

# Tribal Coordination Protocol / Procedures

## Tribal Coordination Letters

Updated/Last Reviewed: 2/14/22

### When does this process/ procedure begin and who begins it?

When sending out project Start of Study letters for projects that have a **federal nexus** including permits, land, funding, jurisdiction, or any other direct involvement from a federal agency. The NCDOT project manager or their NCDOT designee.

### What elements do I need to begin this process/ procedure?

- Project Vicinity Map
- Tribal coordination letter template.
- Tribal Coordination Table and Contact List

### Instructions:

1. View the Tribal Coordination Table and Contact Information and determine which Tribe(s) should be contacted regarding the project.
2. Use the Tribal Coordination Start of Study Letter template to develop the letter to send to the Tribe(s).
3. **In compliance with the informal delegated consultation agreements between the FHWA, USACE and Tribes, the letter must**
  - **be on NCDOT Letterhead and identify the lead federal agency,**
  - **be signed by an NCDOT official,**
  - **and transmitted by an NCDOT official's email\***
  - **\* if contacting the Catawba Nation, the letter must be distributed via hard copy (mail).**
  - **Matt Wilkerson must be cc'd on all letters to the Tribes.**
4. If the project is State funded, the USACE should be cc'd on the letter.
5. If the project impacts Tribal Lands\*, or known tribal resources are at or nearby the project:

If the project is Federally funded, the Corps Project Manager should be cc'd on the letter.

If the project is State funded, then the Corps-Tribal 2017 MOU is invoked, and the Corps will handle all contact.

6. The Federally recognized Tribes on the North Carolina counties list that have accepted this protocol for undertakings where FHWA or the USACE is the lead federal agency must be provided project information. The Federally recognized Tribes on the North Carolina counties list that have not consulted with FHWA or the USACE on past NCDOT projects are included for reference only and are not currently included on the contact information sheet. It is important here to acknowledge that other federally recognized Tribes associated with USFS property and the Trail of Tears may need to be contacted for NCDOT projects. Projects with USFS property that have the potential to impact the Trail of Tears will continue to be addressed on a case by case basis in coordination with USFS staff. Non-Federally Recognized Tribes within the state of North Carolina are included on the North Carolina counties list as, even though they do not have a statutory right to be included in the Section 106 process, an agency may invite them to participate if they have a demonstrated interest in a project. Notify the lead federal agency if any federally recognized Tribe requests project coordination occur at a government to government level between the federal government and the Tribe.
7. If you have provided an opportunity for Tribes to comment on your undertaking prior to requesting an archaeological review of your project, and the Tribe raised no issues then you do not need to forward the "No

Survey” documentation to the Tribe(s). For projects where we did not ultimately decide to recommend an archaeological survey (after consideration of available information including information provided by other consulting parties and/or Indian tribes) and a "No Survey" form is generated, the NCDOT project manager does not need to transmit the form to any Tribe on the list unless the Tribe previously requested additional information, or that an archaeological survey be conducted. If a review of the undertaking resulted in a “No survey” recommendation and you have yet to contact the Tribe(s), you may include the “No Survey” recommendation as part of your Tribal Protocol consultation request documentation provided to the Tribe(s). Any actual survey results are to be forwarded to the appropriate Tribe(s) by the NCDOT project manager unless otherwise directed by their federal agency contact(s).

8. All of the above correspondence, as well as any replies, or survey recommendations from the Tribe(s), or from NCDOT should be included as attachments in the NEPA/SEPA document and/or maintained as part of the project’s administrative record.

***\*Tribal Lands are defined as (A) All lands within the exterior boundaries of any Indian reservation; and (B) all dependent Indian communities 16 U.S.C. 470w(14). Tribal lands include lands held in trust by the United States for a tribe external to the boundaries of a reservation if the lands are under Federal superintendence, but does not include allotment external to the boundaries of a reservation.***





## Tribal Contacts

Tribe	Address	email	Send Letter via	Last Updated
Absentee Shawnee Tribe of Indians of Oklahoma	Ms. Devon Frazier Cultural Preservation Department Absentee Shawnee Tribe of Indians of Oklahoma 2025 S. Gordon Cooper Drive Shawnee, OK 74801-9381 405-275-4030 ext 6243	dfrazier@astribe.com  106NAGPRA@astribe.com	can transmit letter via email	12/7/2021
Catawba Indian Nation	Dr. Wenonah Haire Catawba Indian Nation Tribal Historic Preservation Office 1536 Tom Steven Road Rock Hill SC 29730	--	hard copy only	6/26/2019
Cherokee Nation	Elizabeth Toombs Tribal Historic Preservation Officer PO BOX 948 Tahlequah OK 74465	<a href="mailto:elizabeth-toombs@cherokee.org">elizabeth-toombs@cherokee.org</a>	can transmit letter via email	9/5/2019
Eastern Band of Cherokee Indians	Russell Townsend Tribal Historic Preservation Officer 2077 Governors Island Road Bryson City NC 28713	russtown@nc-chokeee.com  syerka@nc-chokeee.com	can transmit letter via email	12/13/2013
Monacan Indian Nation	Monacan Indian Nation Tribal Office 357 S. Main Street Amherst, VA 24521 434-363-4864	<a href="mailto:Consultation@MonacanNation.com">Consultation@MonacanNation.com</a>	can transmit letter via email	1/29/2022
Muscogee (Creek) Nation	LeeAnne Wendt PO BOX 580 Okmulgee OK 74447	lwendt@mcn-nsn.gov	can transmit letter via email	8/15/2019
Nansemond Indian Tribe	Chief Samuel M. Bass 1001 Pembroke Lane Suffolk, VA 23430 Line 4	<a href="mailto:contact@nansemond.org">contact@nansemond.org</a>	can transmit letter via email	1/28/2022
Tuscarora Indian Nation	Bryan Printup Tribal Historic Preservation Office 5226 Walmore Road Lewistown NY 14092	bprintup@hetf.org	can transmit letter via email	7/11/2019
United Keetoowah Band of Cherokee Indians	Acee Watt Section 106 Coordinator PO BOX 746 Tahlequah OK 74465	awatt@ukb-nsn.gov ukbthpo@ukb-nsn.gov	can transmit letter via email	10/27/2021



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

September 5, 2019  
Mr. Russell Townsend  
Preservation Specialist  
Eastern Band of Cherokee Indians (EPCI) THPO  
2877 Governor's Island Road  
Bryson City, NC 28713

Dear Mr. Townsend,

The North Carolina Department of Transportation is starting the project development, environmental, and engineering studies for [insert project description (e.g. replacement of Bridge No. ## over Y stream on (Road Common Name and S.R.) in Z County)] as project X-1234. The [Federal Highway Administration (FHWA) or US Army Corps of Engineers (USACE)] is the lead federal agency for compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA) and a Permit is anticipated under the Section 404 Process with the USACE. A project vicinity map is attached. The coordinates of this project are approximately 35.186947,-78.375345.

We would appreciate any information you might have that would be helpful in evaluating potential environmental impacts of the project including recommendation of alternates to be studied. Your comments may be used in the preparation of a NEPA/ State Environmental Policy Act (SEPA) Environmental Document.

In accordance with Section 106 of the NHPA, we also request that you inform us of any historic properties of traditional religious or cultural importance that you are aware of that may be affected by the proposed project. Be assured that, in accordance with confidentiality and disclosure stipulations in Section 304 of the NHPA, we will maintain strict confidentiality about certain types of information regarding historic properties.

Please respond by November 30th so that your comments can be used in the scoping of this project. If you have any questions concerning this project, or would like any additional information, please contact me at [dstutts@ncdot.gov](mailto:dstutts@ncdot.gov) or (919) 707-6442.

Thank you,

David Stutts, P.E.  
NCDOT Project Engineer – PEF/Program Management

cc: Matt Wilkerson, NCDOT Archaeology Team Leader  
USACE Project Manager (if state funded OR if Federally Funded AND Impacts Tribal Land or known tribal resources are at or nearby the project)

*Mailing Address:*  
NC DEPARTMENT OF TRANSPORTATION  
STRUCTURES MANAGEMENT UNIT  
1581 MAIL SERVICE CENTER  
RALEIGH NC 27699

*Telephone:* (919) 707-6400  
*Customer Service:* 1-877-368-4968  
*Website:* [www.ncdot.gov](http://www.ncdot.gov)

*Location:*  
1000 BIRCH RIDGE DRIVE  
RALEIGH NC 27610

*Mailing Address:*  
NC DEPARTMENT OF TRANSPORTATION  
PROJECT MANAGEMENT UNIT  
1595 MAIL SERVICE CENTER  
RALEIGH NC 27699

*Telephone:* (919) 707-6000  
*Customer Service:* 1-877-368-4968  
*Website:* [www.ncdot.gov](http://www.ncdot.gov)

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