



USET

SOVEREIGNTY PROTECTION FUND

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USET SPF Resolution No. 2024 SPF:001

URGING THE BUREAU OF OCEAN ENERGY MANAGEMENT TO STANDARDIZE ITS MITIGATION PROCEDURE WITH TRIBAL NATIONS FOR OFFSHORE WIND ENERGY PROJECTS

- 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,** the Bureau of Ocean Energy Management (BOEM), a federal agency under the United States Department of the Interior (DOI), 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,** 36 CFR § Part 800, better known as "Section 106" of the National Historic Preservation Act (NHPA), requires federal agencies to consider effects on historic properties, including those of significance to Tribal Nations, of the projects they carry out, assist, fund, permit, license, or approve throughout the country; and
- WHEREAS,** Title 54 of the United States Code requires Tribal consultation in all steps of the NHPA review process when a federal agency's project or effort may affect historic properties that are located on Tribal lands or when any Tribal Nation attaches religious or cultural significance to the historic property, regardless of the property's location; and
- WHEREAS,** under current regulations, BOEM is to explore measures to avoid, minimize, or mitigate adverse effects to historic properties; and
- WHEREAS,** USET SPF member Tribal Nations have identified a need for BOEM to standardize its mitigation process when entering into Memoranda of Agreement (MOAs) with Tribal Nations; and
- WHEREAS,** Tribal Historic Preservation Offices, which 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 responsible for preparing an Environmental Impact Statement (EIS) for each proposed offshore wind energy project; and

- WHEREAS,** nine (9) recently approved offshore wind lease areas auctioned off to developers are located off the coasts of Massachusetts and Rhode Island; and
- WHEREAS,** some USET SPF member Tribal Nations consulting on offshore wind energy projects have experienced an older procedure in the Atlantic Northeast region that lacks meaningful or consistent funding to support Tribal mitigation initiatives; and
- WHEREAS,** as the BOEM prepares EIS reviews for wind energy projects in other coastal locations across the United States, funding support has been made available for mitigation measures for states and other non-Tribal communities and units of government with coastal communities; and
- WHEREAS,** it is unclear if mitigation funding will be made available to Tribal Nations in affected coastal areas within the USET SPF region, how funding levels for other entities are established, and the source of the funding; and
- WHEREAS,** clarity is needed from BOEM as to how all mitigation initiatives are funded, what the criteria and eligibility requirements are to establish funding amounts, and what the mechanism is to access the funding under or through the MOA; and
- WHEREAS,** funding for mitigation efforts should be provided for Tribal Nations who attach religious or cultural significance to the historic properties in areas where proposed wind energy projects are to occur; 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 requests the Bureau of Ocean Energy Management standardize its mitigation process for entering into agreements with Tribal Nations and for proposed offshore wind energy projects, including all currently proposed projects in the USET Region that have not yet obtained a Record of Decision to begin construction; and, be it further
- RESOLVED** USET SPF calls upon the Bureau of Ocean Energy Management to create a transparent process for determining mitigation initiative funding, established through Tribal consultation, by which Tribal Nations may access meaningful and consistent mitigation funding through agreements with federal agencies under the National Historic Preservation Act.


Because there is Strength in Unity

CERTIFICATION

This resolution was duly passed at the USET SPF Annual Meeting held on the Sovereign Territory of the Oneida Indian Nation at which a quorum was present on October 25, 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

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