

## **Listening Sessions Executive Summary**

### **Evaluation of Tribal Cultural Resource Issues Associated with Natural Resources Affected by Hazardous Substance Releases and Oil Spills**

**Introduction:** From November 2015 through the spring of 2016, the Department of the Interior's Office of Restoration and Damage Assessment (ORDA) conducted three in person listening sessions and one webinar with Tribal members and staff working on behalf of tribes to better understand the issues involved with Tribal cultural resource claim development in Natural Resource Damage Assessment and Restoration (NRDAR) cases.

**Background:** ORDA is responsible for overseeing the Department's NRDAR Program, which works with fellow co-trustees, including Tribal nations, to assess and quantify injuries to natural resources, collect compensation, and restore resources that have been injured due to an oil spill or hazardous substance release. Tribal cultural losses in the realm of NRDAR can be challenging and complex. In an attempt to better understand these issues, ORDA hired facilitators to hold three different informal listening sessions with Tribal members in areas of the country where a number of tribes are undertaking or considering such assessments. The listening sessions were held in Minneapolis, MN; Seattle, WA; and Albuquerque, NM. They included a morning session geared towards a general discussion of the issues faced by tribes when developing Tribal cultural resource claims, while the afternoon session focused on specific details and scenarios. Contractors with expertise in economics were also in attendance in order to hear the issues raised by the tribes to help develop a list of claim development issues and methods for Tribal cultural losses. At the conclusion of each listening session, a summary document was produced and shared with attendees for their review and any comments. An overall summary document of all the sessions was then produced and presented to the attendees for review. At the NRDAR Program's biennial workshop in Phoenix in May 2016, a session was held with trustees to discuss the project during which several concerns were raised including the purpose of the listening sessions, potential next steps and the challenges to quantify lost Tribal cultural resource services.

#### **Key Messages/Themes that emerged from listening sessions:**

- Valuing cultural resource services loss is not just monetizing that loss – all tools/methods need to be explored.
- Supporting tribes in the process is crucial (including funding and training opportunities).
- Understanding tribes/federal agencies may have different world views of natural/cultural resources.
- Appreciating that each tribe is a sovereign entity with unique customs, traditions, and beliefs – there is no 'one-size-fits-all' approach that will work for every tribe.
- Understanding that primary restoration is the ultimate goal for most tribes.
- Coordinating response, remediation and NRDAR activities.
- Providing pre-spill protocols/support prevention and preparation.
- Working together to create a framework/provide guidance on lost Tribal cultural resource services.
- Improving and continuing communications.

#### **Next Steps:**

- Develop a list of claim development methods for lost Tribal cultural resource services.
- Revise list of terms used in NRDAR handbook to include Tribal cultural resource services.
- Continue to discuss issues raised in listening sessions on monthly Tribal conference calls.
- Sponsor 3<sup>rd</sup> Tribal NRDAR workshop – Oklahoma, Spring 2017.