

NAEP

The National Association of
Environmental Professionals

TM *Promoting Excellence in the Environmental Profession*

Tribal Consultation and Engagement in the Era of Streamlining

October 3, 2018

Marie Campbell

NAEP President



- President, Sapphos Environmental, Inc.
- 35 years experience with environmental compliance
- Served as Acting Chief, Environmental Resources Branch, U.S. Army Corps of Engineers
- Firm received 2012 Recipient California Governor's Environmental and Economic Leadership Award and California Air Resources Board Climate Action Leader Award
- MA, University of California, Los Angeles, Geography
- BA, University of California, Los Angeles, Ecosystems



What is NAEF?

- The multidisciplinary association for professionals dedicated to the advancement of the environmental professions
- A forum for state-of-the-art information on environmental planning, research and management
- A network of professional contacts and exchange of information among colleagues in industry, government, academia, and the private sector
- A resource for structured career development from student memberships to certification as an environmental professional
- A strong proponent of ethics and the highest standards of practice in the environmental professions



What does membership include?

- Subscription to the peer-reviewed, quarterly journal Environmental Practice
- The NAEP National e-news, an exchange of short topics of interest, news and information
- The NAEP National Desk, an informative bi-weekly publication
- Discounted registration fees for NAEP's Annual Conference
- Discounted registration fees to our Educational Webinar Series
- Opportunities to advance personally and professionally through leadership positions in NAEP working groups, committees, and the National Board of Directors
- Access to various reports completed by our Committee and Working Groups
- Access to a Career Center specifically targeted toward environmental professionals
- Avenues to network with professional contacts in industry, government, academia, and the private sector
- Members sign the Code of Ethics and Standards of Practice for Environmental Professionals
- Access to the NEPA Online Forum



Join NAEP!

- For additional membership details and to become a member, please visit our website, www.naep.org and fill out the Membership Application.

Questions?

- Contact us at office@naep.org.



Today's Presenters

Moderator

W. Kevin Pape, President, Gray & Pape Heritage Management

Speakers

- **Earl Evans**, Gray & Pape, enrolled citizen of the Haliwa-Saponi Indian Tribe
- **Lee Johnson**, US Forest Service, Superior National Forest
- **Carolyn Stewart**, NextEra Energy
- **Jenny Bring**, 106 Group



Moderator



Contact: wkpape@graypape.com

W. Kevin Pape

President, Gray & Pape Heritage Management
Cincinnati, OH

- 30+ years of experience in the delivery of cultural resource services to support compliance with NHPA and NEPA
- Nationally recognized expert in cultural heritage management, historic preservation, and public archaeology
- Experienced in helping clients achieve open and respectful engagement with Indian tribes
- Board Chair, Heritage Ohio, Inc.
- Former President of the American Cultural Resources Association

Speaker



Contact: eevans@graypape.com

Earl Evans

Tribal Engagement, Gray & Pape Heritage Management
Cincinnati, OH

- 25 + years of experience in Indian/tribal affairs work representing federal government, private industry and tribal governments.
- Nationally recognized expertise in tribal consultation, engagement and indigenous relationship management.
- Experience helping clients achieve successful outcomes working directly with indigenous nations.
- Service on several inter-tribal boards and national organizations
- Has raised funding resources for many causes and charities across Indian Country.

Speaker



Lee Johnson

Superior National Forest Heritage Program Manager
Duluth, MN

- 20 years of experience in NHPA, NEPA, cultural resource compliance
- Co-author *2015 Tribal Relations Strategic Framework for the Eastern Region, US Forest Service*
- 15 years Tribal consultation experience with 1854 Ceded territory Tribes in Northeastern Minnesota
- M.A., Anthropology/Historic Preservation, University of Minnesota-Twin Cities; B.A., Anthropology/History, University of Wisconsin-Madison

Contact: leejohnson@fs.fed.us

Speaker



Contact: JennyBring@106group.com

Jennifer Bring

Cultural Resources Manager

106 Group

St. Paul, MN

- 17+ years of experience in cultural resources and NEPA compliance
- NAEP Member
- Founding member and Vice President of the Minnesota Association of Environmental Professionals 2018-present
- Multidisciplinary background in archaeology, architectural history, planning, and business management
- Extensive experience managing projects requiring coordination between National Historic Preservation Act and NEPA processes.
- Facilitates consultation with agencies, Native American tribes, and community groups, to bring resolution to potential project issues

Speaker



Carolyn Stewart

Director Tribal Relations, NextEra Energy
Evanston, IL/Juno Beach, FL

- Established NextEra's innovative tribal collaboration program; built effort to a 5-person team responsible for all NextEra Energy projects across the US and Canada
- 40+ years of experience in energy development and operations
- ~20 years experience working with Indigenous and Tribal Communities
- Co-founder and Managing Director, Red Mountain Energy Partners
- Associate Director, Navigant Consulting
- Director Strategic Planning; Director Investor Relations, Nicor Gas
- M.B.A University of Chicago; B.S., Finance, University of Illinois

Contact: carolyn.stewart@nexteraenergy.com

What Do We Mean By “Streamlining?”

- **Trump Administration**

- Rolling back regulations
- Skipping administrative requirements.
- Interpreting existing laws and regulations differently than intended to favor industry

- **Earl Evans**

- Knowing the regulations.
- Knowing the difference between “Consultation” and “Engagement.”
- Knowing how to appropriately utilize “Engagement” to achieve better “Consultation” outcomes.

What Do We Mean By "Streamlining?"

- § 800.14 Federal agency program alternatives.
- (a) Alternate procedures. An agency official may develop procedures to implement section 106 and substitute them for all or part of subpart B of this part if they are consistent with the Council's regulations pursuant to section 110(a)(2)(E) of the act.

What Do We Mean By “Streamlining?”

- **Consultation**

- Between US gov’t and tribal gov’ts.
- Required by law
- Can be adversarial
- Agency in control.
- Everyone does not have all the same information.

- **Engagement**

- Between tribal gov’ts and whomever they choose.
- Not required by anyone, so group defines parameters.
- Constructive relationship building.
- Tribe and industry collaborate, shift the dynamics away from agency control.
- Information is freely and openly shared in spirit of collaboration.

What Do We Mean By “Streamlining?”

- **Consultation & Engagement in Parallel**
 - Everyone has access to the same information at the same time.
 - All parties work in tandem to produce cooperative outcomes everyone can live with.
 - Lasting relationships are established.
 - All parties move forward together.
 - Project outcomes happen faster.
- **EXAMPLE OF SUCCESSFUL PARALLEL PROCESS**

Tribal Consultation Case Study: Superior National Forest

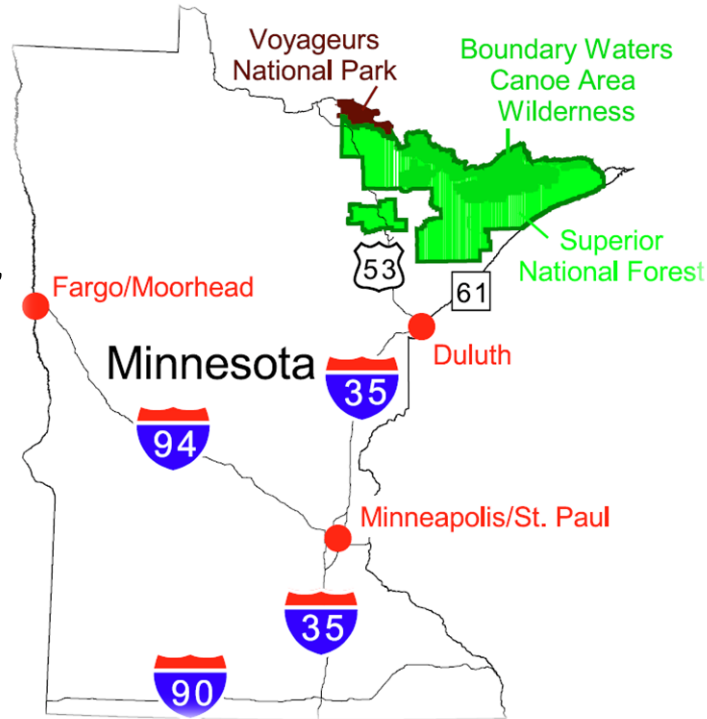
- Superior NF overview
- Treaty reserved rights on the Superior NF
- Environmental Analysis and Decision Making (EADM) initiative
- Tribal consultation and NEPA
- Tribal consultation and Section 106
- Thoughts on best practices



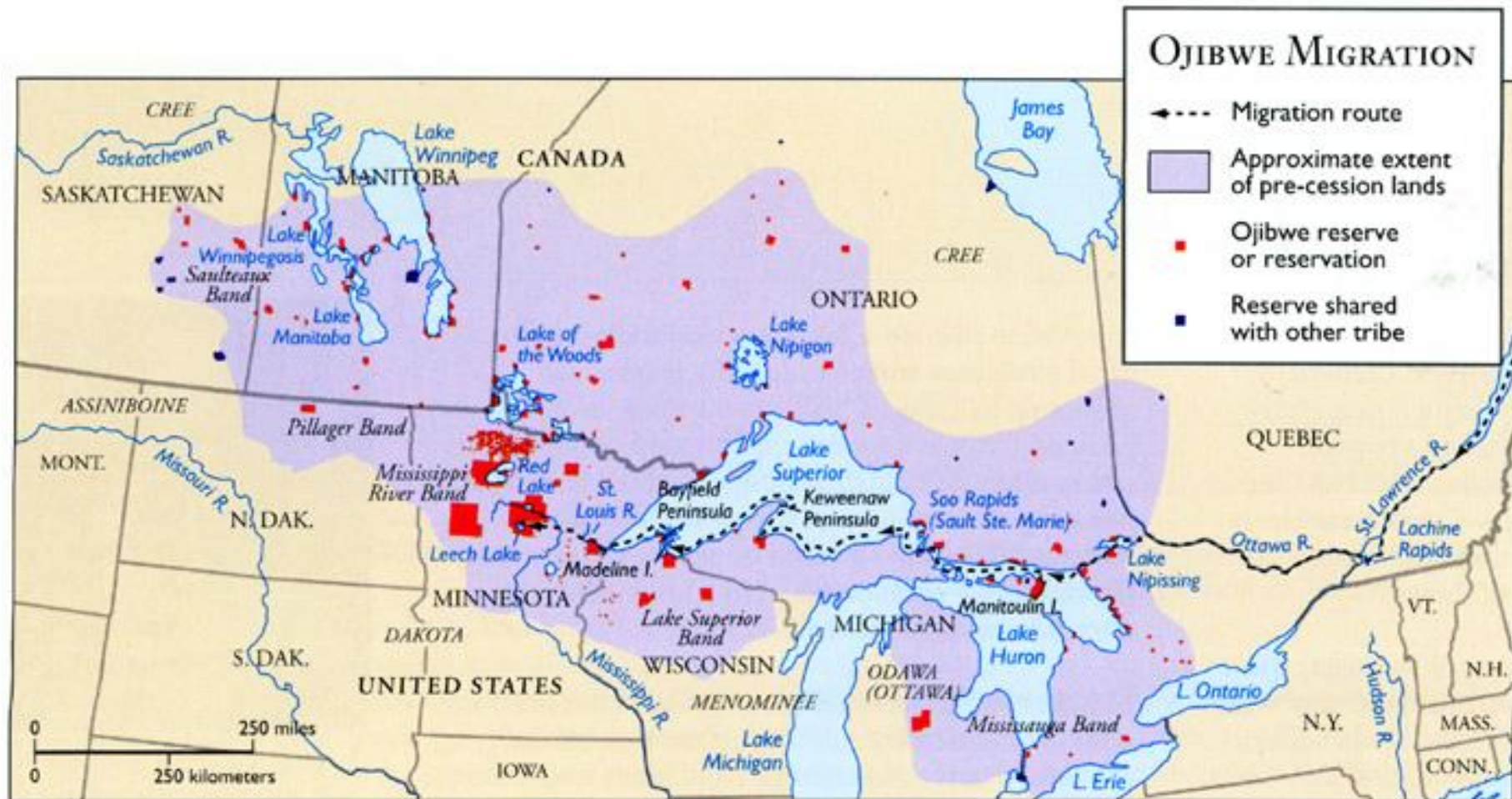
Elders picnic at Big Rice Lake, SNF. May, 2017.

The Superior National Forest

- Proclaimed in 1909
- Apprx 1.6 million acres managed for multiple use. 1 million acre Boundary Waters Canoe Area Wilderness
- Undertakings include timber, prescribed fire, special use permits, land exchanges, recreation, and mineral proposals.
- Programmatic Agreement; “flag and avoid” compliance for Section 106.
- 2018: 60 million board feet of timber harvest, and 15,000 acres of fuel treatment/RX burning
- 4-5 large veg projects under analysis at any given time, with around 2 reaching a decision annually.

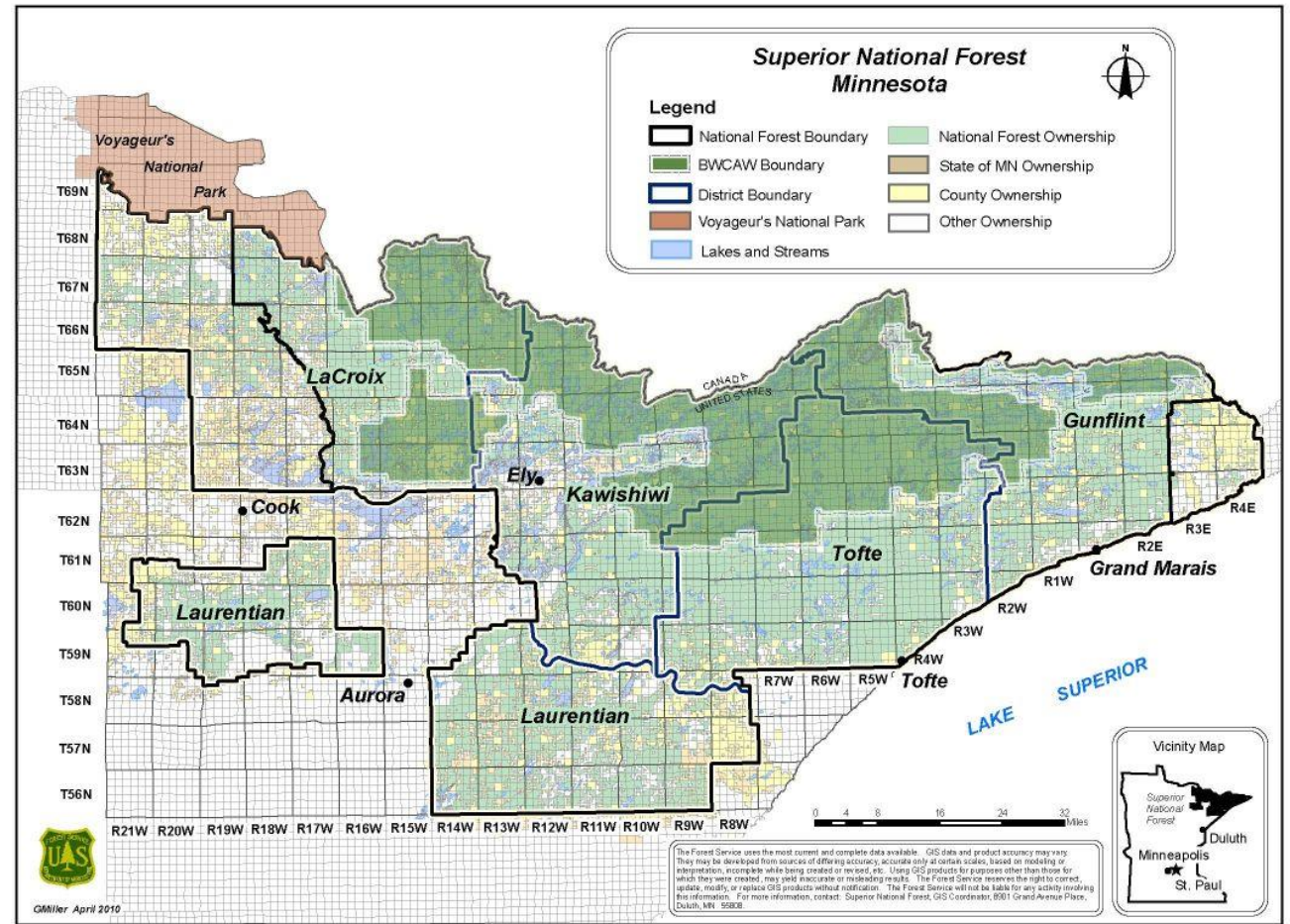


Ojibwe Lands: Past and Present



Map Courtesy Michigan State Department of Geography

1854 Treaty Area and Superior National Forest: Graphic



Reserved Rights and the Treaty of 1854

- *And such of them as reside in the territory hereby ceded, shall have the right to hunt and fish therein, until otherwise ordered by the President.* 10 Stat., 1109 Article 11.
- Reserved Rights Doctrine: these were not rights granted, but a recognition of existing, senior rights, pre-dating European colonies, the United States, and the Forest Service.
- Treaty of 1854 opened up land for settlement, granted annuity payments, and identified locations for reservations.
- Grand Portage Band of Lake Superior Chippewa, Fond du Lac Band of Lake Superior Chippewa, and the Bois Forte Band of Chippewa are present day beneficiaries.

Treaty resources of concern in northeastern Minnesota

- Manoomin (wild rice) is considered by Ojibwe people to be a sacred gift from the creator. It was foretold in their prophecies that they would reach their homeland “where food grows upon the water”.
- Moose, fish, waterfowl, fur bearing animals, sugarbush sites (sugar maple stands), medicinal plants, and water.
- Access to treaty resources is an important consultation topic.
- For many Band members, the term cultural resources is applied broadly, and includes natural resources, historic properties, landscapes, and water.
- Cases of overlap between treaty resource locations and Traditional Cultural Properties (TCPs), as defined under NHPA (e.g. fishing locations, sugarbush sites, wild rice camps).
- Land exchange proposals within the Superior NF that affect the ceded territory are of concern to the Bands.



Foundational – Why do we Consult?

- To Fulfill our Trust Responsibility.
 - 1854 Treaty
 - Executive Order 13175
 - Departmental Regulation 1350-002
 - FSM1500
 - FSH 1509.13
- **The Forest Service fulfills its Trust Responsibility through consultation with tribes, and acknowledging and integrating retained treaty rights in management decisions.**
- **The trust relationship imposes fiduciary duties on the Forest Service as trustee, meaning the Forest Service owes the beneficiary a legal duty of care in managing tribal resources (Thompson 2018).**
- **Consider treaty rights broadly, and consider any action that eliminates or impinges narrowly.**

When is Consultation Required?

- Does the Tribe have an interest in area affected by a planned activity?
 - Will there be a substantial Direct effect?
 - Are there possible indirect and cumulative effects?
 - In all cases, err on the side of more rather than less consultation, and document the rationale for your decision. FSM 1563.1
- Are there Tribally reserved rights that may be affected by the action?
- Are there general cultural, spiritual, and economic interests of the Tribe that might be affected?



Forest Service: Environmental Analysis and Decision Making (EADM) Initiative

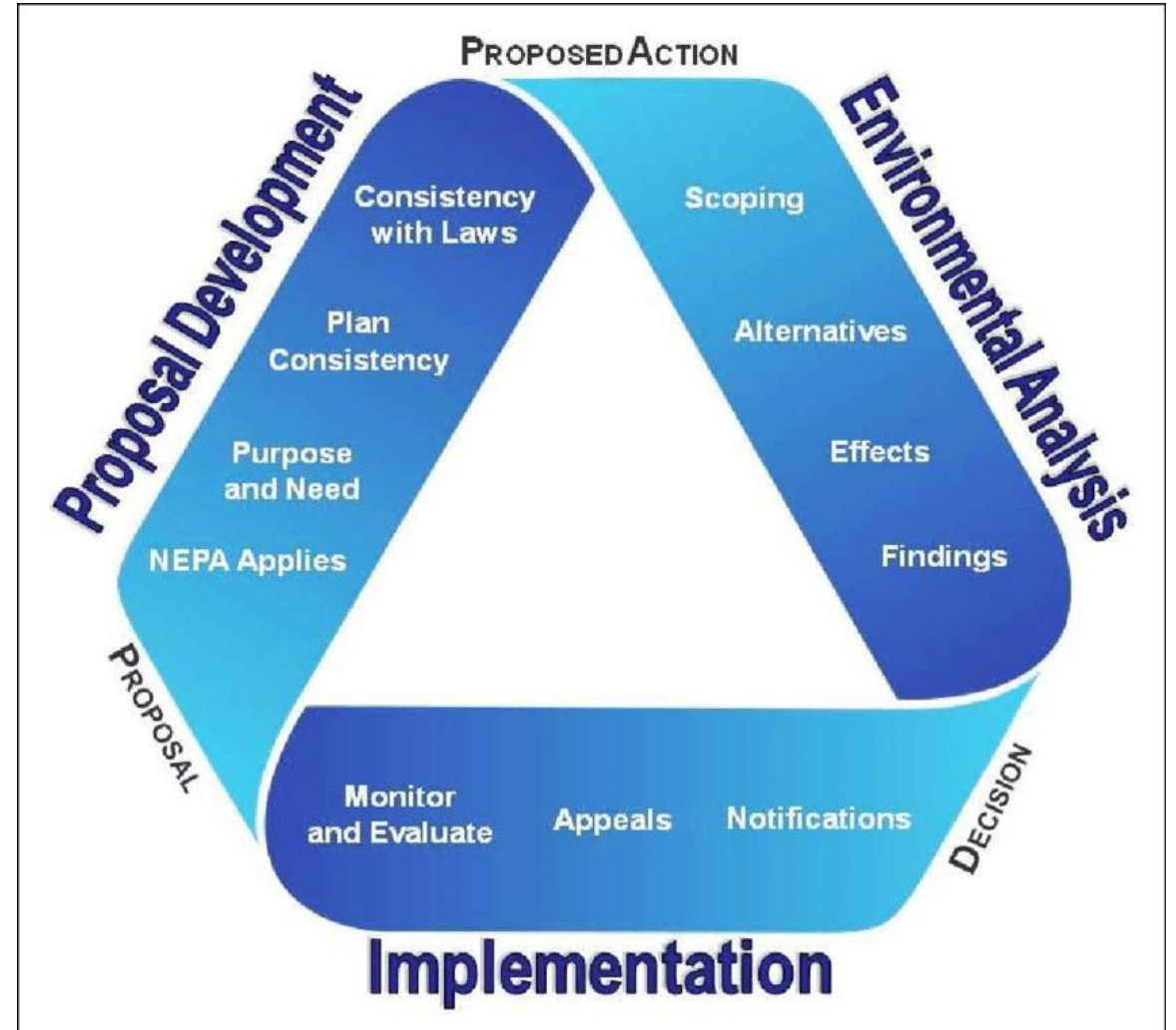
- The goal of the EADM initiative to increase the efficiency and effectiveness of environmental analysis and decision-making procedures to accomplish more work on the ground.
- EADM does not change our trust responsibilities.
- The Superior NF is focused on proactive tribal consultation and engagement early on during project development to help fulfill trust responsibilities and meet the intent of EADM.
- Working relationships and sustained engagement are key.
- The Eastern Region of the Forest Service hosted roundtable meetings in March 2018 to discuss the EADM initiative; 18 tribal representatives attended.

Case Study in Tribal Consultation: Superior National Forest Vegetation Management NEPA

- Request for Gov-Gov consultation to Tribal Council at planning stage for large vegetation management projects (30-40k acres).
- Project maps and planning meeting invites to Tribal natural resources staff (1854 Treaty Authority).
- Focused project consultation with Tribal council and Tribal chairs at annual consultation meeting.
- Opportunities for Tribes to shape and focus treatments for treaty resources enhancement/access. E.g. moose browse, wild rice access, temp road locations, sugarbush locations. “Mid-level” meetings with FS resource specialists.
- Section 106 consultation is initially broad, then focused as treatment units are finalized. Identification typically deferred in NEPA. Disclosure of known sites and prior survey coverage.

Tribal Involvement in NEPA: Proactive vs. Reactive

- Engage and consult with Tribes long before treatment units are identified.
- “Left side of the NEPA triangle”
- Consult to collaborate and enhance and treaty resource conditions.
- The Rights of Tribal Governments and their Officials are not the same, nor should they be treated the same as the general public (FSM 1563).
- Consultation is a government-to-government engagement, and does not include constituents or partners



Tribal Collaboration during NEPA: Examples from the Superior NF

- Moose habitat improvement projects (fire and harvest) in collaboration with Tribal biologists
- Wild rice access
- Spring blueberry burns
- Extending temp road closure after treatment for moose hunt access
- Sharing sugarbush GIS layers with tribes during planning and looking for opportunities to provide access or treat



2016 Burntside Lake Prescribed Fire. Photo credit MPR News.

Section 106 Consultation Protocols: Superior National Forest

- 2015 Programmatic Agreement for Section 106 Compliance with Tribes, SHPO, and ACHP.
- Negotiated exempt and screened exempt undertakings with Tribes.
- Includes provision for “phased approach to inventory and evaluation” for large, complex veg management undertakings.
- Proactive vs. Reactive: Section 110 Program engagement with tribes

“The Forest can defer its final identification and evaluation of historic properties for undertakings affecting large land areas; pursuant to a project specific memorandum of agreement; or programmatic agreement; or where a phased approach is specifically provided for in NEPA documents” (2015 PA: 6).

“Undertakings designated as either exempt or screened exemptions from Section 106 review and consultation are not exempt from, nor does the exemption serve in place of, the required government-to-government consultation between the Forest Service and the Bands” (2015 PA: 7)

Proactive Strategies for Tribal Engagement: Section 110 of NHPA

- Hosting Elders picnics at ancestral site locations
- Collaborating on National Register nomination for TCP
- Collaborative sugarbush inventory
- Collaborative bi-annual burial monitoring
- Free campground use, Tribal gathering MOU, identifying locations for culture camps on Forest lands.
- Trust relationship is fostered here



Useful References

- <http://www.1854treatyauthority.org/>
- <http://www.glifwc.org/>
- *2015 USFS Eastern Region Tribal Relations Strategic Framework* (contact Lee Johnson)
- *Why Treaties Matter* <http://treatiesmatter.org/exhibit/>
- *Indian tribes as Sovereign Governments* AILTP. 1988



106GROUP

TRIBAL ENGAGEMENT

CONSULTANT ROLE

Connecting People + Place + Time

OVERVIEW

- Resources
 - Cultural Resource vs. Historic Properties
 - Cultural vs. Natural Resources
- Role of the Consultant
 - Formal Consultation
 - Informal Engagement
- Best Practices



RESOURCES

Cultural Resource vs. Historic Property

CULTURAL RESOURCE

- Broad term used in NEPA, but not clearly defined
- Typically includes cultural uses of the “human environment”, e.g. natural environment, the built environment, etc.

HISTORIC PROPERTY

- Properties included in or eligible for the National Register
- Not all cultural resources are historic properties

Cultural vs. Natural Resources

- Natural resources with a cultural use
- Examples
 - Medicinal plants
 - Birch trees
 - Sugar bush
 - Wild rice



Minnesota Historical Center Photograph Collection, Carte-de-visite



106GROUP

ROLE OF THE CONSULTANT

FORMAL CONSULTATION

Understand protocols of specific lead federal agency

Support agency responsibilities

- Identify Tribes that should be consulted
- Draft communication to tribes
- Assist with preparation and facilitation of meetings

INFORMAL ENGAGEMENT

Facilitate building relationships

- Meet Tribes where they are
- Engage Tribes as early as possible to build a relationship of transparency and trust

Data gathering

- Engage Tribal staff to gather useful data for effective project planning and analysis

Coordinate with federal agency

- Does not require federal agency involvement, but should be coordinated with the federal agency's formal consultation



BEST PRACTICES

Best Practices

Start Early

- Demonstrates respect and accommodates project adjustments

Build relationships

- Based on understanding and leading to trust
- Need to be intentional
- Requires an investment of time



Best Practices



Documentation

- Document input received and allow participants to review
- Ensure participants are accurately heard
- Determine appropriate documentation protocols for sensitive sites/places

Best Practices

- Cultural Competency

- Know and understand the history of the tribe you are working with
- Be open minded and willing to learn something new
- Training for frontline staff





NextEra Energy's Approach to Working with Tribes

NAEP Webinar: Tribal Consultation and Engagement in the Era of Streamlining

**Carolyn Stewart, Director Tribal Relations
October 3, 2018**

NextEra Energy is a premier energy company comprised of two strong businesses



- \$17.2 billion in operating revenues
- 46,800 MW of generating capacity
- 14,000 employees



- Third largest U.S. electric utility
- 5 million customer accounts
- Electric rates 30% below the national average



- World leader in wind, solar, storage development: 33 states and Canada
- Operates 14,000 MW of Wind
- Operates 2,700 MW of Solar

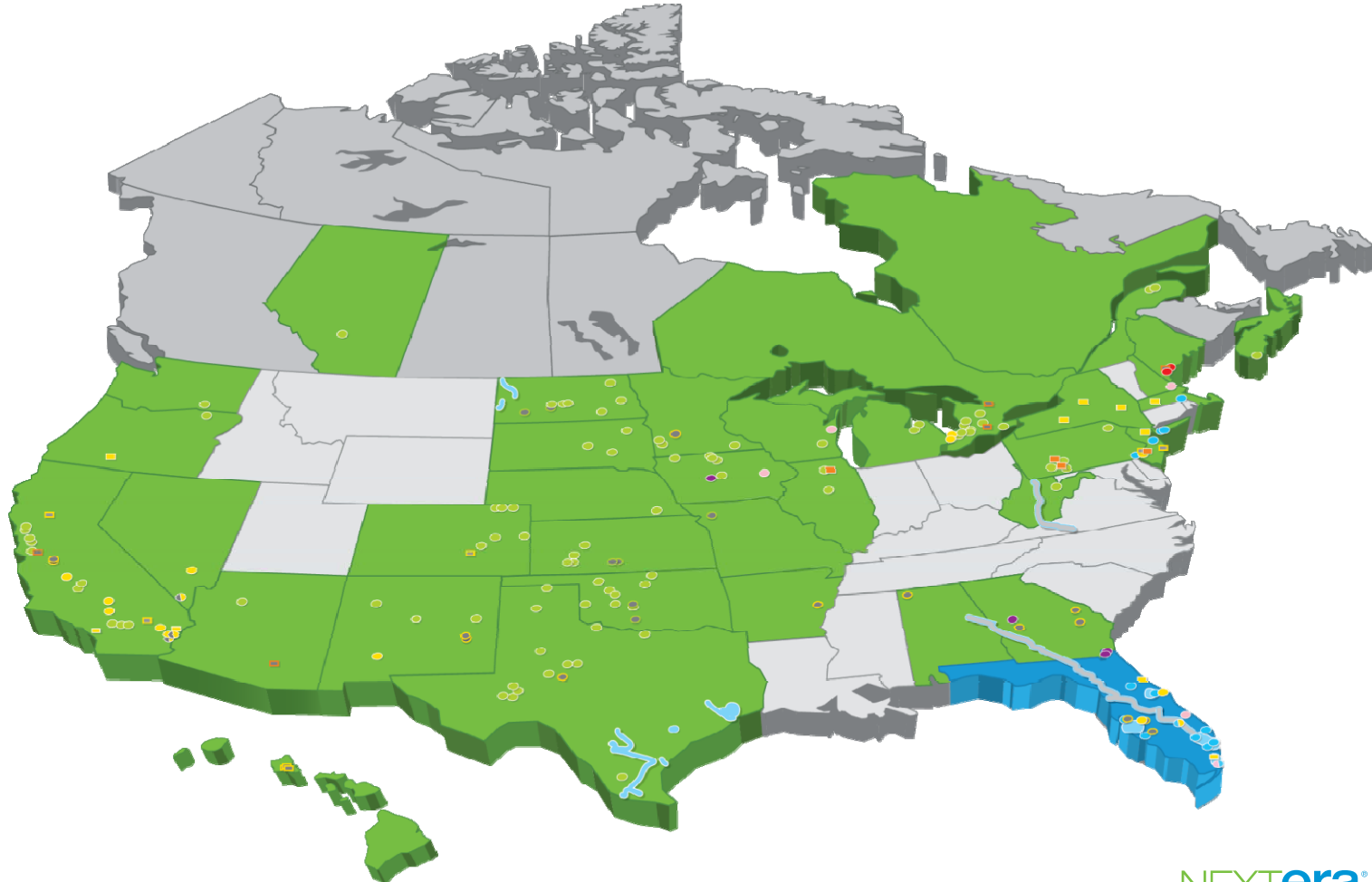
CORE VALUES

Commitment to Excellence/Do the Right Thing /Treat People with Respect



NextEra Energy has facilities in 33 states and 4 Canadian provinces

NextEra Energy Facilities




LEGEND:

- | | | | |
|---------------|-------------------------|------------|----------------------------|
| ● Wind | ● Universal-Scale Solar | — Pipeline | ● Construction/Development |
| ● Natural Gas | ● Small-Scale Solar | ● Oil | ■ FPL Service Area |
| ● Nuclear | ● Energy Storage | ● Other | ■ NextEra Energy Resources |

Locations with more than one facility are illustrated with a single dot.



Agenda

- 
- What does NextEra do that other energy companies don't?
 - Why does NextEra voluntarily work with Tribes?
 - How do we figure out which Tribes are likely to care?
 - When do we start talking to Tribes about a project?
 - How do we involve Tribes in our projects?
 - How is NextEra's approach working?
 - What are our biggest challenges?

NextEra works to develop foundational relationships with Tribes and Indigenous communities across the US and Canada

What does NextEra do that other energy companies don't?

- **Reach out to Tribes early and often to avoid/resolve issues**
 - We work directly with Tribes on projects we develop, both on private land and when there is a Federal nexus
- **Find/create ways to provide tribal community support**
- **Provide internal education about working with Tribes**
- **Receptive to working with Tribes that could host viable energy projects on tribal lands**

NextEra's five-person team supports all NextEra and FPL projects, including transmission and natural gas pipelines

NextEra's Tribal Relations Team



**Carolyn Stewart,
Director
(Continental North
and Canada)**



**Agnes Ramsey,
Project Manager
(Coastal East
and Northeast)**



**Rebecca Sher,
Project Manager
(Continental
South)**



**Shaun Tsabetsaye,
Project Manager
(Coastal West)**



**Ron Burris,
Project Manager
(Technical/Process
Mgmt)**

Our team brings finance, engineering and Indian Law perspectives

Agenda

- What does NextEra do that other energy companies don't?
- ➔ • Why does NextEra voluntarily work with Tribes?
- How do we figure out which Tribes are likely to care?
- When do we start talking to Tribes about a project?
- How do we involve Tribes in our projects?
- How is NextEra's approach working?
- What are our biggest challenges?

NextEra's relationships with Tribes provide open channels for communication and coordination

Why does NextEra Energy work with Tribes?


- **Right thing to do**

- Consistent with our approach with all communities – reach out early/often to reduce impacts/ensure that communities benefit
- Work to develop meaningful relationships with communities

- **Reduces risk**

- Nature of our work always results in ground disturbance
- More we know about the area – whether data comes from databases or tribal elders – better chance of success; often required re: permits
- With existing relationships, easier to resolve issues

Agenda

- What does NextEra do that other energy companies don't?
- Why does NextEra voluntarily work with Tribes?
-  • How do we figure out which Tribes are likely to care?
- When do we start talking to Tribes about a project?
- How do we involve Tribes in our projects?
- How is NextEra's approach working?
- What are our biggest challenges?

Tribal Relations performs an objective evaluation of need for tribal outreach early in the siting/development process

How do we figure out which Tribes are likely to care?

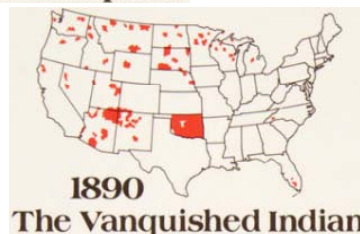
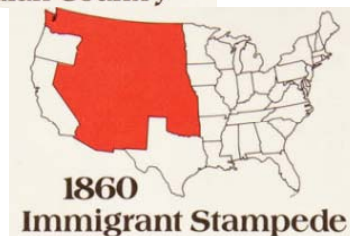
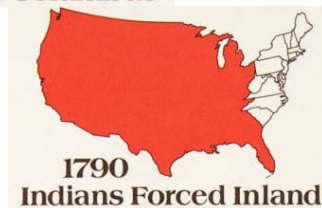
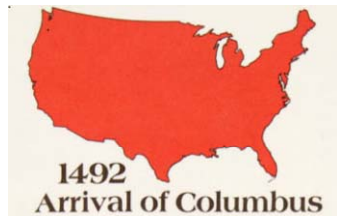
Summary Tribal Evaluation

- Basic project/site information
- Site location in relation to reservations and ancestral lands
- Significant Native American sites nearby
- Cultural sensitivity
- Recommended Tribes to be included in outreach efforts
- Map of project area and proximate reservation lands

Tribal Impact Evaluation	
Project Name / State / County	Buffalo Ridge/Minnesota/Lincoln
Developer(s)	Danell Herzig
Developer Decision re: Outreach	Yes
Environmental Lead	Kim Wells
Evaluation Date	Updated 9/25/18
Tribal Relations Recommendation	No Federal nexus: Developer should direct Tribal Relations to reach out to the Tribes listed below
Date of Critical Issues Analysis	None available
Reservation Proximity	Flandreau Santee Sioux reservation is 15 miles to the Southwest; Upper Sioux Indian Community is 50 miles to the Northeast; Lower Sioux is 62 miles to the Northeast; Sisseton Wahpeton is 86 miles to the Northwest (see map below)
Closest Indian War/Battle Site or other sensitive area	The Dakota War of 1862, also known as the Sioux Uprising, Dakota Uprising, the Sioux Outbreak of 1862, the Dakota Conflict, the U.S.-Dakota War of 1862 or Little Crow's War, was an armed conflict between the United States and several bands of Dakota along the Minnesota River in southwest Minnesota. Intense desire for immediate revenge ended with the mass execution of 38 Dakota men on December 26, 1862, in Mankato, Minnesota.
Cultural Resource Sensitivity	Pipestone National Monument is located 13 miles south of the project. Pipestone has been traditionally used to make ceremonial pipes, vitally important to traditional Plains Indian religious practices. The pipestone quarries located there are sacred to most North American Tribes, particularly Dakota and Lakota, and were neutral territory where all Nations quarried stone for ceremonial pipes for many centuries. In 1858 the Yankton Sioux secured free and unrestricted access via The Treaty With The Yankton Sioux. The land was acquired by the federal government in 1893. In 1928, the Yankton Sioux, resettled on a reservation 150 miles away and sold their claim to the federal government. The National Monument was established by an act of Congress on August 25, 1937, and the establishing legislation restored quarrying rights to the Indians. Today only people of Native American ancestry are allowed to quarry the pipestone. As an historic area under the National Park Service it was administratively listed on the National Register of Historic Places under the heading "Cannonmoke—Pipestone National Monument". The Red Pipestone Quarries within the monument comprise a Minnesota State Historic Site
Relevant Tribes if no federal nexus	<ul style="list-style-type: none">• Lower Brule Sioux Tribe• Ojibwa Sioux Tribe• Rosebud Sioux Tribe• Santee Sioux Nation• Sisseton-Wahpeton Oyate• Yankton Sioux Tribe• Crow Nation• Northern Cheyenne Tribe• Fort Peck Assiniboiné and Sioux Tribes• Mandan, Hidatsa & Arikara Nation• Spirit Lake Tribe of Fort Totten• Standing Rock Sioux Tribe• Turtle Mountain Band of Chippewa• Lower Sioux Indian Community• Leech Lake Band of Ojibwa

Tribes care about ancestral lands, not just reservation lands

Why do Tribes care about ancestral lands?



Strong tribal connections to:

- **Traditional/ancestral lands:** historically covered the continent but are vastly reduced today from 2.3+ billion to 56 million acres
 - Tribes have little to no control over non-reservation cultural issues
 - Tribal Relations is developing its own Ancestral Homeland/THPO database
- **Ceremonial sites:** Tribes maintain a strong spiritual connection to ceremonial sites; keen interest in protecting burials

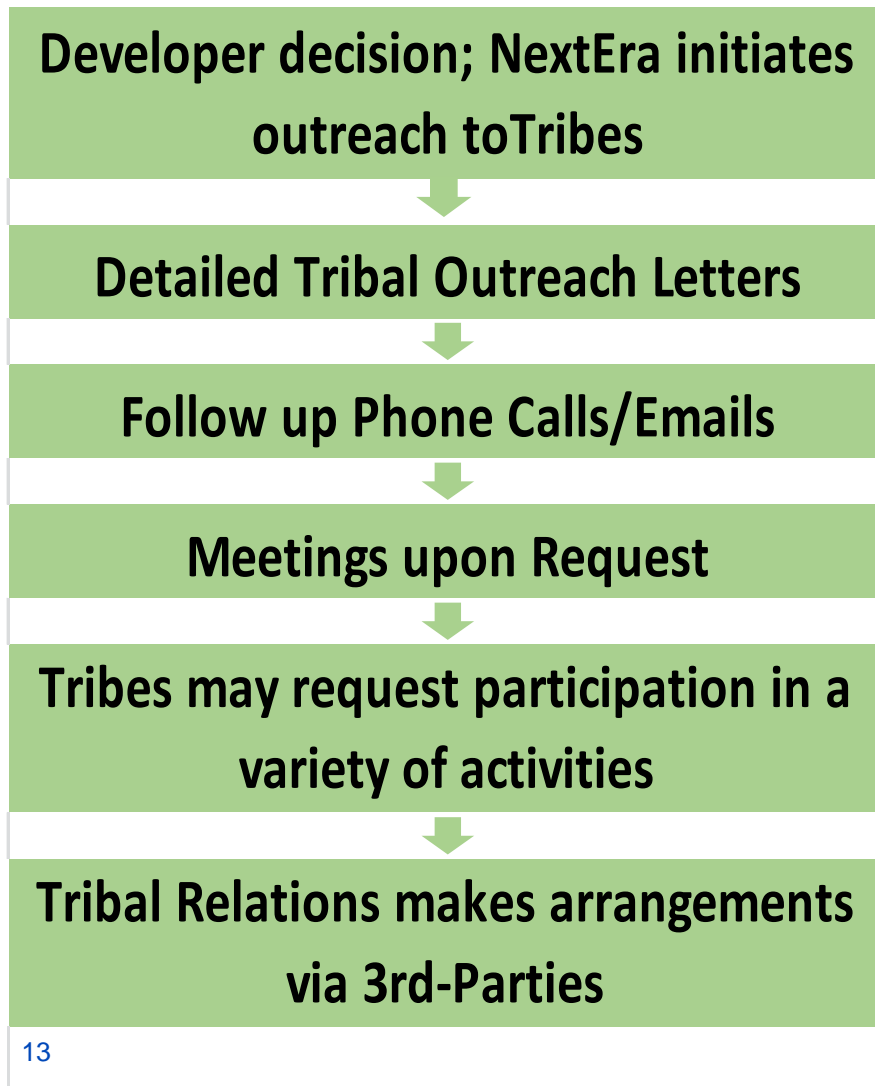


Agenda

- What does NextEra do that other energy companies don't?
- Why does NextEra voluntarily work with Tribes?
- How do we figure out which Tribes are likely to care?
- ➔ • When do we start talking to Tribes about a project?
- How do we involve Tribes in our projects?
- How is NextEra's approach working?
- What are our biggest challenges?

When we have the benefit of time, early tribal outreach and involvement increases our knowledge and efficiency

When do we start talking to Tribes about a project?



- **Information we share with Tribes**

- Detailed description of project and project area
- Details about cultural resource studies/results
- Project permitting and construction timing
- Offer to provide more information upon request and to meet with the Tribe

- **Information Tribes share with us**

- Potential areas of sensitivity
- Specific locations of cultural resources they would like to protect



The earlier we reach out to Tribes, the better...for everyone

Early outreach provides benefits for design/construction

- **Sharing survey reports and coordinating monitoring activities helps streamline environmental studies and reduce costs requests**
- **Tribal coordination helps identify sites to investigate and avoid that are often missed in standard archaeological surveys**
- **Early coordination and avoidance decisions minimize late design changes needed to meet requirements or to avoid highly sensitive cultural resources**

Agenda

- What does NextEra do that other energy companies don't?
- Why does NextEra voluntarily work with Tribes?
- How do we figure out which Tribes are likely to care?
- When do we start talking to Tribes about a project?
- ➔ • How do we involve Tribes in our projects?
- How is NextEra's approach working?
- What are our biggest challenges?

Every Tribe is different; we work to understand each's needs and capabilities

How do we involve Tribes in our projects?

- **We work with Tribes based on their interests; engagement may vary based on capabilities and resources**
- **Many have Tribal Historic Preservation Offices; some do not**
- **Sensitivity to ground disturbance varies by region and resource**
- **Typical involvement includes participation via micrositeing, surveys and/or monitoring**

Extreme cultural sensitivity requires more cultural/tribal resource management in certain regions

We collaborate closely with Tribes in the northern Plains

- **Work to identify CRM teams trusted by, and effective in working with, area Tribes**
- **Facilitate tribal project participation**
 - Micrositing
 - Joint archaeological/TCP surveys
 - Team training and education
 - Construction monitoring
- **Often requires SHPO coordination**



Working with Tribes in highly sensitive areas helps us understand their concerns

Working on precedent-setting efforts in the Dakotas

- **Joint tribal/archaeological surveys involving three Dakota Tribes**
- **Use of LIDAR & drone technology to reduce survey costs and to confirm gravesites/resources below ground**
- **Identification of numerous ceremonial sites**
- **Joint cultural resources report to SHPO, with tribal support including precedent-setting language to handle setting-related impacts**



Emmons Logan Wind



Brady Wind



Foxtail Wind



Crowned Ridge Wind



NextEra also initiates coordination with Tribes on proposed natural gas pipelines

Working with Tribes to communicate another approach

- Differences between oil and natural gas pipelines and regulatory oversight
- Its commitment to perform cultural resource surveys completely and with respect
- Its efforts to coordinate with Tribes in reviews of route and cultural resource survey results
- Its continued coordination with Tribes during permitting and early ground disturbance activities

Agenda

- What does NextEra do that other energy companies don't?
- Why does NextEra voluntarily work with Tribes?
- How do we figure out which Tribes are likely to care?
- When do we start talking to Tribes about a project?
- How do we involve Tribes in our projects?
- ➔ • How is NextEra's approach working?
- What are our biggest challenges?

By working directly with the Tribes, NextEra has been able to significantly improve its relationships with CA Tribes

Mitigating Genesis to celebrating Blythe/McCoy

Los Angeles Times | ARTICLE COLLECTIONS

[← Back to Original Article](#)

THE SOLAR DESERT

Discovery of Indian artifacts complicates Genesis solar project

After human remains were unearthed near the \$1-billion Genesis project 200 miles east of L.A., the Colorado River Indian Tribes are demanding that the Obama administration slow down on solar plants in the Mojave Desert.

April 24, 2012 | By Louis Sahagun, Los Angeles Times



In Florida, NextEra has negotiated in good faith to resolve sensitive issues despite challenging circumstances

Working towards partnerships with an area Tribe



- Conservation commitments
- Historic trails surveys
- Jointly developed Unanticipated Discoveries Plan
- Quarterly Working Group meetings
- Considering energy development on tribal lands

Early outreach with nearby Tribes is contributing significantly to tribal relationships and successful NM project development

New Mexico tribal engagement is paving the way



Volume 82, Number 5

Tuesday, January 17, 2017

“Another aspect of the company is their commitment to Native American engagement. The company feels it’s pertinent to include local Tribes in their first plans in order to respect the cultural history of the area...NEER has been in contact with both Laguna and Acoma Pueblo since April 2016. They have since consulted with cultural advisory boards...the Tribes were consulted on the placement of the project in order to avoid any inadvertent intrusion on sacred or important areas. Acoma Pueblo Governor Kurt Riley remarked that he hasn’t ever encountered a company with such an extensive regard for Native American outreach and engagement.”



NextEra's work with Standing Rock Sioux and other area Tribes has helped in numerous ways

Media recognition for our tribal outreach approach

- “Tribal Consultation on wind farm could be model for other projects”
- “As tribal historic preservation officer, it’s not my job to stop an undertaking. It’s my job to protect the resources,” Eagle said. “I enjoy my pickup, just like everybody else does. I enjoy our lights. We can do it in a more sensible way, a more respectful way, in a way that values all of our voices.”
- He said NextEra could be a model for other such projects. “I really believe there’s an opportunity for them to set the bar on what consultation with tribes should look like,” Eagle said.



The Bismarck
Tribune
www.bismarcktribune.com

The Seattle Times
REPRESENTING THE Seattle Post-Intelligencer

U.S. News & WORLD REPORT

NEXTERA
ENERGY

Agenda

- What does NextEra do that other energy companies don't?
- Why does NextEra voluntarily work with Tribes?
- How do we figure out which Tribes are likely to care?
- When do we start talking to Tribes about a project?
- How do we involve Tribes in our projects?
- How is NextEra's approach working?
- ➔ • What are our biggest challenges?

We work through both internal and external challenges

What are our biggest challenges?

- We haven't always worked this way – it can be difficult to help people understand why this approach is needed
- We need to find the right consultants – open to working with Tribes
- Once we make contact and work toward involvement, the contracting process can be complex
- We can avoid damaging physical resources; dealing with sensitive landscapes is a much more complex issue
- Tribal Relations can develop relationships, but we don't control Tribes' responses
- Everyone has to do what they say they're going to do; we can't drop the ball.....on anything

Contact Information

Carolyn Stewart, Director Tribal Relations
Carolyn.Stewart@NextEraEnergy.com
Office: 561 694-3531

Q&A



Upcoming NAEP Webinars

- **October –**
 - Section 106 and Tribal Consultation
 - 10/23: NAEP/APU Webinar
 - Part 3: Environmental Projects & the Endangered Species
- **November –**
 - 11/1: Project Management for NEPA Training
 - 11/21: Addressing Emergency Actions
- **December –**
 - Ethics Training for Environmental Professionals



SAVE THE DATE



2019 NAEP CONFERENCE

The Environmental Landscape in an Age of Infrastructure Modernization

Hosted by the Mid Atlantic Region
Environmental Professionals (MAREP)

Sunday, May 19 – Thursday, May 23, 2019

LORD BALTIMORE HOTEL
20 West Baltimore Street • Baltimore, MD 21201



2019 NAEP Conference

- **Be a Sponsor/Exhibitor!**
 - Great way to both support NAEP and get your company's name publicized!

For more information and to submit a sponsorship form, please visit <https://www.naep.org/2019-conference>

