



# USET

SOVEREIGNTY PROTECTION FUND

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## USET SPF Resolution No. 2023 SPF:013

### **URGING A MORATORIUM ON THE BUREAU OF OCEAN ENERGY MANAGEMENT'S OFFSHORE WIND SCOPING AND PERMITTING**

- WHEREAS,** United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is an intertribal organization comprised of thirty-three (33) federally recognized Tribal Nations; and
- WHEREAS,** the actions taken by the USET SPF Board of Directors officially represent the intentions of each member Tribal Nation, as the Board of Directors comprises delegates from the member Tribal Nations' leadership; and
- WHEREAS,** President Biden's executive actions to address climate change have accelerated efforts to develop and produce alternative energy solutions off the coast(s) of the Gulf of Maine, the Atlantic, Gulf of Mexico, and the Pacific regions of the United States; and
- WHEREAS,** some USET SPF member Tribal Nations are experiencing unprecedented pressure to consult with several federal agencies, including the Bureau of Ocean Energy Management (BOEM), which has and continues to authorize permits for offshore wind development projects in our region; and
- WHEREAS,** Tribal Historic Preservation Offices continue to be understaffed, underserved, and have extremely limited resources, are unable to meet the growing Tribal consultation demands, unreasonable deadlines, and have not been provided appropriate resources to obtain proper independent analysis required to understand the potential impacts these wind energy projects present to submerged sites of Tribal cultural and historic significance; and
- WHEREAS,** BOEM is the lead federal agency responsible for permitting offshore wind projects and has initiated a scoping and permitting process that is not sensitive to affected Tribal Nations who lack the resources to fairly and appropriately evaluate these projects; and
- WHEREAS,** in 2019, BOEM announced to Tribal Nations a change in its scoping and permitting processes to combine the required Section 106 National Historic Preservation Act (NHPA) and National Environmental Policy Act (NEPA) evaluations into one Environmental Impact Statement (EIS) evaluation process; and
- WHEREAS,** Tribal Nation continue to express our concerns over this issue, including through the comment process, but mitigation measures presented by BOEM are not acceptable since they have not been negotiated meaningfully with affected Tribal Nations; and
- WHEREAS,** Tribal Nation concerns expressed to BOEM, the Department of the Interior, and the Administration are being left unresolved as a result of the acceleration of the BOEM scoping and permitting process; and


- WHEREAS,** in order to create a fair process by which Tribal Nations can engage in a meaningful way, a moratorium on BOEM's current scoping and permitting processes of proposed offshore wind projects is required until a new process and agreement can be reached with Tribal Nations; and
- WHEREAS,** Tribal Nations and BOEM have identified the need to create a new Nationwide Programmatic Agreement (NPA) in which we and all non-Tribal parties will be comfortable participating; and
- WHEREAS,** this NPA shall include avoidance measures, minimization of impacts, mitigation efforts, integration of Indigenous Knowledge in permitting and decision-making processes, and negotiated Memorandums of Agreement (MOAs) with the affected Tribal Nations; and
- WHEREAS,** in December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it
- RESOLVED** the USET SPF Board of Directors supports member Tribal Nations who are adversely affected by the actions of the Bureau of Ocean Energy Management in its current attempt to support the efforts of the Biden Administration's climate change goal of deploying 30 gigawatts of offshore wind by 2030; and be it further
- RESOLVED** the USET SPF Board of Directors urges the Secretary of the Interior to issue a temporary pause (moratorium) on the current Bureau of Ocean Energy Management scoping and permitting process and allow time to enact a new Nationwide Programmatic Agreement for all currently proposed and future offshore wind projects and guide a new scoping and permitting process under the Bureau of Ocean Energy Management; and be it further
- RESOLVED** that the new Nationwide Programmatic Agreement must be inclusive of avoidance measures, minimization of impacts, integration of Indigenous Knowledge, and provide full mitigation through completion of comprehensive and transparent procedures to appropriately protect Tribal environmental, cultural, and sovereign interests; and be it finally
- RESOLVED** that the Bureau of Ocean Energy Management and the Administration support shared Tribal jurisdictional authority over and Tribal management of offshore renewable energy activities, aimed at empowering Native communities through socio-economic benefits such as job opportunities, revenue sharing, and support for Tribal energy development projects.

**CERTIFICATION**

This resolution was duly passed by the USET SPF Executive Committee, at which a quorum was present on March 2, 2023.



Chief Kirk E. Francis, Sr., President  
United South and Eastern Tribes  
Sovereignty Protection Fund



Vice Chairwoman Sarah Harris, Secretary  
United South and Eastern Tribes  
Sovereignty Protection Fund