



United States Department of the Interior
BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

**Department of the Interior
Bureau of Safety and Environmental Enforcement
Tribal Consultation Annual Report**

Fiscal Year (FY) 2023

1. Summarize and list all Tribal consultation topics.

During Fiscal Year 2023, the Bureau of Safety and Environmental Enforcement (BSEE) conducted Tribal consultations on rulemaking, National Environmental Policy Act (NEPA) analyses, specific offshore wind projects, and programmatic issues.

Rulemaking Topics

BSEE Regulatory Agenda

In July 2022, BSEE invited federally recognized Tribal Nations (Tribes) to consult on the Bureau's regulatory agenda. The regulatory agenda includes proposed and final rulemakings related to oil and gas and sulfur operations on the Outer Continental Shelf (OCS), pipelines and pipeline rights-of-way, decommissioning requirements, and risk management and financial assurance for decommissioning activities, and offshore renewable energy oversight.

Risk Management, Financial Assurance, and Loss Prevention – Decommissioning Activities and Obligations Rulemaking

On October 16, 2020, BSEE and the Bureau of Ocean Energy Management (BOEM) published a joint proposed rule entitled, “Risk Management, Financial Assurance and Loss Prevention,” (85 FR 659043). This joint rule would revise policies for oil and gas operations on the OCS concerning operator compliance with financial and performance obligations. A final rule that addressed the BSEE-specific components of the proposal was published in the Federal Register in April 2023 (88 FR 23569).

Renewable Energy Modernization Rule and Rulemaking for Reorganization of Title 30- Renewable Energy and Alternate Uses of Existing Facilities on the OCS

On January 31, 2023, BSEE and BOEM (88 FR 54880) published a final rule reassigning certain offshore renewable energy responsibilities from BOEM to BSEE, including regulations pertaining to offshore wind safety, environmental oversight, and enforcement from BOEM to BSEE. BOEM published a separate Proposed Renewable Energy Modernization Rule on January 30, 2023 (88 FR 5968), which would modernize regulations related to the development of offshore wind energy resources. BOEM and BSEE participated jointly in consultations regarding this rulemaking effort.



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Oil Spill Response Requirements for Facilities Located Seaward of the Coastline Rulemaking

In March 2023, BSEE invited Tribes to consult on an upcoming rulemaking regarding oil spill response requirements for offshore facilities. BSEE initiated this rulemaking to address the regulatory gaps identified by multiple investigations and studies following the Deepwater Horizon incident. The proposed rule would implement recommendations from those investigations and studies to improve oil spill response best practices.

BSEE/BOEM Joint Carbon Sequestration Rulemaking

The Infrastructure Investment and Jobs Act of 2021 (IIJA) requires the Secretary of the Interior to issue regulations for safe and environmentally responsible carbon sequestration on the OCS. BSEE and BOEM were delegated this authority by the Secretary and in May 2023, BSEE and BOEM invited Tribes to consult on the Bureaus' plans to develop a joint notice of proposed rulemaking on the topic.

Pipelines and Pipeline Rights-of-Way Rulemaking

In May 2023, BSEE invited Tribes to consult on a proposed rulemaking that would revise existing regulations governing pipelines and pipeline rights-of-way. The proposed rule would incorporate and clarify existing policies and guidance to allow for improved planning, safer operations, increased environmental protections, and enhanced and more efficient technical and environmental reviews by BSEE and BOEM.

NEPA

Programmatic Environmental Impact Statement (PEIS) for Oil and Gas Decommissioning Activities on the Pacific Outer Continental Shelf

BOEM is working with BSEE in the preparation of a PEIS for Oil and Gas Decommissioning Activities on the Pacific OCS, which will inform BSEE's future decisions on operator applications for decommission off the Southern California coast. BSEE and BOEM hosted government-to-government consultations on February 1, 2022, on the decommissioning of eight out-of-service platforms in the Santa Barbara Channel off the southern California coast. Local federally recognized Tribes were invited to provide comments but three— the Soboba Band of Luiseno Indians, Santa Rosa Band of Cahuilla Indians, and the Pala Band of Mission Indians— deferred to the Santa Ynez Band of Chumash Indians. Reengagement with Tribes occurred when BSEE published the Draft PEIS and the Final PEIS and Record of Decision.



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Offshore Wind Energy Activities

All offshore wind lessees must develop and receive approval for a Construction and Operations Plan (COP) before they install any facilities on the OCS. The terms and conditions within the COP include responsibilities for environmental data sharing with Tribes. BSEE is largely responsible for ensuring lessees' compliance with those terms and conditions, and Tribes have requested to consult on how compliance will be enforced.

Programmatic Topics

BSEE National Tribal Engagement Program (NTEP) Bureau Interim Directive (BID)

The NTEP BID is now BSEE's guiding document for Tribal consultation. BSEE notified Tribes of the proposed NTEP policy development in July 2022, followed by a request for Tribal input in August 2022. The NTEP BID was signed on October 27, 2022. BSEE sent notification letters to Tribes with the final NTEP BID in February 2023.

Director's Tribal Roundtable

On May 12, 2023, BSEE invited Tribes to participate in a virtual roundtable discussion with the BSEE Director. The Tribal Roundtable provided a forum for the Director to discuss the Bureau's NTEP, for BSEE to learn of Tribal concerns and issues, and to assist in developing and maintaining government-to-government relationships with Tribal Nations. The Director's goal was to have an open, broad-ranging discussion with Tribal representatives and to fully convey BSEE's vision of the scope and direction of future Tribal collaboration and consultation. The meeting topics included three priority initiatives: carbon sequestration, renewable energy, and oil spill response plan regulation update.

BSEE Environmental Justice Strategy and Action Plan

Department of the Interior (Department or DOI) policy requires Bureau and office heads to develop and maintain environmental justice implementation strategies and action plans. These plans are to be finalized by September 2024. BSEE is currently developing its first-ever Environmental Justice Strategy and Action Plan and has developed a preliminary set of four environmental justice goals. On September 18-21, 2023, BSEE invited input from Tribal Nations, Alaska Native Claims Settlement Act (ANCSA) Corporations, and the Native Hawaiian Community on the four preliminary goals and the Environmental Justice Strategy and Action Plan. Three informational meetings were held between October 31, 2023, and November 2, 2023.



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2. List all Tribes consulted.

Rulemaking Topics

BSEE Regulatory Agenda

BSEE received comments on the regulatory agenda from the Mashpee Wampanoag Tribe, the Native Village of Kotzebue, and the Choctaw Nation of Oklahoma.

Risk Management, Financial Assurance, and Loss Prevention – Decommissioning Activities and Obligations Rulemaking

BSEE and BOEM engaged with the Southern Ute Indian Tribe throughout the rulemaking process due to their status as a leaseholder on the OCS, through their Tribally owned energy company, Red Willow Offshore, LLC.

Renewable Energy Modernization Rule

BSEE participated jointly with BOEM in consultations on proposed changes to the Department's offshore renewable energy program with the Shinnecock Indian Nation on April 28, 2023; the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians on May 4, 2023; the Makah Indian Tribe on June 29, 2023; and the Hoh Indian Tribe on June 30, 2023.

Oil Spill Response Requirements for Facilities Located Seaward of the Coastline Rulemaking

BSEE held consultations with the Native Village of Kotzebue on April 26, 2023, the Choctaw Nation of Oklahoma on April 28, 2023, the Mashpee Wampanoag Tribe on April 28, 2023, and the Southern Ute Indian Tribe on May 1, 2023. BSEE also consulted with the Alaska Eskimo Whaling Commission¹ on May 11, 2023.

BSEE/BOEM Joint Carbon Sequestration Rulemaking

BSEE did not receive requests for consultation from Tribes in response to the May 2023 joint BSEE/BOEM letter.

Pipelines and Pipeline Rights-of-Way Rulemaking

BSEE held a consultation with the Choctaw Nation of Oklahoma on July 13, 2023.

¹ The Alaska Eskimo Whaling Commission represents 11 Alaska Native subsistence bowhead whaling communities (10 of which are federally recognized Tribes) including the Kaktovik Village (aka Barter Island), the Native Village of Nuiqsut (aka Nooiksut), the Village of Wainwright, the Native Village of Point Lay, the Native Village of Point Hope, the Native Village of Kivalina, the Native Village of Wales, the Native Village of Diomedea (aka Inalik), the Native Village of Gambell, and the Native Village of Savoonga.



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NEPA

Programmatic Environmental Impact Statement (PEIS) for Oil and Gas Decommissioning Activities on the Pacific Outer Continental Shelf

On October 12, 2022, BSEE announced the availability of the draft PEIS. On November 1, 2022, BSEE received comments on the draft PEIS from the Santa Ynez Band of Chumash Mission Indians.

Offshore Wind Energy Activities Consultation

On August 8, 2023, BSEE and BOEM held a joint consultation with the Wampanoag Tribe of Gay Head (Aquinnah).

Programmatic Topics

BSEE National Tribal Engagement Program (NTEP) Bureau Interim Directive (BID)

BSEE did not receive requests for consultation from Tribes in response to a request for Tribal input in August 2022. In February 2023, BSEE notified Tribal Nations of the finalized and signed NTEP BID.

Director's Tribal Roundtable

The Director's Tribal Roundtable was attended by representatives of the Chitimacha Tribe of Louisiana, Fort Belknap Indian Community, Pueblo of Isleta, Kickapoo Tribe of Oklahoma, La Jolla Band of Luiseño Indians, Makah Indian Tribe, Navajo Nation, Pinoleville Pomo Nation, Quinault Indian Nation, Santa Ynez Band of Chumash Mission Indians, Seminole Tribe of Florida, Sitka Tribe of Alaska, and the Upper Mattaponi Tribe.

Other Tribes registered for the meeting but were unable to attend and provided written questions and concerns. Those Tribes included the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians, Coushatta Tribe of Louisiana, Ho-Chunk Nation, Metlakatla Indian Community, Mohegan Tribe of Indians of Connecticut, Pyramid Lake Paiute Tribe, Tohono O'odham Nation, and the Tunica-Biloxi Indian Tribe. Copies of the roundtable presentations were sent to all registered Tribes following the meeting.

BSEE Environmental Justice Strategy and Action Plan

The Environmental Justice Strategy and Action Plan informational session is scheduled for Fiscal Year 2024, and a list of Tribes consulted will appear in next year's report.

3. List the location of each consultation by city and state or indicate if consultation was held virtually.



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Oil Spill Response Requirements for Facilities Located Seaward of the Coastline Rulemaking

BSEE held a consultation in the Main Interior Building, Washington, D.C., with the Alaska Eskimo Whaling Commission, on Oil Spill Response Requirements for Facilities Located Seaward of the Coastline Rulemaking.

All Other Engagements and Consultations

BSEE's participation in all other consultations in Fiscal Year 2023 were virtual.

4. Summarize outcomes (e.g., decisions made, actions planned or taken, and how Tribal input was incorporated).

Rulemaking Topics

BSEE Regulatory Agenda

In January 2023, BSEE held a follow-up informational meeting with the Choctaw Nation of Oklahoma to provide additional details and answer the Tribe's questions on individual regulatory proposals.

BSEE will continue to keep Tribes informed of and invite consultation on new and ongoing rulemaking efforts on the regulatory agenda. BSEE will inform Tribes of any final rulemakings and provide a summary of Tribal input received, an explanation of how Tribal input was addressed, and the reasoning for any instance in which Tribal suggestions were not incorporated or consensus could not be attained.

Risk Management, Financial Assurance, and Loss Prevention – Decommissioning Activities and Obligations Rulemaking

On April 18, 2023, BSEE published a final rule on *Risk Management, Financial Assurance, and Loss Prevention — Decommissioning Activities and Obligations*. The Southern Ute Indian Tribe expressed concern about the provision in the proposed rule to require BSEE to proceed in reverse chronological order against predecessor lessees, owners of operating rights, and grant holders when requiring such entities to perform their accrued decommissioning obligations if the current lessees, owners, or holders have failed to perform. The final rule did not adopt the reverse chronological order process, and no other provisions of the final rule affected other areas of the Tribe's concerns regarding their decommissioning responsibilities.



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Renewable Energy Modernization Rule

Following a consultation meeting on June 29, 2023, BSEE sent a letter to the Makah Indian Tribe on August 25, 2023, with responses to questions from the Tribe on issues within BSEE's renewable energy purview, including safety management system regulations and floating offshore wind facilities.

BSEE will continue to coordinate with BOEM to inform and invite Tribes to consult on the renewable energy modernization rulemaking efforts. BSEE will inform Tribes of any final rulemaking and provide a summary of Tribal input received, an explanation of how Tribal input was addressed, and the reasoning for any instance in which Tribal suggestions were not incorporated or consensus could not be attained.

Oil Spill Response Requirements for Facilities Located Seaward of the Coastline Rulemaking

After consultations, BSEE has proposed written responses to issues raised by the four Tribes and the Alaska Eskimo Whaling Commission. Those responses are currently undergoing internal review.

BSEE/BOEM Joint Carbon Sequestration Rulemaking

BSEE will continue to inform and invite to consult on the carbon sequestration rulemaking effort jointly underway with BOEM.

Pipelines and Pipeline Rights-of-Way Rulemaking

BSEE will continue to inform and invite Tribes to consult on the pipelines and pipeline rights-of-way rulemaking effort. BSEE will inform Tribes of any final rulemaking and provide a summary of Tribal input received, an explanation of how Tribal input was addressed, and the reasoning for any instance in which Tribal suggestions were not incorporated or consensus could not be attained.

NEPA

Programmatic Environmental Impact Statement (PEIS) for Oil and Gas Decommissioning Activities on the Pacific Outer Continental Shelf

BSEE received comments from the Santa Ynez Band of Chumash Mission Indians on the draft PEIS in addition to input shared in the February 1, 2022, Government-to-Government and Section 106 of the National Historic Preservation Act Consultation meetings in revising the draft PEIS. BSEE provided a letter to the Santa Ynez Band of Chumash Mission Indians on March 28, 2023, in response to the Tribe's comments on the draft PEIS.



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BOEM and BSEE added information to the PEIS to address as many of the Tribe's comments as possible. The additional PEIS text included information about protection of confidential cultural resource and archaeological information, the proposed Chumash Heritage National Marine Sanctuary, potential impacts of decommissioning on other marine protected areas, the significance of sacred sites and Traditional Cultural Properties, and required underwater surveys for archaeological and cultural sites. Future site-specific decommissioning analyses will address additional Tribal input. BSEE also proposed to work with the Tribe to enter into an agreement to appropriately guide Section 106 reviews and to collaborate on an Indigenous Knowledge study to appropriately inform future analyses.

Offshore Wind (OSW) Energy Activities

On August 8, 2023, BSEE and BOEM met with the Wampanoag Tribe of Gay Head (Aquinnah) to discuss the Tribe's concerns and to describe BSEE's roles and responsibilities in overseeing OSW safety and environmental enforcement. The Tribe's concerns ranged from Lessee

compliance with established law and policy to impacts to marine life. On August 18, 2023, BSEE sent a letter to the Tribe summarizing and addressing all enforcement-related concerns discussed during the meeting.

BSEE will continue to coordinate with BOEM to identify and be responsive to Tribal concerns regarding OSW energy activities. BSEE also is exploring potential opportunities to support Tribal capacity building. BSEE will provide access to technical information on OSW infrastructure design and potential environmental impacts and facilitate Tribal environmental liaison access to ongoing OSW construction activities regulated by BSEE.

Programmatic Topics

BSEE National Tribal Engagement Program (NTEP) Bureau Interim Directive (BID)

BSEE sent notification letters to Tribes with the final signed NTEP BID on February 15, 2023.

Director's Tribal Roundtable

As part of the Dear Tribal Leader Letter, Tribal Nations were provided questions and had the opportunity to provide input prior to the meeting. The questions provided to the Tribes prior to the Roundtable were:

1. Does your Tribe have any cultural, historical, and present day needs on or related to the Outer Continental Shelf that you would like to discuss?
2. Do you have any questions or concerns beyond the topics listed in the proposed agenda that you would like BSEE to include for discussion?



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3. Can you please recommend conferences or meetings that would be appropriate for our Tribal Liaisons to attend that can help us understand your issues or needs?

BSEE's Regional Tribal Liaisons will follow up the Tribes that submitted responses to the questions and further discuss their potential interests in BSEE activities.

The following topics were discussed during the roundtable:

Renewable Energy and BSEE's New Authorities: A Tribal Nation expressed concerns about the Facility Design Reports process and general concerns regarding offshore wind development on the West Coast.

Carbon Sequestration Rulemaking: Two Tribal Nations expressed concerns about the state of the technology for operational readiness and plans for a monitoring strategy.

Oil Spill Response Plan Regulations for Offshore Facilities Update: A Tribal Nation referenced lessons learned from Deepwater Horizon and asked about the type and quantity of oil BSEE anticipated in offshore wind facilities. A separate Tribal Nation asked about BSEE's responsibility for the mobilization and implementation of offshore wind projects. The same Tribal Nation noted an understanding of an increase in vessel traffic to offshore sites and the potential for fuel spills.

Open Discussion Concerns presented by Tribes: A treaty Tribe expressed that the government has a trust responsibility to uphold treaties and to protect the treaty resources upon which the Tribal Nation depends.

A Tribal Nation expressed concern regarding salmon and abalone fishing off the California coast.

In September 2023, BSEE followed up with the Tribes that registered to the roundtable to ensure that the Tribes in attendance, as well as those that were not able to attend, received information on BSEE's Tribal Engagement Program. The email response also included the contact information of the newly hired Tribal liaisons.

BSEE Environmental Justice Strategy and Action Plan

BSEE will incorporate input from Tribes, provided in writing and/or in the October and November 2023 informational sessions, into its draft Environmental Justice Strategy and Action Plan. Once BSEE has developed the draft Environmental Justice Strategy and Action Plan, the Bureau will provide it to Tribes for review and feedback.



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5. Summarize successes and recommendations for improvements to the consultation process. Bureaus and Offices should get permission from the Tribe before including any information on successes, in the annual report.

Successes

NTEP BID

BSEE's Director signed the NTEP BID on October 27, 2022. On November 30 and December 1, 2022, DOI hosted the White House Tribal Nations Summit (Summit). As part of this Summit, DOI released the publication, *Biden-Harris Administration Announces News Steps to Strengthen Tribal Co-Stewardship of Public Lands and Waters*.² The announcement included the Office of the Solicitor Final Report, *Current Land, Water, and Wildlife Authorities That Can Support Tribal Stewardship and Co-stewardship*.³ BSEE's *Bureau Interim Directive (BID) 2022-047N, Part 570 – Tribal Engagement* (Oct. 27, 2022) is listed within the Office of the Solicitor Final Report regarding co-stewardship with Tribal Nations.

BSEE Tribal Working Group

In FY 2022, BSEE established a team of staff and managers to develop NTEP policy, which was signed in October 2022, drafted a Bureau-wide Tribal Working Group (TWG) Charter signed in December 2022, secured a program budget, and hired five new full-time employees. The NTEP is now fully staffed with a National Tribal Liaison Officer, a Tribal Coordinator, and four Regional Tribal Liaisons serving each of BSEE's OCS regions: Alaska, Eastern Seaboard, Gulf of Mexico, and Pacific. Due to this increased capacity, BSEE is uniquely positioned to build stronger working relationships with Tribal Nations. Bureau engagements will emphasize trust, respect, and shared responsibility as part of deliberative processes to promote effective collaboration and transparent and informed decision-making.

BSEE's TWG consists of the NTEP plus staff from across the Bureau's regions and program areas. The TWG provides a forum for intra-agency discussion regarding BSEE activities that may potentially impact Tribal Nations. The TWG will continually review existing Tribal engagement practices to inform Bureau policies for Tribal engagement, and will provide advice and guidance through communication, collaboration, and education.

In August 2023, the TWG and BSEE senior leadership held an inaugural in-person meeting. During this meeting, BSEE further developed internal consultation policies and procedures, explored potential funding opportunities to enhance Tribes' involvement in OCS activities regulated by BSEE and increase Tribal capacity to engage with BSEE, and drafted an NTEP Strategic Engagement Plan. BSEE also established annual training requirements for any BSEE employee who may participate in engagements with Tribes.

² <https://www.doi.gov/pressreleases/biden-harris-administration-announces-news-steps-strengthen-tribal-co-stewardship>.

³ <https://www.doi.gov/sites/doi.gov/files/-final-legal-rvw-v-final-pdf-508.pdf>.



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Director's Tribal Roundtable

BSEE Director Kevin Sligh held the first BSEE Tribal Roundtable on June 26, 2023, to introduce the Bureau and the new NTEP.

The Indian Energy Service Center, in coordination with Bureau of Indian Affairs regions, supported this effort by sending Tribal outreach and roundtable invitations on behalf of the BSEE NTEP. This resulted in 14 Tribal Nations with 18 Tribal members in attendance and participating in the roundtable.

The roundtable served as an opportunity to discuss BSEE's mission, the new NTEP program, and current rulemaking efforts on carbon sequestration, renewable energy, and oil spill preparedness. BSEE's presentation slides are available at <https://www.bsee.gov/about-bsee/tribal-engagement-consultation>. The roundtable also provided an opportunity for BSEE to outline how the program offices collaborate and plan to work together with Tribes. BSEE's Director, leadership team members, and subject matter experts addressed Tribal participants' questions and comments throughout the Roundtable.

Indian Energy and Minerals Steering Committee

On January 11, 2023, BSEE Director Kevin Sligh, Environmental Compliance Division (ECD) Chief David Fish, Tribal Liaison Officer Jack Lorrigan, and Tribal Sprint Team Lead Dr. Stefany Grieco attended an Indian Energy and Minerals Steering Committee (IEMSC) meeting virtually. The IEMSC is comprised of senior level management representatives from bureaus and offices within the Department with direct responsibility for managing Indian energy, mineral and renewable energy resources, and revenue management. The BSEE Deputy Director provided an update on June 15, 2023, to the IEMSC regarding BSEE NTEP coordination related to the Director's Tribal Roundtable planning assistance and coordination on the Tribal Consultation Handbook with the Indian Energy Service Center.

Secretary's Tribal Advisory Committee (STAC)

The BSEE Director and the ECD Chief participated in the STAC at its first in-person meeting at the Main Interior Building in Washington, D.C. on Tuesday, May 16 and Wednesday, May 17, 2023. The BSEE Director's remarks addressed concerns related to Tribal Members on BSEE's role in meeting its mission on the OCS.

BSEE-specific recommendations made by the STAC were:

1. BSEE must provide clear technical guidance for how offshore energy at the scale and scope and with the technology (including floating offshore wind) being proposed will be managed for safety and environmental compliance. Because floating offshore wind is a



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- new and emerging technology, gaps in knowledge and ability to design safety protocols must be identified.
2. BSEE must provide a clear plan for monitoring environmental impacts and adaptive management protocols. These plans should be developed in consultation with Tribal governments.
 3. BSEE must provide Tribal consultation guidance and/or adopt the DOI guidance.

The next STAC meeting was held in December 2023, in conjunction with the White House Tribal Nations Summit.

Interagency Collaborations

BSEE is committed to ensuring that Tribes are included in internal and external agency efforts. One way of fulfilling that commitment is by participating in intergovernmental and interagency collaborations such as the White House Council on Native American Affairs, the STAC, monthly DOI Tribal Liaisons meetings, and the IEMSC. These collaborations leverage federal resources and inform BSEE's consultations and engagements. BSEE will continue to look for opportunities to collaborate with other agencies and bureaus.

Notably, BSEE participated in five joint Tribal consultations with BOEM. BSEE also regularly attends BOEM engagements with Tribes and monthly BOEM Tribal Working Group meetings. BSEE will continue to work with BOEM on joint rulemaking efforts, OSW development activities, and coordinated Tribal engagement. This coordinated consultation and engagement is intended to reduce the consultation burden on Tribes and enhance open and transparent communication.

Recommendations for Improvement to the Consultation Process

Federal agencies can unintentionally create undue consultation burden on Tribes when multiple agencies request consultation or input from Tribes on similar issues or activities. These burdens range from exhaustion of Tribal resources (including budget resources) to duplicative consultation topics. Agencies can minimize this burden by providing Tribes with resources—including technical assistance and financial support—to improve Tribes' capacity to consult and engage and by better coordinating among themselves and sharing non-confidential input provided by Tribes. BSEE will investigate ways to bolster Tribal resources and capacity, and continue to build and maintain both intra-agency and inter-agency connections to facilitate inclusion of Tribal input and Indigenous Knowledge into BSEE's activities.

BSEE supports Tribes through direct funding, including a Cooperative Agreement with the Alaska Native Science and Engineering Program (ANSEP) through the University of Alaska-Anchorage. The purpose of the agreement is to expand the professional science employment



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preparedness of ANSEP students and to develop a more diversified pool of highly educated professionals within the BSEE workforce. The agreement is active through September 30, 2025, and is currently funded at \$150,000. BSEE intends to incrementally fund the ANSEP agreement in FY 2024.

Prepared By: Bronia Ashford

Date Prepared: 12.21.2023

Approving Official:



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Department of the Interior
Bureau of Safety and Environmental Enforcement
Alaska Native Claims Settlement Act (ANCSA) Corporation
FY 2023 Consultation Annual Report

1. Summarize and list all ANCSA Corporation consultation topics.

During Fiscal Year 2023, BSEE's ANCSA Corporation consultations included rulemaking and programmatic consultations to inform procedures and decision making across all of BSEE's programs. Individual consultation topics pertaining to each category are described below. All requests for consultations and engagements sent to Tribal Nations were also sent to ANCSA Corporations. Please refer back to the Tribal Nations summary for the list of consultation topics.

Rulemaking Consultation Topics

BSEE Regulatory Agenda

Oil Spill Response Requirements for Facilities Located Seaward of the Coastline Rulemaking

BSEE/BOEM Joint Carbon Sequestration Rulemaking

Pipelines and Pipeline Rights-of-Way Rulemaking

Programmatic Consultation Topics

BSEE National Tribal Engagement Program (NTEP) Bureau Interim Directive (BID)

Director's Tribal Roundtable

BSEE Environmental Justice Strategy and Action Plan

2. List all ANCSA Corporations consulted.

BSEE invited consultation with ANCSA Corporations on the topics described above and did not receive any requests for consultation from ANCSA Corporations in FY 2023.

3. List the location of each consultation by city and state or indicate if consultation was held virtually.

No ANCSA Corporations participated in consultations or engagements with BSEE during FY 2023.



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4. Summarize outcomes (e.g., decisions made, actions planned or taken, and how ANCSA Corporation input was incorporated).

Please refer to the Tribal Nations summary report for outcomes regarding discussions with Tribal Nations and Alaska Native Tribes.

5. Summarize successes and recommendations for improvements to the consultation process.

Alaska Native Relations Training

An Alaska Native Relations Training for BSEE staff was held from February 27 to March 3, 2023. BSEE's Alaska Regional Tribal and Community Liaison facilitated a portion of the training and was part of the teaching cadre for the course. The training curriculum included a review of Alaska Native Cultural values, American Indian Law, ANCSA, the Alaska National Interests Lands Conservation Act, and Cross-cultural communications. Additionally, the training highlighted the difference between Native organizations in Alaska, Executive Order 13175, cultural sensitivities, the importance of traditional foods, Alaska History, and anthropological findings in Alaska.

Alaska Native Science Engineering Program (ANSEP)

BSEE has a Cooperative Agreement with ANSEP that runs through September 2025. The agreement between BSEE and the University of Alaska-Anchorage provides funding to expand the professional science employment preparedness of ANSEP students and to develop a more diversified pool of highly educated professionals within the BSEE workforce. ANSEP is a longitudinal educational pathway that leads Alaska Native and other rural students from middle school to university graduation and beyond. ANSEP promotes student enrollment in biological sciences and engineering, placement in the professional development stream, and graduation with university degrees appropriate for professional employment opportunities. ANSEP moves Native American and Alaskan Native students into science, technology, engineering, and mathematics degree programs, and fosters a stronger Indigenous American representation within the science workforce of BSEE.

Community Resilience Working Group: Indigenous Traditional Knowledge Sub-Working Group

Indigenous Traditional Knowledge (ITK) Sub-Working Group facilitated by the Department of the Interior-Community Resilience Working Group meets biweekly to discuss issues related to social, cultural, and environmental issues that impact Inuit communities. This sub-working group has developed a handbook on ITK issues. Currently the handbook is undergoing DOI review.



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Prepared By: Jack Lorrigan

Date Prepared: 12.21.2023

Approving Official:



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Bureau of Safety and Environmental Enforcement
Native Hawaiian Community
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1. Summarize and list all Native Hawaiian consultation topics.

Please refer back to the Tribal Nations summary for the list of consultation topics

2. List all Native Hawaiian Organizations consulted.

On September 20-22, 2023, BSEE sent letters to the Native Hawaiian Community that provided information about BSEE's mission and invited input on the four preliminary goals of the Environmental Justice Strategy and Action Plan. BSEE also invited participation in an informational session for the Native Hawaiian Community on the Environmental Justice Strategy and Action Plan convened on November 2, 2023.

3. List the location of each consultation by city and county.

BSEE invited engagement with the Native Hawaiian Community on the topic described above and did not hold any informational sessions in FY 2023. The planned engagement occurred virtually on November 2, 2023.

4. Summarize outcomes (e.g., decisions made, actions planned or taken, and how Native Hawaiian Community input was incorporated).

BSEE will incorporate input from the Native Hawaiian Community provided in writing and/or in the November 2023 informational session into its draft Environmental Justice Strategy and Action Plan. Once BSEE has developed the draft Environmental Justice Strategy and Action Plan, the Bureau will provide it to the Native Hawaiian Community for review and feedback.

5. Summarize successes and recommendations for improvements to the consultation process.

Successes

Established BSEE National Tribal Engagement Program

In FY 2023, BSEE established a team of staff and managers to develop NTEP policy, drafted a Bureau-wide TWG Charter, secured a program budget, and hired five new full-time employees.



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The NTEP includes policies, procedures, staff, and program resources to consult and engage with the Native Hawaiian Community. The Regional Tribal Liaison serving the Native Hawaiian Community is the Pacific Regional Tribal Liaison.

BSEE's TWG, established by charter, includes the NTEP and staff from across the Bureau's regions and program areas. The TWG provides a forum for intra-agency discussion regarding BSEE activities that may potentially impact the Native Hawaiian Community. The TWG will continually review existing engagement practices to inform Bureau policies, and will provide advice and guidance through communication, collaboration, and education.

BSEE Environmental Justice Strategy and Action Plan

BSEE initiated engagement with the Native Hawaiian Community to solicit input on its Environmental Justice Strategy and Action Plan before the Plan was drafted to maximize the opportunities for the Native Hawaiian Community to inform and influence the Plan. The timing of the engagement is also beneficial because there are currently no energy- or minerals-related activities under BSEE's regulatory authority planned or occurring on the OCS offshore Hawai'i. This early engagement allows time for BSEE to build relationships and trust with the Native Hawaiian Community before any Federal actions or undertakings under BSEE's purview begin. It also allows time for BSEE to continue to deepen its understanding of the Native Hawaiian Community's history and relationship with the United States and Native Hawaiian culture. This will improve the Bureau's efforts to consult meaningfully and appropriately before taking actions that may significantly affect Native Hawaiian resources, rights, or lands.

Recommendations for Improvement to the Consultation Process

BSEE will continue to engage with the Native Hawaiian Community on all Bureau efforts that may be of interest and/or may have Native Hawaiian Community implications.

Prepared By: Sara Gultinan

Date Prepared: 12.21.2023

Approving Official: