designated representatives of the Tribe and Red Willow Production Company on September 19, 2018, to discuss in general terms the purpose of the proposed rule. BOEM representatives could not discuss specific details of the rule's contents since it was still in draft. All parties agreed to reinitiate consultations once the draft rule is published. A publication date has not been determined.

The GOMR did not conduct any additional official consultation meetings during the reporting period; however, the thirteen Gulf-affiliated tribes were contacted either for informational outreach or with requests for consultation in support of the Bureau's other activities, including the Final Supplemental EIS for the proposed 2018 Gulf of Mexico Outer Continental Shelf Lease Sale (2018 Lease Sale EIS), the 2019-2024 Draft Proposed National Oil and Gas Program, and development of a Supplemental EIS for the proposed 2020-2022 Gulf of Mexico Outer Continental Shelf Lease Sales. No tribal responses or requests to consult were received for any of these activities.

### **Pacific Region:**

In FY 2018, the BOEM Pacific OCS Office held one in-person government-to-government consultation meeting as a result of notification in FY 2017 of the Request for Information and Comments on the Preparation of the 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Program. The Pacific OCS Office also contacted 80 federally recognized tribes in California, Oregon, Washington, and Idaho to provide notification of and invite consultation on the Draft Proposed 2019-2024 National OCS Oil and Gas Leasing Program (Draft Proposed Program). Following the Draft Proposed Program notification effort, the Pacific OCS Office

conducted eight in-person government-to-government consultations. The primary topic of the consultations was the Draft Proposed Program. Secondary topics included the BOEM Environmental Studies Program, potential offshore renewable energy development on the OCS, and West Coast intergovernmental ocean planning and collaboration. The Pacific OCS Office also conducted three in-person informational meetings (not consultation) on the Draft Proposed Program in FY 2018.

The Pacific OCS Office also engaged with tribes regarding a BOEM California Intergovernmental Renewable Energy Task Force Meeting on 17 September 2018. The Pacific OCS Office did not conduct any consultations on the sole topic of California OCS renewable energy in FY 2018.

Tribes consulted:

- Federated Indians of Graton Rancheria
- Coquille Indian Tribe
- Elk Valley Rancheria
- Yurok Tribe
- Tolowa Dee-ni' Nation
- Kashia Band of Pomo Indians of the Stewarts Point Rancheria
- Makah Tribe (two consultation meetings)
- Quinault Indian Nation

Tribes with whom informational meetings were conducted:

- Confederated Tribes of Grand Ronde
- Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
- Quileute Tribe

## **II. Summarize and list all of the issues and recommendations.**

### **Atlantic Renewable Energy Programs**

The Office of Renewable Energy Programs reaches out to federally recognized tribes to invite participation in the National Environmental Policy Act. Throughout the scoping process, federal agencies, state, tribal, and local governments, and the general public had the opportunity to help BOEM determine significant resources and issues, impact-producing factors, reasonable alternatives, and potential mitigation measures to be analyzed in the EIS, as well as provide additional information. BOEM also used the NEPA commenting process to allow for public feedback and for compliance with the Section 106 of the National Historic Preservation Act for all its undertakings, including the development of offshore wind. The majority of tribal outreach for 2018-2019 was part of the compliance process for the proposed Vineyard Wind Offshore Wind project. Each reference is for that project, unless otherwise stated.

## **Alaska Region**

### Liberty Project

Significant indigenous / traditional knowledge was shared and provided to BOEM representatives. It directly benefitted considerations being made by decision makers responsible for taking the Liberty Project to the next steps. In several ways, the generosity of the leaders and council members, with sharing their knowledge and perspectives enlivened the entire information gathering processes. The levels of trust shared among partners remains important and noteworthy.

### Marine Mammals

The opportunities to interact with the Savoonga or Gamble Tribes on St. Lawrence Island are rare. The leaders of the St. Lawrence Tribe initiated the Government-to-Government Consultation to both explore BOEM activities, including current and previous studies, in and along the middle and northern edge of the Bering Sea and to get a more fulsome understanding of what had been going on and/or what was generally known about possible future exploration activities by industry in the Chukchi Sea. In return, they provided significant insights about their cultural traditions and indigenous knowledge. St. Lawrence Island is located approximate 37 miles from Provideniya, Russia.

### Proposed Arctic Rule

During virtually each of the consultations, the ebb and flow of conversations, exchanges and sharing of indigenous / traditional knowledge was positive. While each set of leaders and villages or ANCSA corporations are very much individual, the level of trust and collaborations were thoughtful and generous. The sharing of IK / TK was critical to informing decision makers and was in ample supply as a result of the successive Government-to-Government and Government-to-ANCSA consultations. Worth noting: subsequent other routine activities between and among the various BOEM-Anchorage Office and the Tribes and Corporations remains positive – that is, there is a discernable significant level of trust between and among the entities. The willingness to consult or meet informally has become our pattern of collaboration - not withstanding differences – there is an important interest in open communications and sharing.

## **Pacific Region**

Input received from tribes via letter, consultation, and informational meetings was predominantly opposition to including Pacific OCS Areas in the 2019-2024 National OCS Oil and Gas Leasing Program. Concerns expressed included risk to natural and cultural resources from oil spills, adequate assessment of cultural resources, adequate cost-benefit analysis, the risk posed by earthquakes and other seismic activity in the Pacific, and meaningful and timely engagement with tribes. Recommendations were given regarding points of contact,

notification/communication methods, and continued early and frequent communication. One tribe requested a proposal from BOEM on how meaningful consultation would be conducted for the 2019-2024 National OCS Oil and Gas Leasing Program.

Input from tribes on BOEM planning activities for potential wind energy leasing offshore California has been varied. Some expressions of support for offshore wind energy development and some expressions of concern were received. Reasons for support include low-carbon energy sources, local economic development effects, and research opportunities. Reasons for concern include potential impacts to natural and cultural resources, and viewshed impacts to sacred sites.

### **III. Summarize successes and accomplishments and include recommendations for improvements to the consultation process.**

#### **Pacific Region**

The Pacific OCS Office broadened its engagement with West Coast tribes as a result of broad notification for the Draft Proposed 2019-2024 National OCS Oil and Gas Leasing Program, proactive outreach regarding tribes' ancestral ties to the Pacific Ocean, and collaboration with the California Energy Commission for tribal engagement on potential California offshore wind energy leasing. All requests for additional information following consultation and informational meetings were fulfilled. Contact lists were kept updated through proactive outreach and monitoring tribal election results throughout the reporting period. The Pacific OCS Office's tribal engagement capacity was increased due to the appointment of a separate Regional Tribal Liaison Officer (in addition to the Regional Historic Preservation Officer).

Tribes expressed the following recommendations to Pacific OCS Office personnel throughout the reporting period:

- Continue early and meaningful communication and consultation on BOEM activities with tribal implications
- BOEM should establish a mechanism for reimbursing tribes with cooperating agency status for environmental reviews under the National Environmental Policy Act
- Development of one or more Memoranda of Understanding with tribes for cooperation on issues of mutual interest

### **IV. Outreach Efforts**

#### **Alaska Tribes and ANCSA Outreach**

The critical importance for the BOEM-Anchorage Office is to assure a continuous level of engagement whether through the required inputs relating to NEPA actions, through our BOEM Studies Program, or other important sharing and outreach activities we do throughout this or any year. In addition, the BOEM-Anchorage Office has become a very active advocate for the inclusion and use of Traditional Knowledge (TK) / Indigenous Knowledge (IK) in all of our activities – including the publishing a number papers on the subject and presenting them in a range of regional, national and international forums.

The BOEM-Anchorage Office has a very active outreach program that includes ensuring booths and representatives at a number of critical conferences and conventions in the region, and beyond. During this fiscal year, they included:

Alaska Federation of Natives Convention | 4200 attendees; BOEM has a booth and interacts with attendees

Bureau of Indian Affairs Providers Conference | 2500 attendees; BOEM-Anchorage Office has a booth and routinely interacts with attendees; and periodically provides presentations

Alaska Eskimo Whaling Commission Meetings in Utqiagvik | 300 Whaling Captains

Northwest Arctic Borough – Kotzebue | Meetings with the Mayor and selected staff

North Slope Borough – Utqiagvik (Barrow) | Meetings with the Mayor and selected staff

City of Kaktovik | Meeting with the Mayor and Council members

Tanana Chiefs Conference – Fairbanks | Consulting or meeting with selected representatives to assure inclusion of 42 Interior Alaska Tribes who have numerous members that work on the North Slope in the petroleum industry.

National Congress of American Indians Mid-Year Conference | 2500 attendees – BOEM-Anchorage Office routinely attends and take part in the NCAI Mid-Year Conference

BOEM-Anchorage Office routinely interacts with a number of important indigenous organizations sharing studies and information. These indigenous groups include:

- Inuit Circumpolar Council–Alaska Office
- Alaska Beluga Whale Committee
- Alaska Beluga Whale Committee
- Alaska Village Council Presidents (AVCP)
- Bering Sea Alliance
- Alaska Tribal Conservation Alliance

We also provided pertinent BOEM studies results and general information to regional government leaders and Federally-recognized tribal groups in the Cook Inlet region, including:

- Mayor of the Kenai Peninsula Borough *and* Select Staff
- Chickaloon Village Traditional Council Sutton
- Ninilchik Traditional Council Ninilchik
- Native Village of Eklutna Eklutna
- Salamatof Tribal Council Kenai / Salamatof
- Kenaitze Indian Tribe Kenai
- Seldovia Village Tribe Seldovia
- Knik Tribal Council Knik / Wasilla

- Native Village of Tyonek Tyonek

The Federally-recognized ANCSA regional and village corporations we interacted with during 2018 included:

- ANCSA Regional Association
- Arctic Slope Regional Corporation (ASRC)
- NANA Regional Corporation
- Kaktovik Inupiat Corporation
- Kuukpik Corporation, Incorporated
- Ukpeagvik Inupiat Corporation
- Olgoonik Corporation
- Cully Corporation
- Tikigaq Corporation
- Kikiktagrak Inupiat Corporation
- Kawerak, Inc.
- Cook Inlet Region Inc.
- Port Graham Corporation
- Eklutna, Inc.
- Kenai Natives Association, Inc.
- Tyonek Native Corporation
- Ninilchik Natives Association, Inc.
- English Bay Corporation
- Chickaloon-Moose Creek Native Assn, Inc.
- Iliamna Natives Limited

### **Atlantic Region**

On June 26, 2018, BOEM conducted a webinar for the Mashantucket (Western) Pequot Tribal Nation, the Mashpee Wampanoag Tribe, the Mohegan Tribe of Indians of Connecticut, the Narraganset Indian Tribe, the Shinnecock Indian Nation, and the Wampanoag Tribe of Gay Head (Aquinnah), including tribal members, to describe the project, define the area of potential effect, and seek input from the consulting parties on what should constitute a good faith effort to identify historic properties within the area of potential effect for the Vineyard Wind project.

### **Gulf of Mexico Region**

#### Federally-Recognized Tribes Identified with Interest in BOEM Activities

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

## **Pacific Region**

### BOEM California Intergovernmental Renewable Energy Task Force Meeting (17 September 2018):

The Pacific OCS Office engaged in an outreach campaign in advance of the meeting to share information about its renewable energy program. All tribes interested in or potentially affected by offshore wind energy leasing in California were invited to join the Task Force (17 tribes are already members of the Task Force) or attend the Task Force meeting as non-Task Force members. The Pacific OCS Office participated in a State Tribal Offshore Renewable Energy Working Group webinar convened by its partners at the California Energy Commission on 5 September 2018 to coordinate with tribes prior to the Task Force meeting.

### Federally recognized tribes identified with known or potential interest in BOEM activities

#### California

Barona Band of Mission Indians  
Bear River Band of the Rohnerville Rancheria  
Big Lagoon Rancheria  
Big Pine Paiute Tribe of the Owens Valley  
Big Valley Band of Pomo Indians  
Blue Lake Rancheria  
Cahto Tribe of the Laytonville Rancheria  
Cahuilla Band of Indians  
Campo Kumeyaay Nation  
Cher-Ae Heights Indian Community of the Trinidad Rancheria  
Cloverdale Rancheria of Pomo Indians  
Colusa Indian Community  
Cortina Rancheria Kletsel Dehe Band of Wintun Indians  
Coyote Valley Band of Pomo Indians  
Dry Creek Rancheria Band of Pomo Indians  
Elem Indian Colony of Pomo Indians  
Elk Valley Rancheria  
Ewiiapaayp Band of Kumeyaay Indians  
Federated Indians of Graton Rancheria  
Fort Bidwell Indian Community  
Grindstone Indian Rancheria of Wintun-Wailaki Indians

Guidiville Band of Pomo Indians  
Habematolel Pomo of Upper Lake  
Hoopa Valley Tribe  
Hopland Band of Pomo Indians  
Iipay Nation of Santa Ysabel  
Inaja-Cosmit Band of Indians  
Ione Band of Miwok Indians  
Jamul Indian Village  
Karuk Tribe  
Kashia Band of Pomo Indians of the Stewarts Point Rancheria  
Koi Nation of Northern California  
La Jolla Band of Luiseño Indians  
La Posta Band of Diegueño Mission Indians  
Los Coyotes Band of Cahuilla & Cupeño Indians  
Lytton Rancheria  
Manchester Band of Pomo Indians  
Manzanita Band of the Kumeyaay Nation  
Middletown Rancheria of Pomo Indians  
Morongo Band of Mission Indians  
North Fork Rancheria of Mono Indians  
Pala Band of Mission Indians  
Pauma Band of Luiseño Indians  
Pechanga Band of Luiseño Indians  
Pinoleville Pomo Nation  
Pit River Tribe  
Potter Valley Tribe  
Ramona Band of Cahuilla  
Redding Rancheria  
Redwood Valley Little River Band of Pomo Indians  
Resighini Rancheria  
Rincon Band of Luiseño Indians  
Robinson Rancheria of Pomo Indians  
Round Valley Indian Tribes  
San Pasqual Band of Mission Indians  
Santa Rosa Band of Cahuilla Indians  
Santa Ynez Band of Chumash Indians  
Scotts Valley Band of Pomo Indians  
Sherwood Valley Band of Pomo Indians  
Soboba Band of Luiseño Indians  
Sycuan Band of the Kumeyaay Nation  
Tolowa Dee-ni' Nation  
United Auburn Indian Community of the Auburn Rancheria  
Viejas Band of Kumeyaay Indians  
Wilton Rancheria  
Wiyot Tribe  
Yocha Dehe Wintun Nation

Yurok Tribe

Oregon

Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians

Confederated Tribes of Grand Ronde

Confederated Tribes of Siletz Indians

Confederated Tribes of the Umatilla Indian Reservation

Confederated Tribes of Warm Springs

Coquille Indian Tribe

Cow Creek Band of Umpqua Tribe of Indians

Washington

Confederated Bands and Tribes of the Yakama Nation

Hoh Indian Tribe

Makah Tribe

Port Gamble S'Klallam Tribe

Quileute Tribe

Quinault Indian Nation

Shoalwater Bay Tribe

Idaho

Nez Perce Tribe

Arizona

Colorado River Indian Tribes