### MARYLAND STATE HIGHWAY ADMINISTRATION CULTURAL RESOURCES SECTION

NATIVE AMERICAN CONSULTATION PROCESS

> Carol A. Ebright September 14, 2012





# WHICH INDIANS?

- FEDERALLY RECOGNIZED TRIBES
- MARYLAND STATE RECOGNIZED TRIBES
- INDIGENOUS MD INDIAN GROUPS
- NON-INDIGENOUS MD INDIAN GROUPS
- ADJOINING STATE RECOGNIZED TRIBES
- MARYLAND COMMISSION ON INDIAN AFFAIRS (MCIA)
- CONSULTATION DOES NOT NORMALLY APPLY TO SELF-IDENTIFIED INDIVIDUAL NATIVE AMERICANS

## **FEDERALLY RECOGNIZED TRIBES**

**Considered Sovereign Nations** 

FHWA is required to consult with Federally recognized tribes under NHPA and NEPA and other legislation and Executive Orders Consultation takes place at a government to

government level

**FHWA cannot delegate responsibilities** 

## FEDERALLY RECOGNIZED TRIBES CONSULTING WITH SHA

### Haudenosaunee (Iroquois)

 Oneida Indian Nation, Onondaga Nation, Tuscarora Nation, St. Regis Mohawk

### **Delaware**

• Delaware Nation, Delaware Tribe of Indians

### **Shawnee**

• Absentee Shawnee Tribe of Oklahoma, Eastern Shawnee Tribe of Oklahoma, Shawnee Tribe

#### Lenape Haudenosaunee **Shawnee** (Delaware) (Iroquois) WASHINGTON ALLE GARRETT HAF FORD Sh awnee FREDERICK BALTIMORE HOWARD KENT scale MONTGOMER 50 miles CAROLIN HEST HARLES COMICO Ş

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#### **HISTORICAL AREAS OF INTEREST**

# • Two State Recognized Tribes

# MARYLAND INDIAN GROUPS Five unrecognized communities Indigenous to MD

 MARYLAND COMMISSION ON INDIAN AFFAIRS
 MCIA represents the interests of MD Indians but does not speak for individual MD recognized tribes or groups

Consultation status as Regular Consulting Parties Environmental Justice Considerations Status Is Trumped By Federally Recognized Tribes

## **MD STATE RECOGNIZED TRIBES**

Piscataway Conoy Tribe

**Piscataway Indian Nation** 

# **OTHER MD INDIAN GROUPS**

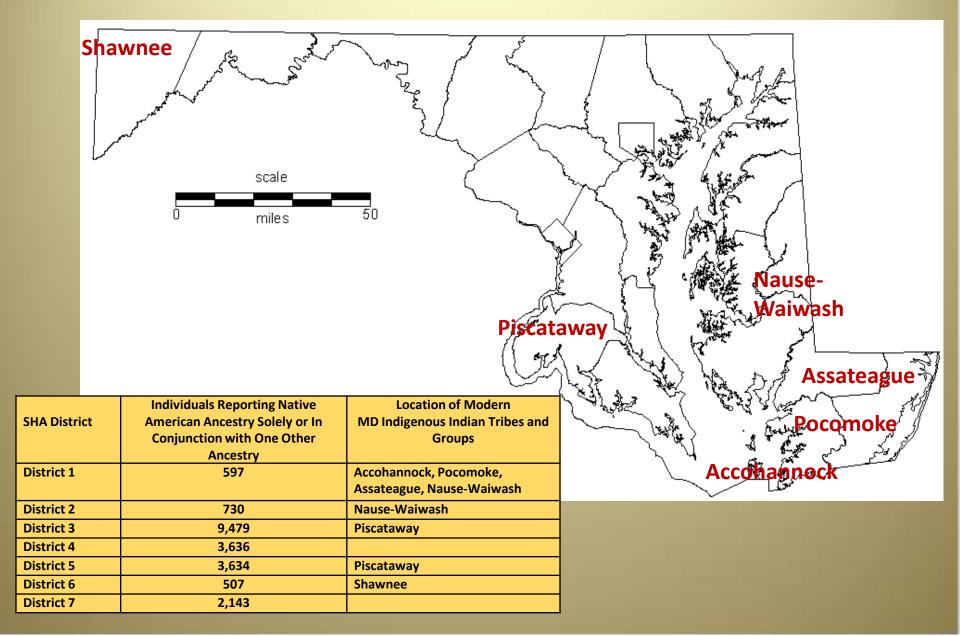
Assateague Peoples Tribe Pocomoke Indian Tribe

**Accohannock Indian Tribe** 

**Nause-Waiwash Band of Indians** 

**Youghiogheny River Band of Shawnee** 

### **Modern Maryland Tribes and Indian Groups**



# **CONSULTATION PROCESS**

- All new Project Planning project starts
- All old Project Planning projects, and any other project with prehistoric sites, high prehistoric potential, areas of known interest, or need for archeological survey
- Federally Recognized Tribes are treated like another federal agency
- State Recognized Tribes and MD Indian Groups are treated like other consulting parties
- Use Notification and Project Information forms
- Transmit project data at all project critical decision points
- Send information until tribes say stop

## FORMS

SHA MD SHA Tribal Consulta	ation: Project Notification Form		
Project Name:	Date:		
FMIS No: A-Proj No:	Master No:		
County: USGS Quadran			
Project Archeologist:			
	FAX:		
Brief Project Description (attach a map and detailed project	ct description to this form):		
Project Type:	Environmental Assessment		
Minor Transportation Other Categorical Exclusion	Environmental Impact Statement Other		
Archeological Potential (pre-Contact or Contact Period Site	es		
Known pre-Contact sites in project area	Unlikely to find pre-Contact sites in project area		
Known Contact sites in project area	Unlikely to find Contact sites in project area		
Likely to find pre-Contact sites in project area	No expected ground disturbance		
Likely to find Contact sites in project area	Other		
	ponse (tribal use only)		
Tribe:	Please provide any corrections to:		
Tribe:	Please provide any corrections to: Carol A. Ebright, Senior Archeologist		
Tribe: Tribal Contact for this project: Title:	Please provide any corrections to: Carol A. Ebright, Senior Archeologist Maryland State Highway Administration		
Tribe:	Please provide any corrections to: Carol A. Ebright, Senior Archeologist		
Tribe:	Please provide any corrections to: Carol A. Ebright, Senior Archeologist Maryland State Highway Administration 707 N. Calvert St. Baltimore, MD 21202		
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				DA	
Endosures:				itigation (Phase 3)	
Comments:			Other		
Tribal Response (tribal use only)         Tribe:       Please provide any corrections to:         Tribal Contact for this project:       Carol A. Ebright, Senior Archeologist         Maryland State Highway Administration       Maryland State Highway Administration         Address:       707 N. Calvert St.         City, State, Zip:       Baltmore, MD 21202         Cebright@sha state.md.us       Cebright@sha state.md.us         Email:       Consulting Party Status         Do you wish to be a consulting party on this project:       _Yes         If not a consulting party, do you wish to continue to receive information about this project?       _Yes         Do you wish to be a consulting party on this project:       _Yes         If your answer is Unsure, SHA will continue to provide information.]       Comments on Enclosures if applicable (please add additional pages if necessary):         Do you wish to inform so the report or MOA:       _Yes       _No         If "No" please comment:       _Yes       _No         If "Yes" please inform SHA of any traditional religious and culturally important places in or near the project area? _YesNo         If "Yes" please inform SHA how to proceed to address the tribe's concerns:       _No         If "Yes" please inform SHA how to proceed to address the tribe's concerns:       _No         Do you have any other concerns?       _Yes       _No <td></td> <td></td> <td></td> <td></td>					
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Tribal Contact for this project:       Carol A. Ebright, Senior Archeologist         Title:       Maryland State Highway Administration         Address:       707 N. Calvert St.         City, State, Zip:       Baltimore, MD 21202         Telephone:       Fax:         Copies to:       Consulting Party Status         Do you wish to be a consulting party on this project:		Tribal Respon	Se (tribal use only	<u>)</u>	
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Telephone:					
Email:		Fax:			
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