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
HISTORICAL AREAS OF INTEREST

Lenape
( Delaware)

Haudenosaunee
(Iroquois)

Shawnee

GARRETT
ALLEGANY
WASHINGTON
CARROLL
FREDERICK
BALTIMORE
HARFORD
KENT
CECIL
QUEEN
ANNE
CAROLINE
DORCHESTER
WICOMICO
WORCESTER

Shawnee

HISTORICAL AREAS OF INTEREST
STATE RECOGNIZED TRIBES
• 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

<table>
<thead>
<tr>
<th>SHA District</th>
<th>Individuals Reporting Native American Ancestry Solely or In Conjunction with One Other Ancestry</th>
<th>Location of Modern MD Indigenous Indian Tribes and Groups</th>
</tr>
</thead>
<tbody>
<tr>
<td>District 1</td>
<td>597</td>
<td>Accohannock, Pocomoke, Assateague, Nause-Waiwash</td>
</tr>
<tr>
<td>District 2</td>
<td>730</td>
<td>Nause-Waiwash</td>
</tr>
<tr>
<td>District 3</td>
<td>9,479</td>
<td>Piscataway</td>
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<tr>
<td>District 4</td>
<td>3,636</td>
<td>Piscataway</td>
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<tr>
<td>District 5</td>
<td>3,634</td>
<td>Piscataway</td>
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<tr>
<td>District 6</td>
<td>507</td>
<td>Shawnee</td>
</tr>
<tr>
<td>District 7</td>
<td>2,143</td>
<td>Nause-Waiwash</td>
</tr>
</tbody>
</table>
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
MD SHA Tribal Consultation: Project Notification Form

Project Name: ____________________________ Date: ____________________________

FIMS No: ____________________________ A-Proj No: ____________________________ Master No: ____________________________

County: ____________________________ USGS Quadrangle: ____________________________

Project Archaeologist: ____________________________ Telephone: ____________________________ Email: ____________________________

Brief Project Description (attach a map and detailed project description to this form):

Project Type:
- MUSE Transportation
- Environmental Assessment
- Other Category
- Other

Archaeological Potential (pre-Contact or Contact Period sites)
- Known pre-Contact sites in project area
- Known Contact sites in project area
- Unlikely to find pre-Contact sites in project area
- Other

Comments:

Tribal Response (tribal use only)

Tribal Contact for this project:
Maryland State Highway Administration
707 N. Calvert St.
Baltimore, MD 21202
coblige@sha.state.md.us

Consulting Party Status
Do you wish to be a consulting party on this project? Yes No Unclear
If not a consulting party, do you wish to continue to receive information about this project? Yes No Unclear
(Notes: If your answer is Unclear, SHA will continue to provide information.)

Areas of Concern (This information will be kept confidential)
Do you wish to inform the tribe of any traditional religious and culturally important places in or near the project area? Yes No
(If yes) Please inform SHA how to address the tribe’s concerns:

Name of person completing this form (please print): ____________________________ Date: ____________________________

MD SHA Tribal Consultation: Project Information Form

Project Name: ____________________________ Date: ____________________________

FIMS No: ____________________________ A-Proj No: ____________________________ Master No: ____________________________

County: ____________________________ USGS Quadrangle: ____________________________

Project Archaeologist: ____________________________ Telephone: ____________________________ Email: ____________________________

Brief project description:

Project Status:
- Initial Notification
- Definition of APE
- Completion of Identification Studies (Phase 1)
- Determination of Eligibility (Phase 2)

Determination of Eligibility:
- Resolution of Adverse Effects
- Execution of MOA
- Conducting Mitigation (Phase 3)

Enclosures:

Tribal Response (tribal use only)

Please provide any corrections to:
Carol A. Coblig, Senior Archaeologist
Maryland State Highway Administration
707 N. Calvert St.
Baltimore, MD 21202
coblige@sha.state.md.us

Consulting Party Status
Do you wish to be a consulting party on this project? Yes No Unclear
If not a consulting party, do you wish to continue to receive information about this project? Yes No Unclear
(Notes: If your answer is Unclear, SHA will continue to provide information.)

Comments on Enclosures: If applicable (please add additional pages if necessary):
Do you agree with the findings of eligibility or effect? Yes No
If “No” please comment:
Do you have comments on the report or MOA? Yes No
If “Yes” please comment:

Areas of Concern (This information will be kept confidential)
Do you wish to inform SHA of any traditional religious and culturally important places in or near the project area? Yes No
If “Yes” please inform SHA how to address the tribe’s concerns (please add additional pages if necessary):

Do you have any other concerns? Yes No
If “Yes” please inform SHA how to address the tribe’s concerns:

Name of person completing this form (please print): ____________________________ Date: ____________________________