

# Tribal Consultation and its Role in Federal Projects

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*Presented by*

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# Executive Order

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- *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?

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- 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

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- 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?

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

# Laying the Groundwork

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- 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

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- 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

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- *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

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- 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?

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- 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

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- 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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