

Gulf of Mexico Regional Ecosystem Restoration Strategy

Response to Tribal Comments



Gulf Coast Ecosystem Restoration Task Force
December 2011

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Introduction

The following is the response of the Gulf Coast Ecosystem Restoration Task Force to the comments received during consultation with tribal governments on the development and preliminary draft of the *Gulf of Mexico Regional Ecosystem Restoration Strategy*. The Task Force thanks the tribal representatives who were engaged in the consultation, all of whom provided very valuable input for the Strategy and the process moving forward. The final Strategy was delivered to President Barack Obama on December 2, 2011.

The Task Force conducted consultation and coordination with affected federally recognized tribes in Gulf Coast states during the development of the Strategy and the review of the Preliminary Strategy released on October 5, 2011. EPA facilitated the Task Force consultation following Executive Order 13175 on consultation and coordination with tribes, as well as EPA's Tribal Consultation Policy. EPA was also informed by the tribal consultations supporting the oil spill response and Natural Resource Damage Assessment (NRDA) process. In response to discussions with tribal representatives from the federally recognized tribes, the Task Force also sought input from tribes with ancestral lands in the Gulf.

The tribal consultation and coordination included face-to-face meetings, webinars and conference calls. Tribes had access to background documents and could provide comments in a variety of ways, including via EPA's Tribal Portal (www.epa.gov/tribal) and the Task Force website. All comments obtained during meetings and conference calls during the Strategy development phase were summarized and provided via the Tribal Portal throughout the consultation period. Those comments are summarized in this document. Comments received on the Preliminary Strategy are summarized below.

This response document summarizes and responds to comments received on Strategy development as well as on the preliminary draft of the Strategy. It is organized in two parts: a section on the comments received during Strategy development and a section on comments received on the Preliminary Strategy.

Comments on Strategy Development

Comment: Tribes received notification of this issue too late in the process.

Response: The timeframe for the development of the Strategy was very short. The Task Force made every effort to engage all interested parties as soon as possible. The Task Force initiated consultation with tribes once it had the chance to conduct a thorough review of existing information and could define clear goals for the Strategy. Tribes were engaged during early stages of the Strategy development process and had several months to provide their ideas for inclusion in the Strategy.

Comment: During public Task Force meetings, tribes were not invited to express their cultural concerns.

Response: The public Task Force meetings were intended to be public outreach sessions and broad input was welcome. There was an additional government-to-government consultation process with federally recognized tribes.

Comment: Tribes outside of Gulf states also would like to be involved because of their ancestral ties to the area.

Response: Tribes outside of the Gulf states had the opportunity to provide input on the Strategy development process and the preliminary draft Strategy.

Comment: Tribal environment officers have authority only within tribal lands, whereas tribal historic preservation officers (THPOs) have authority to consult within the entire ancestral land area. So it would be good to include THPOs as well.

Response: We included THPOs in our database, per the request of individual tribes.

Comment: The tribal engagement experience with *Deepwater Horizon* has been transferred to the NRDA process, where there continue to be some good lessons learned about conducting effective consultation and coordination with tribes. Tribes like this process and would like to see it considered as a model for tribal consultation.

Response: We will work closely with tribes to incorporate lessons learned from other experiences as needed.

Comments on the Preliminary Strategy

Comment: The Strategy does not reflect goals expressed by the tribes (e.g., protection and restoration of plants important to tribes).

Response: The Strategy goals are broad and are intended to address a variety of important restoration priorities in the Gulf.

Comment: It would be helpful for the Task Force to assist in developing better tools to support effective consultation with tribes, such as a centralized, confidential database of cultural and historic sites that could facilitate better implementation of requirements under the National Historic Preservation Act (NHPA) and the Native American Graves Protection and Repatriation Act (NAGPRA).

Response: The Task Force hopes to engage with tribes to develop a consultation and coordination process that is supportive of the needs of all parties, including addressing issues of facilitating better data sharing. The Strategy has been amended to reflect this comment.

Comment: The Strategy should encompass more than just recovery efforts. It should include recommendations and strategies to prevent technological disasters (such as *Deepwater Horizon*) from occurring in the future. It should provide an opportunity to develop more effective response strategies for future disasters.

Response: The Task Force acknowledges that effective response strategies are needed in the Gulf. However, this issue is beyond the scope of the Strategy, which focuses on restoration.

Comment: The Florida Appendix mentions oysters, but not the other species of importance in Florida—need to mention that they are an indicator species, if that was the intent.

Response: The intent was to focus in on certain species that could serve as “sentinel” species for ecosystem health. We acknowledge that there are many species of interest throughout the Gulf area, but also recognize the resource limitations of focusing on all of them at once.

Comment: Correspondence to tribes needs to go to the appropriate contacts.

Response: The Task Force recognizes the need to establish effective communication avenues with tribes, including appropriate contacts in tribal governments. We will continue to work with tribes to build our database of tribal contacts to ensure that we are including all interested tribal members.

Comment: Need to map out long-term collaboration; the Strategy needs to be a living strategy.

Response: The Task Force recognizes that the implementation of the Strategy will require ongoing dialogue with tribes. We look forward to engaging in meaningful dialogue via consultation and coordination with tribes.

Comment: Improve interagency coordination of consultation for multi-agency actions.

Response: Several tribes raised concerns about the lack of consistency and other problems with how federal agencies consult with tribal governments on actions involving more than one agency. We will search for opportunities to improve interaction with other federal agencies on tribal issues.
