



2020 Tribal Consultation Report

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2020 Department of Interior Tribal Consultation Annual Report

The annual report is a summary of BOEM consultations during the 2020 fiscal year.

Due to the pandemic, 2020 was a challenging year for maintaining connections with tribal officials and federal partners. BOEM attempted to respect tribal representatives by scheduling meetings that were convenient for teleworking and teleschooling families.

I. Summarize and list all consultation topics.

BOEM reaches out to federally-recognized tribal nations (“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 these Tribes and others through a variety of 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 meetings are most appropriate. Consultation could alternatively occur by sending letters to Tribes by certified mail, followed up with phone calls, virtual meetings, and emails. BOEM tribal liaisons also answer questions and requests for information as requested on a case by case basis.

Atlantic Region:

BOEM conducted outreach to Tribes along the Atlantic Coast to consult on proposed renewable energy projects.

Atlantic Renewable Energy Programs

Between January 15 and 17, 2020, BOEM met with the Mohegan Tribe of Connecticut, the Mashantucket Pequot Tribal Nation, and the Narragansett Indian Tribe to discuss multiple BOEM offshore renewable energy activities with a focus on the Vineyard Wind 1 offshore wind development project.

On April 24, 2020, BOEM sent a notification letter via email to the Delaware Tribe of Indians, Mashantucket Pequot Tribal Nation, Mashpee Wampanoag, Mohegan Tribe of Connecticut, Narragansett Indian Tribe, Shinnecock Indian Nation, and Wampanoag of Gay Head (Aquinnah) that the Vineyard Wind 1 Project National Historic Preservation Act (“NHPA”) Section 106 consultation process would resume in June 2020. In the letter, BOEM requested information regarding each Tribe’s limitations and challenges as a result of the pandemic that could affect their ability to participate in the NHPA Section 106 consultations; any changes to their preferred means of communication; and how they preferred to receive documents. On May 11, 2020, BOEM made follow-up phone calls to the Tribes that had not provided responses to the email.

On June 29, 2020, BOEM sent letters to previously identified consulting parties to initiate NHPA Section 106 consultations for the South Fork Wind Farm project. Tribes contacted included the

Delaware Tribe of Indians, Mashantucket Pequot Tribal Nation, Mashpee Wampanoag, Mohegan Tribe of Connecticut, Narragansett Indian Tribe, Shinnecock Indian Nation, and Wampanoag of Gay Head (Aquinnah).

On July 8, 2020, BOEM held a NHPA Section 106 consultation webinar for the Vineyard Wind 1 Project. Prior to the meeting, BOEM invited the Delaware Tribe of Indians, Mashantucket Pequot Tribal Nation, Mashpee Wampanoag, Mohegan Tribe of Connecticut, Narragansett Indian Tribe, Shinnecock Indian Nation, and Wampanoag of Gay Head (Aquinnah) to attend the webinar. The webinar was attended by the Delaware Tribe of Indians, Mashantucket Pequot Tribal Nation, Mashpee Wampanoag, and Wampanoag of Gay Head (Aquinnah) as well as the other Vineyard Wind 1 NHPA Section 106 review consulting parties. Topics discussed at the meeting included:

- Changes to the Vineyard Wind 1 project design envelope;
- A review of the Historic Properties Visual Impact Assessment and the Historic Properties Cumulative Visual Effects Assessment reports;
- The status of the paleolandscape mitigation proposal;
- A review of the Best Practices for Drafting Mitigation Proposals to Resolve Adverse Visual Effects as part of the NHPA Section 106 Review Process document created by BOEM.

On July 20, 2020, BOEM held a facilitated question-and-answer session webinar with the Vineyard Wind 1 NHPA Section 106 consulting parties to address several issues and concerns raised during the July 8, 2020, consultation meeting and answer additional questions. This session was led and attended by subject matter experts from BOEM, ERM, Vineyard Wind, Saratoga Associates, and Epsilon Associates, Inc.

On July 21, 2020, BOEM held separate meetings with the Mashantucket Pequot Tribal Nation, the Wampanoag Tribe of Gay Head (Aquinnah), and Mashpee Wampanoag Tribe. Meeting topics were tailored to the concerns of individual Tribes. The Mashantucket Pequot Tribal Nation wanted to discuss remaining concerns and questions from the July 8, 2020, meeting. Specifically, the Mashantucket Pequot Tribal Nation wanted more information on BOEM's references to tribal histories, tribal habitation on Nantucket Sound and the Coastal Plains, marine cultural surveys, and mitigation plans.

BOEM met with and the Wampanoag Tribe of Gay Head (Aquinnah) on July 21, 2020. Topics discussed included the Vineyard Wind 1 Project, the Revolution Wind Project, and electrical transmission. BOEM presented an overview of both projects and the electrical transmission matters. The meeting with the Mashpee Wampanoag Tribe focused on electrical transmission.

On July 27, 2020, BOEM held a government-to-government meeting with the Mashantucket Pequot Tribe, Mashpee Wampanoag Tribe, and the Wampanoag Tribe of Gay Head (Aquinnah). The purpose of this meeting was to discuss each Tribe's concerns about the Vineyard Wind 1

project. BOEM followed up with the Advisory Council on Historic Preservation regarding the process of conducting an NHPA Section 304 review to share submerged landform information with NHPA Section 106 consulting parties; the results were shared on September 24, 2020 with the Wampanoag Tribe of Gay Head (Aquinnah). BOEM also shared with the Tribes the electrocution studies and all other documents requested by the Tribes following the July 27, 2020 meeting.

On August 18, 2020, BOEM held a facilitated discussion with federally and state-recognized tribes, and the Massachusetts Historical Commission to discuss BOEM's proposal to mitigate the adverse effects on 16 ancient landforms affected by the Vineyard Wind 1 project. The meeting was attended by the Delaware Tribe of Indians, Mashantucket Pequot Tribal Nation, and the Mashpee Wampanoag Tribe. During the meeting, BOEM introduced three additional potential mitigation measures designed to resolve adverse effects from the Vineyard Wind 1 project on submerged paleolandforms. Tribal Representatives offered comments about the proposed mitigation measures and requested that additional archaeological investigations be conducted.

On August 20, 2020, a follow-up meeting to the July 27, 2020 meeting, BOEM consulted with the Delaware Tribe of Indians, Mashantucket Pequot Tribe, Mashpee Wampanoag Tribe, and the Wampanoag Tribe of Gay Head (Aquinnah) to discuss the impacts of offshore wind developments on marine mammals. This included an overview of the consultation process and environmental review, the BOEM Environmental Studies Program and process, existing and upcoming studies related to the North Atlantic right whale, and the marine mammal analysis and findings noted in the Vineyard Wind 1 Supplemental to the Draft Environmental Impact Statement.

On September 29, 2020, BOEM held an initial NHPA Section 106 consultation meeting for the South Fork Wind Farm project. The consulting parties at the meeting included the Mashpee Wampanoag, Narragansett Indian Tribe, Shinnecock Indian Nation, and Wampanoag of Gay Head (Aquinnah). During the meeting BOEM provided an introduction to the South Fork Wind Farm project; reviewed efforts to identify historic properties in the preliminary Area of Potential Effect ("APE"); sought input from the consulting parties on the overall project; discussed BOEM's approach for determining the project APE; and asked consulting parties for comments on the preliminary APE and the results of investigations to identify historic properties.

Alaska Region:

Maintaining and growing meaningful relationships between DOI's Bureau of Safety and Environmental Enforcement ("BSEE"), BOEM and the Tribes, ANCSA corporations and their respective communities, took on entirely new significance during FY20. In significant part, opportunities for consultations were impaired by the pandemic. Nevertheless, BSEE and BOEM stayed in contact, via phone calls, routine emails, and teleconferencing with the Tribes of the Beaufort and Chukchi Seas. Each tribe determines the best technology to use prior to meetings.

In several cases, consultation on particular projects was requested but the Department of the Interior either cancelled or postponed the projects.

Proposed Arctic Rule Outreach

Consultation opportunities were offered to the Tribes and ANCSA corporations related to the Proposed Arctic Rule. While there was general interest with the Rule, there was very limited interest in consultation due in some degree to the thorough documents provided for review.

Active outreach efforts were conducted by BSEE and BOEM Tribal & Community Liaisons. BSEE and BOEM reached out to 11 tribes and tribal entities, nine ANCSA corporations and their associations, six state and federal offices, eight regional and local community governments, two industry and government organizations, and 19 Non-Government Organizations (“NGOs”) to ensure awareness of the Proposed Arctic Rule. Between November 2020 and January 2021, the Bureaus continued routine contact to confirm receipt of the Proposed Arctic Rule, to determine interest, and to offer the opportunity for consultation.

Tribes, and tribal entities, included:

1. Native Village of Kaktovik (IRA)
2. Native Village of Nuiqsut
3. Native Village of Barrow (Utqiagvik)
4. Native Village of Wainwright
5. Point Lay Traditional Council
6. Native Village of Point Hope
7. Kotzebue IRA
8. Inupiat Community of the Arctic Slope [ICAS] (Utqiagvik)
9. Alaska Eskimo Whaling Commission [AEWC]
10. Inuit Circumpolar Council
11. Tanana Chiefs Conference (representing 40 Interior tribes)

ANCSA village and regional corporations, included:

1. KIC Corporation [Kaktovik]
2. Kuukpik Corporation [Nuiqsut]
3. Olgoonik Native Corporation [Wainwright]
4. Cully Corporation [Point Lay]
5. Tikigaq Native Corporation [Point Hope]
6. ANCSA Regional Association
7. Arctic Slope Regional Corporation
8. NANA Regional Corporation
9. Doyon Limited

State and Federal outreach included:

1. Office of the Governor
2. State of Alaska Oil & Gas Conservation Commission
3. Alaska Department of Natural Resources
4. Three Alaska members of Congress (via BOEM Hq)

Regional and local government outreach included Mayors or City Managers of:

1. North Slope Borough
2. Northwest Arctic Borough
3. City of Kaktovik
4. City of Nuiqsut
5. City of Utqiagvik
6. City of Wainwright
7. Village of Point Lay
8. City of Point Hope

In addition, BOEM and BSEE conducted outreach to 21 industry organizations and NGOs, including:

1. Alaska Oil and Gas Association
2. Resource Development Council for Alaska, Inc.
3. Alaska Center for Environment
4. Alaska Conservation Foundation
5. Alaska Public Interest Research Group
6. Alaska Wilderness League
7. Audubon Alaska Society
8. Center for Biological Diversity
9. Cook Inlet Keeper
10. Defenders of Wildlife Alaska
11. Earthjustice
12. Nature Conservancy
13. Northern Alaska Environmental Center
14. Ocean Conservancy – Alaska Office
15. Oceana – Juneau
16. Pacific Environment
17. Pew Charitable Trusts
18. Sierra Club – Alaska
19. Trustees for Alaska
20. Wilderness Society
21. World Wildlife Federation-US Arctic Program

Public Affairs Support

Outreach support included a press release distributed to the media, and with print and broadcast outlets serving Anchorage, Utqiagvik, and Kotzebue. Print ads were also placed.

Tribal and Community Outreach – FY-20 Conventions & Conferences

Being available to informally socialize the Proposed Arctic Rule has been important. For perspective, in recent years, there have been eight-to-12 conferences and workshops that both BSEE and BOEM participate in that provide practical opportunities for active interface with the Tribes. They are critical to continuity with communication and understanding. The FY20 program included:

- October 17-19, 2019 – Alaska Federation of Natives (“AFN”) Convention | 4,000 attendees. BSEE and BOEM took part in the annual AFN Convention, in Fairbanks, providing a booth and representatives to meet with attendees and leaders from across Alaska and the nation.
- December 3-5, 2019 – Bureau of Indian Affairs Providers Conference | 2,500 attendees. BSEE and BOEM provided a booth and representatives to meet with tribal representatives.

Gulf of Mexico Region:

Consultation opportunities in the GOMR were limited in 2020, due primarily to the absence of new regional oil and gas activities with the potential for tribal implications, and also due to the year-long challenges of the pandemic. GOMR tribal liaison staff and the Regional Director were scheduled to host a break-out session with interested tribal representatives at the annual To Bridge a Gap conference in Tulsa, Oklahoma, in March 2020, but that event was cancelled due to the pandemic.

Proposed Risk Management, Financial Assurance and Loss Prevention Outreach.

On October 8, 2020, BOEM contacted the Southern Ute Indian Tribe and their representatives from the Tribe-owned energy company Red Willow Offshore, LLC (“RWO”), to resume consultations on the proposed rulemaking for Risk Management, Financial Assurance and Loss Prevention. This was a continuation of a consultation held in September 2018 to discuss how the revised rule may impact the Tribe due to their Gulf of Mexico oil and gas assets owned 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 consultation prior to the conclusion of the public comment period and preparation of the Final Rule for 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, and that BOEM will continue to consult with the Tribe on implementation of the Rule. On January 13, 2021, the Final Rule was withdrawn. Subsequent consultation meetings with the Tribe and RWO, regarding further development of the Financial Assurance Rule as well as other topics of potential interest, are tentatively scheduled to resume in Spring 2021.

Pacific Region:

In FY 2020, BOEM engaged with Tribes on renewable energy, oil and gas, and marine minerals programs as well as associated environmental studies in the Pacific Region. No government-to-government consultations and no NHPA Section 106 consultations were held in the Pacific Region in 2020. However, the Pacific Regional Office engaged with Tribes in a variety of non-consultation meetings and communications. Most meetings with Tribes were held virtually due to the pandemic.

Pacific Renewable Energy Program in California

Since 2017, the Pacific Regional Office has partnered with the California Energy Commission (CEC) on non-consultation Tribal engagement for offshore wind energy planning in California. While non-federally-recognized Tribes are not able to participate formally on the [BOEM California Intergovernmental Renewable Energy Task Force](#), the State has an obligation to consult with all California Tribes regardless of federal recognition. Therefore, the CEC takes the lead on initial outreach and input solicitation from federally-recognized and non-recognized Tribes in California, with BOEM as an invited participant. BOEM engages with federally-recognized Tribes outside of its partnership with CEC in consultation and NHPA Section 106 consultation in accordance with the government-to-government relationship.

On December 31, 2019, BOEM executed a [Programmatic Agreement](#) to govern the NHPA Section 106 review process for wind energy activities on the OCS offshore California. On January 2, 2020, the Pacific Regional Historic Preservation Officer provided copies of the executed Programmatic Agreement to the eight Tribes that participated in a May 14, 2019 consultation webinar and invited each Tribe to sign on as a concurring party. On January 22, 2020, the Santa Ynez Band of Chumash Indians signed on as a concurring party.

Tribes invited to be Section 106 Programmatic Agreement concurring parties:

1. Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
2. Blue Lake Rancheria
3. Elk Valley Rancheria
4. Federated Tribes of Graton Rancheria
5. Pechanga Band of Luiseño Indians
6. Santa Ynez Band of Chumash Indians
7. Viejas Band of Kumeyaay Indians
8. Yurok Tribe

On February 4, 2020, the Pacific Regional Tribal Liaison met with representatives of the Wiyot Tribe for an informational meeting at the Tribe's offices in Loleta, CA. BOEM shared

information about offshore wind energy planning activities in California. Wiyot representatives shared information about Wiyot lands, the Tribe's experience with an onshore wind energy development proposal, and issues of importance to the Wiyot Tribe. Wiyot representatives agreed to join the BOEM California Intergovernmental Renewable Energy Task Force.

On February 5, 2020, the CEC organized an informational offshore wind meeting for Tribes with interests in potential offshore wind leasing in the [Humboldt Call Area](#) (identified by BOEM in October 2018). The meeting was hosted by the Bear River Band of the Rohnerville Rancheria at the Tish Non Community Center in Loleta, California. Representatives from eight Tribes participated in the meeting. By invitation, BOEM presented an overview of offshore wind planning efforts in the Humboldt Call Area, the BOEM offshore wind authorization process, NHPA Section 106 Programmatic Agreement for California offshore wind activities, and previous and planned Tribal engagement and consultation. BOEM also provided [visual simulations](#) of a hypothetical offshore wind farm in the Humboldt Call Area for feedback.

February 5, 2020 participating Tribes:

1. Bear River Band of the Rohnerville Rancheria (host)
2. Blue Lake Rancheria
3. Cher-Ae Heights Indian Community of the Trinidad Rancheria
4. Elk Valley Rancheria
5. Sherwood Valley Band of Pomo Indians
6. Tolowa Dee-ni' Nation
7. Wiyot Tribe
8. Yurok Tribe

BOEM engaged Tribes for a [BOEM California Intergovernmental Renewable Energy Task Force virtual meeting](#) on March 9, 2020. At the time of the meeting, 14 Tribes were on the BOEM Task Force roster, and those Task Force Tribal members received the meeting invitation and materials directly from the BOEM Task Force coordinator. The Pacific Regional Office's practice is for the Regional Tribal Liaison to share information with and invite Task Force meeting participation by all Tribes with known or potential interest in Task Force activities, regardless of Task Force membership. Thus, BOEM invited meeting participation by and sent advanced and post-meeting materials to a total of 64 federally-recognized Tribes and 29 non-federally-recognized Tribes. This outreach resulted in one additional Tribe added to the Task Force Roster. Representatives from nine Tribes attended the meeting. The meeting topics were primarily updates on offshore wind planning progress since the previous meeting on September 17, 2018 and discussion of additional considerations for offshore wind in the central coast of California. These areas were identified by a multi-agency Offshore Working Group led by U.S. Representative Salud Carbajal's office. From February 7, 2020 until September 30, 2020, the [CEC solicited public and Tribal comments on the areas under consideration](#).

Federally-recognized Tribes with known or potential interest in California Task Force activities:

1. Barona Band of Mission Indians
2. Bear River Band of the Rohnerville Rancheria
3. Big Lagoon Rancheria
4. Big Valley Band of Pomo Indians

5. Blue Lake Rancheria
6. Cahuilla Band of Indians
7. Campo Kumeyaay Nation
8. Cher-Ae Heights Indian Community of the Trinidad Rancheria
9. Cloverdale Rancheria of Pomo Indians
10. Colusa Indian Community (Cachil Dehe Band of Wintun Indians)
11. Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
12. Coquille Indian Tribe
13. Cortina Rancheria Kletsel Dehe Band of Wintun Indians
14. Coyote Valley Band of Pomo Indians
15. Dry Creek Rancheria Band of Pomo Indians
16. Elem Indian Colony of Pomo Indians
17. Elk Valley Rancheria
18. Ewiiapaayp Band of Kumeyaay Indians
19. Federated Indians of Graton Rancheria
20. Grindstone Indian Rancheria of Wintun-Wailaki Indians
21. Guidiville Band of Pomo Indians
22. Habematolel Pomo of Upper Lake
23. Hoopa Valley Tribe
24. Hopland Band of Pomo Indians
25. Iipay Nation of Santa Ysabel
26. Inaja-Cosmit Band of Indians
27. Jamul Indian Village
28. Karuk Tribe
29. Kashia Band of Pomo Indians of the Stewarts Point Rancheria
30. Koi Nation of Northern California
31. La Jolla Band of Luiseño Indians
32. La Posta Band of Diegueño Mission Indians
33. Los Coyotes Band of Cahuilla & Cupeño Indians
34. Lytton Rancheria
35. Manchester Band of Pomo Indians
36. Manzanita Band of the Kumeyaay Nation
37. Middletown Rancheria of Pomo Indians
38. Morongo Band of Mission Indians
39. Pala Band of Mission Indians
40. Pauma Band of Luiseño Indians
41. Pechanga Band of Luiseño Indians
42. Pinoleville Pomo Nation
43. Pit River Tribe
44. Potter Valley Tribe
45. Ramona Band of Cahuilla
46. Redwood Valley Little River Band of Pomo Indians
47. Resighini Rancheria
48. Rincon Band of Luiseño Indians
49. Robinson Rancheria of Pomo Indians
50. Round Valley Indian Tribes

51. San Pasqual Band of Mission Indians
52. Santa Rosa Band of Cahuilla Indians
53. Santa Ynez Band of Chumash Indians
54. Scotts Valley Band of Pomo Indians
55. Sherwood Valley Band of Pomo Indians
56. Soboba Band of Luiseño Indians
57. Sycuan Band of the Kumeyaay Nation
58. Tolowa Dee-ni' Nation
59. United Auburn Indian Community of the Auburn Rancheria
60. Viejas Band of Kumeyaay Indians
61. Wilton Rancheria
62. Wiyot Tribe
63. Yocha Dehe Wintun Nation
64. Yurok Tribe

Non-federally-recognized Tribes with known or potential interest in California Task Force activities:

1. Amah Mutsun Tribal Band
2. Amah Mutsun Tribal Band of Mission San Juan Bautista
3. Barbareño Band of Chumash Indians
4. Barbareño/Ventureño Band of Mission Indians
5. Coastal Band of the Chumash Nation
6. Costanoan Ohlone Rumsen-Mutsun Tribe
7. Costanoan Rumsen Carmel Tribe
8. Esselen Tribe of Monterey County
9. Fernandeno Tataviam Band of Mission Indians
10. Gabrieleño Band of Mission Indians (Kizh Nation)
11. Gabrieleno/Tongva San Gabriel Band of Mission Indians
12. Gabrielino Tongva Indians of California
13. Gabrielino-Tongva Tribe
14. Gabrielino/Tongva Nation
15. Indian Canyon Mutsun Band of Costanoan
16. Juaneño Band of Mission Indians
17. Juaneño Band of Mission Indians, Acjachemen Nation
18. Kern Valley Indian Council
19. Kitanemuk & Yowlumne Tejon Indians
20. Mishewal-Wappo Tribe of Alexander Valley
21. Muwekma Ohlone Indian Tribe of the San Francisco Bay Area
22. Northern Chumash Tribal Council
23. Ohlone Indian Tribe
24. Ohlone/Costanoan Esselen Nation
25. Salinan Tribe of Monterey & San Luis Obispo Counties
26. San Fernando Band of Mission Indians
27. San Luis Rey Band of Mission Indians
28. Xolon Salinan Tribe

29. yak titʷu titʷu yak tilhini - Northern Chumash Tribe of San Luis Obispo County and Region

On June 15, 2020, the CEC organized an offshore wind informational virtual meeting for Chumash Tribes with interests in potential offshore wind leasing in the [Morro Bay Call Area and Diablo Canyon Call Area](#), identified by BOEM in October 2018. The meeting was originally scheduled to be held on March 18, 2020 and hosted by the Santa Ynez Band of Chumash Indians in Solvang, California but was postponed due to the pandemic and rescheduled as a virtual meeting. Representatives from one federally-recognized Tribe and five non-federally-recognized Tribes participated in the meeting. The primary meeting topic was discussion about areas under consideration near and inshore from the Morro Bay Call Area. By invitation, BOEM presented an overview of offshore wind planning efforts on the central coast, the BOEM offshore wind authorization process, NHPA Section 106 Programmatic Agreement for California offshore wind activities, and previous and planned Tribal engagement and consultation.

June 15, 2020 participating federally-recognized Tribes:

1. Santa Ynez Band of Chumash Indians

June 15, 2020 participating non-federally-recognized Tribes:

1. Barbareño Band of Chumash Indians
2. Barbareño/Ventureño Band of Mission Indians
3. Coastal Band of the Chumash Nation
4. Northern Chumash Tribal Council
5. yak titʷu titʷu yak tilhini - Northern Chumash Tribe of San Luis Obispo County and Region

On August 4, 2020, BOEM was invited to participate in a meeting of the Santa Ynez Band of Chumash Indians Elders' Council. By request, BOEM shared offshore wind updates and information regarding the invitation to participate in the Steering Committee for the BOEM Tribal Ocean Summit. Elders' Council representatives asked about the possibility of additional Call Areas, coordination with the Department of Defense, protection of artifacts and cultural resources that are diminishing with time, and NHPA Section 106 contractors. Elders' Council representatives shared the cultural importance of areas in and near the central coast Call Areas.

Pacific Renewable Energy Program in Oregon

BOEM engaged Tribes for a [BOEM Oregon Intergovernmental Renewable Energy Task Force virtual meeting](#) on June 4, 2020. The meeting was originally scheduled to be held in-person in Florence, Oregon on April 2, 2020, but was postponed due to the pandemic and rescheduled as a virtual meeting. At the time of the meeting, four Tribes were on the BOEM Task Force roster, and those Task Force Tribal members received the meeting invitation and materials directly from the BOEM Task Force coordinator. In accordance with the Pacific Regional Office's practice regarding Task Force meetings, the Regional Tribal Liaison invited Task Force meeting participation and sent advanced and post-meeting materials individually to a total of eight Tribes with known or potential interest in Task Force activities (listed below). Representatives from five Tribes attended the meeting. The meeting topics were updates relevant to offshore wind planning since the previous meeting was a discussion of a draft data gathering and engagement plan to

inform offshore wind planning on September 27, 2019. Representatives of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians and the Coquille Indian Tribe shared offshore wind updates during the meeting.

Federally-recognized Tribes with known or potential interest in Oregon Task Force activities:

1. Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
2. Confederated Tribes of Grand Ronde
3. Confederated Tribes of Siletz Indians
4. Confederated Tribes of the Umatilla Indian Reservation
5. Coquille Indian Tribe
6. Cow Creek Band of Umpqua Tribe of Indians
7. Elk Valley Rancheria
8. Tolowa Dee-ni' Nation

The draft [*Data Gathering and Engagement Plan for Offshore Wind Energy in Oregon*](#), which was released in March 2020 and finalized in October 2020, includes 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.” The Plan includes a broad and inclusive approach for outreach to the Tribes and Tribal organizations listed below, and subsequent engagement according to each Tribe’s and organization’s interests.

Federally-recognized Tribes listed in Plan:

1. Burns Paiute Tribe
2. Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
3. Confederated Tribes of Grand Ronde
4. Confederated Tribes of Siletz Indians
5. Confederated Tribes of the Umatilla Indian Reservation
6. Confederate Tribes of the Warm Springs Reservation of Oregon
7. Coquille Indian Tribe
8. Cow Creek Band of Umpqua Tribe of Indians
9. Elk Valley Rancheria
10. Klamath Tribes
11. Makah Tribe
12. Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation
13. Tolowa Dee-ni' Nation

Tribal organizations listed in Plan:

1. Affiliated Tribes of Northwest Indians
2. Columbia River Inter-Tribal Fish Commission
3. Pacific Northwest Tribal Climate Change Network
4. West Coast Tribal Caucus

Pacific Renewable Energy Program

BOEM endeavors to communicate regularly with Tribes on renewable energy program activities and research studies of potential interest. One such communication item was the [West Coast Renewable Energy Science Exchange](#). From November 13, 2019 to September 9, 2020, the Pacific Regional Office hosted the West Coast Science Exchange—a series of bimonthly webinars focused on BOEM-funded research offshore California, Oregon, and Washington that will inform decisions about the planning, leasing, and development of offshore renewable energy in those areas. BOEM invited all west coast Tribal contacts (approximately 75 federally-recognized Tribes and 29 non-federally-recognized Tribes) to each of the six webinars and engaged in follow-up conversations upon request. The webinar with the highest number of Tribal attendees covered BOEM-funded historic preservation research on the Pacific Outer Continental Shelf on July 8, 2020.

Pacific Oil and Gas Program

On January 31, 2020, BOEM notified Tribes of the availability of an [Environmental Assessment](#) on well conductor removal on platforms in the Point Arguello Unit offshore Santa Barbara County, California. BOEM prepared the Environmental Assessment at the request of BSEE to inform the permitting decision on whether the proposed project was technically and environmentally sound, including consideration of mitigation measures. One federally-recognized Tribe and eight non-federally recognized Tribes received the notification. BOEM received several questions from a representative of the Santa Ynez Band of Chumash Indians regarding the Environmental Assessment and proposed well conductor removal project; the Pacific Regional Tribal Liaison provided responsive information.

Federally-recognized Tribes notified:

1. Santa Ynez Band of Chumash Indians

Non-federally-recognized Tribes notified:

2. Barbareño Band of Chumash Indians
3. Barbareño/Ventureño Band of Mission Indians
4. Coastal Band of the Chumash Nation
5. Northern Chumash Tribal Council
6. Salinan Tribe of Monterey & San Luis Obispo Counties
7. Xolon Salinan Tribe
8. yak titʷu titʷu yak tiłhini - Northern Chumash Tribe of San Luis Obispo County and Region

Engagement with the West Coast Tribal Caucus

BOEM is an active member of the [West Coast Ocean Alliance](#) (WCOA) and uses that forum to regularly engage the West Coast Tribal Caucus. The Tribal Caucus is comprised of approximately 100 Tribal representatives throughout the region.

In FY 2020, the Tribal Caucus finalized 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”). BOEM participated in the WCOA review of the draft Guide in November and December 2019 and offered feedback on agency implementation of the guidance and additional policy and training resources for inclusion in the final Guide. On December 5, 2019, BOEM participated in a Tribal Engagement Training intended to supplement the Guide for WCOA members as part of the 2019 annual WCOA meeting in Tacoma, Washington. The training was delivered by the U.S. Institute for Environmental Conflict Resolution, which is part of the Morris K. Udall and Stewart L. Udall Foundation, on behalf of the Tribal Caucus. The final Guide was released in July 2020 with a request from the Tribal Caucus for agencies to distribute widely and implement the guidance. BOEM distributed the Guide throughout the bureau and shared with the Department of Interior Senior Ocean Policy Team and Regional Contacts, and ad hoc with individual agency representatives. As part of the BOEM/NOAA federal co-lead team for the WCOA, BOEM amplified the Guide with the WCOA Federal Caucus and organized Federal Caucus actions in response to the Tribal Caucus’ requests for an introductory webinar for federal agencies on the Guide and for federal agencies to track follow-through.

By request from Tribal Caucus members, the Pacific Regional Office regularly participates in monthly Tribal Caucus meetings to provide updates on BOEM activities and provide requested information. The BOEM updates include renewable energy planning activities, oil and gas activities, and marine minerals activities. Tribal Caucus members inquired about critical minerals activities under the 2017 Executive Order on ‘A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals.’ In response, BOEM briefed the Tribal Caucus on June 17, 2020 on BOEM activities under the Executive Order and shared a summary of specific Pacific Region marine minerals activities.

Attendance in Tribal Conference

Due to the transition of the 2020 National Tribal and Indigenous Climate Change Conference from an in-person to a virtual format due to the pandemic, BOEM personnel were able to attend the virtual conference whereas otherwise in-person attendance may have been limited by travel constraints. Attending the conference enhanced BOEM’s understanding of Tribal priorities, challenges, activities, and practices. This enhanced understanding informs BOEM’s engagement with Tribes.

II. Summarize and list all the issues and recommendations.

Atlantic Region/Headquarters:

While Tribes were broadly supportive of renewable energy, they expressed concerns about the possible effects of offshore renewable energy activities in the Atlantic. Namely, discussions centered around aboriginal rights and titles, communication with developers, the efficacy of proposed mitigation measures, adverse effects to sites of cultural importance, and cumulative effects of the present and future offshore wind projects in the area.

For example, the proposed Vineyard Wind 1 export cable corridor passes through the Nantucket Sound Traditional Cultural Property where there are paleolandforms of cultural significance to Tribes. Tribes also emphasized the cultural importance of an unobstructed viewshed. As such, several consulting parties raised questions about the Historic Properties Visual Impact Assessment and the Historic Properties Cumulative Visual Effects Assessment studies. The Tribes also emphasized their historical association with the sea and islands off southern New England and the critical role of fishing and shellfish gathering for both subsistence and cultural practices. All Tribes affirmed the importance of understanding the interconnected nature of the human world, the sea, and the living things in both worlds. Tribes discussed additional challenges including Tribal staffing, as well as areas for improvement such as best practices for additional Tribal involvement in the decision-making process.

Alaska Region:

In the face of the pandemic, nearly all Tribes restricted access into their villages. Bandwidth availability is limited in rural Alaska – schools, emergency services, and health care are the highest priorities. With that in mind, BSEE and BOEM were able to maintain connection with small groups to discuss the questions that tribal or corporation representatives had. As the pandemic continues, BOEM will continue to prioritize Tribal health and safety concerns by remaining flexible with Tribes.

Gulf of Mexico Region:

The Southern Ute Indian Tribe voiced concerns regarding self-assurance requirements for leaseholders; the allowance of tailored plans; use of third-party guarantees in lieu of security bonds; proration of joint and several liabilities; improvements in the process for forming trust agreements among leaseholders; and limiting self-assurance requirements to bond market metrics. However, as the Final Rule was withdrawn, many of these issues are no longer of concern.

The GOMR continues to pursue opportunities for informal outreach and relationship-building with Tribes to support meaningful engagement and outcomes during formal consultation opportunities.

Pacific Region:

Regarding potential offshore wind energy development, Tribes expressed interest in an energy source with a low carbon footprint, energy resilience benefits of offshore wind, benefits of transmission upgrades, and potential job and socioeconomic benefits for Tribal members and communities. Tribal representatives expressed several concerns about the possible effects of offshore wind development. Questions and concerns included the effects on animal relatives (whales, fish, and other marine life), effects on submerged sites, how sacred spaces in the ocean and onshore would be protected, questions about the leasing and planning process, potential conflicts between offshore wind development and the proposed Chumash Heritage National

Marine Sanctuary, how BOEM will include non-recognized Tribes in its processes, and about the onshore impacts of electrical cable installation and possible new transmission infrastructure.

For example, the Yurok Tribe sent a letter to BOEM dated April 9, 2020 detailing reasons that the Tribe was not able to join the Programmatic Agreement as a concurring party. The reasons included the limitations on Tribes to fully participate, amend, and enforce the terms of the Agreement if only considered as concurring parties rather than full signatories, the narrow definition of “Tribal land” in the Agreement, the activities listed as exempt from review in the Agreement, and the lack of significance of historic properties in the factors used to determine what is practicable in relocating elements of a proposed project. BOEM sent a response letter to the Yurok Tribe on June 4, 2020 committing to consider Yurok concerns and reiterating BOEM’s commitment to meaningful government-to-government consultation.

Regarding marine minerals activities, potential critical minerals activities, and research and planning stemming from the 2017 Executive Order on ‘A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals,’ Tribal representatives requested that BOEM keep Tribes informed of all activities and efforts. The West Coast Tribal Caucus is one forum to broadly distribute such information.

The Pacific Regional Office continues engagement and relationship-building with federally-recognized and non-federally-recognized Tribes. The Region continuously strives to acknowledge, address, and incorporate Tribal questions, concerns, and requests. Addressing much of the input received from Tribes on the Pacific renewable energy program will require long-term research, coordination, and collaboration. The Region evaluates each Tribal engagement opportunity through the lens of the West Coast Tribal Consultation Guide and implements the guidance to the greatest extent possible.

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

Atlantic Region/Headquarters:

The Tribal Working Group worked with Tribal Steering Committee to develop an agenda and invite speakers to the Tribal Ocean Summit, setting the meeting date for early 2021.

Many government-to-government meetings during FY20 concluded with action items for BOEM. Following up with requests for additional information such as reports and descriptions of methods and to schedule future meetings between BOEM and Tribal Representatives to discuss mitigations, funding, and best practices was a means of improving the consultation process. One example is that BOEM is investigating developing a program to provide Protected Species Observer (PSO) training for qualified members of Tribes.

Alaska Region:

Continue to work with BSEE staff on outreach to the 229 federally-recognized Alaska Native Villages, ANCSA corporations, regional tribal organizations and participate in conferences. Continue to attend student mentoring programs focusing on Alaska Native students, science, recruitment, and retention.

Gulf of Mexico Region:

The Southern Ute Indian Tribe's representatives have repeatedly voiced appreciation for BOEM's outreach and efforts. The initial conversations between the Gulf of Mexico Regional Director, Regional Tribal Liaison, and the Tribe's representatives have established a solid foundation for developing this relationship and for holding meaningful consultations in the future.

Pacific Region:

The Pacific Regional Office continued to build relationships with Tribes outside of formal government-to-government consultation, inform Tribes about BOEM authorities and activities, and enhance agency awareness and understanding of Tribes' priorities, challenges, activities, and practices. Enhancing agency understanding of Tribes helps to contextualize BOEM activities through a Tribal lens and improve meaningful engagement. The Pacific Regional Office will continue to share the Guide with agencies and Tribes and to implement the guidance to the greatest extent possible. The Pacific Regional Office will continue and enhance its collaboration with BSEE personnel on shared activities, namely oil and gas decommissioning activities for which BSEE has regulatory authority and BOEM has an environmental review role. Finally, BOEM will continue to be as flexible and accommodating as possible with Tribal engagement and Tribal input requests with consideration of the impacts and constraints of the pandemic on Tribes.