

**Department of Defense
Plan of Action to
Implement the Policies and Directives of
Executive Order 13175,
“Consultation and Coordination with Indian Tribal Governments”

2013 Annual Progress Report**

Introduction

The Department of Defense submitted its first annual Progress Report to the Office of Management and Budget (“OMB”) in August 2010, detailing over 150 separate consultations as well as significant coordination and collaboration with tribal governments on a variety of issues.

This report includes summaries of three categories of action taken by the Office of the Secretary of Defense and each of the Military Departments from August 2012 through July 2013 in compliance with Executive Order 13175 – interacting with tribes and Native Hawaiian Organizations through consultation and outreach; establishing a strong consultation policy and ensuring compliance; and providing training and web-based tools to support effective consultation efforts.

During the August 2012 through July 2013 reporting period, DoD and the Military Departments:

- Conducted over 5,000 separate formal and informal consultations and meetings with over 300 federally-recognized tribes regarding pending actions or proposed projects;
- Provided support to over 100 tribal governments, including partnerships on hazardous waste site assessment and clean up, cultural resource protection and management, repatriation of cultural items discovered on lands managed by the military, repairs to infrastructure and schools, and delivery of medical care to thousands of residents living in underserved, remote villages;
- Conducted outreach to over 1,000 leaders of tribal governments and Native Hawaiian Organizations with practical tools, timely insight into DoD programs, and opportunities to engage in consultation on issues of mutual interest; and
- Trained or briefed over 2,700 DoD and military personnel to ensure they have the cultural awareness and communication skills they need to engage in timely and effective consultation.

Tribal leaders are welcome to share their insight into how well DoD is doing in meeting its obligations to consult and develop effective working relationships with them. Those wishing to submit comments should visit www.denix.osd.mil/na or contact A. Joseph Sarcinella, DoD Senior Advisor and Liaison for Native American Affairs at andrew.j.sarcinella.civ@mail.mil.

Executive Summary

Within the Department of Defense, the Office of the Secretary (“OSD”), the military branches and the Army Corps of Engineers, each excelled in fulfilling their obligations to Indian Country, adhering to the federal trust responsibility and executing the Administration’s vision of committed partnerships with tribal governments.

Department of the Army

Fiscal year 2013 marked a milestone in Department of the Army Native American Affairs. On October 24, 2012, the Secretary of the Army, Honorable John M. McHugh, signed the Army American Indian and Alaska Native Policy. This is the first American Indian and Alaska Native policy signed by the Secretary of the Army and institutionalizes principles for the Army’s interaction with federally-recognized tribes. It recognizes the Army’s responsibilities to federally-recognized tribes derived from the Federal Trust Doctrine, treaties, and agreements. It commits the Army to building stable and enduring government-to-government relations with federally-recognized tribes, and to communicating with federally-recognized tribes on a government-to-government basis in recognition of their sovereignty. It also recognizes, respects and takes into consideration the significance that federally-recognized tribes ascribe to tribal resources on Army managed lands, and recognizes the importance of understanding and addressing the concerns of federally-recognized tribes prior to reaching decisions on matters that may affect tribal rights, tribal lands or protected tribal resources. The policy sets the Army’s strategic direction to further improve and strengthen tribal relations.

Army Corps of Engineers (“Corps”)

The Corps Tribal Consultation Policy was signed by LTG Thomas P Bostick, Chief of Engineers, on November 1, 2012. In addition, the Corps took steps to establish a Tribal Nations Technical Center of Expertise (TCX) out of the Albuquerque District. The TCX will support tribal consultation and related activities throughout the Corps Districts. Corps personnel in its 38 Districts conducted over 3,400 consultations of various degrees of formality (including email, phone, and letter communications, and face to face and government-to-government) documented for the time period August 2012 through July 2013. This total represents nearly double the number of consultation contacts recorded for the previous reporting period.

In partnership with tribes in need of Corps services, the Corps signed four cost-sharing agreements for studies with four Pueblos in New Mexico, and a fifth Pueblo is about to sign. A sixth such agreement with the Houlton Band of Maliseets Indians (in Maine and Canada) will also be signed shortly. All projects have undergone reconnaissance level studies at full federal expense and the tribes have decided to partner with the Corps on the next stage of development. Corps authority for the agreements is found in Section 203 of the Water Resources Development Act (WRDA) of 2000, and will be carried out through the Corps’ Tribal Partnership Program. During the reporting period, the Corps also held the 17th session (December 2012) and 18th session (April 2013) of its consultation training course for District personnel.

Department of the Navy

The Department of the Navy is proud of all the specific examples cited within this report. The universal theme within all these examples is the commitment of both the Navy and Marine Corps to native and tribal consultation. This proactive stance is truly noteworthy. The Navy is pleased to report several consultation highlights. In the Pacific Northwest, the first government-to-government meeting in Oregon with Navy involvement was carried out as the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation (OR) hosted the Commanding Officer and staff from Naval Air Station Whidbey Island. In the Southwest, the Commander, Navy Region Southwest signed a consultation protocol agreement with the Pechanga Band of Luiseño Indians, which will ensure effective consultation for a NAGPRA claim to remains found on Navy property. And in the Mid-Atlantic region, two Oklahoma-based tribes were visited by region and headquarters Navy staff as part of the Navy's effort to improve relations, learn more about traditional tribal interests on the east coast, and to develop appropriate consultation procedures.

The Marine Corps is particularly proud of their ongoing efforts to build relationships and consensus with Native Hawaiian Organizations affiliated with Marine Corps Base (MCB) Hawaii installations. Their cultural awareness video "Protecting the Cultural Resources of Mokapu", which was developed in partnership with several Native Hawaiian Organizations, has been a great success so far, and provides Marines, Sailors, and civilians information on Native Hawaiians' culture and history so that others can understand the ties that the Native Hawaiians feel towards their land.

Department of the Air Force

In 1914, Canadian archaeologist Diamond Jenness removed human remains and artifacts from Kaktovik, Barter Island, now a U.S. Air Force radar installation on the north coast of Alaska, and moved them to the Canadian Museum of Civilization. In 2013, in cooperation with the museum, the U.S. Air Force's 611th Civil Engineer Squadron located at Joint Base Elmendorf-Richardson, Alaska, and the Native Village of Kaktovik devised a plan to repatriate human remains and cultural items from the Canadian Museum in 2014, the 100th anniversary year since the remains were removed.

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Office of the Secretary of Defense (OSD)

Background

The Department of Defense's (DoD) American Indian and Alaska Native Policy (Policy) requires military installations, districts, and regions to consult with Indian tribes when proposed military activities may affect the lands and resources of the culturally or historically affiliated tribal nations. Actions by DoD and each of the Military Departments during the reporting period continue to demonstrate a commitment to go beyond what is minimally required in Federal law and DoD policies related to consultation toward better working relationships with tribes.

The DoD Policy supports tribal self-governance and government-to-government relations between military installations, districts, and regions and tribes. The Policy recognizes the importance of increasing understanding by listening to tribes' concerns about a proposed action and taking those concerns into account before a final decision is made on the proposed action or project. DoD continues to maintain its commitment to complying with EO 13175, all applicable Federal laws regarding consultation, and the DoD policies regarding consultation with American Indians, Alaska Natives, and additionally Native Hawaiian Organizations.

Programmatic Overview

OSD leads several training and programmatic initiatives that support DoD compliance with E.O. 13175, including:

American Indian Cultural Communications Course

The DoD-sponsored American Indian Cultural Communication Course was held December 4-6, 2012 in the Centennial Conference Center, Fort Bliss (El Paso, Texas) followed on December 7, 2012 with an Executive Briefing for Brigadier General Gwen Bingham, Commander White Sand Middle Range, New Mexico, and other senior level personnel. The training session and executive briefing included the DoD American Indian/Alaska Native Policy and DoD Instruction 4710.02: DoD Interaction with Federally-Recognized Tribes, Indian policy history, cultural concepts, DoD's legal obligations, and regional application of best consultative practices with federally recognized tribes. The training provided 35 participants with tools, skills, and strategies for outreach to and consultation with tribes. At the December 5, 2012 evening cultural event Javier Loer, War Chief of Ysleta del Sur Pueblo, welcomed the students to the Tiqua Indian Cultural Center, El Paso, Texas and provided a history of the Pueblo; Bobby Trujillo provided a docents' tour of the Center's artifacts; Jay Torres showcased a traditional Eagle dance; and attendees were invited to participate in a friendship dance.

Native American Lands Environmental Mitigation Program (NALEMP)

The Office of the Secretary of Defense (OSD) received \$12 million from Congress in FY 2013 for NALEMP. Under NALEMP, DoD enters into Cooperative Agreements (CAs) with

tribal governments to address problems attributable to past DoD activities. DoD-related impacts to tribal lands that NALEMP helps address include: hazardous materials; munitions debris; unsafe buildings or structures; lead-based paint and asbestos; and abandoned equipment. OSD continues to oversee the program. Oversight includes monitoring progress on 41 ongoing NALEMP Cooperative Agreements (CAs) with tribes. DoD uses consultation to develop the CAs with NALEMP partner tribes. Eighteen tribes benefitted from funding provided under NALEMP in FY 2013 to mitigate environmental contamination. To date, DoD has executed 251 CAs with 54 tribal nations at a total funding level of over \$106 million.

Innovative Readiness Training Program

Since the mid 1990's, DoD's Innovative Readiness Training (IRT) program has provided real world training opportunities for National Guard and Reserve service members and units to prepare them for their wartime missions while supporting the needs of America's underserved communities and approved non-profits. 10 USC 2012, the Department of Defense's Directive 1100.20, "Support and Services for Eligible Organizations and Activities Outside the Department of Defense" and 32 USC Section 508, "Assistance for certain youth and charitable organizations" are the foundations for this training program.

In 2013, military medical personnel delivered medical, dental, optometry and veterinary care to Alaskan and Hawaiian indigenous peoples. In partnership with the Maniilaq Health Corporation, in Kotzebue, Alaska, military personnel visited 12 villages and provided needed medical support to 3,471 patients. On the Hawaiian Islands of Maui, Molokai and Lanai, hundreds of residents were provided medical care. Additionally, the military supported Round Valley (CA), Ft Belknap (MT) and Ft Berthold (ND) Native American health care facilities.

In July 2013, the military completed the construction training that was a result of the partnership with the Native Village of Newtok, Alaska. Due to the rising waters of the Ninglick River, Newtok lost significant land and infrastructure, which forced them to seek a new village location. During the five year partnership, the military built roads, several buildings, and opened a rock quarry at Mertarvik. The military also completed a five year partnership with St. Michael's Association for Special Education, a Navajo school for physically and mentally challenged Navajo children, near Window Rock, Arizona. The partnership resulted in new water lines, a medical clinic, refurbished hogans, an adult training facility, and road repairs. In Gallup, New Mexico, the military partnered with the Southwest Indian Foundation to build pre-fabricated houses for the homeless on the Navajo Reservation.

This program provides Reserve Component members with mission-essential, pre-deployment joint training in skills directly utilized by participating units. As evidenced by the examples previously mentioned, the IRT program assists in creating new partnerships in surrounding communities, and supports underserved areas of the United States.

Office of Small Business Programs

The Office of Small Business Programs at DoD has provided Tribes with economic opportunities through its Indian Incentive Program (IIP). The IIP motivates DoD Prime contractors to use Indian organizations and Indian-owned economic enterprises by providing a 5 percent rebate to Prime contractors on subcontracted work performed by an Indian organization.

Web-based Tools and Resources

In the first quarter of 2013, OSD applied a new design to the Native American section of the environmental programs and policies website, www.denix.osd.mil/na. The new design presents a more streamlined view of resources available to help tribes and Native Hawaiian Organizations understand the history of DoD Native American policies and programs related to consultation. In addition, OSD staff created and posted seven, one-page descriptions of successful DoD-tribal partnerships under the NALEMP program, providing examples of how the partners collaborated to mitigate environmental damage to tribal lands from past military activities. The DENIX website continues to provide tribal leaders an opportunity to offer comments on DoD efforts to comply with E.O. 13175. During the reporting period, the Native American Affairs section of DENIX recorded over 12,000 page views.

Additionally, in the fall of 2012, OSD updated *DoD Programs of Interest to Tribal Governments*, a downloadable brochure, and distributed it to over 750 participants at two conferences held during this reporting period. This brochure remains an important tool to educate and communicate with tribal leaders as well as inform them of opportunities to work with the Department.

Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Indian Sacred Sites

Currently, Military Departments engage in several types of outreach to tribes and Native Hawaiian Organizations regarding sacred sites and resources. These efforts include: providing access to “usual and accustomed” areas or traditional use areas important for subsistence resources and cultural practices; maintaining and providing access to burial sites and gathering places; managing overflights to minimize impact to tribes and important cultural resources; allowing access to or use of facilities on DoD installations, including curation facilities; and protecting view sheds and traditional landscapes that are cultural landmarks for tribes.

In December 2012, the Secretary of Defense joined the Secretaries of Interior, Energy, and Agriculture, and the Chair of the Advisory Council on Historic Preservation in signing the Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Indian Sacred Sites. The participating agencies agreed to create training for federal staff, develop training and guidance for management and treatment of sacred sites, create a website linking tribal leaders to points-of-contact in federal agencies, developing strategies for maintaining confidentiality, and establishing management practices that could be shared among federal agencies that manage lands that include sacred sites.

Over the year, OSD coordinated with the Military Departments as the DOD representative on the Sacred Sites interagency MOU “Core Working Group.” The group began implementation of the MOU action plan, outlining its vision and goals for sacred sites collaboration across federal departments. This included the creation of sub groups covering a selection of major topics. OSD staff lead the Training Sub-Group and Military Department representatives participated in other Sub-Groups developing strategies to help coordinate responses to tribal concerns.

Measuring Policy Implementation

In FY 2009, DoD began collecting data from the Military Departments on three categories of compliance measures or metrics included in DoD Instruction 4710.02 (2006). The three categories of installation-level consultation with tribes that have a cultural or historic affiliation with installation lands include: consultation regarding development of cultural resource management plans; consultation regarding development of natural resource management plans; and compliance with the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA).

Data reported by the Military Departments for FY 2012 revealed that nearly all military installations managing lands culturally affiliated with one or more tribes are engaged in consultations. The data also revealed some progress by the Military Departments toward eventual repatriation of items subject to the Native American Graves Protection and Repatriation Act and in the possession of a military installation. OSD continues to work with representatives of the Military Departments to identify ways to continue progress in the effort to comply fully with NAGPRA. This effort includes reviewing the training needs of military staff responsible for consulting with tribes and refining further the metrics that help gauge the progress of repatriation efforts. In addition, OSD is working with the Military Departments on strategies to maintain progress amidst ongoing constraints on staff time and travel related to consultation efforts.

Opportunities for FY 2014

Consultation and Outreach

OSD will continue to collaborate with the Military Departments on strategies to enhance outreach to tribes related to protection and management of sacred sites. Through the Working Group of federal agencies that are signatory to the December 2012 MOU, OSD will work to identify outreach strategies, opportunities to support tribal capacity, and training that supports DoD personnel in carrying out their responsibilities for protecting sacred sites and holding confidential information regarding these vital cultural resources.

In the next reporting period, OSD also hopes to continue to exhibit and explore opportunities to present workshops at national and regional conferences of organizations

representing the interests of tribes. These events represent an important opportunity to hear first-hand from Native American community leaders about their interests and concerns as well as their experiences with DoD's progress complying with its legal obligations to consult.

Policy Development and Implementation

OSD and the Military Departments continue to discuss how best to promote enhanced awareness of DOD-tribal government partnership opportunities. Additionally, OSD is continually looking to enhance its awareness of tribal concerns while balancing the need to serve American security interests.

In the upcoming year, the DOD Native American Integrated Product Team (NAIPT) will begin the process of updating the DoD American Indian/Alaska Native Policy. This process will include evaluation of the policy to determine as to whether substantive updates need to be made and, if so, a schedule for listening sessions with tribes to seek constructive input for the betterment of the policy.

Training and Tools

In next reporting period, OSD will continue its training initiative, conducting one American Indian Cultural Communications Course session and one Native Hawaiian Cultural Communication Course for DoD personnel. The agenda for each session is tailored to the needs of the requesting installation and the specialized context for consultation in the region where the training is conducted. DoD hopes to develop additional online training tools and resources for use by military personnel responsible for consultation with tribes or Native Hawaiian Organizations.

OSD also plans to post to the DENIX website (www.denix.osd.mil/na) a copy of this report and major updates on the policy development and implementation initiatives noted in this report. Comments on these initiatives are always welcome from tribal governments and Native Hawaiian Organizations.

Alaskan Command (ALCOM)

Introduction

Founded in 1947, the Alaskan Command is a subunified command of U.S. Pacific Command (PACOM) responsible for maximizing theater force readiness for Alaskan servicemembers and expediting worldwide contingency force deployments from and through Alaska as directed by PACOM. ALCOM is headquartered at Joint Base Elmendorf-Richardson, Anchorage, Alaska. The Command is made up of the 11th Air Force and U.S. Army Alaska. ALCOM combined forces include more than 20,000 Air Force, Army, Navy, and Marine personnel, and 4,700 Guardsmen and Reservists.

Consultation and Outreach

ALCOM hosted Tribal-Military Leaders Meeting (TMLM) VI in December 2012 in conjunction with the Bureau of Indian Affairs' Providers Conference attended by all of Alaska's military commanders (Generals, Admirals, Colonels, Captains) and the First Chief, Chair, or President of 27 Native Alaskan tribes, including: Akiak Native Community; Asa'carsarmiut Tribe; Village of Atmautluak; Native Village of Chignik; Native Village of Chuathbaluk; Native Village of Eek; Native Village of Eklutna; Emmonak Village; Native Village of Gambell; Louden Tribal Council; Kongiginak Tribal Council; Koyukuk Tribal Council; Knik Tribal Council; Native Village of Kwinhagak; Village of Iliamna; Native Village of Nelson Lagoon; Nenana Native Association; Ninilchik Village; Native Village of Nunapitchuk; Platinum Traditional Village Council; Native Village of Port Lions; South Naknek Village; Sun'aq Tribe of Kodiak; Central Council of the Tlingit & Haida Indian Tribes; Native Village of Unalakleet; Native Village of Wales; and Village of Wainwright. The TMLM involves a formal government-to-government consultation between Alaska's top 11 military commanders (without staff) and elected leaders of Alaska's Tribes to outline proposed military activities for 2013 and develop or enhance working relationships with tribal leaders.

Following the TMLM, three formal and 87 informal consultations were held with Native Alaskan tribes regarding proposed movement of F-16 aircraft from Eielson AFB, demolition of buildings, divestment of National Guard Armories, and updates to installation-specific Integrated Cultural Resources Management Plans. In addition, the consultations involved scheduling training exercises so that they do not conflict with cultural practices of nearby tribes, discussing inadvertent discoveries of items at Barter Island to determine whether items recovered are subject to the Native American Graves Protection and Repatriation Act, managing invasive and non-native species at Joint Base Elmendorf-Richardson's Otter Lake, and reviewing tribes' comments on Cook Inlet beluga whale-related segments of documents prepared under the National Environmental Policy Act.

The ALCOM Commander also chairs Alaska's Statement of Cooperation, a partnership agreement between several state and federal agencies to work together to protect human health and the environment in Alaska. The partnership's objectives are to work cooperatively to

identify and respond to environmental issues and concerns in Alaska and to seek efficiency, and to achieve environmental protection. The group promotes complying with environmental laws and pollution prevention, cooperating and creating partnerships to cleanup contamination and pollution, and coordinating consultation with Native Alaskan tribes, as appropriate, when multiple parties are working on an issue that may affect tribes.

Major tribal outreach initiatives include a Joint Base Elmendorf-Richardson-sponsored (JBER) project to assist the Native Village of Knik to build a kiosk detailing local native salmon history that will be posted alongside a lake. JBER cultural staffs are also working with the Native Village of Eklutna to build an interpretive log cache on JBER to highlight Dine' culture and history in the region.

In addition, ALCOM, JBER, and National Guard staff distributed the Alaska Implementation Guidance to 49 Native Alaskan tribes on request.

Training and Tools

ALCOM staff provided one-on-one briefings for 14 ALCOM and installation personnel at Joint Base Elmendorf-Richardson regarding the DoD American Indian and Alaska Native Policy and Instruction (DoDI 4710.02) and related responsibilities of military installations to consult with federally recognized tribes in Alaska.

In addition, ALCOM, JBER, and 673rd Air Base Wing staff briefed groups of incoming service members on Alaska Native culture and history. A total of 2,461 personnel participated in the briefings during the reporting period.

Opportunities and Challenges Ahead

ALCOM plans to host the sixth Tribal-Military Leaders Meeting (TMLM) in December 2013 in conjunction with Bureau of Indian Affairs' Annual Providers Conference. TMLM is a formal programmatic government-to-government consultation between Alaska's top 11 military commanders and elected leaders of Alaska Native tribes designed to outline for tribes proposed military activities for 2014 and support effective working relationships between military and tribal leaders.

In 2014, ALCOM staff will coordinate with Native Alaskan tribes to encourage their collaborative participation in emergency preparedness and response exercises, including a simulation of an earthquake. In 1964, an earthquake in Alaska measured 9.4 on the Richter scale and caused widespread damage.

ALCOM plans also in 2014 to draft procedures on how to consult effectively with Alaska Native Claims Act regional and village corporations regarding proposed actions that affect their lands.

Department of the Army

Introduction

The Department of the Army continues to take important steps to comply with Executive Order 13175: *Consultation and Coordination With Indian Tribal Governments*. One of the Army's goals is to establish a Department of the Army policy for interaction with Federally-recognized Indian tribes. The intent of the policy is to strengthen the government-to-government relationship between the Department of the Army and federally-recognized tribes.

Consultation and Outreach

Current Army policy (Army Regulation 200-1) includes all legislative requirements for Native American consultation. The key element within this policy is to empower Garrison Commanders to represent the Army in government-to-government consultation, thus allowing those land managers closest to the issues to consult directly with tribes who have expressed an interest in an installation's activities and lands. The policy encourages development of agreement documents with tribes to outline appropriate and efficient consultation procedures and protocols.

Army Commands have ensured installations within their area of responsibility are consulting appropriately with tribes having a historic or cultural connection to those installations. Installation consultations run the gamut from day-to-day projects affecting resources of concern to tribes to development of agreement documents outlining consultation processes and protocols. From the numbers that follow, it is apparent that many tribes are consulting with multiple installations. Army Material Command reported 11 installations conducting 86 consultations with tribes; Army National Guard reported 49 states consulting 775 times; Army Reserves reported four virtual installations consulting 285 times; and Installation Management Command reported 44 installations consulting 394 times. Many installations hold annual or biennial face-to-face consultation meetings to discuss upcoming projects or initiatives that may be of interest to tribes and to discuss general relationship issues. These types of meetings are augmented by follow-on phone, letter, and e-mail consultation by staff members to discuss identification of cultural, traditional, and sacred sites; access to sites and resources; Native American Graves Protection and Repatriation Act issues; and specific undertakings.

The Army Deputy Federal Preservation Officer provided support and expertise to the Army National Military Cemetery Program as it grapples with the issues surrounding the Comanche Indian Mission Cemetery. This cemetery is a historic property located on an active Army airfield at Fort Sill, OK. This collaboration has involved numerous on-site and video teleconference meetings with the Comanche and other interested tribes. Army has signed a Memorandum of Agreement (MOA) with the State Historic Preservation Officer and the Advisory Council on Historic Preservation regarding the management of this cemetery as well as agreed to a way forward to meet the tribe's requests for improved access and respectful treatment of the cemetery.

Policy Development and Implementation

In January 2012, the Assistant Secretary of the Army for Installations, Energy and Environment (ASA (IE&E)) initiated consultation with Federally-recognized tribes for development of a Department of the Army American Indian and Alaska Native Policy. ASA (IE&E) designated the Director for Environmental Quality and Native American Policy as the Army lead to develop and consult with Federally-recognized tribes on the development of the Department of the Army policy. Consultation with federally-recognized tribes occurred electronically, telephonically, and through face-to-face meetings at multiple locations from January through July 2012.

On October 24, 2012, Department of the Army established a policy for interaction with federally-recognized tribes: *Army American Indian and Alaska Native Policy*. The intent of the policy is to strengthen the government-to-government relationships between installations and federally-recognized Indian tribes. Army Staff continues to meet with tribes and tribal organizations and to obtain their input on the draft implementing guidance. The purpose of this guide is to supplement and clarify the roles, responsibilities, and procedures contained in the Army American Indian and Alaska Native Policy. The guidance to U.S. Army installation Commanders and other Army personnel at the installation will help them comply with Army policy and the Department of Defense American Indian and Alaska Native Policy (*DoDI 4710.02: DoD Interactions with Federally-Recognized Tribes*) regarding consultation with tribes.

Consultation on the Army policy seeks input from tribes and tribal organizations. An invitation to consult on guidance development was distributed to tribes and Alaska Native Villages in November 2012 and in January 2013 through e-mail as well as a more targeted approach through installations providing the invitation directly to their tribal consulting partners. As part of this consultation effort, Army Staff has participated in numerous letter exchanges and phone conversations with tribal representatives as well as a meeting with the United South and East Tribes (a regional non-profit organization representing federally-recognized tribes in the region) in February 2013. Forty-three tribes have provided comments to date and a conference call with tribes was tentatively scheduled for the fall of 2013.

Opportunities and Challenges Ahead

The Army's Deputy Federal Preservation Officer will continue working with interested tribes as well as Army Commands to develop and revise guidance to address best practices for carrying out legally required government-to-government consultation.

Army installations will continue to consult with tribes having historic or cultural connections with their installations on projects with the potential to affect resources of concern to tribes and to develop appropriate agreement documents, consultation protocols, comprehensive agreements, and written plans of action, as appropriate.

Army Corps of Engineers

Introduction

The U.S. Army Corps of Engineers (Corps) has an established Tribal Nations Program that implements the Corps' six Tribal Policy Principles: recognition of sovereignty; government-to-government relationships with federally recognized tribes; pre-decisional consultation; fulfillment of the Trust Responsibility; protection, where feasible, of cultural and natural resources; and promotion of tribal economic capacity building and self-reliance. The Tribal Policy Principles echo those of Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*, and the Presidential Memorandum of November 5, 2009. While the concepts embodied in these documents are immutable, their implementation evolves each year. In 2013, the Corps has Tribal Liaisons or tribal points of contact in every Division and District office. The Tribal Nations Community of Practice (CoP) within the Corps is comprised of roughly 200 individuals spread across the Nation and in every District office in Alaska, Hawaii, and the 48 contiguous states.

Consultation and Outreach

The Corps consults with federally-recognized tribes and Native Hawaiian Organizations every day. Issues raised in consultations are varied: ecosystem restoration, repatriation of human remains, protection of sacred sites, access to usual and accustomed fishing and hunting sites, partnering for projects under various water resources authorities, permitting activities, and management of rivers by the Corps -- including the Mississippi, Missouri, Rio Grande, Columbia, and Snake Rivers.

For the reporting period July 2012 - July 2013, the Corps reports 3,400 instances of consultation. Districts report coordination and consultation with 287, or just over 50 percent of federally-recognized tribes in Alaska and the lower 48 states, as well as with Native Hawaiian Organizations, including the Office of Hawaiian Affairs and Hui Malama I Na Kapuna O Hawaii Nei. Because of the shutdown and sequestration, data is incomplete this year on numbers of contact via letters and face to face meetings. However, it should be noted that last year Corps reported about 1,400 consultations, regardless of type, and this year, the number has increased dramatically. Some of the increase is due to the special effort made to include consultation regarding regulatory actions. Of the many face-to-face-meetings reported, most have involved staff level personnel working on particular issues with tribal counterparts.

For example, members of the Narragansett, Mashpee Wampanoag, Mohegan, and Wampanoag of Gay Head (Aquinnah) Tribes met with Corps HQ and New England District staff to discuss a linear project requiring a permit, with little Corps involvement. Several sacred sites had been identified by the tribes in the general area of the project. There had been an impasse concerning the area of potential effects, but when all parties examined a topographic map together, the tribes and the Corps agreed to avoid certain areas and to exclude other areas from study.

Government-to-government meetings are defined as those in which the District Commander and the legal head of a tribe decide a course of action, a path forward, or sign an agreement document. During this reporting period, one of the government-to-government consultations was the signing of a Programmatic Agreement under Section 106 of the National Historic Preservation Act by the Chairman of the Quapaw Tribe and the Memphis District Engineer. The action initiating consultation was the purposeful dynamiting of a levee by the Corps to avoid downstream flooding on the Mississippi in the vicinity of Birds Point/New Madrid. Tribes and Memphis staff worked diligently to record sites and human remains exposed by the rising of the water behind the levee, and the subsequent subsidence of the water.

For this reporting period, two programs will be described; one old, the other fairly new. This is a different approach than that taken by the Corps during the last reporting period, which was regional in focus.

Corps Regulatory Program

The Corps was entrusted by Congress to review permit applications to place structures in navigable waterways (such as docks, piers, and bollards) under the authority of Section 10 of the Rivers and Harbors Act of 1899. Congress more recently entrusted the Corps to review applications for the placing of fill in wetlands and other waterways of the U.S. (WOUS) under the authority of Section 404 of the Clean Water Act of 1974. Waters of the U.S. include wetlands, mud flats, playa lakes, prairie potholes, vernal pools, coastal areas, lakes, reservoirs, and perennial, intermittent, or ephemeral streams. The Regulatory Program issues about 70,000 written authorizations each year affecting WOUS, 75 percent of them on private property. About 63,000 jurisdictional determinations, in which the Corps determines whether or not a particular area needs a permit, are done in the field. A majority of permits are issued on private land, but several federal statutes still apply. These include the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), and, importantly for this discussion, the National Historic Preservation Act (NHPA).

Meeting the requirements of the NHPA can sometimes be difficult in the Regulatory Program. Corps jurisdiction is very small (the permit area) as defined in regulation (33 CFR 325, Appendix C), very large (the area of potential effects) as defined in 36 CFR 800, promulgated by the Advisory Council on Historic Preservation (ACHP). The Corps walks a fine line between fulfilling federal law and not unduly burdening an applicant. The Regulatory Program is cognizant of its NHPA requirements and is also aware that consultation with tribal nations must go farther than those requirements. If a tribe requests a consultation meeting separate from the standard NEPA scoping meetings, the Corps meets with them. While the Corps may have less than one acre of jurisdictional waters such as a culvert or a dock under their jurisdiction, the development allowed by that permit may be quite large. NHPA and tribal consultation become long processes that are sometimes fraught with tension.

Mining of all kinds is an example of development potentially allowed by a very small area under Corps jurisdiction. For example, the Saint Paul District is heavily involved in tribal consultation concerning five ongoing taconite mine operations and a proposal for a copper/nickel mine. The

District has been involved in face-to-face consultation for several years on these proposals. One proposal affects the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, and resources that have been determined to be of national significance in one instance, while several Ojibwa bands are cooperating agencies for development of an Environmental Impact Statement (EIS) for a mining proposal in Wisconsin. The issues are complex and challenging because they involve the concept of natural resources as cultural resources and sacred sites. Treaty rights and how environmental impacts may affect Ojibwa ability to exercise those rights are a significant concern. Mines, just by the scale of their activities, bring Districts to the consultation table with tribes across the country. There are similar issues in the northwest, Alaska, West Virginia, and in the southwest.

Interagency and International Services (IIS)

IIS is a relatively new program that has been effectively used to the benefit of tribes. The program was authorized under Section 211 of the Water Resources Development Act of 2000 and allows the Corps to provide specialized or technical services to non-DoD agencies, tribes, states, and local governments. It is a fully reimbursable program. The Tulsa District has done the most work with tribes. The District and the tribe define a project of interest to the tribe. Then the Tribal Liaison assists tribe(s) in completing grant applications to other federal agencies. When the tribe receives the grant money, it gives the funding to the Corps to implement the project. The Corps and the tribe continue working as partners throughout design phase, construction phase, and, finally, the inspection stage. The facility is turned over to the tribe who operates and manages it.

Services provided under IIS include construction management, civil, mechanical, and electrical engineering; architecture; fire protection; surveying, NEPA documentation; remediation; water demand/supply analysis; drought contingency planning; water and wastewater management; floodplain management; master planning real estate acquisition and disposal support; GIS mapping; and project management. Inspection of a facility includes footings, slab, framing, plumbing, electrical, roofing, mechanical fire protection, drywall, millwork/hardware, and floors.

Facilities of many kinds have been constructed for the Cherokee Nation, United Keetoowah Band of Cherokee Indians of Oklahoma, Chickasaw Nation, Choctaw Nation, Quapaw Tribe, Eastern Shawnee Tribe of Oklahoma, and the Seneca-Cayuga Tribe of OK, among others. Examples of completed projects include administration buildings, centers for career resources, food distribution, senior and youth activities, education, substance abuse, community activities, wellness, and cultural activities. Other finished project types include infrastructure projects, emergency generators, health clinics, elder housing, water systems, housing rehabs, fire stations, emergency management services stations, and master plans.

During the current reporting period, the Tribal Nations Community of Practice has made a distinct effort to familiarize all Corps Districts with the IIS program. Only a handful of Corps Districts - Tulsa, Alaska, and Albuquerque - use it with tribes. The Tulsa District Tribal Liaison has presented on IIS three times at national meetings in the past year, helping build the popularity of the program. The Communities of Practice has also published a number of

brochures. The next one will be on the IIS program; it will be distributed to tribes throughout the country.

Corps use of its authorities in support of Indian Country is increasing. For example, the Corps considers Section 203 of the Water Resources Development Act (WRDA) of 2000 a useful tool to familiarize tribes with the Corps. A reconnaissance level study federally funded under Section 203 requires a cost-sharing agreement signed by the tribe and the local District. The Corps' first cost share agreement of this type occurred in 2011 between Albuquerque District and the Pueblo of Santa Clara. During the 2012-2013 reporting period, the Albuquerque District has signed cost-sharing agreements with the Pueblos of Acoma, San Felipe, and Santa Ana. The Albuquerque District is also working with the following tribes on additional cost-sharing documents: Navajo Nation (3 separate projects), and the Pueblos of Santo Domingo and Cochiti. The Los Angeles District will soon finalize cost-sharing agreements with the Gila River Indian Community and the Tohono O'odham Nations. Finally, a cost-sharing agreement negotiated by the New England District with the Houlton Band of Maliseets is under final review at Corps Headquarters. The popularity of the Corps in Indian Country is growing. In some areas, the Corps is the partner of choice in the federal family.

The Corps continues to engage in dialogue with tribes and organizations representing consortia of tribes. Examples include the Corps' relationship with the Columbia River Intertribal Fish Commission (CRITFC), an organization that advocates for all Columbia Basin tribes, and the United South and Eastern Tribes (USET), an organization comprised of 27 federally recognized tribes along the east coast and in Texas.

The Corps continues to pursue a partnership with the Federal Emergency Management Agency (FEMA). Several Corps Tribal Liaisons are now on FEMA's tribal distribution list to alert them to pending natural disasters in their area. Several Corps Tribal Liaisons have expressed interest in staffing FEMA's Tribal desk during disaster declarations. The Corps continues to pursue a joint Corps/FEMA session at a future National Congress of American Indians (NCAI) event, perhaps the next convention in Atlanta in October 2014. The proposed session would distinguish between Corps services authorized under Public Law 84-99 and FEMA services authorized under the Stafford Act, and also outline protective measures tribes can take before a natural disaster strikes.

The Corps routinely participates in conferences held by major organizations representing tribal interests, including events held by the National Congress of American Indians (NCAI), United South and Eastern Tribes (USET), Associated Tribes of Northwest Indians (ATNI), National Tribal Environmental Council (NTEC), and American Indian Science and Engineering Society (AISES). The Corps also co-sponsors AISES' yearly career fair, using the event to recruit young American Indian, Alaska Native, and Native Hawaiian staff members.

Policy Development and Implementation

The Corps' Tribal Consultation Policy was signed by the Chief of Engineers on November 1, 2012, after several drafts were sent to tribes for informal consultation. The most difficult task faced by the Corps and the tribes was coming up with a definition of consultation agreeable to all parties. The final published definition is:

“Open, timely, meaningful, collaborative, and effective deliberative communication process that emphasizes trust, respect, and shared responsibility. To the extent practicable and permitted by law, consultation works toward mutual consensus and begins at the earliest planning stages, before decisions are made and actions are taken; an active and respectful dialogue concerning actions taken by the Corps that may significantly affect tribal resources, tribal rights (including treaty rights), or Indian lands.”

Input from tribal nations greatly enhanced the document. Tribal input was received from the Oneida Nation of Wisconsin, San Manuel Band of Mission Indians (CA), Yavapai Indian Tribe (AZ), the Village of Stebbins, the Hopi Tribe (AZ), the Pala Band of Mission Indians (CA), the Santee Sioux Nation, the Lytton Rancheria of California, the Sisseton-Wahpeton Oyate Band of the Lake Traverse Reservation (MI), the Ho Chunk Nation (WI), the Seminole Tribe of Florida, and the Confederated Tribes of the Umatilla Indian Reservation (OR). Other groups commenting include the Institute for Tribal Government at Portland State University (OR), the Great Lakes Indian Fish and Wildlife Commission, and several Corps Districts. The process to approve the Policy, including engaging in tribal consultation, lasted from April 2011 through October 2012.

A new booklet, *Corps Consultation Policy and Related Documents*, was published in the spring of 2013. It includes the Corps, Department of the Army, and DoD consultation policies; a memorandum from the Corps' Chief of Engineers endorsing the six Tribal Policy Principles; Executive Order 13175; and the Presidential Memorandum of November 5, 2009. This handy reference is distributed to students of the Corps' consultation training course and to tribal members.

The Corps has also demonstrated continued support for capacity building and self-determination for tribes through its efforts to distribute widely to tribes the second edition of the Corps' booklet entitled *How to Plan a Water Resources Project with the US Army Corps of Engineers: A Guide for Tribal Governments*. Tribal governments have praised it highly as practical and helpful, as have other federal agencies and other offices within the Corps. The Corps plans to update the document in 2014.

All Corps documents related to tribes now list the six Tribal Policy Principles. The documents include; a pocket protocol; a wallet-sized card on consultation tips; a bookmark; a brochure entitled *Consulting with Tribal Nations: Guidelines for Effective Collaboration with Tribal*

Partners; the booklet mentioned above; and the consultation policy. The Corps strives to give the Tribal Policy Principles as much visibility as possible.

During the last reporting period, quarterly or monthly teleconferences were continued in each regional division: Great Lakes and Rivers, Mississippi Valley, North Atlantic, Northwestern, Pacific Ocean, South Atlantic, South Pacific and Southwestern. Minutes are circulated to all Districts within the Division and are also sent to Corps Headquarters in Washington DC. This practice leads to sharing of valuable information, including lessons learned, throughout all the regions. If there is an issue in one region, another region may have already faced that issue. The Corps' Senior Tribal Liaison participates in the phone calls when possible, and uses information from them to report important developments to the senior leadership. For example, the Vicksburg District recently completed a repatriation of human remains with the Choctaw Nation. For the first time in Corps history, a tribe requested a District engineer and other senior staff physically participate in a repatriation of human remains.

Several task forces were formed at the Corps' Annual Tribal Liaisons Meeting held in December 2011. The task force dedicated to tribal liaison classification, development, standards, and education met informally in April 2013. The task force members decided to re-classify all Tribal Liaison positions to series 0340, as a Program Manager. Many are archeologists and other series that fall under career program 18 (CP-18), the scientist and engineers, program. Most of the liaisons in the northwest and one in the southwest are classified as 0301s, also as Program Managers. However, this job series also includes administrative and "miscellaneous" positions, and is not in CP-18. Therefore those classified as 0301 do not get the training available to those in CP-18 series. The task force also reaffirmed the fact that any employee hired after 2008 must take the Army Civilian Education System (CES) classes in order to advance in grade. This information was sent to the field. Corps Tribal Liaisons in the 0301 series are meeting with their classification specialists to discuss the changes.

Training

The Corps continues to sponsor a two and a half-day training course, *Consulting with Tribal Nations*, to educate Corps personnel working with tribes. It is held at Corps Districts and, occasionally, at Indian reservations near Corps Districts. Since 2005, the following Districts have hosted the training: Memphis, New York, New England, Jacksonville, Louisville, Detroit, Buffalo, Chicago, Kansas City, Vicksburg, Tulsa, Albuquerque, Seattle, Walla Walla, Alaska, Chicago, Phoenix, and Portland. The December 2013 training will be held in Washington DC. Instructors include Tribal Liaisons representing HQ, St. Louis, Sacramento, Portland, Albuquerque, Alaska, and Tulsa Districts, the Office of the Assistant Secretary of the Army (Civil Works), and the hosting District's Tribal Liaison.

More importantly, instructors include tribal officials from the specific region. Tribes who have participated and given unselfishly of their time include the Narragansett Indian Tribe of Rhode Island, the Kiowa Nation, Confederated Tribes of the Grand Ronde Reservation, and the Fond du Lac of Lake Superior Chippewa. The tribes present a panel discussion on the topics of their

choice that usually include tribal history, how they interact with the federal government, tribes' rights, and the Federal Government's responsibilities to tribes. A typical agenda also includes the History of Indian Legislation, Partnering with Tribes, Laws that Require Consultation, Consultation Strategies, Cross Cultural Communication, Corps and DoD policies, a local presentation of the host district's relationship with tribes, and one or two tribal panels. Tribal members may comment on any aspect of the course or on any issue they have with the Corps or with the Federal Government. *Consulting with Tribal Nations* is often a Corps employee's first exposure to an American Indian or an Alaska Native.

The Corps continues to support a unique cultural immersion course entitled *Native American Perspectives on Corps Projects*. The course is aimed at all those who interact with tribes, including District Commanders. The student learns about the environment from a Native American perspective, and leaves with a greatly enhanced perspective on the interconnectedness of all components in the natural and cultural world. The course takes place on Indian reservations. Students sleep in tents or tepees and engage in typical Native activities such as food preparation and tracking. In March 2014, the Seminole Nation (FL) will host the course. Sessions rotate between the Seminole and the Osage. The Corps is looking for additional host tribes since the Confederated Tribes of the Umatilla Indian Reservation (OR), and the Lac du Flambeau Band of Lake Superior Chippewa Indians have elected to not continue in the program. The facility at the Pueblo of Cochiti was lost due to fire and flood in 2012. The course is taught by tribal members exclusively.

The Tribal Program has a small budget (25K) that funds such expenditures as sending Liaisons to conferences and training, and bringing Liaisons to Corps HQ to learn more about the Corps and the Tribal Program. The budget also funds booths at NCAI, NTEC, and ATNI events. Some funds are also spent on reprinting the Corps' tribal brochure, booklets, bookmark, and pocket protocol. During the reporting period, the Tribal Nations Program received an additional 12K funding. This funding enabled Tribal Liaisons to attend the Annual Meeting of Corps Tribal Liaisons. Funding to attend any meeting is increasingly difficult to find, so the extra funds were very timely.

OPPORTUNITIES AND CHALLENGES AHEAD

The Corps has a multitude of opportunities to offer support to Indian Country. Tribes suffer drought, floods, and fires. They need and want flood protection, erosion control, navigation improvements, elimination of hazardous waste, and assistance in planning for the future, and ecosystem restoration to protect their tribal and trust resources. The unique perspectives and intimate knowledge of their surroundings makes Native American communities key in defining water resource problems and acceptable solutions. The tribes challenge the creativity of Corps engineers and technical staff to produce better projects. The Corps has shown consistently that, with the help and knowledge of tribal partners, difficult natural resource management issues can be tackled. The Corps can fulfill its missions and its Trust Responsibility at the same time.

During the current reporting period, the Corps also began planning a Tribal Nations Technical Center of Expertise (TCX), most likely at the Albuquerque District. The TCX would be the one

stop shop for tribal information for Tribal Liaisons and program/project managers alike. The District is developing a GIS-based tribal mapping database which would be made available to the Liaisons. Other functions of the TCX would include support for the two consulting courses, the cultural immersion course, printing of Corps materials for tribes, and the Annual Meeting of Tribal Liaisons. If a District needed help in a difficult consultation, the TCX would find the District support within the Corps. The TCX would also suggest tribal participants in Corps training courses and provide the administrative support to provide travel and per diem to participate. An on-line library would be developed, to include sample memoranda and programmatic memoranda of agreement, cost-sharing agreements, grant application forms, past agendas from classes and meetings, copies of all handouts from them, policy statements, statutes, regulations, and significant books about tribes. All Corps Tribal Liaisons would be able to contribute to the library. Services would be available on a reimbursable basis.

The Corps remains passionate about its profession and considers it a privilege to work in Indian Country. Challenges are met with enthusiasm. The Corps' commitment to Indian Country grows stronger every year.

Department of the Navy (DoN)

Introduction

Consistent with the Department of Defense (DoD) Plan of Action to Implement Executive Order 13175, this section of the Annual Progress Report documents Department of Navy (DoN) activities during the reporting period.

The Marine Corps has identified 13 installations as having ancestral lands affiliated with Native American tribes or Native Hawaiians within installation boundaries while, among its 54 shore bases, the U.S. Navy has identified at least 30 where tribes and/or Native Hawaiian Organizations maintain affiliation or treaty right interests. Hundreds of tribes and NHOs are consulted every year by the Marine Corps and Navy in a variety of ways and in regards to a wide range of topics. Understanding the importance of building trust and sustained government-to-government relationships, Marine Corps and Navy commands work diligently to engage native groups and to protect cultural and natural resources uniquely important to their cultures. This report summarizes and highlights consultation and other forms of interaction between DoN and native groups under statutory authorities, regulatory guidance, executive order and DoD and DoN policy.

Consultation and Outreach

During the reporting period, Marine Corps installations consulted with tribes and/or Native Hawaiian Organizations (NHO) on a total of 127 projects and the Navy conducted approximately 206 consultations. Most of this activity is project-based, primarily in support of reviews under the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA). Other consultation topics included treaty rights, development of Integrated Cultural Resource Management Plans (ICRMP) or Integrated Natural Resources Management Plans (INRMP), and Native American Graves Protection and Repatriation Act (NAGPRA) issues. Regional summaries and highlights of consultations are provided below.

Marine Corps Installations East

In the eastern region, three installations conducted a total of three consultations during the reporting period, involving 22 federally-recognized tribes in seven states.

Marine Corps Logistics Base (MCLB) Albany (GA). A Memorandum of Understanding (MOU) between the installation and the Shawnee Tribe was signed by the tribe on June 29, 2012, and by the installation Commanding Officer on July 23, 2012. The purpose of the MOU is to establish a formal relationship for informing the Shawnee Tribe about actions they might be interested in such as, but not limited to, the ICRMP, INRMP, and National Environmental Policy Act (NEPA) documentation.

Marine Corps Air Station (MCAS) Beaufort (SC). The Commanding Officer and his staff continued consultations, first reported in 2011/2012, with 10 tribes on the proposal to expand the acreage of the Townsend Bombing Range. The following tribes were consulted: Alabama-Quassarte Tribal Town; Cherokee Nation of Oklahoma; Choctaw Nation of Oklahoma; Eastern Band of Cherokee Indians; Kialegee Tribal Town; Miccosukee Tribe of the Indians of Florida; Poarch Band of Creek Indians; Shawnee Tribe; Tuscarora Nation; and United Keetoowah Band of Cherokee Indians.

Marine Corps Base (MCB) Quantico (VA). The Commanding Officer and his staff consulted with 16 tribes regarding the Russell Road Phase III Expansion Project. The work was anticipated to impact two National Register eligible Native American sites. The following tribes were invited to consult: Seneca Nation of Indians; Seneca-Cayuga Tribe of Oklahoma; Tuscarora Nation; Tonawanda Band of Seneca; Saint Regis Mohawk Tribe; Onondaga Indian Nation; Oneida Indian Nation; Cayuga Nation; Delaware Nation; Absentee-Shawnee Tribe of Indians of Oklahoma; Shawnee Tribe; Eastern Shawnee Tribe of Oklahoma; Catawba Indian Tribe; Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians. None elected to participate in consultation.

Marine Corps Installations West

Four installations conducted a total of 77 consultations during the reporting period, involving 47 Federally-recognized tribes in three states.

Marine Corp Mountain Warfare Training Center (MCMWTC) Bridgeport (CA). The lands associated with MCMWTC are managed by the U.S. Forest Service (USFS). For the reporting period July 2012-July 2013, MCMWTC/USFS conducted two consultations involving four tribes.

Natural Resources. USFS consulted tribes regarding the East Walker River Improvement Project and Pinion and Juniper removal relating to Sage Grouse habitat improvement in surrounding areas where MCMWTC trains. The tribes' main concerns were the reduction of pinion pines and their ability to continue their pine nut harvests, as well as the location of the proposed reductions. Consultation is ongoing. The tribes consulted were Washoe Tribe of Nevada and California; Walker River Paiute Tribe of the Walker River Reservation, NV; Bridgeport Indian Colony; and Yerington Paiute Tribe of the Yerington Colony and Campbell Ranch, NV.

Archaeological Sites. Consultation for MCMWTC-specific projects occurred on December 7, 2012, and in January 2013 regarding the testing of archeological sites in the MCMWTC training areas and the Archaeological Resources Protection Act (ARPA) permit request to the Forest Service to conduct that testing. The following tribes were consulted on this issue and did not have any significant issues with the proposed actions: Washoe Tribe of Nevada and California; Walker River Paiute Tribe of the Walker River Reservation, NV; Bridgeport Indian Colony; and Yerington Paiute Tribe of the Yerington Colony and Campbell Ranch, NV.

Marine Corps Base (MCB) Pendleton (CA). The Commanding Officer of MCB Camp Pendleton and his staff conducted 71 consultations, involving 10 tribes. These tribes are Juaneno Band of Mission Indians-Acjachemen Nation (Belardes); Juaneno Band of Mission Indians- Acjachemen Nation (Reyes); Juaneno Band of Mission Indians-Acjachemen Nation (Rivera/Romero); La Jolla Band of Mission Indians; Pala Band of Mission Indians; Soboba Band of Luiseno Indians; Pauma Band of Mission Indian; Pechanga Band of Luiseno Mission Indians; Rincon Band of Luiseno Indians; San Luis Rey Band of Luiseno Indians; and Soboba Band of Luiseno Indians. The consultations addressed a variety of situations and proposed actions, including: improvements to base utilities, improvements to base water infrastructure, road repairs within training ranges, facilities repair and maintenance, human remains of Native American origin, and a Programmatic Agreement to streamline Section 106 compliance.

Marine Corps Air Ground Combat Center (MCAGCC) Twenty-nine Palms (CA). The Commanding Officer of MCAGCC Twenty-nine Palms conducted one consultation during the reporting period involving two tribes, the Chemehuevi Indian Tribe and the San Manuel Band of Mission Indians. Consultation was initiated when human remains were discovered during an excavation aboard the MCAGCC in the Emerson Lake Training Area (TA). An agreement was reached to rebury the remains *in situ*. At the request of installation cultural resources staff, a restricted area was created around the site at that time which was subsequently included in a base order and SOP.

Marine Corps Air Station (MCAS) Yuma (AZ). The Commanding Officer of MCAS Yuma and his staff conducted three consultations during the reporting period, involving 33 tribes.

Renewable Energy Project. One consultation addressed cultural resources impacted by a proposed renewable energy project associated with the One Gigawatt Task Force Initiative. Consultation was initiated on May 22, 2013, and is ongoing. The following nine tribes, all in Arizona, have been contacted: Ak Chin Indian Community of the Maricopa Indian Reservation; Cocopah Tribe of Arizona; Colorado River Indian Tribes of the Colorado River Indian Reservation; Gila River Indian Community of the Gila River Indian Reservation; Quechan Tribe of the Fort Yuma Indian Reservation; Salt River Pima-Maricopa Indian Community of the Salt River Reservation; Tohono O'odham Nation of Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation; and the Yavapai-Prescott Tribe of the Yavapai Reservation.

Range Reconfiguration. Another consultation addressed range reconfiguration of Special Warfare Training Area (SWAT) Ranges 4 and 5 on Chocolate Mountain Aerial Gunnery Range in California. Consultation was initiated on May 21, 2013, and is ongoing. Thirty-two Arizona and California tribes have been contacted: Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation; Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation; Augustine Band of Cahuilla Indians; Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation; Cabazon Band of Mission Indians; Cahuilla Band of Mission Indians of the Cahuilla Reservation; Chemehuevi Indian Tribe of the Chemehuevi Reservation; Cocopah Tribe of Arizona;

Colorado River Indian Tribes of the Colorado River Indian Reservation; Campo Band of Diegueño Mission Indians of the Campo Indian Reservation; Ewiiapaayp Band of Kumeyaay Indians; Fort Mojave Indian Tribe; Gila River Indian Community of the Gila River Indian Reservation; Inaja Band of Diegueño Mission Indians of the Inaja and Cosmit Reservation; Jamul Indian Village of California; La Posta Band of Diegueño Mission Indians of the La Posta Indian Reservation; Los Coyotes Band of Cahuilla & Cupeno Indians of the Los Coyotes Reservation; Manzanita Band of Diegueño Mission Indians of the Manzanita Reservation; Mesa Grande Band of Diegueño Mission Indians of the Mesa Grande Reservation; Morongo Band of Cahuilla Mission Indians of the Morongo Reservation; Quechan Tribe of the Fort Yuma Indian Reservation; Ramona Band or Village of Cahuilla Mission Indians of California; Salt River Pima-Maricopa Indian Community of the Salt River Reservation; San Manuel Band of Serrano Mission Indians of the San Manuel Reservation; San Pasqual Band of Diegueño Mission Indians of California; Santa Rosa Band of Cahuilla Indians; Santa Ysabel Band of Diegueño Mission Indians of the Santa Ysabel Reservation; Sycuan Band of the Kumeyaay Nation; Tohono O'odham Nation of Arizona; Torres-Martinez Desert Cahuilla Indians; Twenty-Nine Palms Band of Mission Indians of California; and Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation Cedarville Rancheria.

Landing Zones. MCAS Yuma participated in a Marine Corps Installations (MCI) West-led consultation regarding 23 proposed military aircraft landing zones on Bureau of Land Management Lands. The Cocopah Tribe of Arizona and the Quechan Tribe of the Fort Yuma Indian Reservation requested visits to the landing zone locations, but expressed no issues or concerns directly to MCAS Yuma.

Marine Corps Installations Pacific

The Commanding Officer of Marine Corps Base (MCB) Hawaii and his staff conducted a total of 47 consultations during the reporting period, involving 63 NHOs, primarily in support of project reviews under NEPA, Section 106 of the NHPA, and NAGPRA. NHO consultations included the 'Aha Kukaniloko/Koa Mana; Aloha 'Aina Education Center; Aloha First; Boyd 'Ohana; Diamond 'Ohana; Hawaii's Thousands Friends; Hawaiian Civic Club of Waimanalo; Ho'Okipa Network; Kauai; Hui Malama I Na Kupuna O Hawai'i Nei; Ka 'Ohana O Kalaupapa; Kahu Ku Mauna; Kekaha Hawaiian Homestead Association; Keko'Olani 'Ohana; Kekumano 'Ohana; Keohokalole 'Ohana; Ko'Olauloa Hawaiian Civic Club; Ko'Olaupoko Hawaiian Civic Club; 'Ohana Kapu Kauaula Maui; 'Ohana Keaweamaahi; Olds 'Ohana; Ortiz 'Ohana; Paoa Kea Lono 'Ohana; Prince Kuhio Hawaiian Civic Club; Pu'Uhonua O Waimanalo; Temple Of Lono; and the Office of Hawaiian Affairs.

The consultations addressed a variety of situations and proposed actions, including: proposed photovoltaic (PV) projects on MCB Hawaii Kaneohe Bay, Camp Smith, Puuloa Range Training Facility, and Pearl City Annex; home basing of MV-22 and H-1 aircraft at MCB Hawaii Kaneohe Bay; and initiation of pig hunting at Marine Corps Training Area Bellows (MCTAB). MCB Hawaii completed the majority of consultations via email or letters, but held 27 face-to-face consultation meetings, including three neighbor island meetings (two on Hawaii and one on

Kauai) and participated in numerous teleconferences to complete consultations on more complex actions.

The following two examples of consultation at MCB Hawaii are representative of the numerous consultations with NHO conducted by the installation.

Homebasing of MV-22 and H-1 Squadrons at MCB Hawaii Kaneohe Bay. During this reporting period, MCB Hawaii staff worked with 63 NHOs to develop a programmatic agreement (PA) to resolve adverse effects on historic properties. The PA includes a number of measures to mitigate effects, such as development of a reader-friendly collection of oral histories and archival information about Mokapu Peninsula where MCB Hawaii Kaneohe Bay is located; creation of informational signs and brochures; detailed recording of a remnant of ancient Hawaiian settlement that included aerial photography; and creation of a Notification system to alert NHO of Section 106 review actions being conducted by the Marine Corps in Hawaii. The PA was signed in July 2012.

Marine Corps Air Station Operations (MCAS OPS) building. MCB Hawaii staff consulted with NHOs and historic partners for the development of an Interpretive Center in the new MCAS OPS building. The center will provide displays showcasing the history of Mokapu Peninsula beginning with the early Hawaiian history through to the development of military installations on the peninsula. NHOs have been involved in the initial development of materials to be used in the interpretive center, which include a short film to provide awareness to Marines and Sailors about the cultural sensitivities and history of Mokapu Peninsula. The NHOs blessed the site during the ground breaking ceremony for the new building and visited the site during construction activities when NAGPRA cultural items were discovered to provide their *mana'o* (thoughts) for a formal Plan of Action (POA) and provide blessings to the *iwi* (ancestral remains).

Navy Region Northwest

Within the Pacific Northwest region, the Navy is a neighbor to many tribes with enduring cultural traditions and well established treaty rights. The Northwest region maintains a robust tribal consultation program actively engaging tribes in varied ways. Project-based consultation during the reporting period included a total of 35 projects, with roughly 112 contacts made with 26 federally recognized tribes in five states. In addition to these staff level consultations, commanders in the Northwest directly engaged tribe leadership in 12 government-to-government consultation meetings.

Through consultation, tribal perspectives were sought on a wide range of projects. Some examples include: an oil spill deployment exercise, pier demolition and construction, range danger zone designation, two Environmental Impact Statements for training areas and operations, an ICRMP, fire station renovation, archaeological site mitigation, shipyard building demolition, railroad bridge repair, lagoon restoration, pier repair and wharf piling replacement, installation of fiber optic cable, and culvert replacement. In the Northwest, tribal interests in these projects often focus on impacts to treaty rights and specifically any changes in the health of

marine resources, specific fish or shellfish species, and habitat. The number of tribes consulted ranges from one to ten. A few highlights of consultation in the Northwest are provided below.

Consultation with Alaska Natives. The Northwest area of responsibility includes a limited range of Navy activity in Alaska. While the Navy's Alaskan presence has declined from a peak in World War II and the years immediately after, responsibilities continue. Two examples of Navy consultation in Alaska include an environmental restoration effort at former Navy facilities and repatriation of a NAGPRA collection. For the former, the Navy co-chaired quarterly meetings of the Restoration Advisory Board (RAB) in Barrow (November 2012, March and June 2013) and held a public meeting at Adak for a proposed restoration plan (October 2012). Native groups consulted include the Native Village of Point Lay (regarding Icy Cape site), Native Village of Barrow (NVB [regarding sites in Barrow]), the Ukpeagvik Inupiat Corporation (regarding sites in Barrow), and the Aleut Corporation (regarding Adak). The Navy continued consultation with the Native Village of Barrow to facilitate the transfer of remains and cultural items from a large collection previously curated at the Peabody Museum at Harvard University. Several phone calls and emails were exchanged with the NVB and consultation is ongoing.

Inadvertent Discovery at NAS Whidbey Island. Two inadvertent discoveries were made in the reporting period, both at NAS Whidbey Island. The discovery of remains in an eroding beach setting was the subject of consultation at Naval Magazine Indian Island. Meanwhile, NAS Whidbey Island consulted with the Swinomish Indians of the Swinomish Reservation (WA) regarding an archaeological collection owned by the Navy but curated by the tribe. The Navy is consulting with the tribe to ensure the NAGPRA disposition requirements and 36 CFR 79 standards are being met. Expertise was solicited from the U.S. Army Corps of Engineers, who will assess the collection and provide museum curation training to the tribe.

Government-to-Government Consultation Meetings. In addition to a robust level of activity for project-based consultation, the NW region engages in government to government meetings fairly regularly. In most cases these meetings involve discussions about the potential for impacts from Navy projects on resources, the rights to which are protected under treaty. The highest frequency of meetings occurs at Naval Base Kitsap and its numerous special areas (Bangor, Bremerton, JPHC, Keyport, Manchester, where the Jamestown S'Klallam Tribe (WA), Lower Elwha Tribal Community (WA), Port Gamble S'Klallam Tribe (WA), Skokomish Indian Tribe (WA), Suquamish Indian Tribe of the Port Madison Reservation (WA) are regularly consulted. In addition, Naval Base Kitsap consulted with the Squaxin Island Tribe of the Squaxin Reservation (WA) regarding a use of railroads near Indian lands and impacting fish.

Naval Weapons System Test Facility Boardman. The first Navy government-to-government meeting held in Oregon was carried out in July of 2013 as the Commanding Officer and his staffs were hosted by the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation (OR). With an Environmental Impact Statement (EIS)

on future efforts to increase training operations and enhance facilities at Naval Weapons System Test Facility (NWSTF) Boardman as a catalyst, this meeting will serve as a foundation for an enduring relationship. Topics of discussion between the Navy and the Umatilla have included the EIS, a new ICRMP, and cultural resources of importance to the tribe on Navy land. Of particular emphasis has been the identification and protection of traditional cultural properties on Navy land.

Navy Region Southwest

In the Southwest region, a total of 90 consultations were conducted with 64 tribes. The large number of tribes present in the region combined with the largest landholdings in the Navy combine to influence an active consultation program. Project based consultation constitutes the most common occurrence for engaging tribes in the Southwest region. The types of projects included an Archeological Resources Protection Act (ARPA) permit, excavation of a prehistoric archaeological site, archaeological surveys, and archaeological site evaluation projects. An agricultural lease, some construction projects, building renovation and repair, training area improvements, and some conservation projects were the subjects of consultation as well. In the overwhelming majority of project consultations, tribes expressed little concern with the potential effects to sites or resources of special tribal interest, reflecting in many cases the Navy's successful avoidance for effects to cultural resources. Several projects and issues that remain significant to tribes are highlighted below.

Naval Base Coronado (CA). At Naval Base Coronado, a valuable existing NAGPRA Plan of Action is being utilized in consultation to ensure tribe interests and rights are honored.

In 2002, human remains were inadvertently discovered, situated between two previously recorded sites. This resulted in the redefinition of the sites as one property and the development of a NAGPRA Plan of Action with the culturally affiliated Kumeyaay tribes, and their representative for these efforts, the Kumeyaay Cultural Repatriation Committee (KCRC) for treatment of human remains. The current project is being conducted in accordance with the 2002 Plan of Action in which the KCRC requested the Navy conduct a boundary delineation of the site to avoid conflict with new land use initiatives. The Navy met with the KCRC on August 2, 2012 to advise them of the boundary delineation project and request their participation in the effort. Tribes have concurred with the project and tribal monitors have participated in the archaeological work.

Naval Base Ventura County (CA). San Nicolas Island is an important component of Naval Base Ventura County (NBVC) and is a channel island off the coast of California that is rich in archaeological resources. Human remains and other cultural items from the island have been previously determined Culturally Unidentifiable (CUI), however, at the request of tribes, consultation has been initiated to address the potential to determine affiliation based on new information provided by tribes. Consultation has included correspondence sent June 24, 2013, to the La Jolla Band of Luiseno Indians, Pauma Band of Luiseno Mission Indians, Rincon Band of Luiseno Mission Indians, Soboba Band of Luiseno Indians, Pala Band of Luiseno Mission Indians (all located in California). A government-to-government meeting was held with the

primarily claimant, the Pechanga Band of Luiseno Mission Indians (CA), on May 16, 2013. Consultation is ongoing.

Naval Air Weapons Station China Lake (CA). At China Lake, consultation with tribes has focused on a few essential concerns for tribes, the most important and long-standing being the Coso Hot Springs district, a National Register of Historic Places property and a sacred site. The installation has been in consultation with several tribes regarding Coso Hot Springs, including the Death Valley Timbi-Sha Shoshone Tribe, Lone Pine Paiute-Shoshone Tribe, Big Pine Paiute Tribe of the Owens Valley, Bridgeport Indian Colony, Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California, Benton Paiute Tribe, Bishop Paiute Tribe, Utu Utu Gwaiti Paiute Tribe of the Benton Paiute Reservation, California, and Kern Valley Indian Community. Tribes' concerns have been addressed in multiple contexts. A consultation meeting was held on October 4, 2012, to discuss a Legislative Environmental Impact Statement analyzing the Navy's intent to renew a training land withdrawal, update a strategic plan, and increase in testing and training at this premier and exclusive weapons system development facility. The tribes' major concerns include access to Coso Hot Springs, the possible transfer of the Hot Springs to tribes, and a possible access easement. Shortly after the October meeting, the National Congress of American Indians passed a resolution advocating congressional action to transfer the Coso Hot Springs district from Navy ownership to tribe ownership. Consultation continued with invitation letters from the installation to meet distributed on May 7, 2013. This was followed by a well monitoring report distributed on May 22, 2013. While no meeting was held, communication has continued and tribes have begun to review and sign the negotiated MOA regarding access to the area.

Another consultation at China Lake of importance to tribes involved the discovery of previously unidentified human remains in an archaeological collection. On January 10, 2013, the Death Valley Timbi-Sha Shoshone Tribe, Lone Pine Paiute-Shoshone Tribe, Big Pine Paiute Tribe of the Owens Valley, Bridgeport Indian Colony, Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California, Benton Paiute Tribe, Bishop Paiute Tribe, Utu Utu Gwaiti Paiute Tribe of the Benton Paiute Reservation, California, and Kern Valley Indian Community were consulted to inform them that human remains were found in a box of artifacts turned into China Lake from an outside source. After analysis of the remains and consultation with tribes, the remains were interred at the site of origin at the request of tribes.

Navy Region Southeast

The Navy's Southeast Region consulted with tribes on a total of 13 projects. Navy bases from the Carolina Coast to Texas comprise Navy Region Southeast. Consultations involved six installations and included primarily correspondence with 28 tribes located in ten states. Many of these tribes with ancestral connections to the southeast were forcibly removed historically and now live at considerable distance from their homelands and southeast Navy bases. The most commonly broached subject was archaeological investigations, including archaeological surveys, site evaluations, and delineations. An important prehistoric site at Naval Support Activity (NSA) Panama City includes a burial mound and a "repatriation mound" in which previously excavated human remains were interred years ago. Other consultations involved communication

preferences for project-based reviews, a congratulations and introduction letter for tribes receiving recent federal recognition, cultural resources metrics, and a regional planning effort related to studying the impacts of climate changes. Tribes' responses to the correspondence included requests for more information and reports resulting from investigations, support for projects, request for notification in the event of inadvertent discovery, concerns that archaeological excavations may impact human remains, and hope for an eventual meeting. A single important example of consultation in the southeast is provided below.

NSA Panama City (FL). On July 20, 2012, a total of 18 tribes were consulted regarding an archaeological project to refine the boundary of a prehistoric site at NSA Panama City in order to improve management and protection of the property. Tribes consulted include the Absentee-Shawnee Tribe of Indians of Oklahoma (OK), Alabama-Coushatta Tribe of Texas (TX), Alabama-Quassarte Tribal Town (OK), The Choctaw Nation of Oklahoma (OK), Jena Band of Choctaw Indians (LA), Kialegee Tribal Town (OK), Mescalero Apache Tribe of the Mescalero Reservation, New Mexico (NM), Miccosukee Tribe of Indians (FL), Mississippi Band of Choctaw Indians (MS), The Muscogee (Creek) Nation (OK), Poarch Band of Creek Indians (AL), Seminole Nation of Oklahoma (OK), Seminole Tribe of Florida (FL), Shawnee Tribe (OK), the Chickasaw Nation (OK), Thlopthlocco Tribal Town (OK), and the United Keetowah Band of Cherokee Indians in Oklahoma (OK). Navy proposed archaeological reinvestigation to better delimit the site boundaries and, by so doing, promote both the Navy mission and historic stewardship. Tribe responses to the project included two expressions of support (The Jena Band of Choctaw Indians and the Choctaw Nation of Oklahoma) and one of opposition by the Seminole Tribe of Florida based on a concern that cultural items subject to NAGPRA would likely be discovered. The Navy continued consultation with the Seminole Tribe of Florida on January 30, 2013, addressing the need for the reinvestigation, citing supportive letters from the other tribes, Florida State Historic Preservation Officer concurrence with the project, and providing more information on previous archaeological work and the low expectation that cultural items would be discovered. No response has been received to outreach since January 2013.

Navy Region Mid-Atlantic

The Mid-Atlantic region, where the Navy has bases from Norfolk, Virginia, to Kittery, Maine, continues a proactive effort to develop its tribe consultation program. A total of 27 consultations were conducted by nine installations (with multiple correspondences) involving 11 tribes in eight states. Consultations were mostly project-based and involved adverse effects to historic buildings and review of draft archaeological surveys or work plans. Generally, tribes shared no major concerns with the projects. On a few projects tribes did express an interest in consultation in the event of inadvertent discovery and in at least one project a tribe wanted to be kept informed as an underwater archaeological survey project progressed. On one project, a tribe made a specific request for planting of a tree species in a wetland area.

Two important, historic meetings with tribes were held in the reporting period. The Navy's Mid-Atlantic Cultural Resource Manager partnered with a DoN headquarters archaeologist and subject matter expert to initiate a relationship building effort with some of the tribes who trace their ancestry to the Mid-Atlantic area. These Navy representatives traveled to Oklahoma and

Kansas to meet with the Cultural Preservation Director, Delaware Nation of Oklahoma (OK) on December 11, 2012, and the Director, Delaware Tribe Historic Preservation Office, Delaware Tribe of Indians (OK/KS) on December 12, 2012. These meetings allowed for sharing of information about Navy bases and for a significant opportunity to learn about the tribes' interests. Such meetings reinforce compliance with consultation protocols and enhance working relationships with the tribes.

Navy Region Hawaii

Navy Region consulted on nine projects during the reporting period. A total of 12 groups and individuals were consulted. Projects included construction, renewable energy development, road repairs. The most common request expressed in relation to these types of projects was a request for archaeological monitoring during construction or ground disturbing activities.

Joint Base Pearl Harbor-Hickam (HI). Also of importance was an inadvertent discovery subject to the NAGPRA. In a letter dated February 6, 2013, the Oahu Island Burial Council, Office of Hawaiian Affairs, Oahu Council of Hawaiian Civic Clubs, Hui Malama I Na Kupuna O Hawaii Nei, Ms. Paulette Kelekini, and the Pacific Justice and Reconciliation Center were consulted regarding a Native Hawaiian skeletal fragment found during construction of an F-22 simulator facility at Hickam Field, Joint Base Pearl Harbor-Hickam. The bone fragment is temporarily stored in a Navy curatorial facility until project completion. Through consultation, the Navy has received concurrence with a disposition plan to inter the remains in the Native Hawaiian burial vault situated on Joint Base Pearl Harbor-Hickam.

Base Realignment and Closure Program Management Office (BRAC PMO)

The BRAC PMO consulted with tribes on several projects, including realignment and closure of reserve centers in New Jersey, Ohio, Rhode Island, and California. A total of thirteen tribes were consulted, some on multiple occasions. While there was little interest or concern with reserve centers, tribes did express interest in two BRAC projects.

Former Naval Weapons Station Concord (CA). The BRAC PMO consulted with three tribes in California (Ione Band of Miwok Indians, California Valley Miwok Tribe, and Shingle Springs Band of Miwok Indians) regarding potential effects of the disposal and reuse of Navy property at Concord on cultural resources. Consultation has included recurring teleconferences in July 2012, several days of fieldwork in August 2012, and meetings held in October and November 2012. Tribes made a request to monitor archaeological site investigations, and requested re-burial of NAGPRA cultural items on site. A previously developed NAGPRA Plan of Action allowed for tribal representatives to monitor archaeological fieldwork and through consultation this plan was amended to allow for onsite reburial of NAGPRA items. Tribes have also provided information on resources of cultural and religious significance, including ethnographic information and sites within the project area and in adjacent areas. In addition to concerns about cultural resources, the tribes have expressed interest in obtaining property proposed for BRAC transfer to a local reuse authority and are pursuing a transfer via the Bureau of Indian Affairs (BIA). The Navy is

working to complete a report evaluating the significance of and any impacts to cultural resources and will continue consultation with the tribes.

Naval Station Newport (RI). The BRAC PMO received a letter in July 2013 from legal counsel for the Narragansett Tribe requesting formal government-to-government consultations. The tribe expressed concern regarding the Navy's consultation in accordance with an EIS being prepared for the disposal and reuse of surplus properties at Naval Station Newport. The tribe also expressed interest in obtaining property proposed for BRAC transfer. The Navy responded in August 2013 with a commitment and invitation to engage in government-to-government consultations with the Narragansett as well as the Wampanoag Tribe of Gay Head (Aquinnah), and Mashpee Wampanoag.

Outreach

In addition to consultation addressing environmental compliance, treaty rights and other topics, the Navy and USMC engage tribes in outreach activities and are fortunate to join tribes in ceremonies, projects, and initiatives that honor tribal as well as military tradition. These outreach events serve as the foundation upon which consultation relationships are built and history and culture can be celebrated.

Marine Corps

Three USMC installations conducted outreach activities during the reporting period. Examples are provided below.

Marine Corps Logistics Base (MCLB) Barstow (CA). An Earth Day event was held at MCLB Barstow on April 11, 2013, to bring together local departments and government entities to educate, display and show base personnel how to be better stewards of our environment. The following tribes were contacted to participate: Chemehuevi Indian Tribe of the Chemehuevi Reservation; Fort Mojave Indian Tribe (Arizona, California and Nevada); Morongo Band of Cahuilla Mission Indians of the Morongo Reservation; San Manuel Band of Serrano Mission Indians of the San Manuel Reservation; Ramona Band or Village of Cahuilla Mission Indians of California; and Twenty-Nine Palms Band of Mission Indians of California. None elected to participate.

Marine Corps Mountain Warfare Training Center (MCMWTC) Bridgeport (CA). MCMWTC conducted informal outreach to the Bridgeport Indian Colony to discuss the formation of a Native American Council at MCMWTC and the possibility of a multi-tribe gathering at MCMWTC possibly in the summer of 2013. The Bridgeport Indian Colony enthusiastically supported the Native American Council, but gave caution on where and how to organize a gathering of tribal leaders. Discussions included the possibility of building a Native American historical display on MCMWTC Upper Base Camp, with a classroom and displays describing Native American heritage in the area.

Marine Corps Air Ground Combat Center (MCAGCC) Twenty-nine Palms (CA). At the request of the Tribal Historic Preservation Officer (THPO) for the Agua Caliente Band of Cahuilla Indians, installation cultural resource manager delivered a lecture on the rock art of MCAGCC, California, to the Coachella Valley Archaeological Society (CVAS) on January 8, 2013.

U.S. Navy

A number of Navy and tribe collaborations and partnerships continued or developed in the reporting period. Some of these reflect ventures that have emerged in the Northwest as mitigation measures for impacts to treaty rights. Others have developed through enduring relations between installations and neighboring tribes.

Navy Region Northwest

At a region level, several initiatives are noteworthy. An important government to government outreach event led by the Commander, Navy Region Northwest, is held twice a year in the region. Twenty-five tribes from western Washington, the Northwest Indian Fisheries Commission, and the Point No Point Treaty Council are invited. The last two council meetings were held at Old Town Port Gamble on November 8, 2012, and at Naval Base Kitsap (Bangor) on May 30, 2013. Navy installation Commanding Officers, US Coast Guard and US Army Corps of Engineers also participate. Established in 2003, this forum has helped to build successful tribal partnerships, to enable more effective government-to-government communications and consultations.

Navy representatives in the Northwest region were fortunate to be invited to tribe outreach opportunities. During the reporting period, the Commander for Navy Region Northwest attended the Suquamish Tribe's Grand Opening ceremony for a new tribal museum. The admiral also attended events at the invitation of the Makah Indian Tribe of the Makah Indian Reservation. The latter included a naming ceremony for a conference room. In addition, the Navy is actively involved in a federal agency and tribal collaboration known as the Puget Sound Federal Caucus, which seeks to protect and restore habitat in the Puget Sound area. The Navy's region command contributed salmon barrier information to a working group.

At the installation level, several outreach events also took place. A few highlights are provided below.

Naval Base Kitsap (NBK) (WA). Several outreach events occurred at NBK. A number of sailors volunteered to support the Landing Day Welcoming Ceremony event for the "Paddle to Squaxin 2012" in Olympia, Washington, hosted by the Squaxin Island Tribe of the Squaxin Island Reservation (WA) on July 29, 2012. In this annual canoe journey, which has been held since 1989 and hosted by different tribes, NBK sailors steadied canoes during the ceremony and helped crews safely ashore. NBK also held a dedication ceremony for the Suquamish Cultural Display at NBK's Jackson Park Community Center. The Chairman and other members of the Suquamish Indian Tribe of the Port Madison Reservation (WA) participated in the ceremony on December 14, 2012. Regular outreach occurs through the Naval Base Kitsap Community

Planning and Liaison Officer's (CPLO) participation in monthly meetings, including the monthly Hood Canal Coordinating Council Meeting and the Kitsap Regional Coordinating Council (KRCC) Planning Directors Meeting. The former is a Council of Governments, of which NBK is an ex-officio member, providing outreach and collaboration via watershed planning, restoration priorities, and community outreach to the two member tribes, Skokomish Tribe and the Port Gamble S'Klallam Tribe in addition to the three counties surrounding Hood Canal. The latter is an Executive Board meeting attended by the NBK CO or PAO. This forum addresses land use planning in the area with collaboration by the member tribes, Suquamish Indian Tribe of the Port Madison Reservation (WA) and Port Gamble S'Klallam Tribe (WA) in addition to Kitsap County and local city governments.

Also at Naval Base Kitsap (Bangor), the Jamestown S'Klallam Tribe (WA), Lower Elwha Tribal Community (WA), and Port Gamble S'Klallam Tribe (WA) participated in an annual shellfish harvest event. The Navy coordinates with the tribes and provides access to Navy land. At Naval Base Kitsap (Keyport), the Navy provides annual pier access to the Suquamish Tribe Fisheries Department for the transfer of juvenile coho salmon to the tribe's fish pens in Agate Passage in Puget Sound. These projects build upon previous collaborations to honor traditional cultural practices and treaty rights to local aquatic resources.

Naval Station Everett (WA). At Naval Station Everett, several outreach events were held to feature Native American heritage. Five tribes were invited to attend the 2012 Earth Day Fair at Naval Station Everett on April 22, 2013, and the Stillaguamish Tribe of Indians of Washington (WA) and Tulalip Tribes of Washington (WA) participated. In addition to Earth Day, a Family Fun Day was organized at the Naval Radio Station Transmitter Jim Creek facility. The Stillaguamish Tribe of Indians of Washington (WA) brought a salmon-related craft and a "Buffalo Box," as well as historic maps and an interpretive poster. Finally, for National Native American Heritage Month in November 2012, a ceremony featured speakers, a slide show and static display on Native American culture, music and native dance performances. A Native American Medal of Honor recipient and a noted Native American violinist, actor, poet, and community advocate were featured presenters from the Lummi Tribe of the Lummi Reservation (WA).

Naval Magazine Island (WA). At Naval Magazine Indian Island, the Navy supported a project to help foster preservation of tribal customs and provide access to a natural resource important to tribal culture. Tribal youth joined elders to learn traditional bark gathering techniques, collecting cedar bark from selected groves on Indian Island. The Jamestown S'Klallam Tribe (WA), Port Gamble S'Klallam Tribe (WA), and Suquamish Indian Tribe of the Port Madison Reservation (WA) were involved in this project. Another partnership project at Naval Magazine Indian Island involves the Port Gamble S'Klallam Tribe (WA) and salmonid beach seining at Kilisut Harbor, where the habitat is being evaluated due to salmonid outmigration. Finally, at Naval Magazine, four tribes (Jamestown S'Klallam Tribe (WA), Lower Elwha Tribal Community (WA), Port Gamble S'Klallam Tribe (WA), and the Suquamish Indian Tribe of the Port Madison Reservation (WA), were consulted and involved in a treaty rights mitigation project. Annual shellfish beach seeding is carried out in accordance with a 2009 MOA for an ammunition wharf security project. Approximately 3 million manila clam seeds were planted this year.

Navy Region Southwest

Naval Air Weapons Station (NAWS) China Lake (CA). At NAWS China Lake, the Navy's largest installation and one of the most active in tribe consultation, several outreach events are noteworthy. On April 26, 2013, the Cultural Resources program led a tour of Big Petroglyph Canyon for the Death Valley Timbi-Sha Shoshone Tribe, Lone Pine Paiute-Shoshone Tribe, Big Pine Paiute Tribe of the Owens Valley, Bridgeport Indian Colony, Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California, Benton Paiute Tribe, Bishop Paiute Tribe, Utu Utu Gwaiti Paiute Tribe of the Benton Paiute Reservation, California, Tejon Tribe, and the Kern Valley Indian Community. In another event, several tribes (Big Pine, Lone Pine, Bishop and Timbisha) participated in the dedication of a Native American Veterans Memorial Display Developed at Headquarters Building China Lake in July 2013.

Navy Region Hawaii

Outreach is a key component of the Navy's Cultural Resources Management Program in Hawaii. A commitment to honor Hawaiian heritage through celebration and education serves as the root for these outreach efforts. Included during the reporting period were two burial vault maintenance days. Held on National Public Lands Day (September 29, 2012) and later in June of 2013, the Navy was graciously assisted by the Royal Guard of Iolani Palace, Hawaii Air National Guard, and the Kapolei Hawaiian Civic Club. The Navy also participated in two Makahiki ceremonies in the reporting period, serving as annual host for a Makahiki at Joint Base Pearl Harbor Hickam (JBPHH) on October 6, 2012, and as a participant in the newly established Waikiki Makahiki on January 12, 2013. Both events involved partnering with the Royal Order of Kamehameha, Daughters of Hawaii, Oahu Council of Hawaiian Civic Club, Na Wahine O Kamehameha. Four archaeological classes were organized for local groups, including three for the Kapolei Hawaiian Civic Club (March 5, 2013, April 4, 2013, and July 25, 2013). In addition, as part of the Waianae Opelu Project, a field school was held for the Nanakuli High School in Lualualei on April 18, 2013. Lastly, the Navy in Hawaii is exploring partnership with the Pacific Justice and Reconciliation Center, Ms. Paulette Keilikini, Honolulu Authority for Rapid Transportation (HART) to help provide a curation facility and ultimate place of interment for any human remains that might be exposed during construction of the Honolulu Public Rail Transit Project (HART). A meeting was held on November 8, 2013, and the Navy may temporarily store Native Hawaiian burials in the Navy curatorial facility at Pearl Harbor.

Policy Development and Implementation

With *DoDI 4710.02 American Indian and Alaska Native Policy* as overarching guidance, DoN responsibilities and procedures for consultation with tribes are defined in the *Department of the Navy Policy for Consultation with Federally Recognized Indian Tribes (SECNAV Instruction 11010.14A, 2005)*. Augmented by the *DoN Guidance for Consultation with Indian Tribes*, DoN policy outlines the suite of applicable legislative and regulatory requirements, the federal trust responsibility, potential areas of tribe concerns, and the appropriate general procedures for

conducting consultation. A key objective for DoN is “to build a permanent, working relationship of respect, trust, and openness with Tribal Government representatives.”

DoN implements the above policies and takes actions to further develop and refine policy and execution. Highlights are provided below:

Policy. Guidance for implementing SECNAV Instruction 11010.14A assigns clear responsibilities and specific procedures at regional and installation levels. Marine Corps Order (MCO) 5090.2A, change 3, Chapter 8 “Cultural Resources Management” (August 2013) provides policy and guidance for the Marine Corps regarding consultation with federally recognized Indian tribes and NHOs. The U.S. Navy (Navy) Environmental Readiness Program Manual (OPNAVINST 5090.1C, change 3, Chapter 27 “Cultural Resources Management” (OCT 2007) provides policy and guidance for Navy commands. The U.S. Navy Environmental Readiness Program Manual underwent substantial revisions and update in 2011-2012. A new Chapter 13 (replacing Chapter 27) titled “Cultural Resource Compliance and Management” integrates tribal and NHO consultation into Navy policy and processes. Specific responsibilities for consulting with tribes are defined throughout this Manual, including government-to-government consultation. Editing of the updated OPNAVINST 5090.1D has been completed and dissemination is expected in late 2013 or early 2014.

ICRMP Guidelines. The Naval Engineering Facility Command and Commander Naval Installation Command have prepared a new set of Integrated Cultural Resources Management Plan (ICRMP) guidelines for use by Navy Shore Bases developing and implementing their plans. These guidelines outline the major substantive requirements for including tribal consultation in the ICRMP development and implementation as well as the proper process for completing the documents and coordinating other stakeholder reviews. The process to disseminate these guidelines is ongoing.

DoD Initiatives. The Marine Corps and Navy continue to work on several Department of Defense-level initiatives that help implement tribe and NHO consultation policy. Both the Marine Corps and Navy continue to collect metrics annually that gauge the success of military installations in developing cultural and natural resource management plans in consultation with tribes and in complying with the Native American Graves Protection and Repatriation Act (NAGPRA). The Marine Corps and Navy have designated positions filled by subject matter experts to ensure that policies and practices at a DoD-level are adequately informed by the services. Each Component is actively represented on the DoD’s Native American Integrated Product Team (NAIPT). And, in accordance with the DoD’s policy instruction on consultation with Native Hawaiian Organizations (DoDI 4710.03), the Marine Corps and Navy have designated local Points-of-Contact (POC) as well as headquarters level liaisons to consult with NHOs.

Section 106 Guidebook. The Marine Corps recently revised and reissued its “Guidebook on Section 106,” an 8-page booklet formatted as an easily and readily accessible reference for non-subject matter expert Marine Corps personnel. In clear and non-technical language, the guidebook defines historic properties and outlines the 106 review process, including

requirements to consult with tribes and NHOs. This guidebook is routinely distributed to new personnel and was most recently incorporated into the Marine's annual Facilities Managers Course and Installation Commanders training.

Sacred Sites. After the Department of Defense signed an interagency *Memorandum of Understanding Regarding Interagency Coordination and Collaboration to Protect Sacred Sites* in December, 2012, working groups were formed to share information across agencies and to collaborate on ways to improve sacred site identification, protection and access. The Navy is actively involved in two working groups and has participated in surveys and policy reviews. The Navy will continue to contribute to this interagency effort to advance the awareness and preservation of these unique sites and tribal religion.

Training and Tools

U.S. Marine Corps

All Marine Corps installations routinely provide training regarding local Native American/NHO interests to all new staff, both military and civilian, as well as to units using installation training ranges. The example for MCMWTC Bridgeport, below, exemplifies this type of training.

The second example below is illustrative of the specialized training and tools that have been developed at some Marine Corps installations.

Metrics. A significant Marine Corps initiative during the reporting period has been the implementation of an automated system to assess the health of cultural resource programs at all Marine Corps installations. In the fall of 2012, the Marine Corps launched its innovative Conservation Metrics Portal (CMP), an enterprise internet-based tool for collecting data, input by front-line installation staff, on topics critical to a successful cultural resources program, including ICRMP preparation; cultural resources data layer development within the installation Geographic Information System; identification and evaluation of historic properties; consultation with Native Americans and NHO; budgetary programming; and public outreach.

MCMWTC Bridgeport (CA). The installation provides Native American heritage training during a monthly briefing. The training describes the history of the MCMWTC areas of operation and the tribes that have an interest in those areas, notably the Washoe, Paiute, and MeWuk. The intent of the training to provide installation staff an understanding of the rich heritage that MCMWTC has not only in relation to the Native Americans, but also to the Basque Shepherders, and ranchers/miners that settled the area as well. On average, there are approximately 15 to 20 new personnel trained each month.

MCB Hawaii. The installation worked with NHO affiliated with Mokapu Peninsula to develop a cultural awareness video for the Marines, Sailors, and civilians who work and live on base. "Protecting the Cultural Resources of Mokapu" is intended to share Native Hawaiians' culture and history so that others can understand the ties that the Native Hawaiians feel towards their land. The video is available via MCB Hawaii's Cultural Resources webpage. This video is also

shown at the Local Environmental Awareness class (provided four times a year, averaging 30 people per class); was provided to unaccompanied personnel housing officers to show in the lounge at the Bachelor Officers' Quarters (BOQ); and was provided to Marine Corps Community Services (MCCS) to show on the television at Mokapu Mall.

U.S. Navy

Navy Cultural Resource Metrics. In the fall of 2011, the Navy launched its innovative inaugural Cultural Resources (CR) Metrics program, an internet-based tool designed to assess the health of cultural resources programs at all Navy Shore Bases. This program is based on stakeholder input where internal Navy personnel and external stakeholders, including consulting tribes and NHOs, provide responses to questionnaires that address a number of topics critical to a successful cultural resources program. These topics include effective stakeholder communication as well as identification and protection of historic properties, compliance with the law, and mission support.

Navy Region Northwest

With major tribal interests through the Pacific Northwest, the Navy maintains a number of training initiatives at the region level, include three regularly employed tools. A best management practices guidance document titled *Tribal Government-to-Government Consultation: Best Practices* is offered to Navy personnel potentially engaged in tribe consultations or projects that may affect tribe interests. This document helps ensure consistency and effectiveness in consultation procedures across the region. The region command also maintains a tribal consultation clearinghouse (web-based intranet portal) to share information with Navy practitioners on tribal consultation policies, practices and tools, current Navy-tribal agreements, training resources, tribal culture and history, and installation project consultation information.

A three hour mini-course that serves as a primer on tribe consultation and relations is utilized fairly regularly, six times in the reporting period. Recent students in this course have included a Rear Admiral, multiple installation commanders, public affairs officers, a public works officer, installation environmental program managers, and a cultural resources program manager. These mini-courses, which were held at the region level and at all four major installations, are typically taught by a team of experts, including the regional tribal liaison and legal counsel.

A unique training project was arranged by Naval Air Station Whidbey Island in the form of a contract with US Army Corps, part of a larger effort to inventory and assess archaeological collections and NAGPRA material that originated from Navy land and is curated by the Swinomish Indians of the Swinomish Reservation of Washington (WA). Curation training and archaeological collections management was provided to the tribe by experts from the US Army Corps Mandatory Centers of Expertise for the Curation and Management of Archaeological Collections in St. Louis.

Navy Region Mid-Atlantic (NAVDAC MIDLANT)

As part of an initiative to improve and expand tribe consultation, the Mid-Atlantic region invested in multiple executive and staff level briefings to raise awareness of tribe consultation requirements, authorities that guide consultation and common issues addressed. On three occasions, the region Cultural Resources Manager briefed NEPA planners, installation planners, installation architects, legal counsel, construction managers, maintenance specialists and other personnel on cultural resources management programs. Tribal consultation was a featured element in these briefings that averaged nearly 30 people between January and May 2013. Additionally, a briefing on tribal consultation to promote awareness and educate individuals within NAVFAC MIDLANT was provided on March 14, 2013, as part of the Navy Mid-Atlantic Region Encroachment Working Group's quarterly meeting. The group consisted of the executive director of CNRMA, the Commanding Officer of NAVFAC MIDLANT, the Assistant Regional Engineer for NAVFAC, Air Operations, MIDLANT EV Director, MIDLANT CPLO/Program Manager, Office of General Counsel, MIDLANT Counsel, Regional Environmental Coordinator, and others from the installations in the Northeast and Hampton Roads. Finally, a member of the Public Works Department in Maine, where consultation with area tribes has increased recently, participated in a Naval Civil Engineer Corps Officer School course on Advanced Historic Preservation Law and Section 106, where tribe consultation and cultural resources of importance to tribes were featured.

As part of an effort to establish tribe consultation relations and refine consultation protocol, the Cultural Resources Manager teamed up with a Headquarters subject matter expert to brief personnel at three Navy bases in Pennsylvania. The Commanding Officer, Public Works Director and Installation Environmental Program Director for NSA Mechanicsburg, NSA Philadelphia, and NSA Philadelphia Navy Yard Annex were provided a brief on tribal consultation and tribal interests as it relates to Navy installations in Pennsylvania on July 12, 2012. Training was also provided to Defense Logistics Agency personnel at PWD-Pennsylvania on tribal consultation including legal requirements, consultation practices and tribal interest in Pennsylvania provided July 11, 2012.

Opportunities and Challenges Ahead

The Marine Corps and Navy offer the following as examples of opportunities and challenges in the year ahead.

Consultation and Outreach

MCLB Barstow (CA). The installation will continue its efforts to invite the Indian Tribal Government to the annual Earth Day events and will explore holding, for the first time, a base wide “National American Indian Heritage” in November.

MCMWTC Bridgeport (CA). In the next reporting period, MCMWTC intends to pursue the formation of the MCMWTC Native American Tribal Council, and establish times for specific

tribal visits to MCMWTC. Formal consultation with the applicable tribes will continue to be done in cooperation and coordination with the USFS.

MCRD Parris Island (SC). In the next reporting period, MCRD Parris Island will consult with local tribes to further develop its outreach and education initiatives for the Charlesfort/Santa Elena National Historic Landmark.

MCAS Yuma (AZ). In the next reporting period, MCAS Yuma plans to completely survey approximately 665 miles of roadway corridors on the Barry M. Goldwater Range West for cultural resources and to then proceed into the consultation phase with the intent of having eligibility determinations completed by August 2014. This effort represents an opportunity for the tribes with whom MCAS Yuma consults to become more familiar with the range, its resources and operations, thus furthering mutual understanding.

MCB Hawaii (HI). MCB Hawaii will continue to face the challenges inherent in consulting with up to 63 different NHOs. To continue meaningful consultation, both MCB Hawaii and NHO will need to come together outside of formal Federal consultations (*i.e.*, Section 106 and NAGPRA triggered consultations) to share thoughts and feelings, and to further build trust and respect, in order to move forward in a time of fiscal constraint. MCB Hawaii intends to pursue mutual social events, *e.g.*, an annual picnic at the installation, including tours of historic house sites and archaeological sites, with NHO to encourage communication between the base and the NHO.

Navy Region Mid-Atlantic. Navy bases in Connecticut and Maine have opportunities to build consultation relationships with region tribes. Naval Submarine Base New London has recently been contacted by the Mohegan Tribe (CT) who have expressed an interest in consulting with and in visiting the base. Meanwhile in Maine, two new Tribal Historic Preservation Officers have recently entered their positions. Portsmouth Naval Shipyard has an opportunity to establish positive consultation relationships with tribe staff and work towards a greater understanding of tribe interests and appropriate consultation protocol.

A challenge identified in Navy Region Mid-Atlantic is a lack of clear federal consultation protocol. While SHPO consultation is prescriptive for federal projects on non-tribal lands, some ambiguity exists about the types of projects of tribal interest, *e.g.* historic buildings vs. archaeological sites, the most effective forms of communication, time period for reviews, and definition of closure on consultation. Military construction and maintenance projects involving adverse effects limited to historic buildings have been delayed as tribe consultation is completed.

This challenge is being converted into an opportunity as Mid-Atlantic personnel plan on working with the federally-recognized tribes throughout the region to start developing working relationships and better defining consultation protocol.

Navy Region Southeast. Consultation in the southeast is typically managed at a region level with tribes at great distances from Navy installations. There is a need in the southeast region for face-to-face consultation to establish relations and improve understanding of a number of topics,

including traditional cultural territories, consultation protocol preferences, best practices for treatment of human remains and cultural items, and definition of traditional cultural properties and sacred sites.

Naval Air Station Whidbey Island (NASWI) (Boardman (OR)). NASWI plans to develop a Navy-Tribal Memorandum of Agreement (MOA) which will include provisions to develop a plan to manage traditional cultural properties (TCPs). These TCPs are the first identified on Navy property in the northwest region. Development of a TCP Management Plan and other cultural resources plans (e.g., Oregon Trail Management Plan, ICRMP) will include policy and procedures for management of tribal resource components relative to the TCP.

Policy Development and Implementation

The Marine Corps continues to distribute its updated “Guidebook on Section 106,” an 8-page booklet formatted as an easily and readily accessible reference for non-subject matter expert Marine Corps personnel. In clear and non-technical language, the guidebook defines historic properties and outlines the 106 review process. This guidebook is routinely distributed to new personnel and was most recently incorporated into our annual Facilities Managers Course and Installation Commanders training.

Training and Tools

While tribe consultation programs have evolved and matured throughout the DON, commands and staff positions are dynamic and installation missions consistently and perpetually driven by a demand for readiness. Tribe consultation programs must be viewed as dynamic as well and installation/tribe relations must be maintained through regular interaction and through sustained awareness by key players of consultation requirements, authorities and best practices. At the same time that great strides have been made in tribe and NHO consultation, the current and future climate of significant travel restrictions and funding limitations creates a challenge for maintaining and improving upon existing consultation programs. The DON will continue to work internally and with the DoD to be creative and efficient in meeting training demands by leveraging existing models and programs for educating commanders and staff.

MCB Hawaii. The Section 106 Notification system project actively under development by MCB Hawaii will be an important new tool for better engaging NHO and other stakeholders in the Section 106 process. Additional consultation with NHO and other DoD services in Hawaii regarding system content will continue throughout the fall of 2013. Funding in FY14 will be sought for actual system development followed by a trial run for 3-6 months, after which a summary of use and effectiveness of the website will be compiled and distributed to the NHO and the general public.

Department of the Air Force (AF)

Introduction

The Air Force has long standing and well established lines of communication between active base and range Cultural Resources Managers (CRMs) and affiliated tribes. Highlights include annual government-to-government meetings between base leaders and staff and affiliated tribes at Nellis AFB and Nellis Range, NV; Hill AFB and the Utah Test and Training Range (UTTR), UT; and at the U.S. Air Force Academy, CO.

Consultation and Outreach

Consultations with tribal governments about cultural and natural resources are conducted as required under the National Historic Preservation Act (NHPA), the National Environmental Policy Act (NEPA), and the Native American Graves Protection and Repatriation Act (NAGPRA). In 2012-2013, AF installations consulted tribal governments 195 times for NHPA Section 106 undertakings, 7 times for NAGPRA issues (3 inadvertent discoveries; 4 disposition discussions), and 125 times for other reasons, primarily related to NEPA, Endangered Species Act, or actions proposed in wetland areas in which tribes hold treaty rights to natural resources. In all, 335 tribal governments were consulted during the reporting period.

Nellis AFB and Range in NV have a flagship annual government-to-government consultation program every November. Each includes a multi-day meeting with representatives and elders from up to 15 affiliated tribes. Range managers, installation commanders, and media managers represent the installation, Range, and AF at these very popular and productive meetings. Issues discussed have included access to sacred sites, scheduling opportunities to gather traditional resources from installation lands, range construction plans, aircraft noise, long-range plans, and initiatives supported by Nellis AFB for video productions of traditional activities and oral histories. Nellis has produced several such videos, but none were completed during the reporting period.

Hill AFB and the Utah Test and Training Range in Utah also conduct annual government-to-government consultation meetings, usually in early fall. These are multi-day meetings, held in conjunction with Dugway Proving Grounds, and include elders and officials from up to 17 affiliated tribes. Commanders, range managers, resource specialists, subject matter experts, and media managers represent the Air Force and Army. Meetings include presentations from installation and tribal leaders and managers, formal discussions of past and future AF and Army undertakings, crafts, field trips, dances, and evening social events.

Eglin AFB in Florida regularly consults with five affiliated tribes. The five tribes chose the Miccosukee Tribe of Florida (Creek) to represent them in most Section 106 and NAGPRA consultations with the Eglin Commander.

Tribal outreach conducted by the AF is constantly being enhanced. Currently, most outreach includes phone conversations, and emails to tribal government cultural and/or natural resource managers informing them of upcoming undertakings and actions, imminent Environmental Impact Analyses, or asking if the tribes are interested in engaging in consultation about specific issues or AF actions. A total of 298 notifications were sent to 168 tribal governments in the 2012-2013 reporting period.

A few installations go well beyond this notification type of outreach, having instituted comprehensive programs with several affiliated tribes for annual gatherings, which might include guided trips to usually restricted range areas, visits to sacred or traditional sites, traditional ceremonies, and extended listening and talking sessions.

Another type of outreach is a NAGPRA Comprehensive Agreement (CA), where an installation approaches affiliated tribes to work together to create an agreement document that outlines specific procedures and protocols to be used if and when an upcoming large scale undertaking results in discovery of buried human remains or items subject to NAGPRA. Cooperative Agreements are currently in effect between the Aleut Native Corporation and the 611th Air Support Group in Alaska for actions at Eareckson AFS; the Wampanoag Tribe of Gay Head and Cape Cod AFS in MA; and the Chippewa-Cree Indians of the Rocky Boy's Reservation in Montana and Cavalier AFS in ND.

The AF collaborated with tribal governments to develop Programmatic Agreements (PAs) and other formal and informal agreements at several installations:

- Joint Base San Antonio (Ft. Sam Houston, Randolph AFB, Lackland AFB, Camp Bullis) coordinates with five Texas and Oklahoma tribes to manage a comprehensive PA for all four installations under the new AF organization.
- Hill AFB in Utah and the UTTR have well established collaborative relations with regional tribes, and work most closely with the Goshute Tribe, and regional bands of Shoshone and Paiute Tribes from UT, ID, and NV.
- Mountain Home AFB in Idaho has long-standing collaborative relations with two Idaho Shoshone and Paiute Tribal governments for cultural and natural resources issues on its associated training ranges.
- Nellis AFB in Nevada has long-standing collaborative relations with 15 Tribal governments in four states (NV, UT, AZ, CA) for resources and airspace issues on its associated practice ranges in Nevada.
- Altus AFB in Oklahoma has ongoing collaborative relations with nine Oklahoma tribal governments regarding NEPA actions, primarily related to drop zone practice range recovery operations and infrastructure.
- Arnold AFB in Tennessee collaborates with a regional tribal organization to develop its Integrated Cultural Resources Management Plan and INRMP.
- Cadets at the USAir Force Academy Field Engineering and Readiness Lab in Colorado, annually construct two traditional hogans that are donated to the Navajo Nation during spring break of each year. Cadets have donated 35 hogans through July 2013.

- Vandenberg AFB in California has long-standing consultative and collaborative relations with two CA tribes.
- Kirtland AFB in New Mexico works closely with the New Mexico All Pueblo Council, and several Pueblo tribes regularly communicate directly with Kirtland Commanders.
- Holloman AFB in New Mexico closely coordinates its flying and ground-disturbing missions with the Mescalero Apache Tribe of NM.
- The Air Force Academy and other Colorado Front Range AFBs regularly consult and coordinate with nine tribal governments.

Policy Development and Implementation

The primary Air Force policy document guiding compliance with Federal laws and regulations is the Air Force Instruction (AFI) 32-7065, *Cultural Resources Management Program* published in June 2004. A substantially revised draft AFI 32-7065 awaits coordination, and is expected to be published in 2014, after all AF Civil Engineering Transformation and Centralization changes have come into effect, and are stabilized. The revised draft AFI implements policies defined in EO 13175 and other post 2004 Executive Orders, as well as newer versions of NHPA regulations, the 2008 DoDI 4715.16, and changes to 43 CFR Part 10 (NAGPRA). Much of the revised draft AFI addresses consultation and communication, including specifics of consultation and coordination with tribal governments.

In addition to the AFI, 117 installations use specific protocols, rules, and guidelines outlined in their Integrated Cultural Resource Management Plans (ICRMPs) to implement tribal consultation policy for the installation's Civil Engineering and Operations programs.

Training and Tools

The AF considers proper training for its personnel as essential support for effective consultation and outreach. FY 2013 travel restrictions limited the number of AF personnel participating in relevant consultation courses. As of August 2013, AF totals included:

- Basic Section 106 course: 10 cultural resource managers (CRMs), three supervisors
- Advanced Section 106 course: five CRMs, three supervisors
- NAGPRA Compliance course: three CRMs, one supervisor
- Negotiation course: two CRMS
- Mediation course: two CRMs
- Native American Law course: two CRMs

Electronic adjuncts to the AFI 32-7065 were developed for guidance, advice, lessons, and to be repositories of relevant documents, all of which AF installations may use to accomplish and improve their own Tribal consultation programs. These sites are administered and regularly

updated by the AF Cultural Resources Subject Matter Expert (SME) at the Air Force Civil Engineer Center (AFCEC). They are:

1. The Air Force Cultural Resources eDASH Webpage on the AF Civil Engineer Portal, deployed in spring 2011,
<https://cs.eis.af.mil/a7cportal/eDASH/Web%20Part%20Pages%20%20Programs/Cultural%20Resources.aspx>
2. The Air Force Cultural Resources Management Playbook, deployed July 2010, and updated as needed thereafter:
<https://cs.eis.af.mil/a7cportal/CEPlaybooks/AM/EM/CRM/Pages/default.aspx>

The AF cultural and natural resources SMEs have deployed another electronic vehicle for standardization and active compliance of Integrated Cultural Resources Management Plans (ICRMPs), Integrated Natural Resources Management Plans (INRMPs), Pest Management Plans, and Base Development Plans. This is called e-Plans, developed by HQ Space Command and now used throughout the Air Force (full deployment began in 2012). The e-Plans application was approved in Apr 2011 for “interim” use by commands and installations as the NEXGEN IT system is developed.

E-Plans allow installation media managers to more effectively and immediately update, revise, and implement their management plans, thereby boosting installation ownership of the plans and their direct implementation. Goals and Objectives (GOs) and Standard Operating Procedures (SOPs) in ICRMPs and INRMPs are the primary reflections of policy and compliance requirements. The e-Plans’ standardization of GOs and SOPs, plus its common availability on installations, significantly improves communication among installation planners and managers. Installation ownership and internal development of management plans (rather than by contractors) allows immediate access to required processes, relevant POCs, required contacts, and pertinent data, all of which help improve and enhance communication and consultation with tribal and other stakeholders.

Opportunities and Challenges Ahead

None noted