



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

**MAR 22 2010**

Dear Tribal Leader:

The Department of the Interior is pleased to announce the next stage of its collaboration with tribes to develop a Department-wide Tribal Consultation Policy in accordance with Interior's Action Plan (enclosed.) The Tribal Consultation Team (Team) is being formed to draft Interior's Tribal Consultation Policy. This letter invites you to participate in that collaboration by nominating a tribal official to represent your tribe on the Team. The Team will include a tribal official from each Bureau of Indian Affairs region and a Federal representative from each Interior bureau/office.

The tribes in each BIA region are asked to nominate three tribal officials or delegates from their BIA region to serve on the Team. Each tribe may submit nominees to the BIA Regional Director. The Regional Director will work with the tribes to select the three nominees to put forward to the Secretary, providing technical assistance as necessary. Tribal Team members will represent the interests of their tribe in the Team meetings on Interior's consultation policy. Nominees must have certification from an authorized tribal official of their tribe that they are authorized to speak for the tribe if selected for the Team. Nominees who have an understanding of how Interior programs affect tribes and who have experience with government-to-government communications could be helpful; however, no such understanding or experience is required. From each Interior bureau/office, the Secretary will also appoint a Federal member and one alternate to the Tribal Consultation Team. The members of the Team will remain in service for 1 year following their appointment. The tribal and Federal alternates should be available to serve if the original appointee is unable to continue working on the Team during the 1-year term.

During this 1-year period, the Tribal Consultation Team will draft a policy; submit the policy to tribes and the Federal Register for notice and comment; and revise the draft as appropriate, based on comments received. The Team will submit the revised draft to the Secretary for review and approval. Additionally, the Team may have further interaction with Interior's bureaus once the final Department-wide policy is completed.

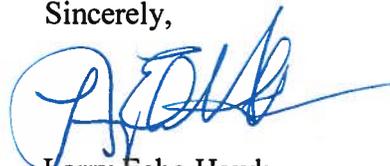
Tribal Consultation Team members may need to travel extensively for meetings during the 1-year period of service. Expenses of the 12 tribal members of the Team for these meetings (transportation, lodging, and per diem expenses) will be paid by Interior. Members of the Team will be expected to be involved in teleconferences and other means of communication on a regular basis as needed to complete the work of the Team.

Tribes are asked to make their selections and forward the names and other information (see enclosed nomination form) to the BIA Regional Directors by April 30, 2010. BIA Regional Directors will forward the names of the nominees to the Secretary by May 5, 2010. From the three nominees for each region, the Secretary will appoint one Tribal Consultation Team member and one alternate for each BIA region by May 14, 2010.

As you know, this request for nominations stems from a Federal Government-wide consultation initiative, and Interior recognizes that the Federal Government is making multiple requests of the tribes for collaboration. Interior is mindful of the demands that this initiative is making on tribal resources. If you have any suggestions for how this process could be improved as we move forward, we welcome your input. We greatly appreciate your continued responsiveness to the President's tribal consultation initiative, and we look forward to continuing to work with you.

If you have any questions or concerns, please do not hesitate to call Ms. Tracie Stevens, Senior Advisor to the Assistant Secretary – Indian Affairs, at (202) 208-7163.

Sincerely,



Larry Echo Hawk,  
Assistant Secretary – Indian Affairs

Enclosures

**Department of the Interior Plan to Develop a Tribal Consultation and Coordination Policy  
Implementing Executive Order 13175**

**PURPOSE:** As directed by President Barack Obama in his Memorandum of November 5, 2009, this plan outlines how the Department of the Interior (Interior) will comply with the letter and spirit of Executive Order 13175 of November 6, 2000, *Consultation and Coordination With Indian Tribal Governments*. Through implementation of this plan, Interior will develop a comprehensive, department-wide policy for meaningful tribal consultation. Each bureau and office within Interior will develop a specific, supplemental consultation policy. The department-wide policy will establish uniform standards for government-to-government consultation and ensure consistent application of those standards in accordance with Interior's legal obligations and in fulfillment of the United States trust responsibilities. Interior's policy will support Indian self-determination and self-governance by giving tribes strong voices in shaping the Federal policies that directly affect their ability to govern themselves and to provide for the health, safety, and welfare of their citizens.

**GUIDING PRINCIPLES:** Interior will develop a policy for "regular and meaningful consultation and collaboration" to improve governmental relationships with Indian tribes and reflect the concerns and responsibilities of Federal and tribal governments. This policy will—

- Recognize the special legal status of tribal governments;
- Respect tribal sovereignty and support self-determination and self-governance;
- Honor the United States trust obligations;
- Demonstrate Interior's commitment to improving communications while maximizing tribal input and coordination;
- Ensure that Interior consults on a government-to-government basis with appropriate tribal representatives;
- Identify appropriate Interior officials who are knowledgeable about the matters at hand and are authorized to speak for Interior;
- Ensure that Interior's bureaus and offices conduct consultation in a manner consistent with the department-wide policy, thus harmonizing the consultation practices of Interior's bureaus and offices;
- Be clear, understandable, workable and compliance-friendly.

**NARRATIVE:** In keeping with the spirit and intent of both the Tribal Nations Summit held at Interior, and the subsequent Presidential Memorandum on Consultation signed at the Summit, Interior sent a letter on November 23, 2009 to all federally recognized Indian tribes inviting tribal leaders to engage in an interactive dialogue regarding their experiences with consultation, suggestions on Interior's Action Plan, and how to improve its consultation practices. These sessions were full day, face-to-face meetings with senior Interior officials representing all Interior bureaus and offices in seven locations: Anchorage, AK; Portland, OR; Washington, DC; Ft. Snelling (Minneapolis/St. Paul), MN; Oklahoma City, OK; Phoenix, AZ; and Palm Springs, CA.

Interior invited representatives from other Federal agencies to join these sessions in order to create an opportunity for tribes to share their ideas and concerns with multiple agencies, such as the Department of Labor, Environmental Protection Agency, Department of Education and others. Approximately 300 tribal leaders and representatives as well as over 250 Interior and other Federal agency officials attended.

Tribal leaders provided valuable suggestions for Interior's Action Plan and forthcoming consultation policy including inclusion of tribal representatives in the drafting process, alternative communication methods, better collaboration and communication among Federal agencies and application of timelines during the consultation process. These suggestions will be incorporated into Interior's Action Plan and consultation policy, and will contribute to an improved government-to-government relationship with Tribes.

### **PLAN OF ACTIONS:**

- 1. Creation of Tribal Consultation Team.** To ensure transparent and collaborative drafting, Interior will establish a Tribal Consultation Team comprised of a balanced group of senior representatives of Interior and tribal leaders. The Tribes within each of the Bureau of Indian Affairs' twelve regions should identify either elected Tribal officers or their designated employees with authority to act on their behalf for the Tribal Consultation Team.
- 2. Communications.** In furtherance of the President's goal and policy of transparency, Interior will develop a communications plan for informing Tribes and the general public about the progress of Interior and the Tribal Consultation Team in implementing this Action Plan.
- 3. Continuous Review and Evaluation.** Interior will continuously review its regional and national functions, policies, procedures, and practices to identify policies with tribal implications. These reviews will identify opportunities to strengthen and improve the consultation policy. Additionally, Interior will monitor its practices to ensure effective and consistent implementation of the consultation policy.

#### **4. Consultation Policy Development.**

- a. Review of Tribal Comments.** The Tribal Consultation Team will review all consultation policy comments received during the Action Plan consultation sessions as well as any written comments submitted.
  - b. Draft Consultation Policy.** The Tribal Consultation Team will draft Interior's department-wide consultation policy.
  - c. Tribal Review of Draft.** The draft consultation policy will be circulated to Tribes and tribal organizations for review and comment. The Tribal Consultation Team will consider the comments received and revise the draft consultation policy, if necessary, in response to comments.
  - d. Federal Register Notice.** Interior will publish the draft consultation policy in the Federal Register and provide a 60-day comment period. The draft will be circulated to all tribes and posted on Interior's website.
  - e. Review of Comments.** The Tribal Consultation Team will consider the comments received and revise the draft consultation policy, if necessary, in response to comments.
  - f. Final Publication.** Interior will issue the final consultation policy within 90 days of the close of the comment period.
  - g. Secretarial Order.** The Secretary of the Interior will issue a Secretarial Order directing all Interior bureaus and offices to comply with the department-wide consultation policy and its guiding principles.
- 5. Interior Point of Contact.** Interior designates the Associate Deputy Secretary as the responsible official for submitting progress reports and ensuring Interior's compliance with the Action Plan and the Final Interior Tribal Consultation Policy.
- 6. Supplemental Bureau Consultation Policies.** The Tribal Consultation Team will work with each Interior bureau and office to develop supplemental consultation policies specific to the functions, practices, and unique legal obligations of the bureau or office.
- 7. Cross-department Collaboration.** Interior will seek opportunities to collaborate and coordinate with other Federal agencies subject to Executive Order 13175 regarding issues affecting tribes in order to streamline the consultation process, create consistency and effective communications with tribes.

