



OFFICE OF THE UNDER SECRETARY OF DEFENSE

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ACQUISITION,  
TECHNOLOGY  
AND LOGISTICS

AUG 09 2010

Mr. Jeffrey Zients  
Acting Director, Office of Management and Budget  
1725 17<sup>th</sup> Street, NW  
Washington, DC 20503

Dear Mr. Zients:

Enclosed is the Department of Defense (DoD) Progress Report on the Plan of Action to Implement the Policies and Directives of Executive Order 13175, "Consultation and Coordination with Tribal Governments." The Progress Report is provided in response to the Presidential Memorandum of November 5, 2009. The Report recaps the significant ongoing work of the Office of the Secretary of Defense and the Military Departments to address the requirements of the Executive Order and to promote effective consultation with federally recognized tribes on a government-to-government basis.

The DoD accepts the challenge to continually improve upon consultation policies and practices. DoD strives to ensure that our consultation practices provide a framework for Department actions that respects tribal sovereignty and self-governance and optimizes opportunities for tribal input.

Sincerely,

A handwritten signature in black ink, appearing to read "Dorothy Robyn".

Dorothy Robyn  
Deputy Under Secretary of Defense  
(Installations and Environment)

Enclosure:  
As stated

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

**Progress Report  
August 2010**

**Introduction**

Since the Department of Defense (DoD) submitted its initial Plan of Action to the Office of Management and Budget (OMB) in February 2010, the Department has taken significant additional steps to demonstrate its ongoing commitment to promote effective consultation with Federally recognized tribes on a government-to-government basis.

This Progress Report highlights the efforts of DoD and the Military Departments to build and strengthen relationships with tribal governments through:

- senior leadership's commitment to complying with the Policy and all related obligations to consult with tribes;
- over 150 separate consultations with Federally recognized tribes;
- new policy review and development initiatives that request tribal government input from the outset and throughout the process;
- highly valued training courses to build skills in effective consultation and cultural communication delivered to hundreds of DoD personnel; and
- outreach to even more tribal leaders with practical tools and timely insight into DoD programs, proposed actions, and opportunities to engage in consultation.

**Progress Since February 2010**

**Office of the Secretary of Defense (OSD)**

*Policy Implementation*

- The Office of the Secretary of Defense (OSD) published DoD-wide data to demonstrate compliance with the DoD Instruction, the National Historic Preservation Act (NHPA), and the Native American Graves Protection and Repatriation Act (NAGPRA). This data is included in an appendix to the DoD Annual Report to Congress (ARC) on Environmental Programs published in June 2010 (<https://www.denix.osd.mil/portal/page/portal/ARC>). As of FY 2009, 215 DoD installations have cultural or historical affiliations with Native American tribes. The data call requesting information on FY 2010 efforts will be sent out in August.

- The Military Departments still maintain collections of thousands of human remains and cultural items subject to the NAGPRA. DoD has begun to examine reports summarizing these inventories for opportunities to assist the Components with repatriating more of these remains and cultural items so that inventories can be reduced in compliance with NAGPRA (2010; ongoing).
- OSD staff monitors the DoD-wide compliance with DoD American Indian and Alaska Native policy through regular review and analysis of performance metrics submitted by the Military Departments. DoD policy requires military installations to consult with tribes regarding the development or revision of integrated cultural and natural resource management plans (ICRMPs and INRMPs, respectively) when the installations have stewardship responsibilities for tribal resources (2010; ongoing).
- The DoD Senior Tribal Liaison conducted an Alaska Native Cultural Communications Course and Executive Session (ANCCC; February 2010, in Anchorage, AK); a Native Hawaiian Cultural Communications Course (NHCCC; March 2010, in Hawaii); and an American Indian Cultural Communications Course (AICCC; June 2010, in San Antonio, TX). Through these courses, a total of nearly 200 DoD personnel were trained, developing their skills to conduct effective consultations. Another NHCCC course (with an Executive Session) is scheduled for August 17-19, 2010, in Hawaii. Another AICCC course with an Executive Session is scheduled for November 1-3, 2010, in the Seattle, WA area (throughout 2010; ongoing).
- The draft DoD policy providing guidance for consultation with Native Hawaiian Organizations (NHOs) is undergoing final internal review. The NHO coordination policy reflects the input of NHOs that participated in community outreach meetings held in 2009, as well as the input from the Office of Hawaiian Affairs (OHA). OHA is an autonomous state agency that acts as an advocate for Native Hawaiians and provides community-based programs (throughout 2010; ongoing).
- OSD analyzed in detail the comments tribal officials and leaders submitted on the DoD Plan of Action and DoD's progress to date in implementing EO 13175. The ongoing analysis has revealed several key themes among the comments received from seven tribes, including remarks noting that:
  - The DoD Policy and the actions of the DoD and Military Departments represent a strong commitment to consultation. The tribes also commented that DoD and Military Department leadership has taken several other significant steps to enhance capacity to conduct effective consultation, namely training and outreach initiatives.
  - Even with that progress, the tribes that commented recommended that DoD:
    - Strive to get beyond dialog and reaffirm with personnel at all levels that consultation is an integral part of an effective government-to-government relationship with tribes

- Ensure agency leadership at all levels is engaged and expect “more than listening sessions and data collection...”
- Engage tribal governments in ongoing dialog about Department priorities and programs as well as decisions about which types of actions should trigger consultations
- Develop enhanced guidance on procedures and measures of performance regarding accountability for consultation and adjust the Policy and Instruction, as needed
- Provide more adequate time for tribes to respond to opportunities to consult on projects or policies under development, in recognition of the sometimes limited staffing resources of smaller tribes. Consider a minimum of 30 days lead time on all requests.
- Develop measures for tracking whether and how tribes’ concerns raised in a consultation were responded to or how rejection of concerns was justified by DoD
- Establish a more formal process and expectations about developing natural and cultural resource management plans and tracking lessons learned by DoD and Military Departments
- Engage in interagency cooperation as much as possible within DoD and across the Federal Government, with the goal to ensure a coordinated response to issues and actions that could affect tribal lands or interests
- Create, and engage a senior level DoD leader in a DoD-wide Indian policy working group
- OSD and the Military Departments should review plans for the coming year for additional opportunities to address the tribes’ concerns about ongoing policy and program initiatives.

### *Outreach*

- OSD has worked with the Military Departments to encourage them to gather tribal input on the effectiveness of their policies, guidances, and initiatives related to consultation with tribes. Military Department-specific information included in this Progress Report details on emerging and ongoing consultation-related policy, training, and outreach efforts. DoD will continue to use its internal working group of representatives of the Military Departments to discover opportunities to enhance collaboration and information sharing on consultation-related issues. The DoD Senior Tribal Liaison (STL) chairs the working group (2010; ongoing).
- The DoD Senior Tribal Liaison has continued to update and expand the Native American Affairs section of the DENIX website and produce related downloadable resources for tribes and DoD personnel. Specifically, OSD has posted additional consultation tools to the site ([www.denix.osd.mil/portal/page/portal/na](http://www.denix.osd.mil/portal/page/portal/na)) and is currently finalizing a design that

will enhance further the user-friendliness of the tools and information provided. By the fall of 2010, the site will have a Native Hawaiian page to include information on DoD policies and guidances, NHOs, and related consultation resources. OSD is also reviewing opportunities to post information about consultation related to repatriation of human remains and cultural items under NAGPRA, including the implications for tribes and DoD of the new NAGPRA rule (May 2010; CFR4310.11) on repatriation of culturally unidentifiable human remains and cultural items.

- NALEMP staff has nearly completed a comprehensive update to the Native American Lands Environmental Mitigation Program (NALEMP) Manual. The Manual provides information to tribal and DoD representatives regarding administration of the NALEMP program, including consultation requirements. Once completed in September 2010, the Manual will be made available online.
- OSD updated, reprinted, and promoted to tribal governments through conferences, and to DoD personnel through consultation-related training, the booklet, *American Indian and Alaska Native Policy and Department of Defense Instruction Number 4710.02: DoD Interactions with Federally Recognized Tribes*. Nearly 1,000 copies of the booklet have been distributed since February 2010. The reprint includes the November 5, 2009, Presidential Memorandum on Tribal Consultation. An additional reprint is planned for the fall of 2010 (February 2010; ongoing).
- NALEMP staff also updated the downloadable brochure about the NALEMP program and the downloadable brochure about other DoD programs of interest to tribal governments. These brochures are routinely distributed at six national or regional conferences per year of organizations representing tribal interests; a third brochure on DoD's consultation policy and performance measures is planned for the fall of 2010 (May 2010; ongoing).

### *Coordination and Collaboration*

- OSD received \$12m from Congress for the NALEMP program for FY 2010. OSD continues to oversee the program; oversight includes monitoring monitor progress on over 40 ongoing NALEMP Cooperative Agreements (CAs) with nearly as many tribes. In June 2010, OSD signed a Memorandum of Agreement (MOA) with the Coeur d'Alene Tribe of Idaho, and an MOA with the Village of Anaktuvuk Pass, Alaska; each of these tribes is new to NALEMP. Consultation is used to develop the MOAs and the CAs with the NALEMP tribes. Twenty-three tribes will benefit in FY 2010 from a total of \$8.7m in NALEMP funding to mitigate environmental contamination at eligible sites.

## **Department of the Army (DoA)**

### *Policy Implementation*

In 1997, the Army partnered with the Department of Defense (DoD) and the other Military Departments to help develop the DoD American Indian and Alaska Native Policy. Since the Policy was established in 1998, Army policy (Army Regulation 200-1) and guidance have included the principles and best practices of Native American consultation. The key element of Army policy is to empower installation 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 land.

- The Army is revising its policy guidance to incorporate legislative, regulatory, and policy updates, along with best practices and lessons learned (ongoing).
- The Deputy Assistant Secretary of the Army for Environment, Safety and Occupational Health (DASA(ESOH)) designated an Army Tribal Affairs Liaison, in accordance with DoD policy, to ensure the Army fulfills its obligations regarding government-to-government consultation with Federally-recognized tribes (May 2010).

### *Outreach*

- The Army Tribal Affairs Liaison has initiated consultation aimed at developing a *Policy for Department of the Army Interaction with Federally-Recognized Indian Tribes*. The Army will incorporate the basic principles of tribal sovereignty, a government-to-government relationship, and the trust responsibility as the basis of this policy and Army mission requirements. The Army, including the DASA(ESOH), met tribal leaders at the June 2010 conference of the United South and Eastern Tribes, a regional tribal organization, and is continuing consultation facilitated through other tribal organizations, including the National Congress of American Indians. The Army seeks input that will help inform review of options, resolve issues in relationships with tribal nations, and help secure guidance on the direction of the emerging policy (2010; ongoing).
- The Secretary of the Army has granted the Army's Deputy Federal Preservation Officer the authority to represent the Army in consultations with tribes to discuss issues that have impeded successful consultations in the past. This outreach effort has helped reinvigorate several consultation efforts and prompted the launch of training initiatives for installation-based Army staff (May 2010).
- The DASA(ESOH) met with leaders of the Ho-Chunk Nation of Wisconsin regarding operations of the Badger Army Ammunition Plant (summer 2010).

- The DASA(ESOH) met with leaders of the state-recognized Rappahannock Tribe to discuss the location of Army Compatible Use Buffers at Fort AP Hill in Virginia (2010).
- U.S. Army Garrisons in Alaska began to produce a quarterly newsletter and distribute it to Alaska Native tribes. The newsletter reports on installation-level activities and issues of interest to Federally-recognized tribes, including but not limited to National Environmental Policy Act notices, National Historic Preservation Act undertakings, environmental stewardship efforts, meetings, and training (Spring 2010).

### *Coordination and Collaboration*

- The Army collaborated with tribes and DoD to provide a training course on consultation and communication with Indian tribes to personnel and senior leadership at Fort Carson, CO. This pilot course received such positive feedback that Army is seeking to fund two additional workshops to continue to build the capacity of installation personnel to conduct effective consultations with tribal governments (February 2010).
- After listening to consulting partners and assessing lessons learned, the Army National Guard Bureau (NGB) is transitioning from a multi-state consultation model. The multi-state approach was not meeting the needs of tribes in the participating states; instead, the Army will use state-specific Memoranda of Understanding or consultation protocols. These state-wide protocols will lend focus to each consultation effort, streamlining the process for NGB and reducing the burden on tribes to review agreements that address issues that may be of little or no interest to those tribal governments (ongoing).
- The cultural resources management teams from the U.S. Army Garrisons in Alaska, in cooperation with Partners for Progress in Delta, Inc., and Tanana Chiefs Conference, organized and hosted 2 sessions of a 3-day, Introduction to Archaeological Fieldwork, course in Delta Junction to provide the skills necessary to assist archaeological technicians on summer digs. Fourteen of the trainees were from Alaska Native tribes. Out of the 21 students involved, nine have since secured related jobs in the private sector (2010).

## **Department of the Navy (DoN)**

### *Policy Implementation*

*Department of the Navy Policy for Consultation with Federally Recognized Indian Tribes* (SECNAV Instruction 11010.14A, 2005) defines DoN policy and trust responsibilities, in conformance with EO 13175, DoD Instruction 4710.02, and the DoD American Indian and Alaska Native Policy (Policy). Guidance for implementing the DoN instruction assigns clear responsibilities and specific procedures at regional and installation levels.

In addition, Marine Corps Order (MCO) 5090.2A, change 2, Chapter 8 “Cultural Resources Management” (May 2009) provides policy and guidance for the U.S. Marine Corps (USMC) regarding consultation with federally recognized Indian tribes and Native Hawaiian organizations.

During the reporting period, DoN activities in support of Policy implementation have included several broad efforts to build and strengthen relationships with tribal governments, and more than 150 separate consultations with federally recognized tribes in compliance with NHPA, NAGPRA, and the Policy. The U.S. Navy continued the effort to revise and expand its *Integrated Cultural Resources Management Plan Guidance* to support more effective planning documents and consultation with tribes on integrated cultural resource management plans (ICRMPs), while the USMC worked on updating Chapter 8 of MCO 5090.2A (change 3, in progress) in response to new federal and DoD policies.

#### *Outreach*

During the reporting period, the U.S. Navy initiated its plan to develop *Cultural Resources Metrics* to gather input and measure the effectiveness of policies and consultations from multiple stakeholder communities, including tribes where applicable. Additionally, the U.S. Navy has begun to develop a *Tribal Consultation Toolkit*; the kit will assist installations to plan and conduct effective tribal outreach efforts.

#### *Coordination and Collaboration*

During the reporting period, DoN has continued participation and active support for broad coordination efforts, such as in the Western Regional Partnership (WRP). Navy has collaborated with the WRP to engage senior-policy level federal, state, and tribal leadership to promote sustainable energy development in coordination with military readiness requirements. The U.S. Navy-hosted Operational Assurance Forum (May 2010) similarly sought opportunities to coordinate with tribes to ensure continued effective partnerships.

### **DoN Activities by Region**

#### *Policy Implementation*

##### Navy Region Northwest (NRNW)

The NRNW continued to focus on implementation of the new NRNW Policy for Consultation with Federally Recognized American Indian and Alaska Native Tribes signed in November 2009. The NRNW Policy provides the framework and procedures for government-to-government consultation in the NRNW area of responsibility (AOR). Tribes in Washington state were invited to consult on development of this policy and other projects. Installation-specific consultations during the reporting period are listed below.



## Naval Base Kitsap

*Project-Specific Government-to-Government Consultations:* The Commanding Officers of Naval Base Kitsap (NBK) and Naval Magazine Indian Island and their staffs have been involved in 63 Government-to-Government consultation actions from February through July 2010. The number of tribes involved is shown in parentheses.

- Bangor, magnetic measurement range (5)
- Bangor, dry dock caisson repair (5)
- Bangor, Explosive Handling Wharf HW II (5)
- Bangor, Security Enclave (5)
- Bangor, Transit Protection System (5)
- Bangor, shoreline enhancement by K/B dock (5)
- Bangor, K/B dock repair (5)
- Bangor, magnetic measurement range (5)
- Bangor, Carderock Pier erosion (1)
- Chico Creek, Cooperative Agreements for tidelands purchase and culvert/road removal (1)
- Keyport MOA for mooring (1)
- Bremerton MOA for fishing (1)
- Bremerton, fender pile replacement at piers 5 and 6 (1)
- Bremerton PSB connection to Pier 8 (1)
- Jackson Park Housing Complex, Public Private Venture (1)
- Jackson Park Interpretative Display (1)
- Manchester small boat pier repair/replacement (1)
- Manchester fender pile replacement (1)
- Zelatched Point pier repair (5)
- Indian Island beach seeding (4)
- Indian Island small craft pier (4)

National Historic Preservation Act (NHPA) Section 106 Tribal Consultation: The following have been conducted:

- Drafted Historic Properties Assessments -- letters to four affected tribes (April 2010).
- Initiated a Section 106 Consultation regarding Demolition of Quarters A, B, and C, and Manchester -- via a letter to the Suquamish Tribe (May 2010).

#### Other Tribal Consultation:

- NBK trip to Point Barrow, AK, to discuss Defense Environmental Restoration Program/Formerly Used Defense Site Program action at Navy property with the Ukepeagvik Inupiat Corporation – June 2010.
- Continuing studies in accordance with the NBK Bremerton Pier B MOA with the Suquamish Tribe regarding Keyport Lagoon Compensatory Mitigation, Chico Creek Restoration, and the Aquascape Plan (ongoing).
- Ongoing consultation culminating in a meeting with the Chairman of the Suquamish Tribe regarding development of an interpretive display for Jackson Park/Elwood Point in accordance with the stipulations of the MOA for NBK Bremerton Pier B construction (May 2010).
- Ongoing efforts in support of a cooperative agreement with the Suquamish Tribe to conduct fish monitoring, forage fish pawning, and substrate studies in the near shore environment (ongoing).

#### **Naval Air Station Whidbey Island (NASWI)**

##### Project-specific Government-to-Government Consultations:

- NASWI Seaplane Base Breakwater project – coordination with tribes with usual and accustomed (U&A) harvesting rights and review.
- NASWI consultation with tribes on archaeological monitoring and inadvertent discovery plans for a proposed building demolition project.
- Ongoing Crescent Harbor Marsh restoration coordination with tribes with U&A rights.

##### NHPA Section 106 – consultation with 3 tribes on a total of 8 projects, including:

- Coordination with the Umatilla Tribe including letters, e-mail, and phone calls among the installation-based cultural resources manager, the Naval Facilities Command (NAVFAC) core archaeologist, and the tribal historic preservation officer for the Confederated Tribes of the Umatilla Indian Reservation (Feb 2010).

##### Other Tribal Consultation:

- Consultation with Swinomish Tribe regarding the inadvertent discovery of a dense, non-cultural shell deposit at Maylor's Point resulting from unauthorized trenching by the City of Oak Harbor.

#### **Naval Magazine Indian Island**

##### Project-Specific Government-to-Government Consultations:

- Signed a Memorandum of Agreement (MOA) with the Suquamish and Jamestown S'Klallam Tribes for clam seeding (May 2010).

- Held a government-to-government consultation meeting with the Port Gamble S’Klallam Tribe regarding the Kinetic Hydropower System (February 2010).

#### NHPA Section 106 Consultation:

- Initiated consultation with the Suquamish and S’Klallam Tribes (under Section 106 of the NHPA) for removal of spartina, an invasive cord grass (June 2010).

#### **Naval Station Everett (NSE) including Naval Radio Station Jim Creek**

##### Project-specific government-to-government consultation

- Sea-Based X-Band (SBX) Radar Repairs and Maintenance Project – the Missile Defense Agency (MDA) proposed action with NSE as one alternative location (2010).
- The NSE Commanding Officer invited the Stillaguamish, Suquamish, and Tulalip Tribes to initiate a government-to-government consultation and then sent letters to the tribes documenting the first session (July 2010).

##### Restricted Area Expansion

- NSE proposed to expand restricted area boundary; required USACE permit (2010).
- Signed an MOA with the Tulalip Tribe regarding fishing rights (April 2010).

##### Naval Radio Station (NRS) Jim Creek Projects

- Initiated government-to-government consultation via a letter requesting a meeting with the Stillaguamish Tribe to discuss a proposal to repair culverts, improve drainage, demolish two buildings, and construct a new facility. Navy staff members held a conference call with tribal staff members to discuss the project and followed up by sending additional information for review by the tribe (March - June 2010).

##### Pacific Beach Conference Center

- Contacted a Quinault Indian Nation cultural resources representative regarding a proposal to correct erosion along a bluff with excavation of drainage system. The Quinault indicated no known tribal interests at the Navy facility. Navy staff sent a letter to the tribe documenting the conversation (April 2010).

#### **Naval Region Northwest (NRNW), Region-Level**

- Extended an invitation to all tribes in the region to review the NRNW installation INRMPS prior to the NRNW INRMP metrics meeting in October/November (May 2010).

- NAVFAC NW and NAVFAC Atlantic consulted with the Ukpeagvik Inupiat Corporation to address NAGPRA repatriation and curation per 36 CFR Part 79 of collections generated from formerly owned Navy land in Point Barrow, Alaska (June 2010).

### NAVFAC Atlantic

NAVFAC Atlantic, in coordination with NAVFAC Mid-Atlantic, instituted a multi-year archaeological field school with the Department of Anthropology at the College of William & Mary. The partnership will conduct excavations on a highly significant Native American site known as Kiskiack, located on the Naval Weapons Station Yorktown, VA. Participants include Pamunkey Tribe Chief Kevin Brown and Tribal Council members Jeff Brown and Ashley Atkins; Assistant Chief of the Mattaponi Tribe, Mark Custalow; Dr. Martin Galivan, College of William & Mary; and Susan L. Ritter, M.A., and Bruce J. Larson, M.A., NAVFAC Atlantic (July 2010).

This coordinated scientific excavation effort was thought to be of great interest to the state-recognized Pamunkey and Mattaponi Indian tribes; both tribes have historic ties to this region of southeastern Virginia. Dr. Galivan requested and was granted permission by the installation commanding officer (ICO) to contact tribal representatives and orchestrate an on-site meeting. The tribal representatives were extremely impressed with the academic quality of the excavations and very supportive of the cooperative efforts of the Navy and the College aimed at enhancing awareness within NAVFAC Atlantic staff of the native cultures in the Yorktown region. The ICO plans to continue this consultation with the tribes to demonstrate the Navy's commitment to appropriate stewardship of important cultural resources (ongoing).

### Navy Region Southeast (NAVFAC SE)

NAVFAC SE routinely consults with Native American tribes regarding proposed construction actions in the AOR that could affect sites of religious or cultural importance to the tribes, pursuant to 43 CFR 7.2(a). None of these consultations has been problematic; none has encumbered the government beyond the measure of law; and all have enhanced the capacity of the Navy to consult effectively with Native American tribes (ongoing).

NAVFAC SE is currently consulting with seven Native American tribes regarding the disposition of NAGPRA cultural remains that were inadvertently discovered in the course of pre-construction archaeology at Building 1754, NAS Pensacola. All consulting parties have been cooperative and all have expressed their thanks for the Navy's timely and professional approach to resolving the matter (ongoing).

## Navy Region Southwest (NAVFAC SW)

NAVFAC SW routinely engages in consultation with tribal governments, consistent with DoN and DoD policies and the DoD Action Plan for EO 13175.

### **Naval Facility Centerville Beach, CA**

CNRSW consulted with the Bear River Tribe of the Wiyot and the Blue Lake Rancheria of the Wiyot on a proposal to demolish standing structures, remediate soil contamination, and transfer the closed installation to the Bureau of Land Management. Although archaeological surveys and test excavations supported a finding of no historic properties affected, CNRSW provided archaeological monitoring of ground disturbance to in response to tribal concerns that the site could contain buried features related to the Wiyot creation story (2010).

### **Naval Air Weapons Station China Lake**

During the reporting period, the installation initiated consultation on 32 distinct projects, each of which could affect eight tribes.

### **Naval Air Station Fallon, Nevada (NAS Fallon)**

Installation staff met with Fallon Paiute Shoshone Tribe to discuss location of an Enterprise Land Mobile Radio (ELMR) on Mt. Moses, an area of cultural importance to the tribe. The tribe made requests regarding placement of the ELMR, with which the installation complied. Tribal representatives have been invited to visit the ELMR site during construction (2010).

Members of the Fallon Paiute Shoshone Tribe contacted the installation to discuss constructing a solar farm near NAS Fallon. Though not currently feasible, the installation is reviewing proposed changes to the status of the property that would allow the tribe-sponsored project to proceed (2010).

NAS Fallon invited members of the Fallon Paiute Shoshone Tribe, Walker River Paiute Tribe, Lovelock Paiute Tribe, Pyramid Lake Paiute Tribe, Yerington Paiute Tribe, Yomba Shoshone Tribe, Winnemucca Shoshone Tribe, and Te-Moak Tribe of the Western Shoshone to consult on renewal of the NAS Fallon Programmatic Agreement (2010).

## U.S. Marine Corps (USMC)

The USMC routinely consults with Native American tribes in regard to actions at its installations that could affect sites of religious or cultural importance, pursuant

to 43 CFR 7.2(a), and in compliance with Section 106 of the National Historic Preservation Act and the National Environmental Policy Act. None of these consultations has been problematic; none has encumbered the government beyond the measure of law; and all have enhanced the USMC's capacity to consult effectively with Native American tribes (ongoing).

## *Outreach*

### Navy Region Northwest

#### Small Business Contracting with the DoN

- NAVFAC NW met with the Suquamish Tribe's Port Madison Enterprises Construction Company to discuss small business 8(a) contracting opportunities with the DoN (May 2010).
- The Regional Deputy for Small Business from NAVFAC NW, NUWC Keyport and FISC Puget Sound participated in the Creating Pathways for Native Business Conference in Port Gamble, WA (March 2010).

### Navy Region Southwest

#### **Naval Air Weapons Station China Lake**

- Tribal visit to Sheep Canyon (March 2010)
- Tribal Visit to Coso Hot Spring (April 2010)
- Hanson family visit to horse traps historically operated by the family, Lone Pine and Timbisha Tribe (2 visits; June 2010).
- Jackson-Summer family visit to homestead of the former members of the Timbisha Tribe removed from tribal rolls during a dispute with the tribe. They currently communicate with Navy directly, or through the Bishop Tribe (July 2010).

### USMC

USMC installations within the Marine Corps Installations West Region conducted a number of in person government-to-government consultation meetings and outreach related to the proposed basing of new weapons systems (MV-22 Osprey aircraft, Joint Strike Fighter) at west coast installations, and the proposed land expansion at the Marine Corps Air Ground Combat Center Twenty-nine Palms (2010).

## *Coordination and Collaboration*

### Navy Region Northwest

#### Northwest Navy Tribal Council

- The Commander, Navy Region Northwest (CNRNW), chaired the Council. The Council meeting was hosted by the Suquamish Tribe. Twenty-five federally-recognized tribes in Western Washington have been invited to participate with installation commanding officers in the semi-annual meetings held since 2003. This forum has helped build successful partnerships with Western Washington tribes and facilitate government-to-government consultations (May 2010).
- NRNW staff (N40) met with members of the Makah Tribal Council (MTC) to discuss Federal trust responsibilities relating to impacts from Navy vessel traffic and the potential for oil spills within the MTC Usual & Accustomed Fishing Areas (U&A) or on treaty lands. N40 facilitated formation of a workgroup, consisting of the U.S. Coast Guard, Makah Tribe, the Washington State Department of Ecology, and the Olympic Coast National Marine Sanctuary, to discuss the MTC's concerns. NRNW N40 presented on the roles and responsibilities of the various Navy commands operating within the MTC U&A, overall fleet presence in NRNW, relevant Navy policy and legal obligations, and Navy oil spill response capabilities. Participants reached agreement on an approach to address and help enhance further response capabilities at Neah Bay through an ongoing task force under the NW Area Committee. NRNW-MTC relations were enhanced as was MTC awareness of the Navy's trust responsibilities and spill response capabilities. N40 intends to actively participate on the NW Area Committee task force (February – March 2010; ongoing).

### Navy Region Southwest

#### **Commander Navy Region Southwest**

The CNRSW actively participates in the WRP.

#### **Naval Air Weapons Station China Lake**

**Leadership Meetings:** sessions include the China Lake Installation Commander, environmental staff, and tribal leaders and tribal staff (May 2010; ongoing).

## **Department of the Air Force (AF)**

### *Policy Implementation*

**611th Wing, AK.** The Knik Arm Crossing Section 106 Programmatic Agreement was signed by the Advisory Council on Historic Preservation. Signatories include the Federal Highway Administration, Elmendorf Air Force Base, the State Historic Preservation Officer, and Knik Arm Bridge and Toll Authority. Concurring Parties include the Municipality of Anchorage, Anchorage Historic Preservation Commission, Knik Tribal Council, and Knikatnu, Inc. (2010).

**Air National Guard-Penobscot Nation Consultation Meeting, Bangor, ME.** On May 11th, 2010, Brigadier General Leon Rice USAF ANG and Chief Kirk Francis of the Penobscot Nation, held a government-to-government consultation meeting facilitated by the DoD Senior Tribal Liaison. At issue is concern about the potential impact on the tribe of a proposed new low level training route over Penobscot lands in central Maine within the Condor Military Operating Area. The tribe and USAF ANG have agreed to develop a Memorandum of Agreement together and have agreed in principle on the new training route (May 2010).

### *Outreach*

**Eglin AFB, FL.** The base hosted a conference with Miccosukee Tribe of Indians of Florida, Seminole Indian Tribe of Florida, Poarch Band of Creek Indians of Alabama, and the Muscogee (Creek) Nation of Oklahoma to facilitate current and future consultations between the federally recognized tribes and Eglin AFB CRM (2010).