



2021 Tribal Consultation Report

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2021 Department of Interior Tribal Consultation Annual Report

The annual report summarizes the Bureau of Ocean Energy Management's (BOEM) consultations compiled from information captured during the 2021 Fiscal Year (FY).

Due to the pandemic, 2021 was a challenging year for maintaining connections with Tribal officials and Federal partners. BOEM attempted to respect Tribal representatives by scheduling convenient meetings for teleworking individuals and those helping children navigate virtual schooling at home.

I. Summary and list all consultation topics.

BOEM reaches out to federally recognized American Indian Tribes (Tribes), Alaska Native Claims Settlement Act (ANCSA) corporations, and Alaska Native villages that have a connection to proposed actions that BOEM could authorize. BOEM consults with Tribes through various approaches, depending on the scope, scale, and significance of the proposed undertaking. For complex, controversial, or large-scale actions, face-to-face, government-to-government consultations are most appropriate. Consultation could occur by sending letters to Tribes by certified mail, followed up with phone calls, virtual meetings, and emails. BOEM Tribal liaisons answer questions and requests from Tribes for information on a case-by-case basis.

Atlantic Region:

BOEM invited 24 federally recognized Tribal nations to consult on 17 offshore wind projects, having a government-to-government meeting for each wind project in FY 2021. BOEM had far more informal meetings with Aquinnah, Mashpee, and Mashantucket Tribal representatives on matters including a memorandum of understanding agreeing to continue communication, protection of traditional cultural properties, inter-agency coordination and listening, and the need for funding.

BOEM continued correspondence to the Catawba of South Carolina and Seminole Tribe of Florida. We continue to engage with Virginia Tribes, including the Monacan, Nansemond, Chickahominy, Eastern Chickahominy, Pamunkey, Rappahannock, and Upper Mattaponi.

BOEM routinely sends out information to the Mohegan Tribe of Connecticut, Stockbridge Munsee Tribe of Wisconsin, Cherokee Nation of Oklahoma, United Keetoowah Tribe, Eastern Band Cherokee Indians, Shawnee Tribe, Absentee Shawnee Tribe, and Eastern Shawnee Tribe of Oklahoma.

Formal, informal, and listening sessions occurred on the following activities and projects:

- Construction and operations plan for Virginia Offshore Wind (CVOW) energy project, located offshore Virginia.
- Construction and operations plan for Kitty Hawk wind energy project, located offshore North Carolina
- New York Bight Wind Energy Area lease sale

- National Ocean Mapping, Exploration, and Characterization (NOMECE) mapping in collaboration with NOAA.
- Construction and operations plan for Ocean Wind energy project, located offshore New Jersey.
- Construction and operations plan for Revolution Wind energy project, located offshore New England.
- Construction and operations plan for South Fork wind energy project, located offshore New England.
- Construction and operations plan for Vineyard Wind 1 energy project, located offshore New England.

Gulf of Mexico Region:

During FY 2021, the Gulf of Mexico Regional Office invited formal consultation on one rulemaking activity and conducted informal engagement and outreach with Tribes on other regional issues, including conventional and renewable energy and agency best practices for future consultations.

Draft Financial Assurances Rulemaking

In October 2020, BOEM and the Bureau of Safety and Environmental Enforcement (BSEE) published and requested public comment on a draft financial assurance rule. The Gulf of Mexico Regional Tribal Liaison Representative contacted the Southern Ute Indian Tribe and representatives from the Tribe's economic arm, Red Willow Offshore, LLC (RWO), to resume consultations on the proposed rulemaking. This was a continuation of an initial consultation held in September 2018 to discuss how the revised rule may impact the Tribe due to the Gulf of Mexico oil and gas assets the Tribe owns through RWO.

Due to scheduling constraints among the Tribal and RWO representatives – exacerbated, in part, by the pandemic and elections of new Tribal Council members during this timeframe – BOEM was unable to schedule a formal consultation before the conclusion of the public comment period and preparation of the final rule for Department of the Interior (DOI) review in January 2021.

On January 5, 2021, the Gulf of Mexico Regional Director held an informational call with Tribal and RWO representatives to clarify that the final rule would not alter any existing practices regarding the Tribe's previously voiced concerns (summarized below in section 4). BOEM will continue to consult with the Tribe on implementation of the rule.

In March and September 2021, BOEM resumed engagement with Southern Ute Tribe and RWO representatives to gauge their interest and availability for continued consultation on the proposed rulemaking or other issues of Tribal interest. No further consultations have occurred, and BOEM continues to communicate with and request feedback from the Tribe and RWO on these matters.

Renewable Energy

In January 2021, BOEM's Gulf of Mexico Regional Director sent a formal letter to Tribes with a current or ancestral interest in the Gulf of Mexico region inviting their participation in the BOEM Gulf of Mexico Intergovernmental Renewable Energy Task Force (Task Force). This Task Force was established to facilitate coordination and consultation among Federal, State, local, and Tribal governments on renewable energy activities on the Outer Continental Shelf (OCS) offshore Texas and Louisiana. In April 2021, BOEM emailed additional planning and scheduling information for the Task Force and reiterated the invitation for Tribal membership. The Chitimacha Tribe of Louisiana accepted a membership position on the Task Force, and the Jena Band of Choctaw Indians sent a representative to observe the meeting. The first Task Force meeting was held virtually on June 15, 2021, and a second Task Force meeting is planned for January 2022. The Coushatta Tribe of Louisiana recently requested to join the Task Force membership. BOEM invited all 14 Tribes listed under the Gulf of Mexico in section II of this report to participate in the Task Force, the Chitimacha, Coushatta, Jena Band Choctaw, and Choctaw Nation of Oklahoma accepted.

Coinciding with the Task Force, in May 2021, BOEM invited the above 14 Tribes to an informational meeting on the development of the Gulf of Mexico Regional Office's renewable energy program. That meeting was held virtually on June 10, 2021. BOEM representatives gave one presentation on the renewable energy lease sale process, current schedule, the purpose of the Task Force, and next steps; and a second presentation that discussed recent studies by the National Renewable Energy Laboratory and summarized the technical and economic considerations for developing offshore wind projects in the Gulf. The presentations were followed by an open discussion between BOEM and Tribal attendees. Tribal participants included representatives from the Chitimacha Tribe of Louisiana, Jena Band of Choctaw Indians, and the Muscogee (Creek) Nation.

Throughout the first quarter of FY 2021, the Gulf of Mexico Regional Office assisted other BOEM staff and Tribal representatives on a steering committee in planning and developing the BOEM Tribal Ocean Summit, held over 6 days in March 2021 (summarized in section 5 below). Following informal outreach in 2020, two representatives from Gulf of Mexico-affiliated Tribes – the Choctaw Nation of Oklahoma and the Jena Band of Choctaw Indians – participated substantially on the steering committee and during the summit. In February 2021, the Gulf of Mexico Regional Office sent BOEM's Tribal Liaison Officer a letter formally inviting all the above-listed Tribes, including the Southern Ute Tribe, to attend and participate in the Tribal Ocean Summit. Attendance during the Summit included 70 representatives from 53 Tribes across all BOEM regions.

Pacific Region:

In FY 2021, BOEM engaged with Tribes on renewable energy and oil and gas programs and associated environmental analyses and studies in the Pacific Region. One consultation meeting was held in FY 2021. However, the Pacific Regional Office engaged with Tribes in various non-consultation meetings and communications described below. All meetings with Tribes were held virtually due to the COVID-19 pandemic.

Renewable Energy Program – Marine Hydrokinetic Research Lease

In February 2021, BOEM executed Renewable Energy Lease No. OCS-P 0560, a research lease to Oregon State University for a proposed wave energy test center offshore Newport, Oregon. Regulatory authority for marine hydrokinetic (MHK) projects on the Outer Continental Shelf is shared by BOEM and the Federal Energy Regulatory Commission (FERC). BOEM has the authority to issue leases, and FERC has the authority to issue licenses for the construction and operation of hydrokinetic projects on those leases. Lease issuance by BOEM is a prerequisite for a license from FERC.

Prior to lease execution, the Pacific Regional Office individually notified the Tribes listed below by electronic communication and telephone calls that BOEM determined issuing the lease for the MHK project would cause no significant environmental impacts. BOEM issued a finding of no significant impact (FONSI) following an environmental assessment by FERC, for which BOEM was a cooperating agency. The Pacific Regional Office had started engagement with these four Tribes on the proposed MHK lease in FY 2014.

Tribes notified of FONSI and MHK research lease offer:

- Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
- Confederated Tribes of Grand Ronde
- Confederated Tribes of Siletz Indians
- Coquille Indian Tribe

The Pacific Regional Office individually notified by formal letter and supplemental electronic communication the Tribes listed below of the MHK research lease execution.

Tribes notified of research lease execution:

- Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
- Confederated Tribes of Grand Ronde
- Confederated Tribes of Siletz Indians
- Coquille Indian Tribe
- Hoh Indian Tribe
- Makah Tribe
- Quileute Tribe
- Quinault Indian Nation

Renewable Energy Program – Offshore Wind Energy Planning in California

Since 2017, the Pacific Regional Office has partnered with the California Energy Commission (CEC) for Tribal engagement with non-federally recognized Tribes on offshore wind energy planning in California. Under Federal law, BOEM cannot consult on a government-to-government basis with non-federally recognized Tribes, and non-federally recognized Tribes are not able to formally participate on the BOEM California

Intergovernmental Renewable Energy Task Force (California Task Force). On the other hand, the State of California must consult with all California Native American Tribes regardless of Federal recognition under state law. Therefore, CEC took the lead on initial outreach to and input solicitation from federally and non-federally recognized Tribes in California, with the Pacific Regional Office as a consistently invited participant. BOEM engages with federally recognized Tribes outside of its partnership with CEC through formal consultations and its section 106 responsibilities under the National Historic Preservation Act (NHPA) to further its government-to-government relationship.

In December 2020, the Pacific Regional Office's Historic Preservation Officer submitted an annual report summarizing actions in FY 2020 in compliance with the Section 106 Programmatic Agreement Regarding Outer Continental Shelf Wind Energy Activities Offshore California (Section 106 PA) to the California State Historic Preservation Officer, the Advisory Council on Historic Preservation, and other signatories to the agreement. The Santa Ynez Band of Chumash Indians, a concurring party to the Section 106 PA, requested formal consultation with BOEM on the Section 106 PA annual report. Following coordination with the Tribe and by mutual agreement, an informational meeting on the annual report and the status of California offshore wind activities was held in January 2021.

In May 2021, the White House, the Departments of the Interior and Defense, and the State of California jointly announced an agreement to advance areas for wind energy development offshore the northern and central coasts of California. The Pacific Regional Office individually notified the Tribal parties to the Section 106 PA by formal letter and supplemental electronic communication and invited requests for consultation and Tribal participation in the California Task Force meeting. Tribes which were not members of the California Task Force were invited to join. Tribal membership and participation in the California Task Force in no way replaces or diminishes the government-to-government relationship or BOEM's obligation to consult on actions that may substantially and directly affect a Tribe. The 65 federally recognized Tribes notified of California offshore wind energy advancement and invited to the California Task Force meeting are listed within section II, Pacific Region.

In partnership with BOEM, CEC organized a virtual offshore wind energy informational meeting on June 14, 2021, for Tribes on the north coast with interests in potential offshore wind energy leasing off the north coast of California. BOEM outlined its renewable energy program offshore California and its next steps, focusing on the Humboldt Call Area, the section 106 and NEPA processes, relevant BOEM-funded research, and previous and planned Tribal engagement and consultation. Representatives from three federally recognized Tribes participated in the meeting—Elk Valley Rancheria, Tolowa Dee-ni' Nation, and Yurok Tribe.

Similarly, on June 15, 2021, CEC organized a similar virtual offshore wind energy informational meeting for Chumash Tribes interested in potential offshore wind energy leasing in the Morro Bay 399 Area. BOEM outlined its renewable energy program offshore California and its next steps. This time focusing on the Morro Bay areas under consideration, the section 106 and NEPA processes, relevant BOEM-funded research, and

previous and planned Tribal engagement and consultation. Representatives from one federally recognized Tribe—the Santa Ynez Band of Chumash Indians—and two non-federally recognized Tribes— Coastal Band of the Chumash Nation and yak titʻu yak tiłhini - Northern Chumash Tribe of San Luis Obispo County and Region—participated in the meeting.

The Pacific Regional Office collaborated with CEC to notify the non-federally recognized Tribes in the central coast region listed below by electronic communication about wind energy development offshore California and the California Task Force meeting.

Non-federally recognized Tribes notified of California offshore wind energy advancement and the California Task Force meeting:

- Barbareño Band of Chumash Indians
- Barbareño Chumash Tribal Council
- Barbareño/Ventureño Band of Mission Indians
- Coastal Band of the Chumash Nation
- Northern Chumash Tribal Council
- Salinan Tribe of Monterey & San Luis Obispo Counties
- Xolon Salinan Tribe
- yak titʻu titʻu yak tiłhini - Northern Chumash Tribe of San Luis Obispo County and Region

The California Task Force meeting to discuss offshore wind energy activities and BOEM’s process for establishing and leasing wind energy areas offshore California’s north and central coasts was held virtually on July 13, 2021. Representatives from twelve federally recognized Tribes (eight Tribes were task force members; four, non-members) and four non-federally recognized Tribes attended the meeting. Representatives from three Tribes that were task force members provided updates, emphasizing the need for clean energy alternatives, improved reliability and resilience of the electrical grid, and requirement to protect sacred ancestral lands.

In July 2021, following the California Task Force meeting, BOEM formally designated the Humboldt Wind Energy Area. BOEM then began an environmental assessment on the potential environmental consequences of leasing some or all the Humboldt Wind Energy Area and conducting site characterization activities (e.g., survey and sediment core samples) and site assessment activities (e.g., installing meteorological buoys) in that area. BOEM published a call for information and nominations to request information from the public and to determine industry interest in commercial offshore wind energy development in two new areas, the Morro Bay Call Area East and West Extensions, within a 399-square-mile area located off central California. The Pacific Regional Office individually notified the 65 federally recognized Tribes listed in part II under the “Pacific Region” by formal letter and supplemental electronic and telephone communication about the Humboldt Wind Energy Area designation, the associated environmental review, and the call for information and nominations. The July letters built upon the May letters and reiterated the consultation invitation.

The 11 Tribes listed below have current or ancestral lands near the Humboldt Wind Energy Area. The Pacific Regional Office invited these Tribes to participate in the environmental assessment as cooperating agencies with special expertise concerning potential environmental impacts arising from the proposed action (issuing a lease and conducting site assessment and characterization activities in that area) and to consult under section 106 of NHPA.

Federally recognized Tribes invited to participate as cooperating agencies and to consult under section 106:

- Bear River Band of the Rohnerville Rancheria
- Big Lagoon Rancheria
- Blue Lake Rancheria
- Cher-Ae Heights Indian Community of the Trinidad Rancheria
- Elk Valley Rancheria
- Hoopa Valley Tribe
- Karuk Tribe
- Resighini Rancheria
- Tolowa Dee-ni' Nation
- Wiyot Tribe
- Yurok Tribe

The Pacific Regional Office received the following responses to the notification and invitations:

- Blue Lake Rancheria requested section 106 consultation and accepted the invitation to participate in the environmental assessment as a cooperating agency. Consultation meeting scheduling and cooperating agency arrangements were initiated.
- Elk Valley Rancheria requested an informational meeting. Informational meeting scheduling was initiated.
- The Santa Ynez Band of Chumash Indians requested formal consultation. A consultation meeting was held on August 31, 2021 (details below).
- The Wiyot Tribe requested government-to-government consultation and section 106 consultation. Consultation meeting scheduling was initiated.

The Pacific Regional Office and Santa Ynez Band of Chumash Indians held a consultation on August 31, 2021. The meeting topics were California central coast offshore wind energy activities and next steps, Section 106 PA, spatial overlap between a BOEM-funded inventory of submerged archaeological sites and the Morro Bay Call Area East and West Extensions, BOEM-funded Tribal cultural landscape efforts, and the record and consideration of the Tribe's input to BOEM on California offshore wind energy development to date.

Renewable Energy Program – Offshore Wind Energy Planning in Oregon

In FY 2021, in partnership with the State of Oregon, BOEM undertook a data gathering and engagement effort to inform BOEM’s leasing process in Oregon. A data gathering and engagement plan guided the effort for offshore wind energy development in Oregon, including a Tribal engagement plan. The plan includes a commitment that BOEM and the Oregon Department of Land Conservation and Development “will inform and engage federally recognized Tribes throughout the data gathering and engagement process in a manner that is respectful of Tribal sovereignty, the government-to-government relationship between Tribal governments, the U.S. Federal Government, and the state, and each Tribe’s policies and practices to the greatest extent possible.”

In February 2021, the Pacific Regional Office individually notified the nine federally recognized Tribes in Oregon (listed below) by formal letter and supplemental electronic communication of the data gathering and engagement effort and invited their engagement in the manner deemed appropriate by each Tribe. BOEM has established relationships with four coastal Tribes in Oregon. For the other five Tribes, the letters contained additional background information on BOEM and offshore wind energy development in Oregon. In May 2021, BOEM sent similar letters to two federally recognized Tribes currently located in northern California but with ancestral ties to Oregon.

Federally recognized Tribes notified of and invited to Oregon offshore wind data gathering and engagement:

- Burns Paiute Tribe
- 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 the Warm Springs Reservation of Oregon
- Coquille Indian Tribe
- Cow Creek Band of Umpqua Tribe of Indians
- Klamath Tribes
- Elk Valley Rancheria
- Tolowa Dee-ni’ Nation

In May 2021, by request from the Coquille Indian Tribe, Pacific Regional Office, Oregon Department of Land Conservation and Development, and the Coquille Indian Tribe held an informational staff-to-staff meeting on Oregon offshore wind energy activities. BOEM representatives shared information on floating offshore wind energy technology, offshore wind energy authorization processes, environmental reviews, section 106 reviews, BOEM-funded studies, the Oregon task force, and planned Tribal engagement. Oregon Department of Land Conservation and Development representatives shared information about the State’s role, relevant data, and the Oregon Offshore Wind Mapping Tool. Coquille Indian Tribe representatives shared information about the Tribe’s service area, species of importance, and research interests.

In September 2021, the Pacific Regional Office individually invited the Tribes listed below by formal letter and supplemental electronic communication to consult on developing a programmatic agreement to outline the phased approach to historic property identification under section 106 of the NHPA.

Tribes invited to consult on the development of a programmatic agreement:

- Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
- Confederated Tribes of Grand Ronde
- Confederated Tribes of Siletz Indians
- Coquille Indian Tribe
- Elk Valley Rancheria
- Tolowa Dee-ni' Nation

In September 2021, Pacific Regional Office staff held an informational call with Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians staff. The participants discussed the status of offshore wind energy planning in Oregon, section 106 consultation and PA development, Tribal engagement, and the Confederated Tribes' representation on the BOEM Oregon Intergovernmental Renewable Energy Task Force (Oregon Task Force).

An Oregon Task Force meeting was held on October 21, 2021, to discuss the outcomes of the data gathering and engagement effort. In September 2021, the Pacific Regional Tribal Liaison Officer shared an electronic communication about the scheduled meeting with Tribes with known or potential interests in Oregon offshore wind energy activities. Non-task force member Tribes were invited to join the task force as members. As of the date of this report, four Tribes were members of the Oregon Task Force.

Renewable Energy Program – West Coast-Wide

In August 2021, by request from the Makah Tribe, Pacific Regional Office personnel, members of the Makah Tribal Council, and Makah Tribal staff held an informational meeting on the Makah ocean policy and BOEM offshore wind energy activities on the West Coast. Makah Tribe representatives shared information about the 1855 Treaty of Neah Bay, treaty-reserved rights in the Makah usual and accustomed area, Makah ocean policy, and Makah fisheries. BOEM shared information on floating offshore wind energy technology, the status of offshore wind energy activities on the West Coast, renewable energy authorization processes, engagement mechanisms, environmental studies, and data relevant to the Pacific Coast. The meeting participants also discussed the possibility of a commercial wind energy project offshore Washington's Pacific Coast and the mechanisms for robust Tribal engagement if such a project was proposed.

Oil and Gas Program

In FY 2021, the Pacific Regional Office prepared an environmental assessment on the proposed well conductor removal on oil and gas platforms in the Santa Clara Unit offshore Ventura County, California. BOEM prepared the environmental assessment at the request of

BSEE to inform BSEE’s permitting decision on whether the proposed project was technically and environmentally sound, including consideration of mitigation measures. The Pacific Regional Office individually notified the one federally recognized Tribe and six non-federally recognized Tribes with cultural interests near the platforms (listed below) by electronic and telephone communications that BOEM planned to release a draft environmental assessment. The draft environmental assessment included a section titled “Environmental Justice and Tribes.” When the draft environmental assessment was published in March 2021, the Pacific Regional Office notified the Tribes listed below by email and invited their review and comment on the draft.

Federally recognized Tribes notified of draft Environmental Assessment:

- Santa Ynez Band of Chumash Indians

Non-federally recognized Tribes notified of draft Environmental Assessment:

- Barbareño Band of Chumash Indians
- Barbareño Chumash Tribal Council
- Barbareño/Ventureño Band of Mission Indians
- Coastal Band of the Chumash Nation
- Northern Chumash Tribal Council
- yak titʷu titʷu yak tɪłhini - Northern Chumash Tribe of San Luis Obispo County and Region

In FY 2021, the Pacific Regional Office prepared an environmental assessment on an impressed current cathodic protection anode sled and associated submarine power cables on oil and gas platforms in the Santa Ynez Unit offshore Santa Barbara County, California. BOEM prepared the environmental assessment at the request of BSEE to inform BSEE’s permitting decision on whether the proposed project was technically and environmentally sound, including consideration of mitigation measures. The environmental assessment included a specific section on Tribes. BOEM deferred to BSEE to notify Tribes of the preparation and publication of the environmental assessment and potential consultation because BSEE was the permitting authority for the project.

Environmental Studies Program

The Pacific Regional Office engaged Tribes in BOEM-funded environmental studies in FY 2021. The Pacific Regional Office staff contacted the four coastal Oregon Tribes listed below regarding the archaeological and biological assessment of submerged landforms off the Pacific Coast to discuss the potential for conducting limited DNA analysis of sediment cores collected offshore Oregon as part of the study. An informational meeting was held in January 2021 with representatives from each of the four Tribes, BOEM, and the National Oceanic and Atmospheric Administration (NOAA), and the study’s principal investigators. Major discussion topics included an update on the submerged landforms archaeological and biological assessment and the related NOAA-funded study “Discovering Oregon’s Lost Coast: Heceta Bank Expedition,” next steps, and the potential for DNA analysis.

Coordination continued after the January meeting with agreement from multiple Tribes to proceed with pilot DNA analysis using a phased approach.

Tribes contacted for archaeological and biological assessment:

- Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
- Confederated Tribes of Grand Ronde
- Confederated Tribes of Siletz Indians
- Coquille Indian Tribe

The Pacific Regional Office also invited the coastal Oregon Tribal representatives and the Santa Ynez Band of Chumash Indians to review the draft “Archaeological and Biological Assessment of Submerged Landforms off the Pacific Coast” report in July-August 2021.

In FY 2021, the Pacific Regional Office proposed a “West Coast Tribal Cultural Landscapes” study to work with Tribes to develop Tribal cultural landscapes assessments (as defined by Tribes) near West Coast offshore wind energy planning areas, including onshore and submerged landscapes. The study was initially focused on planning areas offshore California. In December 2020, a non-profit organization in Oregon, including representatives from coastal Tribes, submitted a study idea for BOEM funding consideration through the Environmental Studies Program to support the use of Tribal voices inform and illuminate decisions regarding offshore wind energy development and its potential impact on cultural resources. The Pacific Regional Office collaborated with the Tribal representatives on how to move the idea forward effectively and expediently. All parties agreed that combining the Oregon proposal with the existing “West Coast Tribal Cultural Landscapes” study on the BOEM National Studies List would be acceptable. The “West Coast Tribal Cultural Landscapes” study was awarded in August 2021 and kicked off in September. The study’s geographic focus is the offshore wind energy planning areas in northern and central California, and the wind energy study area offshore the Oregon coast. The Tribal cultural landscape assessments are intended to be led by Tribes, and the study includes funding support for participating Tribes.

Engagement with the West Coast Tribal Caucus

BOEM is an active member of the West Coast Ocean Alliance and regularly uses that forum to engage the West Coast Ocean Tribal Caucus. The Tribal Caucus comprises approximately 100 Tribal representatives throughout the West Coast region.

In December 2020, the Udall Foundation and West Coast Tribal Caucus convened a West Coast Federal-Tribal engagement webinar to describe and illuminate the principles of highlighted in the “Guidance and Responsibilities for Effective Tribal Consultation, Communication, and Engagement: A Guide for Agencies Working with West Coast Tribes on Ocean & Coastal Issues” (Guide). Representatives from the Quileute Tribe, Resighini Rancheria, Cher-Ae Heights Indian Community of the Trinidad Rancheria, Ohlone/Costanoan Esselen Nation, and Quinault Indian Nation served as Tribal trainers during the webinar. The Pacific Regional Office invited other Federal agencies to participate

in the webinar, and approximately 60 Federal agency representatives attended. The webinar is recorded and available at <https://westcoastcoastalliance.org/Tribal-engagement>.

By request from Tribal Caucus members, the Pacific Regional Office regularly participates in monthly caucus meetings to provide updates on BOEM's renewable energy, marine minerals, and oil and gas activities and presents any additional requested information. For example, in FY 2021, Tribal Caucus members requested a presentation on the Pacific Regional Office's Tribal cultural landscapes efforts. BOEM staff provided the requested presentation in March 2021 and have provided regular updates since the "West Coast Tribal Cultural Landscapes" study award in September 2021.

Alaska Region:

Sustaining meaningful relationships between BOEM (in coordination with sister agency BSEE in some projects) and the Tribes, ANCSA corporations, and their respective communities remained challenging during FY 21. The pandemic made it impossible to travel or visit in-person; conferences and events such as the Alaska Federation of Natives Convention turned to virtual methods.

Proposed Arctic Drilling Rule

During the early months of the new fiscal year, BOEM Alaska Regional Office remained in active contact via phone calls, routine emails, and teleconferencing with the Tribes of the Beaufort and Chukchi Seas. The proposed Arctic rule was still on the table for discussion, and possible government-to-government consultations offers were extended to the Tribes and ANCSA corporations.

While there was general interest in the rule by the Tribes, there was minimal interest in consultation for two prominent reasons – the growing pandemic and previous consultations on the proposed rule, which had been widely discussed publicly. Tribes and ANCSA corporations were familiar with the information, and Tribal members had provided significant inputs.

Cook Inlet Proposed Lease Sale 258

BOEM Alaska Regional Office actively reached out to primary Cook Inlet Tribes, ANCSA corporations, and local governments repeatedly via a mix of direct emails and phone calls in support of the Cook Inlet Proposed Lease Sale 258 during the 2021 fiscal year.

Government-to-government and government-to-ANCSA consultations are vital elements of the Alaska Regional Office's outreach efforts. As part of maintaining an active relationship between BOEM and the Tribes, each Tribe, ANCSA corporation, and community was contacted between seven and nine times during the past year with various notices and updates regarding the pending Cook Inlet Proposed Lease Sale 258. State, regional, and local governments were kept apprised.

Most of the Tribal outreach efforts focused on a blend of the Tribes, ANCSA corporations, regional and local governments, and non-governmental organizations (NGOs). [Hereafter, referred to as 'The Tribes et al.' for brevity purposes within this report]. The following is a chronological recap of events relating to the Cook Inlet Proposed Lease Sale 258 during the 2021 calendar year.

- **January 13 – 15: Comment period notification:** The Tribes et al. were notified via phone calls and emails that the 45-day public comment period for the Cook Inlet Proposed Lease Sale 258 draft environmental impact statement (EIS) was beginning. The January 15 publication of the notice of availability initiated the public comment period on the draft EIS, closing Monday, March 1, 2021. BOEM provided more information, supporting documents, and instructions for commenting via a virtual meeting room at www.boem.gov/CookInlet2021. Three live virtual meetings, accessible via the same URL, were going to occur on February 9, February 10, and February 11, 2021. The Tribes et al. included:

Tribes – Cook Inlet

- Chickaloon Traditional Village Council
- Eklutna Tribe
- Kenaitze Indian Tribe (IRA)
- Knik Tribal Council
- Native Village of Nanwalek
- Ninilchik Traditional Council
- Native Village of Port Graham
- Salamatof Tribal Council
- Seldovia Village Tribe
- Native Village of Tyonek (IRA)
- Cook Inlet Tribal Council

ANCSA Corporations + Entity

- Chickaloon-Moose Creek Native Assn, Inc
- Eklutna, Inc.
- English Bay Corporation
- Kenai Native Assn
- Ninilchik Natives Assn
- Port Graham Corporation
- Salamatof Native Assn Inc
- Seldovia Native Assn Inc
- Tyonek Native Corporation
- Cook Inlet Region, Inc.
- ANCSA Regional Association

State of Alaska, Regional, and Local Governments

- Office of the Governor
- SOA Oil & Gas Conservation Commission
- SOA Dept of Natural Resources
- Kenai Peninsula Borough
- Anchor Point (unincorporated)
- City of Homer
- City of Kenai
- Port Graham
- Nanwalek
- Seldovia
- City of Soldotna

Other Tribal Entities

- Inuit Circumpolar Council
- Tanana Chiefs Conference

Commissions, Councils, and agencies

- Alaska Oil and Gas Association (AOGA)
- Alaska Public Interest Research Group (AKPIRG)
- Resource Development Council for Alaska, Inc.
- US Coast Guard - D17 Waterways Mgt

- **February 4 and 5: Comment period cancellation:** Each Cook Inlet Tribe, ANCSA corporation, local government, and NGO were notified via phone and email that the 45-day public comment period was canceled for the Cook Inlet Proposed Lease Sale 258 draft EIS. [The list of the various Cook Inlet Tribes, organizations, and groups previously notified in January is the same list used for this outreach requirement.] The Tribes et al. included the same groupings as identified from January 2021.
- **March 10: Public comment to proposed geohazards survey in Cook Inlet:** BOEM invited the public to comment on issues to be examined in its environmental assessment relating to the proposed geohazards survey in Cook Inlet. [The list of the various Cook Inlet Tribes and organizations previously notified in January is the same list used for this outreach requirement.] The Tribes et al. included the same groupings as previously identified and used in January and February outreach activities.
- **September 17: BOEM outreach:** BOEM again reached out to Cook Inlet Tribes, ANCSA corporations, and communities to offer opportunities to consult or meet informally (as appropriate) with BOEM subject matter experts if they desired. The Tribes included:

Tribes – Cook Inlet

- | | |
|--|----------------------------------|
| • Chickaloon Traditional Village Council | • Ninilchik Traditional Council |
| • Eklutna Tribe | • Native Village of Port Graham |
| • Kenaitze Indian Tribe (IRA) | • Salamatof Tribal Council |
| • Knik Tribal Council | • Seldovia Village Tribe |
| • Native Village of Nanwalek | • Native Village of Tyonek (IRA) |
| | • Cook Inlet Tribal Council |

Only Seldovia Tribe decided to engage informally to clarify understanding and offer some insights and perspectives; they followed up with meaningful written inputs. In recent years, Seldovia Tribe, Nanwalek Tribe, Port Graham Tribe, and Ninilchik Tribe have been the Tribes who've actively engaged in consultations and meetings with BOEM.

BOEM offered consultation opportunities to each of the 10 aforementioned Cook Inlet regional ANCSA corporations and their associations multiple times during the process.

- **October 7: BOEM Director engaged in a virtual meeting with Cook Inletkeeper and Tribal Chiefs regarding the pending Cook Inlet draft EIS:** Director Amanda Lefton and representatives from BOEM's Alaska Regional Office met virtually with NGO Cook Inletkeeper and the Tribal Chiefs of Port Graham and Nanwalek to discuss their interest and issues with the Proposed Lease Sale 258.
- **October 22: Draft EIS for Proposed Cook Inlet Lease Sale 258:** BOEM published the Draft EIS for Proposed Cook Inlet Lease Sale 258 on October 22. The Alaska Regional Office notified the Tribes et al. - the same 58 total Tribes, ANCSA corporations, government agencies, and NGOs identified from January 2021.

- **October 30: Public comment period of Cook Inlet Proposed Lease Sale 258:** BOEM Alaska Regional Office received a query and comments from Cook Inletkeeper regarding Proposed Lease Sale 258, including a request to extend the public comment period in order to, among several reasons, consult with federally recognized Tribes of the Kodiak Region. The BOEM Alaska Regional Director responded on October 28, denying the extension request and highlighting BOEM's unique relationship and responsibilities with sovereign Tribes.
- **November 9 and 10: Cook Inlet oil and gas 2-Day information session:** The Environmental Protection Agency and BOEM co-hosted the event at the request of the Cook Inlet Tribes. BOEM provided recent and current Cook Inlet-related activities to provide practical information and examples of how the agency accomplishes its missions. Featured topics included Lease Sale 244, Proposed Lease Sale 258, and the use of Indigenous knowledge in BOEM and DOI decision-making processes.

Six Cook Inlet Tribes and two Tribal entities took part during the 2-day sessions:

- Chickaloon Native Village Tribe
- Eklutna Native Village Tribe
- Kenaitze Indian Tribe
- Native Village of Port Graham
- Seldovia Tribe
- Native Village of Tyonek Tribe
- Cook Inlet Tribal Council
- Chugach Regional Resources Commission

- **November 15: REMINDER NOTICE to Tribes *for* public hearings**

Email sent to 35 Tribes, Tribal organizations, ANCSA corporations, and other tribally-led organizations.

Tribes – Cook Inlet

- Chickaloon Traditional Village Council
- Eklutna Village Tribe
- Kenaitze Indian Tribe (IRA)
- Knik Tribal Council
- Native Village of Nanwalek
- Ninilchik Traditional Council
- Native Village of Port Graham
- Salamatof Tribal Council
- Seldovia Village Tribe
- Native Village of Tyonek (IRA)
- Cook Inlet Tribal Council

ANCSA Corporations + Entity

- Chickaloon-Moose Creek Native Assn, Inc
- Eklutna, Inc.
- English Bay Corporation
- Kenai Native Assn
- Ninilchik Natives Assn
- Port Graham Corporation
- Salamatof Native Assn Inc
- Seldovia Native Assn Inc
- Tyonek Native Corporation
- Cook Inlet Region, Inc.
- ANCSA Regional Association

Other Tribal Entities

- Inuit Circumpolar Council
- Tanana Chiefs Conference
- **November 16, 17, and 18: Virtual public hearings for proposed Cook Inlet Lease Sale 258 were successfully conducted.**
- **December 1: Government-to-government consultation with Kenaitze Tribal Council and BOEM:** The Kenaitze Tribal Council initiated consultation with BOEM to clarify the Tribe's understanding of the Cook Inlet Proposed LS 258 and advance the positive relationship with BOEM.
- **November 29 – December 3: Kodiak Island Tribal outreach:** BOEM reached out, via phone calls, to the 10 federally recognized Kodiak Island-based Tribes to offer consultations or meetings to provide further understanding for the Proposed Lease Sale 258. In brief, four Tribes expressed interest in being added to BOEM notifications regarding Cook Inlet waters (all eight Tribes will be included). They were reminded and offered opportunities for government-to-government consultation if they should choose about the proposed lease sale or any other topic they would like to discuss. In addition, there will be more active follow-up with the Tribes in the coming calendar year, such as inviting each Tribe to take part in a BOEM and Kodiak Island energy information sharing session (including both oil and gas and renewables). Tribes include (with notes):
 - Native Village of Afognak
 - Native Village of Akhiok
 - Native Village of Karluk
 - Kaguyak / Kodiak Island (abandoned)
 - *Kaguyak Village is a historic/prehistoric archaeological site.*
 - Sun'aq (Kodiak)
 - Native Village of Larsen Bay
 - Alutiiq Tribe of Old Harbor
 - *previously Native Village of Old Harbor / Village of Old Harbor*
 - Ouzinkie
 - Native Village of Port Lions
 - Tangirnaq Native Village (abandoned)
 - *(also known as Lesnoi Village, Woody Island - used for Summer Youth Camps, Fish Camps - No year-around residents)*

Approximately 5 years have passed since BOEM reached out to the Kodiak Island-based Tribes regarding activities associated with the BOEM National Five-Year Program 2017-2022. At that time, none of the Kodiak Tribes expressed any further interest in BOEM activities as the proposed (then future) Cook Inlet Lease Sale 258 was not until 2021-2022 timeframe, and the location was well north of Kodiak Island and would not have a direct effect upon the Tribes.

II. List of all the Tribes consulted.

Atlantic Region

- Absentee Shawnee Tribe
- Aquinnah Wampanoag Tribe
- Catawba Nation
- Cherokee Nation of Oklahoma
- Chickahominy
- Delaware Nation
- Delaware Tribe of Indians
- Eastern Band Cherokee Indians
- Eastern Chickahominy
- Eastern Shawnee Tribe of Oklahoma
- Mashantucket Pequot Tribe of Connecticut
- Mashpee Wampanoag Tribe
- Mohegan Tribe of Connecticut
- Monacan
- Nansemond
- Narragansett Indian Nation
- Pamunkey
- Rappahannock
- Seminole Tribe of Florida
- Shawnee Tribe
- Shinnecock Indian Nation of New York
- Stockbridge Munsee Tribe of Wisconsin
- United Keetoowah Tribe
- Upper Mattaponi

Gulf of Mexico

- Alabama-Coushatta Tribe of Texas
- Caddo Nation of Oklahoma
- Chitimacha Tribe of Louisiana
- Choctaw Nation of Oklahoma
- Coushatta Tribe of Louisiana
- Jena Band of Choctaw Indians
- 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
- Tunica-Biloxi Tribe of Louisiana
- Southern Ute Indian Tribe

Pacific Region

- Barbareño Band of Chumash Indians
- Barbareño Chumash Tribal Council
- Barbareño/Ventureño Band of Mission Indians
- Barona Band of Mission Indians
- Bear River Band of the Rohnerville Rancheria
- Big Lagoon Rancheria
- Big Valley Band of Pomo Indians
- Blue Lake Rancheria
- Burns Paiute Tribe
- Cachil Dehe Band of Wintun Indians of the Colusa Indian Community
- 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
- Coastal Band of the Chumash Nation
- 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 the Warm Springs Reservation of Oregon
- Coquille Indian Tribe
- Cow Creek Band of Umpqua Tribe of 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
- Hoh Indian Tribe
- Hoopa Valley Tribe
- Hopland Band of Pomo Indians
- Iipay Nation of Santa Ysabel
- Inaja-Cosmit Band of Indians
- Jamul Indian Village
- Karuk Tribe
- Kashia Band of Pomo Indians of the Stewarts Point Rancheria
- Klamath Tribes
- Kletsel Dehe Wintun Nation
- 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
- Makah Tribe
- Manchester Point Arena 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 of California
- Northern Chumash Tribal Council
- Pala Band of Mission Indians
- Pauma Band of Luiseño Indians
- Pechanga Band of Luiseño Indians
- Pinoleville Pomo Nation
- Pit River Tribe
- Potter Valley Tribe
- Quileute Tribe
- Quinault Indian Nation
- Ramona Band of Cahuilla
- Redwood Valley Band of Pomo Indians
- Resighini Rancheria
- Rincon Band of Luiseño Indians
- Robinson Rancheria of Pomo Indians
- Round Valley Indian Tribes
- Salinan Tribe of Monterey & San Luis Obispo Counties
- 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
- Xolon Salinan Tribe
- yak tit'u tit'u yak ti'hini - Northern Chumash Tribe of San Luis Obispo County and Region
- Yocha Dehe Wintun Nation
- Yurok Tribe

Alaska Region

Outreach to ensure awareness of the proposed Arctic rule:

Tribes and Tribal entities

- Native Village of Kaktovik (IRA)
- Native Village of Nuiqsut
- Native Village of Barrow (Utqiagvik)
- Native Village of Wainwright
- Point Lay Traditional Council
- Native Village of Point Hope
- Kotzebue IRA
- Inupiat Community of the Arctic Slope [ICAS] (Utqiagvik)
- Alaska Eskimo Whaling Commission [AEWC]
- Inuit Circumpolar Council
- Tanana Chiefs Conference (representing 40 Interior tribes)

ANCSA village and regional corporations

- KIC Corporation [Kaktovik]
- Kuukpik Corporation [Nuiqsut]
- Olgoonik Native Corporation [Wainwright]
- Cully Corporation [Point Lay]
- Tikigaq Native Corporation [Point Hope]
- ANCSA Regional Association
- Arctic Slope Regional Corporation
- NANA Regional Corporation
- Doyon Limited

Regional and local government outreach (included Mayors or City Managers)

- North Slope Borough
- Northwest Arctic Borough
- City of Kaktovik
- City of Nuiqsut
- City of Utqiagvik
- City of Wainwright
- Village of Point Lay
- City of Point Hope

Tribe consulted with (virtually):

- Kenaitze Tribe

Tribes and ANCSA corporations invited to consult:

Each of the following North Slope Tribes, Kodiak Tribes, and the Cook Inlet Tribes were offered individual opportunities for government-to-government consultation; most respectfully declined for a variety of reasons. They include:

- Native Village of Kaktovik (IRA)
- Native Village of Nuiqsut
- Native Village of Barrow (Utqiagvik)
- Native Village of Wainwright
- Point Lay Traditional Council
- Native Village of Point Hope
- Kotzebue IRA
- Inupiat Community of the Arctic Slope [ICAS] (Utqiagvik)
- Alaska Eskimo Whaling Commission [AEWC]
- Inuit Circumpolar Council
- Tanana Chiefs Conference (representing 40 Interior tribes)
- Native Village of Afognak
- Native Village of Akhiok
- Native Village of Karluk
- Sun'aq (Kodiak)
- Ouzinkie
- Native Village of Port Lions
- Chickaloon Traditional Village Council
- Eklutna Tribe
- Kenaitze Indian Tribe (IRA)
- Knik Tribal Council
- Native Village of Nanwalek
- Ninilchik Traditional Council
- Native Village of Port Graham
- Salamatof Tribal Council
- Seldovia Village Tribe
- Native Village of Tyonek (IRA)
- Cook Inlet Tribal Council

ANCSA Corporations + Entity

- Chickaloon-Moose Creek Native Assn, Inc
- Eklutna, Inc.
- English Bay Corporation
- Kenai Native Assn
- Ninilchik Natives Assn
- Port Graham Corporation
- Salamatof Native Assn Inc
- Seldovia Native Assn Inc
- Tyonek Native Corporation
- Cook Inlet Region, Inc.
- KIC Corporation [Kaktovik]
- Kuukpik Corporation [Nuiqsut]
- Olgoonik Native Corporation [Wainwright]
- Cully Corporation [Point Lay]
- Tikigaq Native Corporation [Point Hope]
- Arctic Slope Regional Corporation
- NANA Regional Corporation
- Doyon Limited
- ANCSA Regional Association

III. List the location of each consultation by city and State.

All FY2021 Tribal consultations were virtual.

IV. Summarize and list all the issues and recommendations.

Atlantic Region/Headquarters:

Bureau of Ocean Energy Management

Renewable Energy

Aquinnah Wampanoag Tribe has several concerns, including:

- A long-standing viewshed issue in which they argue that their religion, culture, and traditions will disappear with the turbine obstruction and flicker;
- The many cables from each project that will cross the channel, which they believe will likely impact prehistoric areas of interest;
- Industry failing to consult early and work with the Tribes to find cable routes that will do the least amount of irreparable harm to unknown cultural and natural resources; and
- The need for funding support and requesting the support.

Mashpee Wampanoag Tribe argues that industry works with municipalities for community service agreements and has largely ignored the Tribes, while the Tribes bear the brunt of green energy projects.

The Mashantucket Pequot Tribe argues that the area should be hallowed ground since several slave ships with Tribal folks aboard sunk in the area where several offshore wind energy projects are sited.

The Narragansett Tribe continues to argue that they are so intermarried and interconnected through time with neighboring Tribal peoples that offshore wind energy disproportionately affects them. In addition, they argue that they do not receive any financial support to comment and consult with BOEM adequately. The Narragansett express frustration with the lack of early and meaningful consultation and want Tribal crews to be hired throughout the process.

Gulf of Mexico Region:

During discussions on the proposed financial assurance rule for oil and gas assets, the Southern Ute Tribe and their representatives with RWO have expressed the following questions and concerns:

- How decommissioning obligations would be computed under the proposed rule; i.e., lease-by-lease, field-by-field, or cumulatively;
- How the proposed rule would alter existing practices for non-operating interest holders;
- The criteria for determining whether an asset-holder will qualify for self-insurance;
- Whether BOEM would prorate joint and several liability obligations based on ownership, particularly for small interest holders such as RWO;
- Refining and improving the process for establishing trust agreements among holders in different properties; and
- Concerns about limiting self-insurance requirements to bond market metrics.

During the informational meeting on Gulf of Mexico renewable energy planning, as well as during separate informal communications, several Tribal Historic Preservation Office staff asked for consultation in the event of any culturally significant discoveries during BOEM activities and further expressed potential interest in participating in the development of a programmatic agreement for section 106 of the NHPA undertakings related to BOEM's renewable energy activities.

Regarding all BOEM's Gulf of Mexico activities, several Tribes recommended that BOEM convene a Gulf of Mexico Tribal Ocean Summit or similar annual meeting to build upon the national BOEM Tribal Ocean Summit in March 2021 and to discuss region-specific activities.

Pacific Region:

Regarding the MHK research lease offshore Oregon, one Tribe requested to be informed of significant archaeological findings, including ancestral remains or funerary items, and requested the opportunity to comment on any proposed mitigation measures developed for other cultural resources in the project area. The Pacific Regional Office responded to the requests with information on the lease stipulation regarding unanticipated archaeological discoveries, BOEM protocols, and the appropriate FERC contact for relevant provisions in the FERC license for the MHK project.

Regarding potential offshore wind energy development, multiple Tribes expressed interest in:

- The low-carbon benefits of offshore wind in the face of climate change;
- Energy resilience benefits;
- Electrical transmission system upgrades and new transmission infrastructure associated with offshore wind development; and
- Potential job and socioeconomic benefits for Tribal members and communities.

Multiple Tribes expressed concerns about the possible effects of offshore wind development on:

- The marine environment and marine life;
- Submerged sites and artifacts;
- Cultural resources (inclusive of the inextricable connection between cultural and natural resources);
- Onshore resources (including effects from electrical cable installation and possible new transmission infrastructure); and
- Religious and ceremonial activities

Multiple Tribes had questions about:

- BOEM's offshore wind authorization process and timelines;
- When the onshore footprint of offshore wind installations are known;

- What types of site characterization surveys will be conducted and the effects of surveys on marine life;
- Whether Tribes will be given information on the discovery of historic properties and cultural sites;
- When questions and concerns about project impacts are addressed;
- Whether BOEM’s authorization process includes a stopgap if adverse effects are not able to be mitigated or are too high; and
- How BOEM will engage non-federally recognized Tribes.

Recommendations from Tribes to BOEM included:

- Provide educational opportunities on offshore wind energy technologies and potential environmental effects;
- Hold an informational workshop on the types of surveys involved in offshore wind energy development;
- Provide a glossary of relevant terms and acronyms;
- Center equity and Tribal knowledge;
- Recognize the spiritual importance of Morro Rock and its potential as a sacred site and traditional cultural property;
- Recognize and incorporate Tribes’ deep connections to and knowledge of the ocean and homelands;
- Continue outreach to Tribes even if BOEM is not receiving responses because Tribes are extremely busy and their capacity is overstretched;
- Early Tribal participation in the decision-making process to ensure meaningful engagement and impact;
- Early historic property identification efforts with Tribes;
- Establish working relationships between lessees and Tribes upfront; and
- Tribal participation in selecting BOEM consultants and contractors for cultural resource efforts.

Regarding all Pacific Region activities, multiple Tribes recommended that BOEM convene a Pacific Tribal Ocean Summit to build upon the national BOEM Tribal Ocean Summit in March 2021 and dive deeper into regional specifics.

Alaska Region

Most Tribes and villages are expressing strong interest in renewable energy opportunities, and several have already had modest success with the development of on or near-shore wind development. BOEM Alaska Region has a broad interest in developing and hosting venues for ‘exploring and learning’ more about renewables.

Other key areas of interest include, but are not limited to:

- Protection of marine life and their environments
- Fish migration (and lack of)

- Beach erosion
- Increasing shipping traffic in the Bering Sea and the Straits
- Arctic security issues
- Cultural heritage and cultural resources
- Continuing interest in BOEM studies
- Broadening the public awareness of findings from BOEM studies
- Outreach Support at Alaska Federation of Natives and other similar events
- Youth Outreach
 - Statewide selected support for youth science, technology, engineering, and math (STEM) programs and projects
 - Support for the Alaska Native Science & Engineering Program at all levels
 - Continuation of BOEM Summer Science Camp
 - Continued support for science fairs
 - BOEM Evening of Science (for families in Alaska villages)

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

Atlantic Region/Headquarters:

March 2021 Tribal Ocean Summit Meeting

A Tribal Ocean Summit was held virtually on March 2-4, 2021, and March 16-18, 2021. The National Center for Environmental Conflict Resolution, a program of the Udall Foundation, provided facilitation. The Tribal Ocean Summit was organized with substantive input led by Tribal representatives as part of a steering committee. There were 187 registered participants that included Tribal representatives and BOEM and DOI staff. This included at least 70 distinct Tribal representatives from at least 53 different Tribal nations across the coasts. There were 33 BOEM staff and 7 DOI staff in attendance.

Secretary of the Interior Deb Haaland, of the Laguna Pueblo Tribe, joined the Tribal Ocean Summit on her first day as Secretary and gave remarks. She spoke about President Biden's commitment to fulfill the Federal trust and treaty responsibilities and to conduct regular, robust, and meaningful Tribal government-to-government consultation. She emphasized her intention to strengthen engagement and relationships with Tribes.

The Tribal Ocean Summit enabled a mutual exchange of information and learning to improve working relationships and meaningful consultation practices going forward. This included Tribes and BOEM working to build shared understanding and more meaningful relationships. Participants engaged in open dialogue and shared ideas to improve future consultations. Tribes had the opportunity to share experiences from their different regions and connect with each other. BOEM heard and learned more about Tribal concerns. BOEM shared information as requested by Tribes. Tribal representatives had the opportunity to speak directly with BOEM staff.

The Tribal Ocean Summit participants discussed ideas to improve consultation and relationship building.

Early Engagement and Consultation:

- Reach out earlier and often; Tribes are often consulted towards the end of scoping a project, which can limit the opportunity for input as the project progresses further.
- Engage with Tribes before work that could impact culturally significant areas (including preliminary studies) begins. Tribes need to be consulted in advance as these impacts can be irreversible.
- Build relationships with Tribes before consultation and support ongoing communication through those relationships.
- Understanding deadlines can be challenging. Find ways to work with and respect Tribal Elders' decision processes because decisions take as much time as Tribal leaders need despite Federal deadlines.
- Consistency in the timing of consultations across agencies is a challenge.

Relationships:

- Build and nurture ongoing relationships with Tribes before consultation on specific projects. It is recommended BOEM hold yearly or quarterly meetings with Tribes, and BOEM should convene regional meetings to engage Tribes in an ongoing dialogue. BOEM should work to understand the interests, policies, and processes of each Tribe by spending time in face-to-face conversations with Tribes.
- If Elders are going to be there, plan for potential whole-day meetings and anticipate their time needs.
- Understand that knowledge, as one Tribal representative shared, is “not just the words but seeing this person pass on the information,” and this is foundational to respect.
- Consider that nationwide agreements may not adequately facilitate meaningful relationships and can be limiting.
- Support opportunities for Tribes to build coalitions and work together to share best practices and help improve consultation.

Communication and accountability:

- Two-way communication is essential for meaningful consultation. At the least, a response to a letter from the agency to acknowledge Tribal input, and ideally communication together to understand what is being taken into decision-making, what is changing as a result or not, and why.
- The *Federal Register* is a challenge, and not everyone will have the opportunity to keep up with everything posted on the *Federal Register*. Be clear and directly reach out to Tribes with what is relevant to them and highlight this information.

- Accountability is essential, and Tribes want to hear back from the agency and understand decisions and how Tribal input was considered.
- Consistency is needed in the consultation process, including a shared understanding of language and definitions.
- Clear information about processes, timelines, and expectations should be made available:
- Develop regional documents on Tribal consultation (e.g., “A Citizen’s Guide BOEM’s Renewable Energy Authorization Process,” available at <https://www.boem.gov/sites/default/files/renewable-energy-program/KW-CG-Broch.pdf>.)

Funding:

BOEM could explore opportunities, including through the leasing and permitting processes, to support Tribal consultations. For example, BOEM could:

- Encourage offshore wind developers to invest in Tribal technical expertise, reviews, and input during the auction and project review processes.
- Contract for expert support to enhance Tribal capacity when reviewing documents related to BOEM-authorized activities
- Advocate for and support Federal grant and funding opportunities outside of BOEM, for example, increases to the Tribal Historic Preservation Office (THPO) grant program.
- Consider and explore Land and Water Conservation Fund options.

BOEM process/structure:

- Encourage coordination among and with developers to decrease the consultation workload, communicate Tribal feedback and concerns more efficiently, and develop responses and measures to address them.
- Explore training options to develop best practices for Tribal outreach, meetings, and consultations consistently across BOEM regions and programs.
- Encourage offshore wind developers to consult with Tribes early and often throughout the project development process to ensure that all aspects of the project, including names, recognize and respect the history and ongoing impacts of colonization of Indigenous peoples (e.g., Mayflower Wind).
- Given that Tribes frequently share similar concerns with multiple agencies, seek ways to improve interagency communication and coordination to reduce the burden on Tribes. This can help reduce Tribes' frustrations related to repeating the same messages to multiple agencies.
- Provide clarity on the BOEM process for considering future development and how Tribes can be engaged and consulted.

Gulf of Mexico Region:

Regional successes were achieved by advancing relationships with several Tribes through the informal outreach and engagement activities described above, primarily the March 2021 Tribal Ocean Summit and the June 2021 informational meeting on Gulf of Mexico OCS renewable energy planning. These meetings represented the first participation by several Tribes in official BOEM-hosted events and provided a foundation for improved formal government-to-government consultations in the future. The acceptance of two Tribes to membership on the Gulf of Mexico Intergovernmental Renewable Energy Task Force further signals increased Tribal awareness and engagement on BOEM's Gulf of Mexico activities. Formal government-to-government consultations are currently in development for FY 2022 and will include at least two tribes that have not previously accepted invitations to consult on BOEM activities.

Recommendations for the Gulf of Mexico Regional Office include improving relationship building through more frequent informal outreach and engagement with Tribal staff and leadership. This may include developing a regional Tribal Ocean Summit or similar periodic meetings to share and discuss information on BOEM activities across all program areas, in addition to formal project-specific consultations. Training is also recommended for BOEM subject matter experts and managers who are not directly involved in BOEM's Tribal Working Group but may participate in agency consultations. With the expectation of increased regional consultations in FY 2022 and beyond, these BOEM staff would benefit from an enhanced awareness of consultation best practices to facilitate effective communication and improved outcomes in formal meetings.

Alaska Region

Tribal Ocean Summit Meeting: March 2-4 and March 16-18, 2021

- Udall Foundation and National Center for Environmental Conflict Resolution facilitated an interesting program that was valuable for a 'first step' with improving communications and understanding between and among Tribes and various Federal agencies, BOEM in this case.
- By extension, the Tribal Ocean Summit could become a practical venue for each region, bringing the region's Tribes with BOEM (and BSEE) together.

Improving Communications

- Develop additional 'virtual' outreach communications models that will provide alternatives to the challenges of times, distances, and weather in the Arctic.

Training

- Organize echeloned training using existing individuals, programs, and systems to create a practical order for BOEM Tribal relations training for our employees and others supported across the Bureau that includes such elements as the Diversity Change Agent training, and other specialized communications training methods.