



NANSEMOND INDIAN NATION

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THE NANSEMOND INDIAN NATION'S PROTOCOLS FOR GOVERNMENT-TO-GOVERNMENT CONSULTATION ON PROJECTS WITH POTENTIAL ADVERSE IMPACTS TO THE TRIBE

AUDIENCE

This guidance should be followed by:

- Government agencies of the United States or of any state required by law to consult with the sovereign government of the Tribe, including when the agency is regulating development projects that have potential adverse impacts on the Tribe's citizens, economy, culture, cultural heritage, and environment;
- Private companies directed by a government agency to coordinate such consultation on its behalf; and
- Project proponents that pursue dialogue with tribes directly as a matter of good business practice.

PROTOCOLS

For consultation to be meaningful it must be:

1. **EARLY:** Initiate consultation as soon as the project proponent begins considering site selection, and before such a selection is made, so that resources important to the Tribe can be identified and inform decisions about alternatives.
2. **PROACTIVE:** Take and maintain the initiative in consultation; the Tribe should not need to chase the agency or remind the agency of its lawful responsibilities.
3. **REGULAR:** Maintain regular contact with the Tribe, providing updates and new information as soon as the agency itself becomes aware of such information.
4. **THOROUGH:** Give comprehensive consideration to the potential adverse impacts on the Tribe. Require the project proponent to conduct sufficient and substantial research and studies required to fully understand the possible impacts.
5. **CLEAR:** Provide plain-language context to the information you provide to the Tribe, explaining clearly what it is and why it is relevant.
6. **INFORMED:** Educate yourself in advance as to the relevant history of the Tribe. We are pleased to provide you with background materials and scholarly readings: require your staff and the project proponent's team to read them. Agencies should assume they need to consult with the Tribe if they are unsure if a project will impact the Tribe, and should not rely exclusively on the project proponent's cultural resources professionals to make that determination.

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7. **HONEST:** Earn our trust by being direct and truthful. Insist that the project proponent do the same. Do not hide or distort information that is relevant to the Tribe.
8. **RESPECTFUL:** Our Tribe is a sovereign government. Those who speak with Tribal leadership or our legal counsel should have decision-making authority or be project managers with direct access to decision-makers.
9. **VALUED:** Do not expect Tribal staff to provide their precious time and specialized expertise to the agency or the project proponent for free. Project proponents pay for the time and expertise of non-Native professionals to conduct research, surveys, and analyses. On projects affecting sites of particular sensitivity, the Nation may request the participation of tribal monitors, and they should be paid like other environmental monitors are. Similarly, the agency should support compensation of tribal professionals engaging in the project review process.
10. **ACCOUNTABLE:** If the government-to-government consultation process or consideration of a project's impact on the Tribe falls short of federal and state requirements, agencies should embark on an assessment of how to resolve the situation. Just as permit violations for environmental or historical violations sometimes result in proponent fines or mitigation strategies, so should failures of tribal engagement.

CONTACT

Please send all correspondence and materials to:

Nansemond Indian Nation
Chief Keith Anderson
1001 Pembroke Lane
Suffolk, VA 23434
Chief@Nansemond.org
Consultation@Nansemond.org

with a copy to the Tribe's legal counsel:

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C/O Dr. Ellen Chapman
1811 East Grace Street
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Digital materials strongly preferred over printed materials.

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