

**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

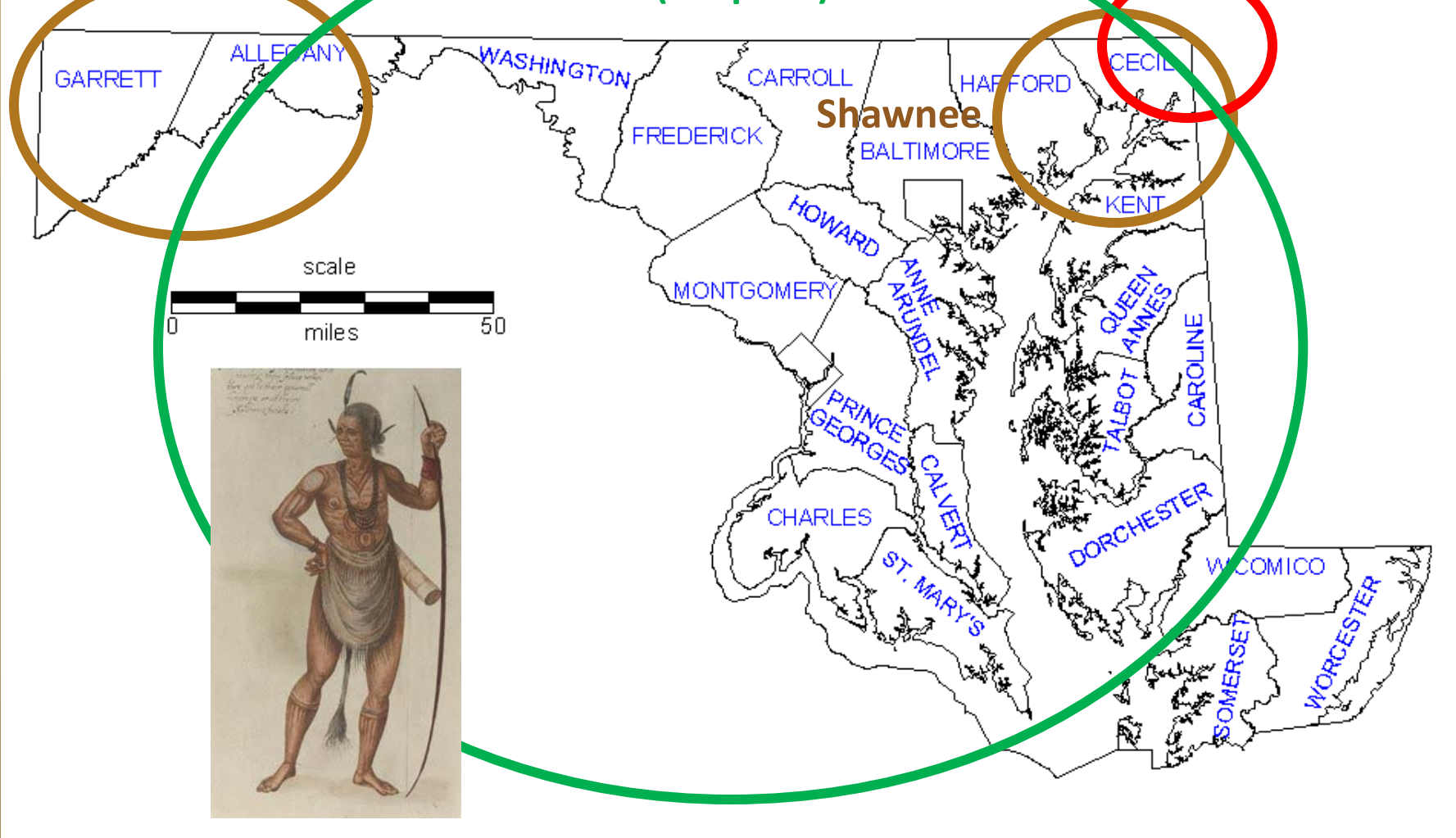
Shawnee

- Absentee Shawnee Tribe of Oklahoma, Eastern Shawnee Tribe of Oklahoma, Shawnee Tribe

Shawnee

Haudenosaunee
(Iroquois)

Lenape
(Delaware)



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

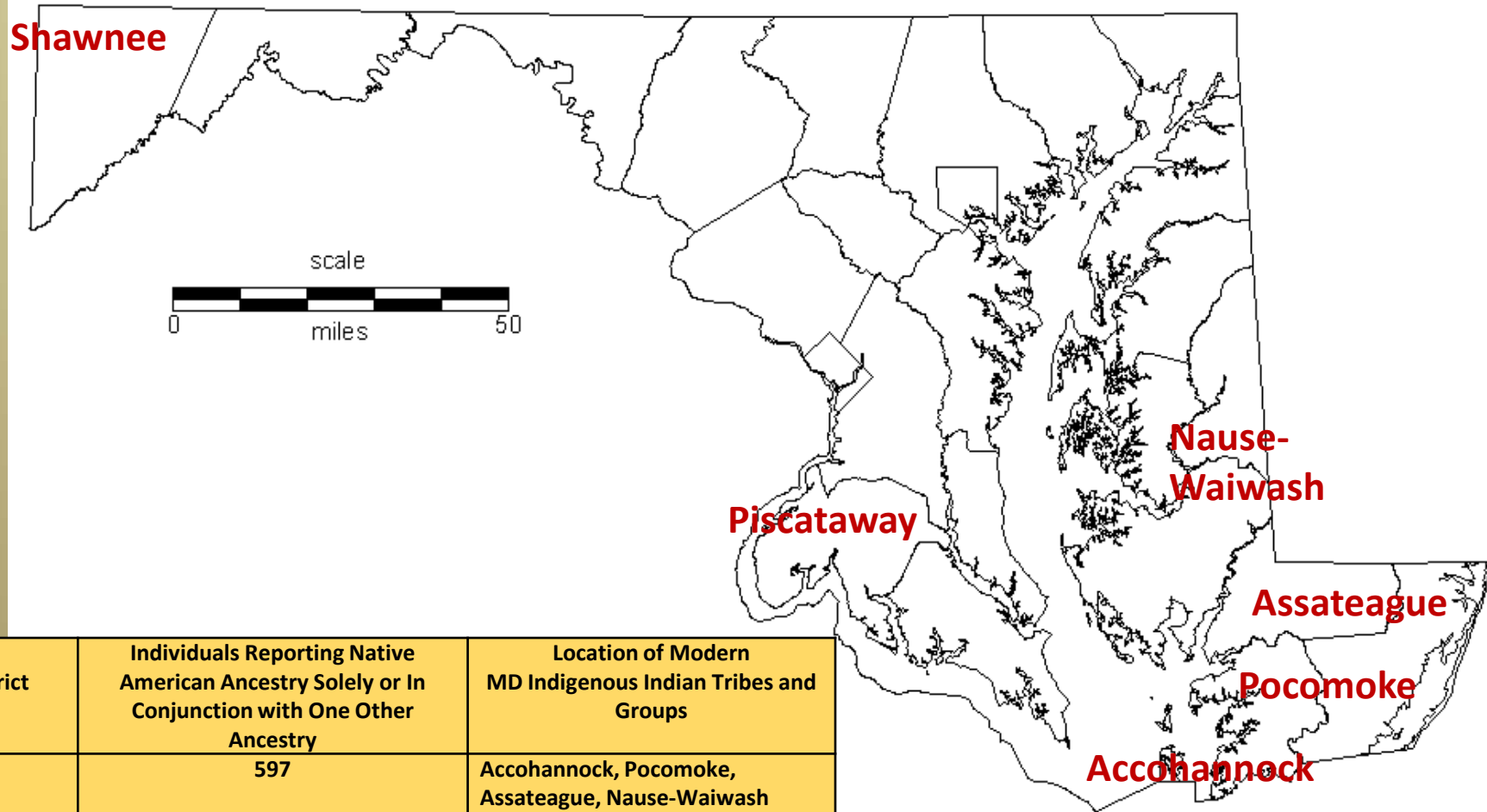
Pocomoke Indian Tribe

Accohannock Indian Tribe

Nause-Waiwash Band of Indians

Youghiogheny River Band of Shawnee

Modern Maryland Tribes and Indian Groups



SHA District	Individuals Reporting Native American Ancestry Solely or In Conjunction with One Other Ancestry	Location of Modern MD Indigenous Indian Tribes and Groups
District 1	597	Accohannock, Pocomoke, Assateague, Nause-Waiwash
District 2	730	Nause-Waiwash
District 3	9,479	Piscataway
District 4	3,636	
District 5	3,634	Piscataway
District 6	507	Shawnee
District 7	2,143	



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



MD SHA Tribal Consultation: Project Notification Form

Project Name: _____ Date: _____
 FMIS No: _____ A-Proj No: _____ Master No: _____
 County: _____ USGS Quadrangle: _____
 Project Archeologist: _____
 Telephone: _____ Email: _____ FAX: _____

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

Project Type: <input type="checkbox"/> Minor Transportation <input type="checkbox"/> Other Categorical Exclusion	<input type="checkbox"/> Environmental Assessment <input type="checkbox"/> Environmental Impact Statement <input type="checkbox"/> Other _____
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Archeological Potential (pre-Contact or Contact Period Sites) <input type="checkbox"/> Known pre-Contact sites in project area <input type="checkbox"/> Known Contact sites in project area <input type="checkbox"/> Likely to find pre-Contact sites in project area <input type="checkbox"/> Likely to find Contact sites in project area	<input type="checkbox"/> Unlikely to find pre-Contact sites in project area <input type="checkbox"/> Unlikely to find Contact sites in project area <input type="checkbox"/> No expected ground disturbance <input type="checkbox"/> Other _____
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Comments:

Tribal Response *(tribal use only)*

Tribal Contact for this project: _____
 Title: _____
 Address: _____
 City, State, Zip: _____
 Telephone: _____ Fax: _____
 Email: _____
 Copies to: _____

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

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

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 proceed to address the tribe's concerns:

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



MD SHA Tribal Consultation: Project Information Form

Project Name: _____ Date: _____
 FMIS No: _____ A-Proj No: _____ Master No: _____
 County: _____ USGS Quadrangle: _____
 Project Archeologist: _____
 Telephone: _____ Email: _____ FAX: _____

Brief Project Description: _____

Project Status: <input type="checkbox"/> Initial Notification <input type="checkbox"/> Definition of APE <input type="checkbox"/> Completion of Identification Studies (Phase 1) <input type="checkbox"/> Determination of Eligibility (Phase 2)	<input type="checkbox"/> Determination of Effects <input type="checkbox"/> Resolution of Adverse Effects <input type="checkbox"/> Execution of MOA <input type="checkbox"/> Conducting Mitigation (Phase 3) <input type="checkbox"/> Other _____
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Enclosures: _____
 Comments: _____

Tribal Response *(tribal use only)*

Tribal Contact for this project: _____
 Title: _____
 Address: _____
 City, State, Zip: _____
 Telephone: _____ Fax: _____
 Email: _____
 Copies to: _____

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

Consulting Party Status
 Do you wish to be a consulting party on this project? Yes No Unsure
 If not a consulting party, do you wish to continue to receive information about this project? Yes No Unsure
 (Note: If your answer is Unsure, 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 proceed 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 proceed to address the tribe's concerns:

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