



ODOT-CRP Tribal Consultation

Section 36 CFR 800.2(c)(2)(ii)(A)

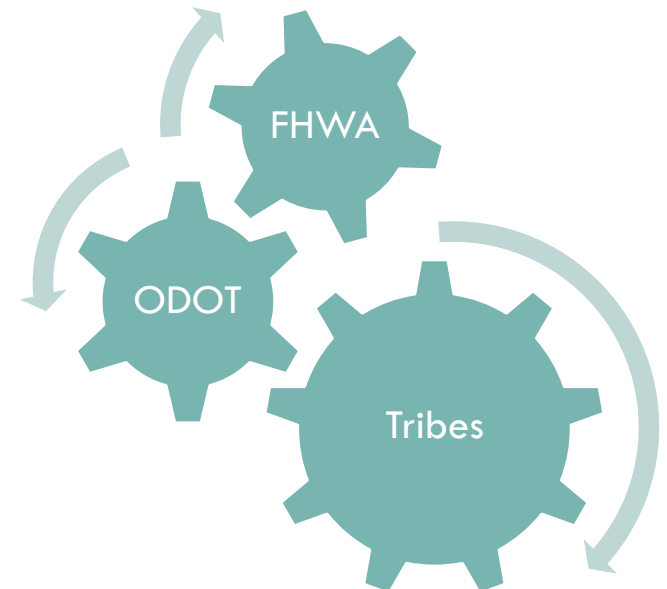
The agency official shall ensure that consultation in the Section 106 process provides the Indian Tribe... a reasonable opportunity to identify its concerns about historic properties, including those of **traditional religious and cultural importance**, articulate its views on the undertaking's effects on such properties, and participate in the resolution of adverse effects.”

The ODOT-Tribe relationship

- National Historic Preservation Act (NHPA)
 - ▣ Consultation required throughout the review process
 - ▣ Government-to-government basis
 - ▣ Respectful of tribal sovereignty
 - ▣ Acknowledgement of tribe's special expertise
 - ▣ Historic properties of religious and cultural significance
- National Environmental Policy Act (NEPA)
- Section 4f
- Various Executive orders, state burial laws, etc.

Role of FHWA

- The Federal Highway Administration has formally authorized ODOT to initiate and conduct the Section 106 review process on its behalf in the State of Oklahoma.
- FHWA retains ultimate responsibility for all determinations made by ODOT pursuant to the delegation of authority.
- Process is determined in consultation between the tribes, ODOT, and FHWA.



Who participates?

- Tribes with prehistoric interests



Who participates?

- Tribes with historic interests



Who participates?

- Tribes with jurisdictional interests



TRIBAL JURISDICTIONS IN OKLAHOMA



Types of resources



Types of resources



Types of resources



Types of resources



Types of resources



Types of resources



Types of resources



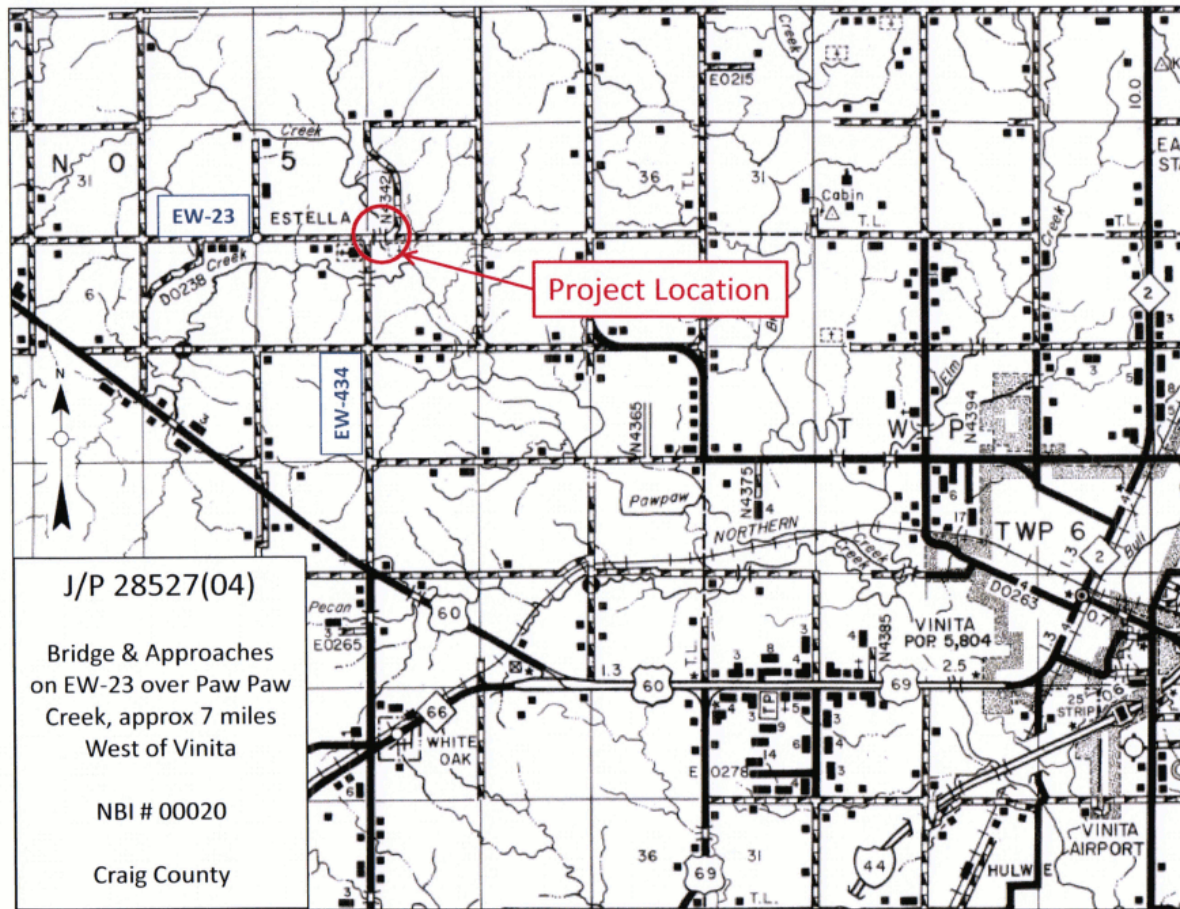
The process



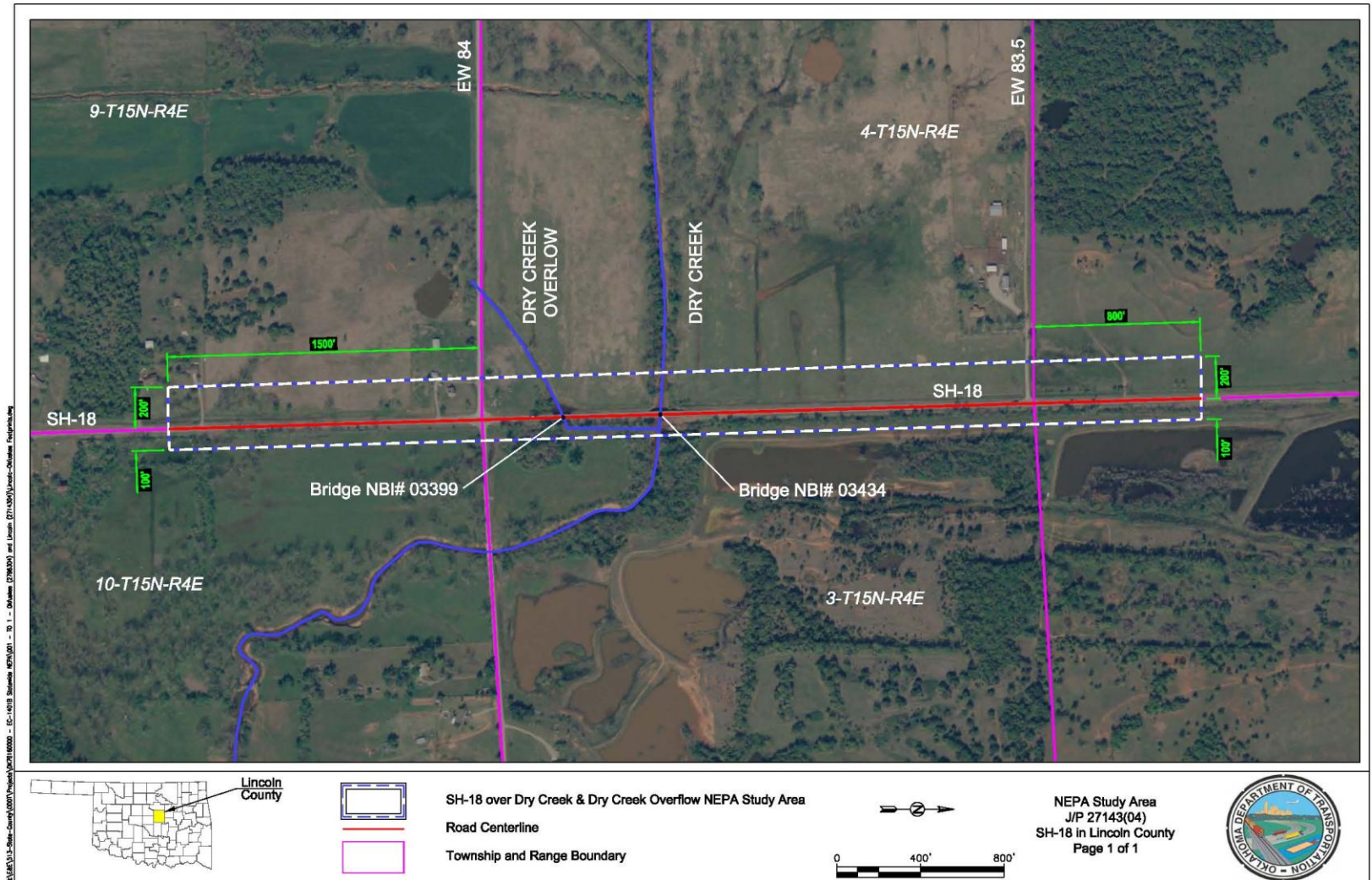
Initiation Request

- Completed Request form with clear project description
- NEPA checklist and supporting documentation
- Maps of project location and footprint
- Landowner information (when available)

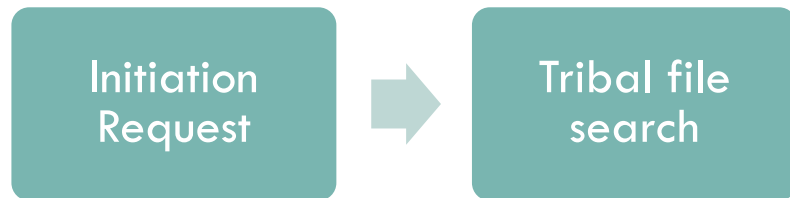
Location map



Footprint map



The process



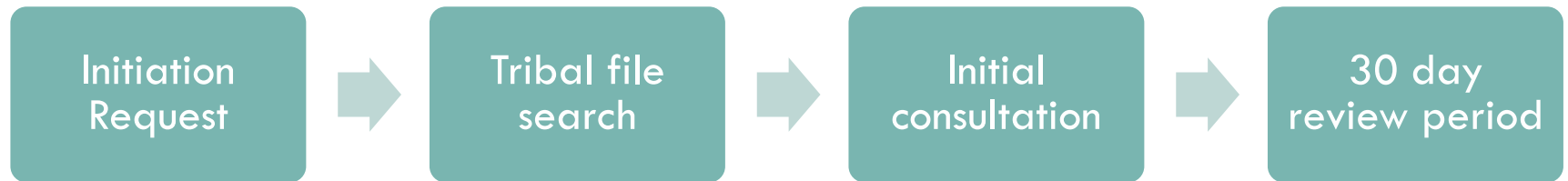
- Search of database to determine if known areas of concern are in the vicinity of the project.

The process



- Initial consultation with tribes with interest in county where project is located.
- In general, consultation letters go to the highest elected official and the tribe's THPO or designated Section 106 contact.

The process



- No fieldwork can be conducted during the review period.

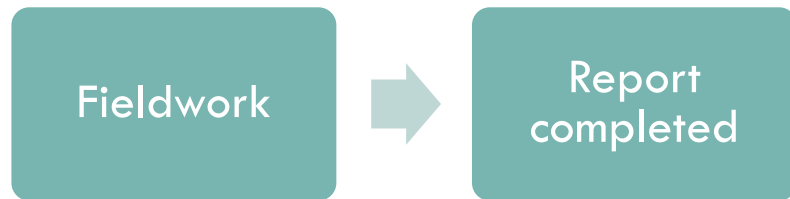
The process



Fieldwork



The process

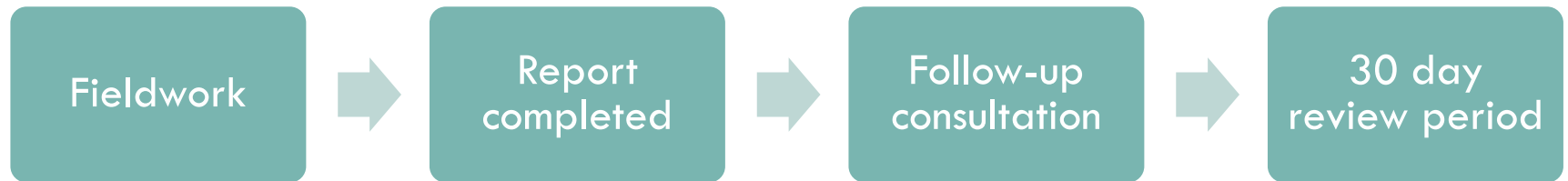


The process



- CR report sent to tribes for review.

The process



- Tribes given opportunity to review and comment on the findings of the CR report.
- Extension of review period may occur at request of tribe.
- Review period usually runs concurrent with that of SHPO (and OAS).

Challenges and opportunities

- Isolated family burial plot within the APE of a state highway widening project.



Challenges and opportunities

- Prehistoric archaeological materials incorporated into a causeway built by another agency within the APE of a roadway widening project.



Challenges and opportunities

- Traditional plant resources adjacent to APE.



Challenges and opportunities

- Site of religious, cultural, and historic importance adjacent to a bridge replacement project.



Challenges and opportunities

- Actively used ceremonial site adjacent to a bridge replacement project on a state highway.



Outcomes

- Tribes given an opportunity to articulate their concerns about a project's potential effects.
- Tribes can participate in the resolution of adverse effects to historic properties.
- Increased tribal participation in the Section 106 process builds relationships between agencies and tribes.
- Better relationships lead to increased information sharing.
- Information sharing leads to better and more effective project planning.
- Better planning leads to more expedient project delivery.

The takeaway

- Earlier consultation is better consultation.
- Tribal consultation is a legal obligation.
- Tribal consultation is based on trust.
- Tribal consultation is based on respect.
- Tribal consultation is based on relationships.
- Tribal consultation is an ongoing process.
- Tribal consultation does not guarantee a particular outcome.

ODOT-CRP Tribal Liaison

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