



Cultural & Heritage Committee Report Summary

This committee report is a record of what transpired and was accomplished during your time together at the USET meetings.

- Impact Week Meeting
- Joint Collaboration
- Mid-Year Meeting
- Annual Meeting

This Report is due Wednesday, 5:00 pm in the USET office, unless otherwise specified.

Tribal Nations represented: Mashantucket Pequot, Mohegan Tribe, Tunica-Biloxi, Aquinnah Wampanoag, Mashpee Wampanoag **Committee Members in attendance** 05

<i>Topics Discussed Highlights from Meetings</i>	<i>Outcomes / Any Decisions Made* see directions below</i>	<i>Next Steps / Action Items / Responsible Party* see directions below</i>
<p>DAY 1 Resolution Reviews: (1.) [Emergency Resolution Review] Author: David Weeden, Mashpee Wampanoag Tribe USET SPF Resolution No 2024 SPF:004 entitled "ACCOULTABILITY FOR IMPLEMENTATION OF EXECUTIVE ORDER J 3403 IN THE OFFSHORE WIND SCOPING AND PERMITTING "</p>	<p>The Culture and Heritage Committee's request for USET Board of Directors' support for the White House Council on Native American Affairs "Assessment of Executive Order J3403 In The Offshore Wind Scoping and Permitting Resolution" but not limited to the DOI/BOEM, but all agencies implementation of EO J3403; and is driven by a commitment to protect tribal sovereignty, consistent with the principles of Executive Order J3403, and ensure that the rights and interests of USET member tribes are respected in the context of offshore wind projects. This resolution seeks to promote meaningful consultation, cross cutting education, and collaboration with federal agencies and the incorporation of tribal expertise in decision-making, all with the ultimate goal of safeguarding tribal cultural heritage and environmental resources.</p> <p>C&H Committee approved.</p>	<p>Committee awaits Director Decision</p> <p>Committee awaits Director Decision</p> <p>Committee awaits Director Decision</p>

(2.) [Emergency Resolution Review]
Author: David Weeden, Mashpee
Wampanoag Tribe

USET SPF resolution no. 2024 SPF 003
"REQUESTING A MORETORIUM ON OSW
PROJECTS WITHOUT A PPA"

The Culture and Heritage Committee's request for USET Board of Directors' to support a moratorium on Offshore wind (OSW) projects, including those which have not obtained Power Purchase agreements with states and other interested parties. It is incumbent on the United States federal government to ensure that any proposed offshore wind projects are not harmful to the environment and marine life. These projects may involve the use of turbines, cables, and other equipment that could impact marine ecosystems.

As projects are constructed, there remain concerns surrounding cultural impacts to submerged landscapes, including archaeological data loss, additional burial disruptions, incomplete and inadequate scientific data collection.

Careful consideration to the potential impact on coastal communities and businesses must also be a part of any project analysis. There can be significant impact on fishing and other industries that depend on the ocean. Assurances are needed that any proposed projects are compatible with these existing uses and do not cause undue harm to these industries. Finally, there are concerns around the potential impact on tourism and recreation in coastal areas. Many people visit the coast for its natural beauty and recreational opportunities, and offshore wind projects could detract from these experiences.

Individual committee members will follow up with the presenters for future consultation

(3.) Review of: USET SPF 2024 002
“URGING THE BUREAU OF OCEAN ENERGY MANAGEMENT TO STANDARDIZE ITS MITIGATION PROCEDURE WITH NATIVE AMERICAN TRIBES FOR OFFSHORE WIND ENERGY PROJECTS”

The cultural and heritage committee seeks the support of the USET board of directors to ask the Bureau of Ocean Energy Management to provide a clear and consistent mitigation funding mechanism as part of its overall environmental impact statement process. In May of 2021, the bureau issued its first permit for the construction of the Vineyard Wind offshore wind energy project. That was followed later in November of 2021 by the permit of South Fork wind project off the coast of Rhode Island. Both of these projects attributed over the 3 years of consultation with tribes without any funding support attributed towards capacity shortfalls. In August of this year, BOEM issued its third permit to the revolution wind project. A “Mitigation Fund” was proposed to coastal community consulting parties who submitted mitigation projects, such as shoreline restoration work, and historic lighthouse renovation projects. For tribes, it was unclear what the process was, what the criteria was for mitigation measures, and where the funding was coming from, and if tribal mitigation was being lumped together with other stakeholders and would have to compete for funding. Our resolution seeks to ask BOEM to standardize its mitigation funding process.

Afternoon Session:

Presentation by The National Park Service, Office of National Historic Landmarks

A focus on the differences between the National Historic Landmarks program and the National Register of Historic places.

Individual committee members will follow up with the presenters for future consultation

[Closed Committee Discussion]
Alternative Fuel Corridors

Since 2018, the Federal Highway Administration has been building out support for use by alternative vehicles such as Electric, hybrid, and Hydrogen vehicles. Yet committee members report that they have not been consulted by the lead federal agency.

The committee has added the Federal Highway administration as a potential presenter for Impact week in 2024 to provide an update on the program and why tribal consultation does not seem to be happening.

DAY 2 – AM

(4.) **Review of: USET SPF 2024 001 “A REQUEST FOR THE ACHP TO REVISE ITS GUIDANCE ON EXECUTING AGREEMENT DOCUMENTS”**

Committee Heard from USET Narragansett Tribe and their tribal attorney regarding this resolution's language. Among the concern(s) posed, were that if the ACHP were to implement federal guidance changes as presented in the final draft of the USET resolution, it would adversely affect pre-existing federal statutes surrounding tribal consultation within the National Historic Preservation Act, the Clean water act, and others.

Not all committee members agreed. The Narragansett tribe preferred stronger language in the resolution and submitted suggestions' through their attorney, Liz Walker.

During mid-afternoon break, Committee Chair compared language of original first draft of the resolution submitted to USET by its deadline. USET in its normal review process revised the resolution for what it considered federal and legal accuracy. The committee chair found one discrepancy regarding the role of the ACHP in the final USET draft of this resolution. The draft contains three areas worthy of deeper examination of which time did not allow to pursue during normal course of business.

The Cultural and Heritage Chair also met with Narragansett attorney, Liz Walker for short time to hear her legal position. She did reveal a concern of the Narragansett tribe also pertained to a current, and long-term court case by which she was representing the tribe. They feared it could adversely affect them if the ACHP guidance language were to be changed as presently drafted.

Out of an abundance of caution, the decision was made to table this particular draft of the resolution. a red-line version will be created to show the existing USET SPF final language and also in consideration of the suggested language submitted by the Narragansett's attorney, Liz Walker.

A final review of the new draft will be made by committee members and USET legal staff before impact week, 2024. (March) Special emphasis will be made to ensure it is in USET's correct format so that it will be ready for consideration by the BOD.

	<p>Chairman Johnson explained that it was the position of the committee that the current ACHP guidance and how the federal agencies implement their guidance as it pertains to consultation practices differ and by which the committee agreed that stronger language is needed, however, it did exist in this current draft.</p> <p>The Chair brought back all concerns to present members of the committee.</p>	

<p>DAY 2 – PM</p> <p>Presenter: Melanie Obrien Manager, of the National Native American Graves Protection and Repatriation Program (NAGPRA)</p>	<p>The committee was seeking an update on the status of new federal rule making initiated under the direction of secretary of the interior, Deb Haaland.</p> <p>Consultation breakdown on the proposed new rule:</p> <p>700 total comments received</p> <p>48 comments from tribes. 8 from USET member tribes 95 comments came from individuals including High School students</p> <p>Comments were also submitted from State recognized tribes, other Indian organizations, and several museums and institutions.</p> <p>Many institutions inquired about their increased costs to comply with the new proposed regulations as steeper deadlines are proposed to be implemented.</p> <p>The current “Culturally Unaffiliated” criteria, a term that institutions have used to circumvent complying with NAGPRA is proposed to be removed and replaced with a geographical affiliation criterion. Some committee members posed how that will be implemented, in light of the history of displaced tribes. More discussion on that topic will be needed with the DOI and the National Park Service.</p>	<p>Repatriation cases have been on the rise since the proposed new rule making was initiated in In August 2021, when the Department of interior began hosting consultation sessions with Indian Tribes and Native Hawaiian organizations on a draft proposal and incorporated that input to the maximum extent possible.</p> <p>More and more institutions have been reaching out to tribes to initiate consultations. While this is a good thing, institutions are by far better funded than tribes, and the tribal historic preservation offices which are often very small, and have many different types of work we consult on, including NAGPRA cases. NAGPRA work is very time intensive and very often emotional work. More grant funding is needed to accommodate the increased NAGPRA caseload.</p> <p>Committee members will continue to monitor the roll out of the new rules when they go into effect, which is projected to be December of this year.</p>

DAY 3 – AM		
Not Applicable.		

***Next Steps / Action Items / Responsible Party** (ie: Resolution for submission to Board [Draft resolutions submitted after the deadline are only eligible for consideration at the authorization of the USET SPF Executive Officers Committee (EOC) if: (1) the resolution addresses an emergency, an issue that was not known before the deadline, or for other good cause; and (2) the EOC, at its discretion, agrees to consider the resolution. Whenever possible, late resolutions will be directed to Committee(s) of Jurisdiction prior to USET SPF BOD consideration.]; consultation session scheduled; listening session in works; future/upcoming meetings to be aware of; comments / testimony required – SPF involvement; add to best practices, request special meeting; any motions carried, are there policy implications for USET SPF involvement, etc.)

Impact Week – Did you visit the HILL? Yes No
 Annual Meeting – Did you Tour the Host Tribal Nation? Yes No

OTHER Business

The committee did discuss a need for our committee to stabilize its structure and begin to mount an outreach campaign through USET SPF board of directors. We only had five committee members present during this annual meeting. The Culture and Heritage committee is in the process of reorganizing and we are seeking your assistance as we seek to include representatives from each member tribe on this crucial committee. We kindly request that you review your current appointments to the USET Culture and Heritage committee, and may any updates or nominations for representatives who would like to serve. We are hoping that our culture and heritage committee can receive updated appointments by Friday, January 12th, 2024. We would like to seat the new appointees at the next USET/USET SPF Impact Week, March of 2024.

Submissions may be sent to myself, Michael Johnson, via E-mail, mejohanson@mptn-nsn.gov, or our vice chair, Ryan Lopez, via e-mail rlopez@tunica.org

At A Glance Agenda Items for Next Meeting

- Tribal Data Sovereignty
- A presentation by the Us Geological Service to discuss the recently discovered New England Aquifer
- The Salt Water intrusion happening in Louisiana causing difficulty in obtaining fresh drinking water
- The Council on Environmental Quality New Rules changes
- Presentations to reclaim our indigenous place names on Maps
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Were Elections Held? YES NO

Chair Michael Johnson, Mashantucket Pequot Tribal Nation

Vice Chair Ryan Lopez, Tunica-Biloxi Tribe of Louisiana

Secretary No appointed secretary at this time.

Date: _____

Prepared by: _____

Committee met under the direction of Chairperson: _____