



Engaging Tribes in Superstorm Sandy Recovery



The Tribes Involved in Section 106

All Counties in New Jersey:

- Delaware Tribe of Indians
- Delaware Nation
- Shawnee Tribe of Oklahoma

Burlington, Camden, Cumberland, Gloucester, Hunterdon, Mercer, Salem, Sussex and Warren Counties:

- Absentee Shawnee Tribe of Indians
of Oklahoma

Burlington, Sussex and Warren Counties:

- Stockbridge-Munsee Band of Mohicans

Translating the language of disaster recovery

Background

In the wake of Superstorm Sandy, managing competing priorities required close coordination between federal and state agencies. The complexity of federal regulations, however, can sometimes become a barrier to the timely administration of disaster recovery funds. In New Jersey, ICF discovered that 75 federal grants to homeowners were being deferred, because the properties in question were located on a large Native American habitation site identified in 1865. Section 106 of the National Historic Preservation Act requires that effects on historic properties—historic buildings, archaeological sites, and properties with religious and cultural significance—be taken into account before approval of funds. Section 106 requires that the tribes whose ancestors lived in this part of the state during the Colonial era be consulted before the grants could be released, acknowledging that only the tribes have the expertise to identify properties with cultural and religious significance to them.

Solution

ICF was retained by the New Jersey Department of Environmental Protection (NJDEP) to monitor and assist the state in its compliance with Section 106 to ensure effective tribal outreach. ICF worked closely with the New Jersey Department of Community Affairs (NJDCA), which served as the U.S. Department of Housing and Urban Development (HUD) delegate for implementing Section 106 during Superstorm Sandy recovery. The names of potentially impacted tribes and conditions for tribal consultation were available; however, none of the tribes had yet been actively consulted.

ICF established a framework for tribal notification stipulating that NJDCA informs tribe(s) when a project is in a geographic area of concern or a project scope involves "extensive land disturbance," and Environmental Assessment Field (EAF) Contractors use templates developed by ICF for outreach to verified tribal contacts.

For the 75 held-up grants, ICF developed the EAF Contractor scope for testing, which the tribes were asked to review. Following very active consultation and sharing of testing results with the tribes, the 75 FEMA/HUD grants moved forward.



About ICF

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Results

New Jersey's post-Superstorm Sandy tribal consultation exemplifies the importance of working with an experienced partner in disaster recovery. State officials may be overwhelmed by the massive scale of emergency work required, but easily overlooked details can disrupt progress and exacerbate bureaucratic delays. ICF helped NJDCA overcome these challenges while isolating areas of non-compliance requiring attention. In engaging native tribes, ICF helped NJDCA fulfill its Section 106 legal obligations to the letter of the law and in the spirit intended. Instead of relying on form letters sent to unverified contacts, ICF carefully crafted messaging that resonated with the native tribes. With indepth knowledge of the many moving parts required for successful disaster recovery, ICF helps focus efforts and ensure that no detail goes neglected.

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