U.S. Department of Housing and Urban Development

Office of Environment and Energy

Pre - Consultation Information Session on the Tribal Directory Assessment Tool (TDAT) and the draft Information Request Form

(November 10, 2022)

Kristin Fontano...:   Hope you're doing well. I just wanted to firstly say thank you for your time this afternoon. I know there are two meetings scheduled for this important topic, one today and one next week. My name is Kristin Fontanot. I am HUD's director of the Office of Environment and Energy. And really appreciative of you taking time out of your busy schedules to join us today.

Today, we will start the discussion, which continues next week, on the Tribal Directory Assessment Tool. And for us, this is an important topic. It's an important platform because I take so very seriously the criticality of tribal consultation as HUD and our responsible entities embark on projects and embark on making important decisions, that that feedback and that moment of coordination and consultation that occurs and is required to occur rightfully so with our federally recognized tribal partners happens and that we are able to connect with the right people at the right moment in time so that we can get that feedback. This tool is meant to help us achieve that.

And so today, two members of my team will be joining us to talk a bit about why this tool is so important and then what it looks like in terms of how to navigate it. I want to introduce Lauren Hayes Knutson, who is the division director of our environmental planning division and has worked on this for quite a long time in her role inside our office and has really served as a key leader in this space.

I also want to introduce Brendan Barrington, another critical member of our team. He works in Lauren's division and came to us from having experience working and serving with a responsible entity, and now one of his many roles is to serve as the TDAT administrator. And so he will walk through what the system looks like. And has really tireless in his efforts to ensure that we can get the right information in the system. With that, I'd love to turn it over to Lauren and then Brendan to share with you what we are doing and why we're doing it. And again, thanks for your time today. Lauren, over to you.

Lauren Hayes Kn...:   Kristin. And good afternoon, good morning everyone. Thanks for joining. As Kristin mentioned, this is one of two sessions on the Tribal Directory Assessment Tool. Today's session will focus on some of the background of the system, how it ties into our tribal consultation section 106 requirements, and then some information about this enhancement project, what that entails, and then a

demo of the system. And then the following session next week will be more of an opportunity for us to hear from folks to listen to answer questions. We look forward to that session as well.

We can go to the next slide. A bit of background on TDAT. Again, this is the Tribal Directory Assessment Tool. And HUD developed this tool in 2010 as a decision making tool for users, guarantees, environmental review preparers to identify tribes that may have historic or current interest in areas where HUD is proposing projects as well as contact information so those preparers can undertake consultation with tribes. It's intended to assist both HUD staff and responsible entities in identifying federally recognized tribes to consult with as part of the National Historic Preservation Act requirements under section 106. Again, this triggers a requirement to invite interested parties to consult on this project where there may be parent or historical interests. And when we say responsible entities or REs, we mean units of local, state or tribal government who, under our part 58 regulations, can assume federal responsibility for environmental review and decision making. It would... consultation process with tribes as part of our section 106 requirements.

The TDAT database is publicly available. It can be used by HUD or by other agencies to identify by county where tribes may have interest in a proposed project. And we use data that, from both publicly available databases and through individual responses and updates from tribes. However, we recognize that it has been a challenge to keep TDAT up to date. It requires going through consultants to update information. We don't have regular opportunities to update throughout the year. It's not real time updates, so we will certainly address that issue as part of our enhancement effort. Next slide.

As I mentioned, the tribal consultation piece is part of our requirements under the National Historic Preservation Act under section 106. This gives interested parties the right to consult on any project that may affect historic properties or cultural resources. And for HUD projects in particular, triggered where it's the kind of project that could impact these historic or cultural resources or artifacts. These would be projects that include things like ground disturbance, new construction in undeveloped areas, introduction of changes to visual or atmospheric issues that might impact a cultural site, work on any building or site artifact with significant tribal association or the transfer or sale of historic properties or properties of religious or cultural significance. Next slide.

We recognize that tribes certainly have knowledge of their own interests and expert... evaluating properties that may be of current interest or historical significance and interest for properties on the national register. Historic properties would include things like archeological sites, burial grounds, sacred features, ceremonial areas, planted animal communities, anything with significant, cultural, religious tribal association. And again, we certainly value tribes' expertise in identifying these and wanting to consult on and preserve these areas. Next slide.

Through TDAT, tribes can identify counties on a county-wide basis where there is either current or historical tribal interest. This could be on tribal lands or off tribal lands. And it can be a pretty broad range of interests, again, current or historic. And there may be tribes that have interest in the same location, but that can all be identified as part of the TDAT system. And Brendan will cover some additional information on how tribal areas of interest can be identified, how you can edit those areas or make any corrections. These kinds of changes and updates will all be rolled into our enhancement project for TDAT. With that, I will turn it over to Brendan, who is our system administrator for TDAT, to go over some more details on this update project and how to use the system.

Brendan Barring...: All right, thanks Lauren. Next slide, please. All right, so the goal of the TDAT enhancement project is to improve the quality of the information on TDAT. This would improve the contact information for federally recognized tribes on TDAT and improve consultation across HUD and its responsible entities.

There are a couple ways we're trying to do this, the first of which is we would try and synchronize the data with the datasets already existing on BIS and NPS so that on a quarterly basis, the information on TDAT would be automatically synchronized with those two data sources. If there are any discrepancies in the data between the two sources, the TDAT administrator, which at the moment is myself, would be notified and would be able to contact the tribe to determine the correct information to enter into TDAT.

On a case by case basis, update of information could be provided to the tribes directly to the TDAT administrator who can make the change quickly. At the moment, the process for updating TDAT is slow and cumbersome, and this would help expedite the process. I also wanted to note that FPISC, the Federal Permitting Improvement and Steering Council, has coordinated with HUD to help fund these technical upgrades because they seek the significance and positive impacts of improving consultation with the tribes and the significance of having regularly updated information for TDAT and for HUD and its REs. Next slide.

This is one of the things that is going through consultation. One of the features of the enhancement project would be to include a form for information requests that would be available on TDAT to download and fill out and return to the administrator. The intent of this form is to make section 106 consultation easier by including specific tribal consultation preferences. For instance, on this form, we would ask the preferred method that the contact, the TIPPO or other position would like to be contacted. On here, you would have the ability to either tell the administrator that you want to be contacted by email, phone, mail, or some other specific method of communication. And the other is to train screen projects that you would not like to be contacted on. For instance, you could tell us through TDAT that you don't want to be contacted on projects with no exterior physical changes or projects with no new construction. I also wanted to point out that this form is not mandatory, that in its absence the information is regularly updated, and you could always reach out to the TDAT administrator

for more information on the form or how to update your information on TDAT. Next slide, please. Next slide.

Okay, so this is the project timeline that we have. It was delayed a little bit, so we've had a slow start. We finally got the authorization proceeds starting in June 2021. And that's when we started development to the new software features. Then, after we got all the groundwork established in October, we sent out a dear tribal leader letter to begin the tribal consultations. And during November this month, we're having two virtual presentations, the one today, and there's another one next Thursday at the same time, which will go over the comments and enable a listening session to go over the project in more detail. Mid-December is when the consultation ends, so any comments would have to be received by that point.

In January, our system testing begins and that's when we would start to include any proposed changes into the project and start testing the new features. And hopefully, by April 2023, the phase one, which has the features I discussed, would be able to be launched and we can proceed with phase two, which would be anticipated to be completed late 2023. This would include more technical features, including mapping and GIS layers that would make this system even more user friendly and easier to use. Next slide.

Okay. This is the information for the next session. The link is here, it's also in the Dear Tribal leader letter that was sent out November 17th, 2:00 PM Eastern time. If you have any written comments after the session or the next one, please submit them by December 13th. The email address for the TDAT administrator is below. And this is the address that all future correspondence would be with TDAT would be going to. Next slide.

Okay, so now that we've explained TDAT and the enhancement project, I figured we'd take some time to actually go through the software itself. I was going to give you a brief overview of how to use the TDAT software. Next slide, please.

When you log onto TDAT, this is the first thing you'll see. You'll have a map of the United States with a list of particular tribes. In the next step, you will click the button here that says search for tribes. And then in the step after that, next step, you could also go for advanced search. And next step, you could also search by the menu over here, which has additional information. Next step. When you search for tribes using advanced search, this is what comes up. You have the option to actually physically searched by a address. We have listed our address for our headquarters right there. Or you have the option to search directly for a tribe. If you know which tribe you're trying to consult with, you can look up their contact information directly, or you have the option to search by state or county. Next slide.

If you're going the route where you want to search by address, you look up the address of your project, you type into this field, and then it will generate some results. Next step. And based on the location that you chose, for instance, in this

case it shows a location in Braham County, Wisconsin, you will bring up a list of the tribes that had previously expressed interest in commenting in projects in that county. At the moment, that's how TDAT is organized, that we have a list of counties that tribes have been told that they would like to comment projects on. If you pull up a county, any tribes that have had previously an interest in commenting on projects in that county would come up. Next slide.

The other method. When you get to searching by address, you can also pull up additional information. You would click one of the plus icons, and it would show you the information, the contact information with the tribe. For instance, here he clicked on one of the tribes and one of the contact names. It gives you the two contacts associated with the tribe that were provided to us. We have the Tippo and the president, we have their mailing address, their work phone, fax number, email address, and webpage.

One of the features that would coincide with the new project is that now we would have a preference of which of these contact methods would be preferred by the tribe so when a user comes in here and wants to initiate consultation and they find the context that they want to reach out to, they'll know exactly how to contact that representative to begin section 106 consultation. Next slide. Next slide.

Okay. The other method that I discussed earlier is to select by state and county. Next step, you would click the option three, you would select the state that you're interested in. Next step. And then you would select the county that you're interested. You could also choose to select all the tribes for a particular state; that would be the next step. You would click the button below, and that would bring up all the states that expressed interest and commenting in a particular state; in this case, Minnesota. Next slide.

And by doing that method, this is an example of the export results that would come up. Essentially, it's the same as before. You would have the contacts associated with the tribes that are interested in commenting on the project, you would have their contact information and titles on here, including their email addresses, fax numbers, and their preferred method of contacts. Next slide.

The second option is you could always, once you have an address picked out, you can search individually for a tribe by name by using the second option. And next step, when you do this, it'll bring up the individual contact information for the representative of a particular tribe. You always have the option to directly go to look up a tribe's information if you know what you're looking for ahead of time. Next slide.

Now that you have the information you're looking for, you have the name of the contact, you could always export these results to an Excel spreadsheet. Next step, you would push the export to Excel button at the bottom of the page here, and then next step, you would generate an Excel spreadsheet of the interested parties and the contact information for the project.

One of the problems we want to fix with the new project is that these export results as is are messy and repetitive. If you notice here, we looked up a tribe's name and it gave me an individual entry for every single county that it was interested in. And one of the goals of the enhancement projects is make these export results clear and easier to read so that consultation could be done more effectively. Next slide.

Like before, if you have a list of them, for example, you can go to the next step, you could sort Excel like you did before, and you would generate a similar list of results. Going from getting a list of tribes by looking at a location, now you have a list of contacts with their name, titles and contact information. And from here, if you go to the next slide, you could actually take this data and export it to a mail merge. The next step, you could actually take this information, and if you have a prepared consultation letter prepared, you can transfer it directly into that letter. Next slide.

Also on TDAT, if you want to, you can take the export results and print the pages that you wish so you have a record of the tribes that you researched when using TDAT. One of the features, actually, that we're going to add when we complete the enhancement project is that all future export results went out of a time stamp so you can tell that when you initiated this process and you looked up on TDAT, you'll know that the results were current as of a specific date for your records. Next slide, please.

Alaska is actually a little bit different. We have a special set of instructions because there are a lot more tribes in Alaska, and it isn't exactly compatible with TDAT directly. Next step, one of the things we have is on TDAT, if you go to the menu, there's actually a list of special instructions for Alaska. Essentially, if you're in Anchorage, Juno, or one of the other major urban centers, you use it normally, but if you want to look anywhere else, we have a separate path for you to go. Next slide, please. Next one.

Yep. Basically, you'll be given directions to another website and you'll be shown how to individually access that information from there. And it'll give you step by step instructions on how to go through and retrieve the context information for individual tribes. Next slide, please.

Also on TDAT, we have a user manual. If you have any issues using it or have any follow up questions, it's under unrelated information, next step, and you should be able to access it. One of the other features that we're having with the enhancement project is we're going to update the user manual to coincide with the new features that are being developed as part of the enhancement project, so it'll be a lot easier to manage going forward. Next slide, please.

And this is the current way to send corrections and updates. This is about to be obsolete when we complete the enhancement project because now any feedbacks or updates requests or any issues with TDAT are going to go directly to a new role, the TDAT manager, who at the moment is myself. And they'll be a

full-time person who's able to actually go into TDAT and make the changes manually rather than right now, which would be going through a third party. All right, next slide.

All right, so that's a brief overview of how to use the TDAT tool. It's straightforward. It's a little messy at the moment, but the enhancement project is moving to make it more accessible and make it more accurate than it was before. And once it's completed, it'll be a much more useful tool for initiating section 106 consultation. Next slide, please.

All right. And once again, this is the information for the next session, which is going to be same time next week on Thursday, the 17th. The link is here. Once again, if you have any comments on the TDAT enhancement project, specifically the form that we're going to use to request updates, please send it to the email address below by the 13th, and any comments that we receive will be included in the project for consideration. Next slide. All right, that's all I had. And I think at this point, we're going to open it up the questions.

Speaker 4:   As a reminder, to submit a written question, select all panelists from the dropdown menu in the chat panel, enter your question, the message box provided and send. To ask a verbal question, please press the raised hand icon on your screen to enter the question queue. You will hear a beep tone when your line is unmuted. At that time, please then state your name and question. Once again, clicking the raised hand icon located to the top right above the chat panel will place you in the question queue.

And we do have a few questions in the chat. Let's see. "This is all new to me, and our housing authority invited me to attend. I am the environmental director. A concern I feel developing is that third parties will try and use this database to check the box of consultation. If they search and a tribe doesn't show up, then they have met their obligation to consult even though the tribe was never contacted because they were not listed in their TDAT query. Can you please address this concern? And it may also clear it up to know exactly who will have access to the database, government only versus public/industry.

Brendan Barring...:   I think I can answer this question. At the moment, TDAT is not supposed to be a substitute or section 106 consultation, it's purely an aid. Right now, it's just being used as a good place to start. If your tribe has interest in an area that is not actually listed in TDAT through the enhancement project, you should be able to request that if a tribe has an interest in an area, that that be added to their list on TDAT. We do stress that this isn't a substitute for section 106 consultation, it's more really an aid to be used in the process.

Speaker 4:   Thank you. The next question is, "Can you go over the export to the tribal letter again?"

Brendan Barring...:	Yeah. Let's see here. Can you go back to slide 19? Yeah, 19. The mail merge that I showed was just an example of how you could use this data to expedite tribal consultation. There you go. This feature isn't actually in TDAT, but it's an example of what you could do once you have the information from TDAT to make tribal consultation a little easier because you can use what you have here. You'll have the name and address for the person you need to contact, and it'll make consultation by a letter, if that's preferred method, a little bit easier. There's not a, at the moment, a direct import tool from the data on TDAT to any letter.
Speaker 4:	The next question is, "Why don't you have any mechanism to update territory on the form?"
Brendan Barring...:	That information will have to come directly by directly contacting the TDAT manager. And at the moment, it's geo-coded so that... It's geo-coded by state and county, so if a tribe expressed interest in consulting on projects in a particular county that they're not already listed in in TDAT, they would be able to request that directly by reaching out to the TDAT manager. At the moment it's not in the form because it wasn't one of the pieces of information we were looking for. But that might be a good idea, though. I hadn't thought of that.
Speaker 4:	Thank you. The next question is, "The main problem with TDAT is that tribes are not consulted about providing accurate information. Will the process of updating tribal information be less time consuming for the tribe?"
Brendan Barring...:	Yes. And that's one of the goals of the enhancement project is that we've found that this is a useful tool in theory, but in a lot of cases it isn't updated frequently. One of the things we're trying to do is, in order to make sure that the information is current, we're trying to make it easier for tribes to actively... Easier for them to actually reach out and contact the administrator and have them update the information. And we'll also be syncing with the information provided to BIA and NPS that they get on a regular basis. We're hoping between the two of those methods, we'll be able to keep the information on TDAT more current, more accurate.
Speaker 4:	Thank you. "Will the export timestamp be a timestamp or the day you made the export? Or will it be a more accurate date such as the date The information within the export was less updated?"
Brendan Barring...:	The timestamp will include the date you made the inquiry. Whenever you access this information in TDAT and exported it to another format, it will include a timestamp of the date you obtained the information from TDAT. It would not include information on what the status of the information in TDAT was at that time.
Speaker 4:	Thank you. This is a statement. There was a second question asked about who the users will be. I'm assuming that is just clarification about that.

Brendan Barring...:	TDAT would be open to pretty much anybody who would like to use it. It's not exclusively for HUD staff or anybody in government, it's open to anybody who wants to use it as a tool for initiating section 106 consultation.
Speaker 4:	Okay. "When a tribe indicates that they have no interest in reviewing a type of project, will that be identified in TDAT?"
Brendan Barring...:	That's something we're trying to incorporate into TDAT, and that would show up in the export results.
Speaker 4:	"Can we expect to get information updated we have been requesting for years?"
Brendan Barring...:	Yes. That's actually one of the features that TDAT's going to have is that if you have updates or changes you want to do immediately, we'll have a full-time employee who can respond immediately to any changes to the data that you want, whether it's a different person as the contact, a different title, a different address, that could easily be updated through the form on TDAT very quickly.
Speaker 4:	Thank you. "If you are using BIA and NPS information quarterly, does that mean you will be undoing updates the tribes have given you directly? We don't trust that any of the government agencies are keeping our information current."
Brendan Barring...:	The information that's provided to us by the tribes always takes precedent over the information that are imported from other sources. We expect, actually, the quarterly updates to be time consuming on the administrator part because when this happens, the TDAT administrator will actually have to individually vet changes as they come through and see if they line up with the information that the tribes have already provided to us.
Speaker 4:	Thank you. Our last question in the chat is, "How does a tribe remove its historic reservation boundary from the TDAT website so it does not have to consult with other tribes when it's completing work on its own reservation land?"
Brendan Barring...:	That's something we were looking into. We're actually trying to figure out a way to address that. One of the issues we had with that particular issue of saying that you don't want to comment on a reservation is that currently, TDAT is coded by state and county, and reservations typically don't... They might not fall into one particular county or one particular state. We've been actually trying to think of a few ways to address that in TDAT. One of the options we were considering, and we're actually open to any suggestions, is that you could mention that on the form that you don't want to comment on other tribes' reservations, for example. But it's something we really hasn't resolved yet, and we're trying to see if TDAT would be a way to actually address that issue. But we are actually open to comments if you have any suggestions on how to address it.

Speaker 4:	"Can you include the tribe's territory of interest when you go into search by tribe?"
Brendan Barring...:	When you go search by tribe, you should be able to bring out every state and county that they are interested in. If this information is not correct, you should be able to contact the TDAT administrator and have that updated.
Speaker 4:	There are no further questions in the chat at this time. As a reminder, to submit a written question, please select all panelists from the dropdown menu in the chat panel, enter your question in the message box provided and send.
Brendan Barring...:	Okay, well, if there aren't any other questions, we are going... Oh, let me see if one more question came in. Sorry. Did you want to read the last question that came in?
Speaker 4:	Oh, sure. "Right now, it does not include which tribal contact is to be used for S106 notifications. Can you add that?"
Brendan Barring...:	That is actually a very good suggestion. Right now, we just list whichever contact is provided to us, but it may be good in the future to include a preference of which contacts you would like to use.
Speaker 4:	And we had a question about the recording and slides being available. If so, where and when will we be able to access them?
Brendan Barring...:	They are going to be available, or the entire presentation is going to be available after the meeting. They will be available to access after this. I don't think I have the link available yet. I don't know if anybody else on this call could answer that question.
Danielle:	This is Danielle. Yes, we will be providing the transcript and the slides on ONAT's consultation page. And it typically takes a couple days to get those posted. I'll put it in the chat, the link to HUD's consultation page where you can see past presentations.
Speaker 4:	We have another question. "Is TDAT supposed to only be used for 106 consultation? Since it's public, it could be used for broader tribal consultation as well."
Brendan Barring...:	At the moment, it's specifically supposed to be used for section 106 consultation. I don't know of any other particular use that would be that it could be used for. But if you have any comments on that, we'd like to hear them. All right, any other comments?
Speaker 4:	There are no further comments or questions in the chat at this time.

Brendan Barring...:   All right. Well, we have another session next week. Please attend if you can. Also, we are accepting comments on the project or the associated form through December 13th, so if you have any between now and then, please send them to our email address, tdat_info@hud.gov. Thanks everybody for joining us today.

Speaker 4:   That concludes our conference. Thank you for using Event Services. You may now disconnect.