Tribal Consultation and its Role in Federal Projects

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Executive Order

• Consultation and collaboration with Tribal governments in federal projects strengthens the government-to-government relationships and strives to reduce the imposition on Indian tribes.

• Executive Order 13175 Consultation and Coordination with Indian Tribal Governments
What is consultation?

• The word consultation implies a conference, a discussion, an exchange between two or more people/parties
  – It is not simply notification
  – It is not simply reporting information

• Consultation with Native American Tribes should not be viewed as ONLY as a one time event. Ideally, it is an on-going activity, which grows into a relationship based on mutual trust and respect.
Types of Projects

- Installation restoration or Superfund projects
- On-going installation activities
- Military exercises
- Permitting, NEPA, NAGPRA requirements
- Base Realignment and Closure
- Development of Rules & Regulations
- Spill Response & Disaster Preparedness
- UXO Clearance
- Integrated Natural & Cultural Resource Plans
What’s the Objective?

• Develop agreement with the Tribe
  – Protocols
  – Process
  – Purpose
  – Guiding Principles
  – Memoranda of Agreement/Understanding (MOA/MOU)
  – Dispute Resolution
Laying the Groundwork

• Learn your history
• Learn about the governing infrastructure
• Share information with the Tribe
• Identify non-issue oriented activities that Tribe and agency/installation can take part in together
Planning a Meeting

• Courtesy Call

• Informal Meeting
  – On-going dialogue

• Formal Meeting
  – Get Tribal input on the agenda
  – Location/arrangements
  – Invocation
  – Documentation/follow-up
Programmatic Approach to Consultation

- Consultation should be developed in a holistic or programmatic way which focuses on building relationship based on mutual trust and respect between the Tribe and DoD

- Relationship becomes the framework for addressing multiple issues
How to Implement a Programmatic Consultation

• Establish on-going institutional Tribal/Base relationships
  – Similar to City/Base, Mayor/Commander
  – Regular Meetings

• Share special events
  – Change of Command
  – Special events/ceremonies
  – Veteran’s Day
How Can You Tell It’s Working?

• A simple assessment
  – *Is the relationship better than before?*

• Every meeting, every event should **build upon the previous** to develop a relationship of trust and mutual respect.
Advice

• Begin Now
• Initiate introductions
• Build the relationship
• Avoid past approaches of “decide, announce, defend”
• Involve the Tribe
• Have reasonable expectations
• Be flexible
• Keep an open mind
• Have a sense of humor
Contact Information

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