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**Office of Primary
Responsibility** Environmental Compliance Division

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United States Department of the Interior
 BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

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Directive Version	Effective Date	Substantive (S) or Non-Substantive (NS) Change	Summary of Revisions
1	Date of Signature	<i>N/A</i>	<p>The reason for creating this new BSEE Handbook is to establish procedures for government-to-government consultation with Federally Recognized Indian Tribes, Native Hawaiian Organizations, and Alaska Native Claims Settlement Act Corporations.</p> <p>This is the first BSEE National Tribal Engagement Program Consultation Handbook.</p>



United States Department of the Interior
BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

BUREAU INTERIM DIRECTIVE

Part Number and Title	<u>570 Tribal Engagement</u>
Directive Number	<u>BID 2023-003N</u>
Directive Title	<u>National Tribal Engagement Program Consultation Handbook</u>

PURPOSE AND OBJECTIVES

The purpose of this Bureau Interim Directive (BID) is to develop a best practices document regarding Tribal consultation for the National Tribal Engagement Program (NTEP) within the Bureau of Safety and Environmental Enforcement (BSEE).

AUTHORITY

E.O. 13175: Consultation and Coordination with Indian Tribal Governments (November 6, 2000)

Additional authorities are attached in the NTEP Consultation Handbook.

REFERENCES

BID 2022-047N National Tribal Engagement Program (October 27, 2022)

Additional references are attached in the Handbook.

POLICY

Refer to the BID 2022-047N National Tribal Engagement Program for the NTEP Policy.

RESPONSIBILITIES

The attached NTEP Consultation Handbook does not establish any new responsibilities, but existing responsibilities are identified and expounded upon in Chapter 1.

PROCEDURES

The attached NTEP Consultation Handbook contains the procedures.

ATTACHMENT

BID National Tribal Engagement Program Consultation Handbook

TITLE:

National Tribal Engagement Program Consultation Handbook

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LIST OF ACRONYMS

AIRFA – American Indian Religious Freedom Act
ANCSA – Alaska Native Claims Settlement Act
ANILCA – Alaska National Interest Lands Conservation Act
ARPA – Archaeological Resources Protection Act
BIA – Bureau of Indian Affairs
BID – Bureau Interim Directive
BOEM – Bureau of Ocean Energy Management
BSEE – Bureau of Safety and Environmental Enforcement
CADR – Collaborative Action and Dispute Resolution
CEQ – Council on Environmental Quality
CFR – Code of Federal Regulations
DM – Departmental Manual
DOI – Department of the Interior
EA – Environmental Assessment
ECD – BSEE’s Environmental Compliance Division
ECP – BSEE’s Environmental Compliance Program
EIS – Environmental Impact Statement
E.O. – Executive Order
ESA – Endangered Species Act
FOIA – Freedom of Information Act
FPO – Federal Preservation Officer
HHCA – Hawaiian Homes Commission Act
HHLRA – Hawaiian Home Lands Recovery Act
IK – Indigenous Knowledge
MBTA – Migratory Bird Treaty Act
MMPA – Marine Mammal Protection Act
NAGPRA – Native American Graves Protection and Repatriation Act
NEPA – National Environmental Policy Act
NHC – Native Hawaiian Community
NHO – Native Hawaiian Organization
NHPA – National Historic Preservation Act
NPS – National Park Service
NTEP – National Tribal Engagement Program
OCS – Outer Continental Shelf
OORP – Office of Offshore Regulatory Programs
OPA – Oil Pollution Act of 1990
ONHR – Office of Native Hawaiian Relations
RTL – Regional Tribal Liaison
SHPO – State Historic Preservation Officer
S.O. – Secretary’s Order
TC – Tribal Coordinator
TEK – Tribal Ecological Knowledge
TGO – Tribal Governance Officer
THPO – Tribal Historic Preservation Officer

TLO – Tribal Liaison Officer
TWG – Tribal Working Group
U.S. – United States
U.S.C. – United States Code

DEFINITIONS

Alaska Native Claims Settlement Act (ANCSA) Corporation: Any Alaska Native Village Corporation, Group Corporation, Urban Corporation, former reserve corporation, or regional corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act, 43 U.S.C. 1601 *et seq.*

ANCSA Corporation Official: An official or ANCSA shareholder designated in writing by an ANCSA Corporation.

ANCSA Shareholder: Tribal citizens that also share in the dividends, distributions, and benefits of their regional and/or village corporation.

Appropriate Bureau Official: Those individuals who are knowledgeable about the matters at hand, are authorized to speak for the Bureau, and exercise delegated authority in the disposition and implementation of an agency action. The Appropriate Bureau Official will have the commensurate level of experience and decision-making authority as the Tribal Official, ANCSA Corporation Official, and Native Hawaiian Community leader authorized to speak.

BSEE Tribal Working Group (TWG): Collectively includes the Tribal Coordinator, Tribal Liaison Officer, Regional Tribal Liaisons, Federal Preservation Officer, Environmental Compliance Division (ECD) staff, and any other BSEE staff designated to assist with Tribal matters, as necessary.

Bureau: The Bureau of Safety and Environmental Enforcement (BSEE).

Department or Bureau Action with Tribal Implications: Any Departmental or Bureau regulation, rulemaking, policy, guidance, legislative proposal, plan, programmatic or operational activity, or grant or funding formula changes that may have a substantial direct effect on a Tribe in matters including, but not limited to:

- I. Tribal cultural practices; lands; treaty rights; resources; ancestral lands; sacred sites, including sites that are submerged; and lands Tribes were removed from, or access to traditional areas of cultural or religious importance on Federally managed lands and waters;
- II. The ability of a Tribe to govern or provide services to its members;
- III. A Tribe's formal relationship with the Department or the Bureau, be it nation-to-nation or beneficiary-to-trustee; or
- IV. Any action planned by a non-federal entity that involves funding, approval, or other final agency action provided by the Department or the Bureau, unless the Tribe is a party to the action. Substantial direct effects on Tribes may include, but are not limited to, effects as shown in the Consensus-Seeking Model found in 512 DM 4.

Department or Bureau Action with ANCSA Corporation Implications: Any Departmental or Bureau regulation, rulemaking, policy, guidance, legislative proposal, grant funding formula

changes, or operational activity that may have a substantial direct effect on an ANCSA Corporation, including but not limited to:

- I. Any activity that may substantially affect land, water areas, or resources owned or selected by ANCSA Corporation, or resources;
- II. Any activity that may impact the ability of an ANCSA Corporation to participate in Departmental programs for which it qualifies;
- III. Any activity that may impact the ability of ANCSA shareholders to access and use ANCSA lands, water areas, or resources;
- IV. Any activity that may impact the ability of Alaska Native people to maintain their traditional way of life and subsistence practices on ANCSA Corporation lands, waters, or adjacent federal lands; or
- V. Any activity that may have a direct effect on the ability of ANCSA Corporations to fulfill the purposes for which they were established under ANCSA.

Department or Bureau Action with Native Hawaiian Community Implications: Generally includes any Departmental or Bureau rulemaking, policy, guidance, legislative proposal, operational activity, or grant or funding formula changes that may have a substantial direct effect on the Native Hawaiian Community on matters including, but not limited to:

- I. Native Hawaiian land interests on or off Trust lands, ancestral or ceded lands and waters, and/or sacred sites or lands; or
- II. Native Hawaiian cultural practices, lands, waters, natural and cultural resources, or access to traditional areas of cultural or religious importance on Federally managed lands and waters; or
- III. The ability of the Native Hawaiian Community to govern or provide services to its members; or
- IV. The Native Hawaiian Community's relationship with the United States.

Consultation Protocol: An agreement between BSEE and a Federally Recognized Tribe, the NHC, or ANCSA Corporation describing the elements and procedures for implementing government-to-government consultation.

Department: The Department of the Interior.

Federal Preservation Officer (FPO): The Marine Archaeological Resource Lead that serves under Director appointment as BSEE's FPO; the FPO serves as the Environmental Compliance Program lead liaison for National Historic Preservation Act, Section 106 consultation, and coordination needs.

Formal Consultation: Formal consultation is a process based on a bilateral recognition of sovereignty and is generally focused on a given issue or set of issues, including compliance with a variety of statutes, policies, and administrative actions that direct the Federal government to consult with Indian Tribes, the Native Hawaiian Community, and ANCSA Corporations. Formal Consultations are defined as having both Department and Tribal Officials/Native Hawaiian Community leaders/ANCSA Corporation Officials with decision-making authorities or appropriately designated representatives thereof present at the consultation session(s)/meeting(s) regarding the proposed Bureau Action with Tribal, Native Hawaiian Community, or ANCSA Corporation Implications.

Indian Tribe, Tribal Nation, or Tribe: Any American Indian or Alaska Native Tribe, Band, Nation, Pueblo, Rancheria, Village, or Community included in the annual list published in the *Federal Register* pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 5131. (The Handbook will use “Tribal Nation” as the term throughout.)

Indian Tribe Trustees: Tribal Officials designated by the governing body of any Indian Tribe who may act on behalf of the Tribe or its members as a trustee for natural resources under the Oil Pollution Act of 1990, 33 U.S.C. 2701-2761.

Indigenous Knowledge (IK): The following are generally agreed upon universal concepts that are often used to describe Indigenous Knowledge. IK is a body of observations, oral and written knowledge, innovations, technologies practices, and beliefs developed by Tribes and Indigenous Peoples through interaction and experience with the environment. It is applied to phenomena across biological, physical, social, cultural, and spiritual systems. IK can be developed over millennia and continues to develop and includes understanding based on evidence acquired through direct contact with the environment and long-term experiences, as well as extensive observations, and lessons and skills passed from generation to generation. IK is developed, held, and stewarded by Indigenous Peoples and is often intrinsic within Indigenous legal traditions, including customary law or traditional governance structures and decision-making processes. Other terms such as Traditional Knowledge(s), Traditional Ecological Knowledge, Genetic Resources associated with Traditional Knowledge, Traditional Cultural Expression, Tribal Ecological Knowledge, Native Science, Indigenous Applied Science, Indigenous Science, and others, are sometimes used to describe this knowledge system. This Handbook uses the term Indigenous Knowledge (IK) throughout.

Indigenous Peoples: Includes the people of Native America, Alaska Native, Native Hawaiian, Pacific Islanders (e.g., American Samoans, Chamorros and Carolinians of Guam and the Northern Mariana Islands, and others), and Caribbean Islander (e.g., Taíno and others) descent, and others whose ancestors have occupied what is now known as the United States and its territories since time immemorial, including members of Tribal Nations. For the purpose of formal consultations, this Handbook will use a narrow definition of this term to include only groups with whom the Department has consultation responsibilities as set forth in 512 DM 6 and the forthcoming 513 DM 1; i.e., ANCSA Corporations and the Native Hawaiian Community, respectively.

Native Hawaiian Community (NHC): The distinct Native Hawaiian indigenous political community that Congress, exercising its plenary power over Native American affairs, has recognized and with which Congress has implemented a special political and trust relationship.

Native Hawaiian Organization (NHO):

- I. Any organization that:
 - a. Serves and represents the interests of Native Hawaiians;
 - b. Has as a primary and stated purpose the provision of service to Native Hawaiians; and
 - c. Has expertise in Native Hawaiian affairs;
- II. Includes, but is not limited to:
 - a. Native Hawaiian organizations registered with the Department of the Interior's Office of Native Hawaiian Relations; and
 - b. Homestead Associations and Hawaiian Homes Commission Act Beneficiary Associations as defined under 43 CFR 47.10 and 48.6.

Regional Tribal Liaison (RTL): A BSEE employee, including the Gulf of Mexico Regional Tribal Liaison, Pacific Regional Tribal Liaison, the Eastern Seaboard Tribal Liaison, and Alaska Regional Tribal and Community Liaison who is responsible for assisting the Tribal Liaison Officer (TLO) in carrying out the duties outlined in E.O. 13175 and Departmental policies related to formal consultation requirements within their region.

Tribal Coordinator (TC): A BSEE employee who is responsible for supporting and advising the TLO in carrying out the duties outlined in E.O. 13175 and Departmental policies related to formal consultation requirements at the national level. The TC ensures that BSEE programs and offices are informed of the Bureau's responsibilities, coordinates all actions with the goals of this Handbook, and provides education and guidance on Tribal government-to-government relationships.

Tribal Governance Officer (TGO): A Department official that is appointed by the Office of the Secretary and is responsible in carrying out the responsibilities as described in 512 DM 4, 512 DM 5, 512 DM 6, 512 DM 7, 513 DM 1, and 513 DM 2.

Tribal Liaison Officer (TLO): A BSEE employee officially designated to carry out responsibilities described in 512 DM 4, 512 DM 5, 512 DM 6, 512 DM 7, 513 DM 1, and 513 DM 2. The TLO is the subject matter expert for formal consultation for offshore environmental programs.

Tribal Official: An elected or appointed Tribal leader or official designated in writing by an Indian Tribe to represent the Tribe in government-to-government consultations.

CHAPTER 1: INTRODUCTION

1.1. Purpose

The purpose of the National Tribal Engagement Program (NTEP) Consultation Handbook (Handbook) is to establish procedures to ensure regular and meaningful consultations and collaborations for any Bureau of Safety and Environmental Enforcement (BSEE or Bureau) action with Tribal implications for Federally Recognized Tribes (herein referred to as Tribal Nations) and for any BSEE action with implications for the Native Hawaiian Community (NHC) or Alaska Native Claims Settlement Act (ANCSA) Corporations. For the purpose of formal consultations, the Handbook will use a narrower definition of the term “Indigenous Peoples” to include only groups with whom the Department has consultation responsibilities as set forth in 512 DM 6 and the forthcoming 513 DM 1; i.e., ANCSA Corporations and the NHC, respectively. BSEE’s newly created NTEP has developed the national procedures for coordination and consultation in this Handbook to enhance the Bureau’s Tribal and Indigenous Peoples engagement initiatives and meet our trust responsibilities.

BSEE is committed to following Federal laws, Executive Orders, and Secretary’s Orders requiring Federal Government consultation with Tribal governments, ANCSA Corporations, and the NHC throughout the Continental United States (U.S.), Alaska, and Hawaii. BSEE considers its trust responsibility a vital obligation that the Bureau has integrated into its mission. A more comprehensive list of mission-focused responsibilities can be found in the definitions for Bureau Actions with Tribal, ANCSA Corporations, or NHC implications. BSEE regulatory activities are distinctive as our jurisdiction usually begins seaward of 3 miles from the coastline on the U.S. Outer Continental Shelf (OCS), except off Texas and the Gulf coast of Florida, where jurisdiction primarily begins at 9 miles from the coastline. BSEE regulates activities that may have direct or indirect impacts on the integrity of submerged lands, the shoreline and its ecology, offshore habitat, marine mammals and other critical species, or submerged historical or archaeological sites. BSEE strives to ensure that any activities under its jurisdiction that may have direct effects on Tribal Nations or Indigenous Peoples are open, transparent, and thorough.

The Biden-Harris Administration reaffirms E.O. 13175 and is committed to honoring Tribal sovereignty and including Tribal voices in policy deliberations that may affect Tribal communities. The federal government has much to learn from Tribal Nations, and strong communication is fundamental to a constructive relationship. The Department takes its commitment to strengthening Tribal sovereignty and self-governance seriously and knows that meaningful consultations are the cornerstones of Federal Indian policy.

By acknowledging and treating Tribal Nations as partners in co-stewardship of our lands and waters, through Joint Secretarial Order (S.O.) 3403, we will undoubtedly strengthen our federal land and resources management. Honoring the nation-to-nation relationship with Tribal Nations, strengthening Tribal sovereignty and self-governance, and upholding the trust and treaty responsibilities are paramount to fulfilling the Department’s mission.

Department-level policies that guide BSEE practices on consultation and collaboration include *Department of the Interior Policy on Consultation with Indian Tribes* (512 DM 4) and *Procedures for Consultation with Indian Tribes* (512 DM 5).

Additional Department policies that guide consultations include *Department of the Interior Policy on Consultation with Alaska Native Claims Settlement Act Corporations* (512 DM 6); *Procedures for Consultation with Alaska Native Claims Settlement Act Corporations* (512 DM 7); *Department of the Interior Policy on Consultation with the Native Hawaiian Community* (513 DM 1); and *Procedures for Consultation with the Native Hawaiian Community* (513 DM 2).

The procedures outlined here provide further guidance to BSEE personnel to support meaningful collaboration and formal consultations with Tribal Nations and Indigenous Peoples under E.O. 13175, Joint S.O. 3403, and Departmental consultation policies, as stated in the Departmental Manual. Through a nationally consistent approach, the procedures within this Handbook will provide a foundation on which the Bureau can adopt mission specific procedures and improve consistency regarding interactions with Tribal Nations and Indigenous Peoples during the consultation process.

1.1.1 Background

Based on the U.S. Constitution, Federal law, Executive Orders, treaties, and Federal court decisions, the Federal government has unique trust responsibilities to Tribal Nations and Indigenous Peoples, including the promotion of Tribal and NHC self-determination and self-governance (Appendix A). This unique legal and political relationship is acknowledged through Executive Orders, Secretary's Orders, and Presidential Memoranda, which direct agencies to provide meaningful consultation and collaboration with Tribal officials and to promote greater openness in government. The United States recognizes the political rights of Tribal Nations to self-governance and the exercise of sovereign power over their members and territory. The United States protects those rights by working with Tribal Nations on a government-to-government basis to address issues concerning Indian Tribal trust resources, treaty rights, and the unique relationship between the Federal government and Indian Tribal governments. The United States recognizes its special political and trust relationship with the NHC and right of the NHC to self-governance and supports Native Hawaiian sovereignty and self-determination. The United States works with the NHC on a government-to-sovereign basis to address concerns related to self-governance, Native Hawaiian trust resources, and other Native Hawaiian rights. The United States recognizes the statutory relationship between ANCSA Corporations and the Federal Government and works with ANCSA Corporations on the same basis as Indian Tribes under Executive Order 13175.

BSEE recognizes the Federal government's trust responsibility, as established by Federal statutes and treaties, and confirmed by Federal court decisions. BSEE's relationship with Tribal Nations and Indigenous Peoples is critical to support our mission of promoting safety, protecting the environment, and conserving offshore resources. This Handbook is intended to improve BSEE's relations and cooperative activities with Tribal Nations and Indigenous Peoples. This Handbook provides guidance for the Bureau's compliance with, and implementation of, existing Federal laws, orders, regulations, and other policies that guide consultation processes.

This Handbook explains the procedures and expectations for the Bureau's formal consultations. Routine coordination, collaboration, communications, and meetings will strengthen, enhance, and support BSEE's relationship with Tribal Nations and Indigenous Peoples. This Handbook describes the formalized process of consultation for BSEE actions and policies that may have

Tribal, ANCSA Corporation, or NHC Implications. To fulfill the Bureau's trust and consultation responsibilities, ongoing communication and coordination is essential. This Handbook provides processes that can be used by the Tribal Liaison Officer (TLO), Regional Tribal Liaisons, the Tribal Coordinator (TC), and Bureau staff to work consistently with Tribal Nations and Indigenous Peoples on BSEE policies or actions to ensure meaningful consultations.

1.1.2 Consultation: A History and Legal Background

Consultation is a legal requirement and is an important part of the Federal-Tribal relationship. The term consultation, as it appears in treaties, is used to describe the process of maintaining and conducting formal Federal-Tribal communications. Its early origins are based in the treaty-making process, where Federal and Tribal sovereigns engaged in formal government-to-government discussions. E.O. 13175 reaffirms the requirement of Federal Agencies to adhere to the many laws, Executive and Secretary's Orders, regulations, and policies that inform formal Federal-Tribal relations. These laws, regulations, Executive Orders, Secretary's Orders, and the Departmental Manual direct Bureau employees to follow the prescribed consultation process until they are cancelled or modified. See Appendix A – Authorities, and Appendix B - References.

1.1.3 Guiding Principles of Tribal Consultation

The *Department of the Interior Policy on Consultation with Indian Tribes* (512 DM 4) describes consultation as a formal process based on the bilateral recognition of sovereignty that is generally focused on an issue or issues with Tribal Implications, for which the Federal government will consult with impacted Tribes. The DOI policy further directs that Offices and Bureaus will make good faith efforts to invite Tribal Nations and Indigenous Peoples to consult early in the planning process, to engage in informative, interactive, transparent, and pre-decisional consultations, and to seek consensus with impacted Tribal Nations and Indigenous Peoples using the Consensus-Seeking Model.

The *Procedures for Consultation with Indian Tribes* (512 DM 5) encourage Bureaus and Offices to operate under the assumption that all actions with land or resource use or resource impacts may have Tribal Implications and to extend consultation invitations accordingly. Bureaus will also consult when their actions have Tribal Implications that affect a Tribe's traditional homelands. This policy further directs a Departmental official with decision making authority to participate in the consultation. Bureaus and Offices should coordinate with each other and other Federal agencies, where appropriate, to conduct consultations and ensure all coordinated consultations adhere to Departmental policy (512 DM 4). During consultation, Bureaus and Offices should strive to be open and candid with Tribal governments and incorporate Tribal knowledge and views in the decision-making process, with the goal to have all parties engage in respectful dialogue based on mutual understanding of the issues, and to reach consensus. In doing so, Bureaus and Offices should use the Consensus-Seeking Model identified in Figure 1 of 512 DM 4. An inherent understanding of the historical circumstances and culture of Tribes regarding the relations with the U.S. government will ensure effective consultation.

Government-to-government consultation is a responsibility of the U.S. Government to Tribal Nations.¹ BSEE's responsibility to engage in government-to-government consultations in compliance with E.O. 13175 cannot be fulfilled through discussions or agreements with state governments, local governments, or other entities that are not recognized under applicable federal law.²

1.1.4 Consultation with ANCSA Corporations

The *Department of the Interior Policy on Consultation with Alaska Native Claims Settlement Act Corporations*, (512 DM 6), and the *Procedures for Consultation with Alaska Native Claims Settlement Act Corporations*, (512 DM 7), require Departmental agencies to consult with ANCSA Corporations on the same basis as Federally Recognized Indian Tribes under E.O. 13175.³

BSEE recognizes the Federal government's special trust responsibilities to ANCSA Corporations. Consultation with ANCSA Corporations will follow the procedures required by 512 DM 7, which are further described in this Handbook.

1.1.5 Consultation with the Native Hawaiian Community

BSEE will follow the procedures found within the DOI Office of Native Hawaiian Relations Standard Operating Procedure for Consultation with the Native Hawaiian Community (October 2020) to honor the government-to-sovereign relationship and to fulfill the intent of E.O. 13175, the Presidential Memorandum on Tribal Consultation (2009),⁴ and the Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships (2021).⁵ Additionally, the Office of Native Hawaiian Relations (ONHR) has proposed two Departmental Manual chapters regarding the government-to-sovereign consultation between Departmental officials and the NHC through Native Hawaiian Organizations (NHOs). The proposed chapters contain an NHC consultation policy at Part 513, Chapter 1 (513 DM 1) and the accompanying consultation procedures at Part 513, Chapter 2 (513 DM 2).⁶ The Department has consulted with the NHC on the proposed policy and procedures. When the proposed chapters are finalized, BSEE will follow the policy and procedures therein.

Before taking Departmental action that has NHC implications, bureaus and offices will initiate consultation with the NHC. In undertaking this consultation, bureaus and offices will use the procedures for consultation described in the Standard Operating Procedures for the Native

¹ BSEE also works with many stakeholders who are important partners in carrying out its mission and who have interests regarding BSEE's activities, but who may not have the same legal standing as Federally Recognized Indian Tribes for purposes of formal consultation under E.O. 13175.

² Indian Entities Recognized by and Eligible to Receive Service from the United States Bureau of Indian Affairs, 88 Fed. Reg. 2112-2116 (Jan. 12, 2023), available at <https://www.federalregister.gov/documents/2023/01/12/2023-00504/indian-entities-recognized-by-and-eligible-to-receive-services-from-the-united-states-bureau-of>.

³ E.O. 13175 of Nov 6, 2000 <https://www.federalregister.gov/d/00-29003>

⁴ Presidential Memorandum on Tribal Consultation (November 5, 2009) <https://obamawhitehouse.archives.gov/the-press-office/memorandum-tribal-consultation-signed-president>

⁵ Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships (January 26, 2021) <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-on-tribal-consultation-and-strengthening-nation-to-nation-relationships/#:~:text=The%20Presidential%20Memorandum%20of%20November,policy%20announced%20in%20that%20memorandum.>

⁶ DOI Consults on its Native Hawaiian Community Consultation Policy and Procedures (December 5, 2022). <https://www.doi.gov/hawaiian/doi-consults-on-its-native-hawaiian-community-consultation-policy-and-procedures>

Hawaiian Community⁷ until such time as 513 DM 2 is finalized. When taking Departmental action that implicates Native Hawaiian Trust Lands, bureaus and offices will coordinate with ONHR to ensure compliance with the Federal statutory trust responsibility imposed by the Hawaiian Homes Commission Act, 1920 (HHCA), Hawaiian Homelands Recovery Act (HHLRA), and the Act to Provide for the Admission of the State of Hawaii into the Union.

1.2 Responsibilities

1.2.1 Responsibilities of the Director

The BSEE Director is responsible for promoting safety, protecting the environment, and conserving resources through regulatory oversight and enforcement related to energy industry operations on the U.S. Outer Continental Shelf. The Director is supported by senior executives who manage national programs, policy, and budget in the Bureau's Washington, D.C. headquarters. The Director has overall authority for reviewing existing Bureau practices, revising those practices as needed to comply with the Department's Tribal Consultation Policy, and creating a process to reference practices on Tribal consultation in Bureau policy documents.

The **Director** will:

- a. Certify in a written statement that is part of the record for any final rule originating from the Bureau that the regulatory process complied with E.O. 13175.
- b. Ensure that appropriate performance measures consistent with the NTEP Policy and this Handbook are included in future annual performance plans for BSEE employees.
- c. Annually report to the Secretary the results of BSEE's efforts to promote consultation with Tribes, ANCSA Corporations, and NHOs. Reporting is intended to be comprehensive and may include, but is not limited to, the scope of consultation efforts, the cost of these efforts, and the effectiveness of consultation activities. The annual report will provide a comprehensive listing of the topics on which consultations were held, and all training, innovations, and engagement of senior leadership in these efforts. Where possible, the annual report will include feedback from Tribes, ANCSA Corporations, and NHOs with whom the Bureau has consulted. The report will reference the documents and correspondence with Tribes, ANCSA Corporations, and NHOs that address any post-consultation review processes, a description of budget expenditures in the execution of consultation efforts, narratives describing significant consultation efforts, and forthcoming consultation opportunities.
- d. Designate a TLO with specific responsibilities under the Departmental Tribal Consultation Policy. This person will be at the appropriate level within the Bureau, will be knowledgeable about Bureau program areas and offices, and will be able to quickly facilitate the coordination of consultation requests. Ensure that the TLO is responsible and accountable to carry out consultation activities of BSEE.
- e. Comply with Departmental requirements on intergovernmental relations with Tribal governments.
- f. Serve as the senior most official within the Bureau.

⁷ Standard Operating Procedures for Consultation with the Native Hawaiian Community. https://doi.gov/sites/doi.gov/files/20201022-consultation-appendices-sop-onhr_0.pdf

- g. Ensure that NTEP has the necessary resources to carry out the Bureau's consultation responsibilities.
- h. Ensure that offices and officials have the necessary resources to carry out their consultation responsibilities.
- i. Ensure that BSEE representatives whose responsibilities include consultation with Tribal officials have training, education, or equivalent experience, providing an adequate level of knowledge for that purpose before conducting or participating in any consultations.

1.2.2 Responsibilities of the Deputy Director

The Deputy Director has the authority to approve any deviations from this policy. In the event that the appropriate bureau official is unclear, the Deputy Director is responsible for selecting the appropriate official.

The **Deputy Director** will:

- a. Act and represent BSEE as the appropriate Bureau official with the appropriate Tribal, NHO, and ANCSA Corporation officials in the absence of the Director through the redelegation of authority, as circumstances warrant, and speak on behalf of BSEE in such circumstances in accordance with BSEE Delegations of Authority Office of the Director (219.3 MC Version 1).

1.2.3 Responsibilities of the Chief, Environmental Compliance Division

BSEE's Environmental Compliance Program (ECP) is responsible for ensuring that BSEE and industry comply with all applicable statutory and regulatory environmental protection requirements. The program has six (6) broad areas of responsibility: (1) Regulatory Program Coordination; (2) National Environmental Policy Act (NEPA) Compliance; (3) Office Compliance; (4) Field Compliance; (5) Enforcement; and (6) Communication and Engagement. At the Headquarters level, ECD facilitates implementation of a nationally consistent approach through development of strategic goals, performance measures, and policies for the execution of environmental compliance functions within ECP bureau wide.

The **Chief, Environmental Compliance Division** will:

- a. Coordinate with the Bureau's TLO and TC on Environmental Compliance Program consultation needs.
- b. Provide the NTEP with administrative support services.
- c. Supervise the TLO, ensuring that the TLO is responsible and accountable to carry out consultation activities on behalf of BSEE.

1.2.4 Responsibilities of the Tribal Liaison Officer (TLO):

BSEE has established a TLO who serves in the Headquarters Division within ECD. This individual is the single point of contact having responsibility for determining the need for consultation, conducting consultations, and ensuring that consultations are properly recorded and that Tribal governments are informed of the results of consultation.

The Tribal Liaison Officer will:

- a. Serve as the National TLO for BSEE and the principal point of contact for Tribal, ANCSA Corporation, and NHC consultation matters.
- b. Supervise the TC and the RTLs to ensure that BSEE and Departmental policies are carried out in accordance with this Handbook.
- c. Coordinate with the Bureau of Ocean Energy Management (BOEM) to determine the nature of the effects of OCS activities on Tribal issues and seek ways to avoid, minimize, or mitigate any adverse effects on Tribal Nations and Indigenous Peoples.
- d. Promote and facilitate consultation and collaboration between Tribal Nations and Indigenous Peoples and the Bureau.
- e. Lead the development and maintain updates of national consultation policy, guidance, and procedures, including the BSEE NTEP Consultation handbook.
- f. Represent BSEE leadership as the appropriate Bureau official in consultations and meetings with the appropriate Tribal, ANCSA Corporation, or NHC official as circumstances warrant and speak on behalf of BSEE in such circumstances.
- g. Implement 512 DM 4, 512 DM 5, 512 DM 6, 512 DM 7, 513 DM 1, 513 DM 2, and BSEE procedures regarding Tribal consultation that are in accordance with this Handbook and the National Tribal Engagement Program BID.
- h. Comply with 512 DM 4, 512 DM 5, 512 DM 6, 512 DM 7, 513 DM 1, 513 DM 2, and E.O. 13175, applicable statutes, and administrative actions including:
 - (1) Determining whether BSEE's planned actions may have Tribal Implications for any Tribe or a substantial and direct effect on ANCSA Corporations or the NHC, considering all applicable laws, including but not limited to any applicable treaty rights, and memorializing that determination in writing.
 - (2) Communicating with Tribal Nations and Indigenous Peoples early in the development of programs, plans, or actions.
 - (3) Inviting expressions of interest in consultations.
 - (4) Conducting and memorializing consultations when undertaken.
 - (5) Providing briefings to BSEE Directors, Regional Directors, and Office/Division Chiefs, as requested.
 - (6) Providing responses to issues raised by Tribal Nations and Indigenous Peoples in consultations on the Bureau's decision-making and doing so by means discussed with Tribal Nations and Indigenous Peoples at the consultations.
- i. Conduct regular/recurring meetings with RTLs to maintain ongoing awareness of activities within the Bureau.
- j. Lead preparation and complete submission of BSEE's Tribal Consultation Annual Report to the Department's Tribal Governance Officer (TGO) s specified in 512 DM 4 by December 31 each year.
- k. Fulfill all obligations as a member of the BSEE Tribal Working Group (BSEE TWG).
- l. Prepare for the Director a summary of the consultation activities for every BSEE action requiring consultation with Tribal Nations and Indigenous Peoples upon completion of the consultation.
- m. Comply with the responsibilities set forth in the consultation authorities, including oversight and guidance on legal and policy requirements (including Tribal treaty rights) developed in coordination with the Office of the Solicitor, and compliance with training, reporting, and other requirements.

- n. Participate in departmental, regional, and other working groups, as appropriate, related to formal consultation and to engagement and coordination with Tribal Nations and Indigenous Peoples.
- o. The TLO may, based on the documents provided by the Chief, Office of Offshore Regulatory Programs pursuant to Section 1.2.7.b. below, assist decision makers with determining whether proposed actions have Tribal, ANCSA, or NHC Implications.

1.2.5 Responsibilities of the Tribal Coordinator (TC):

BSEE has established a TC who serves in the Headquarters Division within ECD. This individual assists BSEE's TLO, who is the subject matter expert for consultation for offshore programs. The TC is responsible for developing and implementing program policy and analyses on matters concerning consultation, collaboration, and outreach with Tribal Nations and Indigenous Peoples under the guidance of the TLO.

The **Tribal Coordinator** will:

- a. Serve as a facilitator on behalf of the Division, Bureau, or the Department at meetings with other divisions, bureaus, or agencies, states, Tribes, lessees, and other interested parties to discuss complex and controversial Tribal and related regulatory issues.
- b. Serve as the Lead for the BSEE TWG.
- c. Support and advise the Bureau TLO on issues related to formal consultation and coordination with Tribal Nations and Indigenous Peoples and make recommendations on related Bureau policy and consultation practices.
- d. Coordinate with the Federal Preservation Officer (FPO) on issues pertaining to historic properties, sacred sites, and areas of religious importance to Tribal Nations and Indigenous Peoples to ensure proper consideration is being given to impacts of OCS activities on their communities.
- e. Assist the TLO in the development and updating of national consultation policy, guidance, and procedures, including the BSEE NTEP Consultation Handbook.
- f. Develop a training plan to ensure that BSEE representatives whose responsibilities include consultation with Tribal, ANCSA Corporation, or NHC officials have an adequate level of knowledge for that purpose before conducting any consultations.
- g. Based on the documents provided by the Chief, Office of Offshore Regulatory Programs pursuant to Section 1.2.7.b. below, the TC may assist decision makers with determining whether proposed actions have Tribal Implications or a substantial and direct effect on an ANCSA Corporation or the NHC.
- h. Coordinate resources for consultation activities with the Regional Directors.
- i. Maintain and update a Tribal list for BSEE of all registered Tribal Nations and Indigenous Peoples.

1.2.6 Responsibilities of the Regional Tribal Liaison (RTL):

BSEE has also established the role of Regional Tribal Liaison (RTL). The RTL's role is to serve as the regional expert and work with and advise the Bureau TLO in determining the need for consultation, conducting consultations, and ensuring consultations are properly recorded and that Tribal Nations and Indigenous Peoples are informed of the results of consultation. These

individuals should have the requisite knowledge and background regarding regional Tribal Nations and Indigenous Peoples. The RTL may serve in either a lead or moderator capacity during consultations. The RTL is responsible for keeping a record of the consultation, including all letters, pertinent email, and meeting notes related to the consultation, in accordance with BSEE policy and Federal record-keeping procedures and law.

The **Regional Tribal Liaison** will:

- a. Serve as the Regional Lead for BSEE for consultation matters.
- b. Execute regional formal consultation requirements.
- c. Coordinate with the Regional Director of their respective region and the Bureau TLO on regulations, policies, procedures, decisions, and activities that have Tribal, ANCSA Corporation, or NHC Implications.
- d. Participate in departmental, regional, and other working groups, as appropriate, related to consultation and to engagement and coordination with Tribal Nations and Indigenous Peoples.
- e. Attend national and regional conferences and conventions of Native organizations to represent BSEE and to provide awareness and build relationships.
- f. Maintain point of contact lists for Tribal Nations and Indigenous Peoples in their assigned region: Gulf of Mexico, Pacific, Alaska, and Eastern Seaboard.
- g. Assist in preparing the Departmental Tribal Consultation Annual Report for the TLO and provide reports on the status of consultation planning and progress for the region.
- h. Fulfill all obligations as members of the BSEE TWG.
- i. The Alaska RTL will serve as the principal contact for the University of Alaska's Alaska Native Science and Engineering Program (ANSEP) internship program.

1.2.7 Responsibilities of the Chief, Office of Offshore Regulatory Programs (OORP):

The Office of Offshore Regulatory Programs (OORP) drives and supports continual improvement in safety, environmental protection, and offshore resource conservation through data and risk analysis, safety improvement initiatives, regulatory development and maintenance, standards and stakeholder engagement, policy development and oversight, and emerging technology evaluations to provide strategic guidance in support of BSEE's regulatory oversight and enforcement mission.

The **Chief, OORP** will:

- a. Designate an OORP representative as the appropriate point of contact for formal consultations.
- b. Notify the TC and the Regional Director or program manager of an affected region or program of any rulemaking action, interpretive rules, Regulation Identification Number requests, or externally facing guidance documents, policies, or procedures, and provide relevant documentation.
- c. Provide expertise in the rulemaking process during formal consultations and meetings with Tribal Nations and Indigenous Peoples.
- d. Ensure that text approved by the TLO regarding Tribal, ANCSA Corporation, and NHC Implications is included in the preamble to rulemakings that are coordinated by OORP.

1.2.8 Responsibilities of the Renewable Energy and Regulatory Compliance Program Director:

The renewable energy program, overseen by the Office of the Director, works with bureau experts to establish, deploy, and maintain an effective offshore renewable energy program. As reflected in the BOEM-BSEE Reorganization of Title 30-Renewable Energy and Alternate Uses of Existing Facilities on the OCS Final Rule, effective January 31, 2023, and as provided for in the Departmental Manual, 219 DM 1, BSEE has the delegated authority for oversight of safety and environmental compliance and enforcement for certain renewable energy activities.

The **Renewable Energy and Regulatory Compliance Program Director** will:

- a. Designate a Renewable Energy Program representative as the appropriate point of contact for Tribal, NHC, and ANCSA consultations.
- b. Notify the TC of any Program actions with Tribal, NHC, and/or ANCSA Corporation Implications.
- c. Provide expertise during consultations and meetings.

1.2.9 Responsibilities of the Renewable Energy Operations Director:

The renewable energy program, overseen by the Office of the Director, works with bureau experts to establish, deploy and maintain an effective offshore renewable energy program. The Renewable Energy Operations Director is delegated the authority to oversee management of BSEE programs related to renewable energy activities on the U.S. eastern seaboard.

The **Renewable Energy Operations Director** will:

- a. Inform potentially affected Tribes early in the development of OCS renewable energy activities and determine their interest in consultation with BSEE.
- b. Include consultation invitations in public notices and, as appropriate, issue consultation invitations to Tribes that have expressed concerns or interest through individual communications.
- c. Notify the Eastern Seaboard Tribal Liaison of any requests for consultation on activities in the Atlantic Region.
- d. Engage in consultation activities for regional renewable energy actions in coordination with the Eastern Seaboard Tribal Liaison.
- e. Represent BSEE as the Appropriate Bureau Official in consultations and meetings with the appropriate Tribal Officials as circumstances warrant and speak on behalf of BSEE in such circumstances.
- f. Ensure that BSEE representatives whose responsibilities include consultation have training, education, or equivalent experience to ensure an adequate level of knowledge before conducting any consultations.

1.2.10 Responsibilities of the Other Office and Division Chiefs:

The Oil Spill Preparedness Division, Safety and Incident Investigations Division, Safety Enforcement Division, Office of Public Affairs, Office of Policy and Analysis, and Office of

Congressional and International Affairs are responsible for reviewing existing practices, revising those practices as needed to comply with this Handbook and the Departmental Tribal Consultation Policy, beginning the process to reference consultation practices in their standard operating procedures, and ensuring that employees within their offices adhere to these consultation policies and procedures.

These **Office and Division Chiefs** will:

- a. Designate a programmatic representative as the appropriate point of contact for Tribal, ANCSA Corporation, and NHC consultations.
- b. Notify the TC of any actions within their Office/Division with Tribal, ANCSA Corporation, or NHC Implications.
- c. Provide expertise during formal consultations and meetings with Tribal Nations and Indigenous Peoples.

1.2.11 Responsibilities of the Regional Directors:

Each of the Bureau's three Regions -- Alaska, Pacific, and Gulf of Mexico -- has a Regional Director responsible for management and program implementation. The Regional Directors are responsible for reviewing existing regional practices, revising those practices as needed to comply with this Handbook and the Departmental Tribal Consultation Policy, beginning the process to reference consultation practices in regional standard operating procedures, and ensuring that employees within the regions adhere to these consultation policies and procedures.

The **Regional Directors** will:

- a. Inform potentially affected Tribal Nations and Indigenous Peoples early in the development of offshore energy activities and determine their interest in formal consultation.
- b. Provide invitations to consult to those Tribal Nations and Indigenous Peoples that have expressed concerns or interest through individual communications in combination with public notices, as appropriate.
- c. Notify the RTL if any Tribal Nation or Indigenous Peoples requests consultation.
- d. Ensure the RTL is furnished with appropriate regional resources to complete NTEP activities (e.g., providing transportation and office space).
- e. Engage in formal consultation activities for regional BSEE actions in coordination with the RTL.
- f. Represent BSEE as the appropriate Bureau official in consultations and meetings with the appropriate Tribal, Native Hawaiian Community, and ANCSA Corporations officials as circumstances warrant and speak on behalf of BSEE in such circumstances.
- g. Ensure that regional BSEE representatives whose responsibilities include consultation with Tribal, ANCSA Corporation, or NHC officials have training, education, or equivalent experience providing an adequate level of knowledge for that purpose before conducting any consultations.

CHAPTER 2: BSEE TRIBAL WORKING GROUP

2.1 Purpose and Function

The purpose of the BSEE TWG is to provide a forum for discussion and guidance about the NTEP to BSEE staff regarding activities that may impact Tribal Nations and Indigenous Peoples. The BSEE TWG will provide advice and guidance through communication, collaboration, and education, and will promote active engagement. The BSEE TWG is dedicated to assisting in developing and maintaining government-to-government, government-to-corporation, and government-to-sovereign relationships among BSEE, Tribal Nations, and Indigenous Peoples, consistent with related Department policies. The TWG meetings will provide a forum to discuss and evaluate implementation of, and proposed changes to, the Bureau's regulations, policies, and procedures related to Tribal and Indigenous Peoples engagement goals and consultation feedback.

2.1.1 Duties

The duties of the BSEE Tribal Working Group are to exchange information, guidance, and recommendations on offshore energy topic areas, such as offshore energy production and/or activities, marine minerals, rulemaking, stakeholder outreach, educational opportunities, and BSEE policies including:

- a. Support the TLO in identifying and advancing relationships, and effective paths for communication with Tribal Nations and Indigenous Peoples that may be affected by actions that a BSEE region or program plans to take.
- b. Advise and support the implementation of stakeholder outreach and educational opportunities.
- c. Identify steps to advance implementation of Secretary's Order 3342 and Joint S.O. 3403.
- d. Identify evolving issues relating to offshore lands and waters, trust assets, treaty/subsistence resources, cultural resources, and governmental interests of Tribal Nations and Indigenous Peoples.
- e. Propose clarifications and other recommendations and solutions to address issues raised at Tribal, regional, and national levels.
- f. Discuss issues and proposals for changes to BSEE regulations, policies, and procedures that may have an impact on Tribal Nations and Indigenous Peoples.
- g. Identify priorities and provide advice on appropriate strategies for Tribal, ANCSA Corporation, and NHC consultation on issues at the Tribal, regional, and/or national levels.
- h. Ensure that pertinent concerns are brought to the attention of Appropriate Bureau Officials in a timely manner, so that timely feedback can be obtained.
- i. Provide input on the Tribal Consultation Annual Report addressing planning and progress in accordance with the reporting provisions of 512 DM 4, 512 DM 5, 512 DM 6, 512 DM 7, and the Standard Operating Procedure for Consultation with the NHC.⁸

⁸ Standard Operating Procedures for Consultation with the Native Hawaiian Community. https://doi.gov/sites/doi.gov/files/20201022-consultation-appendices-sop-onhr_0.pdf

2.1.2 Membership

The TC will serve as the TWG Lead. The TWG may be composed of the appropriate BSEE Officials including, but not limited to:

- a. Tribal Liaison Officer
- b. Regional Tribal Liaison
- c. Federal Preservation Officer
- d. Environmental Compliance Division staff
- e. Office of Offshore Regulatory Programs
- f. Office of Public Affairs staff
- g. Acquisition Programs Branch – Small Business Specialist
- h. Program/Region/Issue Specific Subject Matter Experts, invited as necessary

BSEE TWG members will make a good faith effort to participate in all meetings. If unable to attend a meeting, the member should send a replacement.

2.1.3 Meetings

The BSEE TWG will fulfill its purpose and function through regularly scheduled monthly meetings and communication to the TC to identify topics of interest. The meetings will address the BSEE TWG's listed duties. The BSEE TWG will meet monthly throughout the year, unless otherwise specified. The BSEE TC may invite appropriate Bureau representatives to the BSEE TWG meetings, as necessary. The BSEE TWG will also discuss joint activities with BOEM that could impact the BOEM TWG's objectives.

2.1.4 Termination

The BSEE TWG will remain in existence until such time that the Director determines it is appropriate to terminate it and notifies the members of this determination.

CHAPTER 3: BSEE TRIBAL LIST

Every year, the Department of the Interior, Bureau of Indian Affairs, publishes in the Federal Register a list of Indian Entities Recognized by and Eligible to Receive Services from the United States Bureau of Indian Affairs (BIA). There is currently a total of 574 Federally Recognized Tribes within the contiguous 48 states and the state of Alaska. The list includes the state where each Tribe is located and is available online at federalregister.gov.

The TC will maintain a Tribal list that may include mailing and email addresses or other Tribal contact information for all of the Federally Recognized Tribes, ANCSA Corporations, and NHOs to ensure it is current for the Bureau. The TC will review the list of Federally Recognized Tribes each year and cross-check BSEE's Tribal list for accuracy.⁹ A non-exhaustive list of the NHOs can be found on the Department's Office of Native Hawaiian Relations website.¹⁰ The list of ANCSA Corporations is compiled by the Alaska Department of Commerce, Community, and Economic Development.¹¹

TC will also maintain and develop a list of upcoming and completed engagements and consultations with Tribal Nations and Indigenous Peoples to be included in the Annual Tribal Consultation Report.

The Online Tribal Directory is updated annually. Regional Offices should update the list with additional information about current Tribal contact persons, mailing addresses, and telephone numbers. Tribal interests frequently extend beyond state and regional boundaries. BSEE employees may contact the TLO or RTL if there are questions about which Tribes have interests in their Region.

⁹ The BIA Tribal Leaders Directory at <https://www.bia.gov/service/tribal-leaders-directory> also contains such information.

¹⁰ The list of the NHOs can be found at <https://www.doi.gov/hawaiian/NHOL> or an excel version can be requested from the Office of Native Hawaiian Relations.

¹¹ Alaska Entity Contacts Directory, at <https://dcra-cdo-dcced.opendata.arcgis.com/>

CHAPTER 4: FORMAL CONSULTATIONS

4.1 Events that Trigger Formal Consultations

Events that trigger formal consultations include operational activities under the jurisdiction of BSEE that may have Tribal, ANCSA Corporations, or NHC Implications.¹² Bureau regulations, rulemakings, policy, guidance, and legislative proposals are also actions that have the potential to create Tribal Implications. Effects on a Tribal Nation or Indigenous Peoples include effects to cultural practices, lands resources, or access to traditional areas of cultural or religious importance on federally managed lands. BSEE personnel need to remember that Tribal Nations and Indigenous Peoples maintain ties to ancestral lands, traditional cultural places, or other areas of significance to that Tribal Nation or Indigenous Peoples that should be taken into consideration for actions that may have Tribal Implications. Consultation triggers also include effects to the ability of a Tribal Nation or Indigenous Peoples to govern or provide services to its members. The TLO is responsible for determining when a BSEE action may have Tribal Implications to trigger a formal consultation. Consultation can be initiated by BSEE or at the request of a Tribal Nation or Indigenous Peoples.

4.2 Consultation, Coordination, and Analysis

BSEE's regions and offices work with Tribal Nations and Indigenous Peoples regularly. National programs, regional offices, Tribal Nations, and Indigenous Peoples can work together to develop protocols reflecting a preferred format and timeline for communication and information exchange. Routine and predictable communication will allow for the incorporation of Tribal Nations' and Indigenous Peoples' views early in the consultation process. Currently, there is not a Standard Operating Procedure (SOP) for such protocols, but SOPs may be developed in the future at the regional levels by the RTLs, on an as needed basis. Any regional SOPs will be consistent with the procedures outlined Nationally within this Handbook and be approved by the TLO. Similarly, ANCSA Corporations communication will follow the procedures in 512 DM 7, or individual ANCSA Corporations may develop protocols with BSEE on how they would like to interact. To date, BSEE has not interacted with NHOs but may do so in the future. When coordinating with NHOs, BSEE personnel should follow the *Standard Operating Procedure for Consultation with the Native Hawaiian Community*.

Correspondence prior to an informational session or a consultation can occur via email, letters, or website publications and the notices to are sent via the TLO or the RTL's. Following a Tribal Nation's or Indigenous Peoples' acceptance of an invitation to consult, additional correspondence occurs to determine the agreed upon communication methods. Consultation sessions may be in-person meetings, teleconferences, or video conferences. Standard procedures can be developed as needed to identify engagement and coordination through informal emails, phone calls, letters, and meetings. Informal meetings, virtually or in person, can include BSEE Subject Matter Experts, TLO, TC, other Appropriate Bureau Officials to determine the procedures for a consultation. Standard procedures may also include coordinating formal meetings among Appropriate Bureau Officials, Bureau Subject Matter Experts, or National

¹² See definition section for Tribal Implications, ANCSA Corporations Implications, and Native Hawaiian Community Implications.

Program Leads and the appropriate Tribal, ANCSA Corporation, or NHO Officials or representatives. If a Tribal, ANCSA Corporation, or NHO official agrees, the communication methods can meet the requirements of formal consultation under E.O. 13175.

To provide regular and meaningful consultations, engagement, and coordination, RTLs should establish standard consultation procedures within their regions consistent with this Handbook, as necessary. BSEE's TLO will ensure the approach is consistent with this Handbook and ensure collaborations and consultations that occur throughout the year are recorded for the Annual Tribal Consultation Report submittal to the TGO.

4.2.1 Interagency Communication

The BSEE TLO will work closely with BOEM TLO because of the unique relationship between BSEE and BOEM. This will ensure that consultation is coordinated appropriately and that each Bureau's distinct mission is articulated to Tribal Nations and Indigenous Peoples during the consultation process. As such, joint discussions with Tribal Nations and Indigenous Peoples may be appropriate so that a burden is not placed on Tribal Nations and Indigenous Peoples to respond to BSEE and BOEM separately. The BSEE TLO will support the BOEM TLO by attending all meetings and providing information, as requested by the Tribes, ANCSA Corporations, NHOs, and/or BOEM. BSEE will also arrange for the Appropriate Bureau Officials to speak about matters within BSEE's realm of responsibility.

4.2.2 Consultation Procedures Planning

The consultation process should follow the applicable Departmental Manual chapters on consultation procedures (512 DM 5, 512 DM 7, and forthcoming 513 DM 2). There are currently 574 Federally Recognized Tribes, each with distinct languages, cultures, traditions, values, and processes. For the consultation process to be effective, Appropriate Bureau Officials will take the required consultation training to acquire the basic knowledge of the consultation process, cultural awareness, and the importance of engaging with Tribal Nations and Indigenous Peoples on matters that affect them (see Chapter 6). Overall engagement and communication with each Tribal Nation and Indigenous Peoples may vary.

4.2.3 Cultural Understanding

Understanding a Tribal Nation's or Indigenous People's history is fundamental in conveying the proper agency messaging during formal consultations. As discussed in Chapter 6 of this Handbook, all BSEE personnel will complete required training prior to participating in consultations. It is important to know the history of Tribal Nations and Indigenous Peoples by learning their customs, holidays, ceremonies, any relevant conflicts, wars, treaties, Executive Orders, case law, statutes, and how these have evolved over the years. Ethnographies, scholarly journals, books, Tribal newspapers, websites, and other documents can provide information on a Tribe's history and its historical relationship with the Federal government.

It is important to recognize that not all Tribal Nations and Indigenous Peoples share the same belief system. Equally important, BSEE will consider subsistence schedules and preparation times before consultation begins. This is particularly true when working with Alaska Native and

ANCSA Corporations in the Alaska Region. A Tribe's government structure, food preferences, religious practices, burial traditions, natural resource values, wealth, family structure, and education system influence a Tribe's culture, worldview, and behavior. Bureau staff should be aware that although books and other documents provide useful references for understanding the political and cultural history of Tribal Nations and Indigenous Peoples, the Tribal members themselves are the best source of knowledge about their Tribe. The concept of Indigenous Knowledge (IK) is further discussed in Chapter 7 Section 2.

Regardless of any consultation requirements, BSEE RTLs will engage regularly with Tribal, ANCSA Corporation, and NHO officials to establish, and maintain, a positive working relationship. The Office of Regulatory Affairs and Collaborative Action suggests that meetings should occur during existing gatherings, and a list of examples of such gatherings can be found in Appendix E. Regular interactions with Tribal Nations and Indigenous Peoples allow for learning and discussion about their culture and help minimize missteps during formal consultations. In an effort to establish a relationship with a Tribal Nation or Indigenous Peoples, the RTLs can reach out to their counterparts at local Tribes. The counterparts include the Tribal Historic Preservation Officer (THPO) or other designated Tribal representatives who can offer insights on the specific historic and current issues and their customs prior to consultation.

4.2.4 Timeline

Bureau staff will allow enough time for meaningful consultation before the Federal decision will be taken. Similarly, Bureau staff will allow time at the beginning of the consultation process to develop a relationship with Tribal, ANCSA Corporation, and NHO officials that facilitates collaboration and trust. Likewise, Bureau staff should be clear about any exigent circumstances driving the Bureau's timing for action. Equally important, BSEE will consider subsistence schedules and preparation times before consultation begins.

4.2.5 Consultation Process

BSEE will engage, collaborate, and consult with Tribal Nations and Indigenous Peoples as early as possible when considering a Federal action with Tribal, ANCSA Corporation, or NHC Implications. BSEE will provide written notice of a request for consultation prior to scheduling the consultation with a Dear Tribal Leader Letter (Appendix D). The Dear Tribal Leader Letter will include a description of the topic(s) to be discussed, the scope and purpose of the Bureau action under consideration, a timeline of the process as well as the possible outcomes, and the Bureau representatives that will participate in the development and implementation of the Bureau action under consideration, as well as participants in the consultation. Distribution of the Dear Tribal Leader Letter is generally done electronically by the TLO or can be distributed at the regional level through the RTLs. All Dear Tribal Leader Letters will be reviewed by the TLO for appropriate language and signed by the RTL, the Regional Director, TLO, or the Director or their designee.

BSEE may conduct meetings or other forms of interaction with designated Tribal, ANCSA Corporation, or NHO representatives to collaborate as part of the initial planning stage of any Bureau action with Tribal, ANCSA Corporation, or NHC Implications. BSEE and BOEM will

work with each other through each agency's designated TLO and with other federal agencies, where appropriate, to avoid duplicative consultations. This ensures that each Bureau's distinct mission is articulated to the Tribal Nations and Indigenous Peoples during consultations. Determining the structure and logistics of a formal consultation is a critical function shared by the designated BSEE official and Tribal, ANCSA Corporation, and NHO points of contact and coordinated by the TC to support the TLO.

4.2.6 Invitation to Consult

In accordance with 512 DM 5, the Bureau will ensure that a notice is given at least 30 (preferably 45) days prior to an already scheduled consultation session and/or providing an opportunity to consult. BSEE will ensure regular and meaningful communications with Tribal Nations and Indigenous Peoples. As such, a Tribal Nation and Indigenous Peoples may request to extend the consultation timeframe and, at BSEE's discretion, BSEE may grant that request. However, to address the request of an extension to the consultation timeframe, BSEE will expand opportunities for engagement and the subsequent response time up to 90 days, as necessary, depending on the Federal actions with Tribal, ANCSA Corporation, or NHC Implications (e.g. Rulemaking, Operational activities involving permitting, and leasing under the jurisdiction of BSEE and BOEM). However, if exceptional circumstances prevent notice within the minimum requirement of 30 days prior to the consultation, BSEE will provide an explanation for the abbreviated notification in the invitation letter. Tribal Nations and Indigenous Peoples may request an extension for timelines associated with the invitation to consult.

An invitation to consult on a Federal action that may have Tribal, ANCSA Corporation, or NHC Implications will be sent in writing as a Dear Tribal Leader Letter (Dear Tribal Leader Letter Template can be found in Appendix D). The official correspondence may be sent by email, mail, or delivered in person to the Tribal, ANCSA Corporation, or NHO representative or posted on the BSEE consultation webpage. The TLO or RTL issuing the invitation will use their preferred form of correspondence for the consultation protocols and the agreed upon correspondence with the Tribal Nations and Indigenous Peoples. The correspondence should state the type of formal consultation. BSEE should request a written response within a timeframe between 30 and 90 days from the Tribal Nation or Indigenous Peoples who wish to consult. The timeframe for the written request will be determined on the timeline projected for the Federal Action. Programs and Offices within the Bureau will need to incorporate the potential for consultation into projected completion dates for Federal Actions with Tribal, ANCSA Corporation, or NHC Implications. When Tribal Nations or Indigenous Peoples accept BSEE's invitation to consult, the BSEE TLO or RTL will work with the TC to make arrangements for the consultation. This exchange of correspondence will open the record of consultation and will be recorded on the Annual Tribal Consultation Report.

4.2.7 Consensus-Seeking for BSEE Actions with Tribal, ANCSA Corporation, and NHO Implications¹³

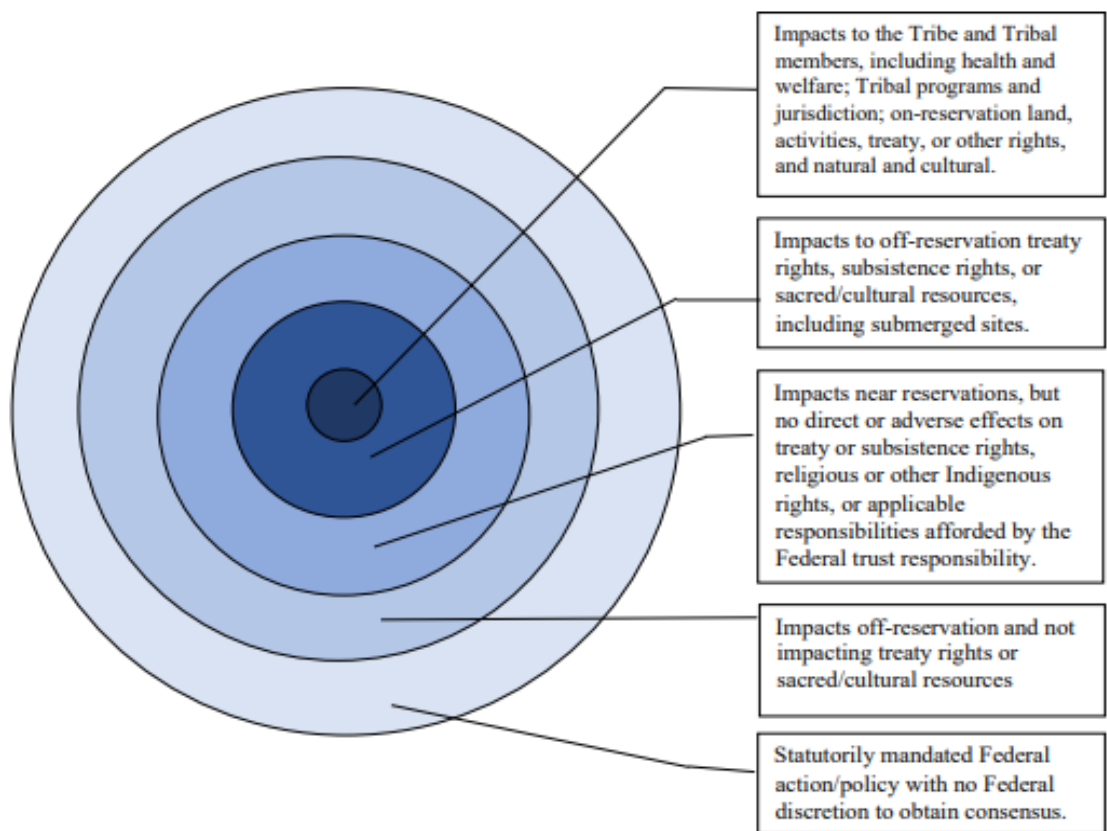
In accordance with 512 DM 4, BSEE should plan and conduct consultations using the Consensus Seeking Model to identify the actions that may require earlier engagement, additional

¹³ Also refer to sections 4.2.11 G and 1.1.2 Guiding Principles of Consultation for additional clarification on the consensus seeking model.

consultation opportunities, more targeted outreach, and longer timeframes to reach a degree of consensus that corresponds with the model's goals. The model acknowledges that the importance of particular actions to Tribal Nations and Indigenous Peoples will vary, and will in turn necessitate varying degrees of consensus, offering the following as examples along a spectrum:

- a. Statutorily mandated Federal action/policy with no Federal discretion to obtain consensus.
- b. Impacts off-reservation and not impacting treaty rights or sacred/cultural resources.
- c. Impacts near reservations, but no direct or adverse effects on treaty or subsistence rights, religious or other Indigenous rights, or applicable responsibilities afforded by the Federal trust responsibility.
- d. Impacts to off-reservation treaty rights, subsistence rights, or sacred/cultural resources, including submerged sites.
- e. Impacts to the Tribe and Tribal members, including health and welfare; Tribal programs and jurisdiction; on-reservation land, activities, treaty, or other rights, and natural and cultural resources.

Figure 1: Consensus-Seeking Model Showing Increasing Dedicated Efforts for Tribal Consensus in Relation to Agency Action Impact: This model is intended to apply to every Departmental Action with Tribal Implications, whether on Indian land or not, and the full range of impacts from such actions. The Department recognizes that the importance of any particular action or impact to Tribes will vary from case-to-case but affirms that its goal is to achieve consensus wherever possible. In instances where greater degree of consensus is indicated on the model, agencies and offices may need to begin consultation earlier in the planning process, provide additional opportunities for consultation, conduct additional targeted outreach to Tribes, and, where possible, provide longer timeframes for actions that impact Tribal interests.



4.2.8 Responding to Requests for Consultation

A Tribal Nation or Indigenous Peoples may request to initiate consultation when the Bureau is considering an action with Tribal, ANCSA Corporation, or NHC Implications. In these instances, BSEE will respond expediently to these requests via the correspondence measures in Section 4.2. The Bureau will schedule a consultation through mutual agreement and coordination with the Tribal Nation or Indigenous Peoples a minimum of 30 days in advance.

4.2.9 Declining to Consult

Tribal Nations or Indigenous Peoples are not obligated to accept an invitation to consult, and therefore may decline the invitation for any reason. In this circumstance, BSEE should maintain a record of all correspondence and meetings and ensure the consultation declination is appropriately documented and recorded in BSEE’s files. However, to the extent possible, BSEE

should remain available to consult after receipt of a consultation declination if consultation is subsequently requested.

4.2.10 Lack of Response to an Invitation for Consultation

When a consultation invitation has been delivered to the Tribal, ANCSA Corporation or NHO point of contact maintained within the BSEE Tribal list, as well as other known points of contact, and no response is received within the time period requested, BSEE will appropriately document the lack of response in its files for the Bureau action. However, BSEE will continue to make good faith efforts to repeat the invitation to allow the Tribe, ANCSA Corporation, or NHC to engage, as time permits. Using the methods of correspondence found in Section 4.2, the BSEE TLO will continue to reach out and engage with the Tribe, ANCSA Corporation, or NHC in a timely manner. Tribes, NHC, and ANCSA Corporations also may join an ongoing consultation even if they previously did not respond to or declined consultation invitations. BSEE will document all outreach and engagement efforts and include all such documentation or other records in the official files for the Bureau action.

4.2.11 Consultation

A critical function of consultation is to determine the structure and logistics of government-to-government, government-to-corporation, or government-to-sovereign coordination. Planning occurs between the BSEE TC and the Tribal Nation or Indigenous Peoples points of contact. The procedures for conducting meaningful consultation are found in 512 DM 5, 512 DM 7, and forthcoming 513 DM 2, and implement the Consensus-Seeking Model found in 512 DM 4.

a. Requirement for Consultation

The Bureau will invite Tribal Nations and Indigenous Peoples to consult early in the planning process for any Bureau plan or action with Tribal, ANCSA Corporation, or NHC Implications. BSEE can invite a Tribal Nation and Indigenous Peoples to consult, or they can request to consult.

b. Appropriate BSEE Representatives and Tribal, ANCSA Corporation, and NHO Participants

BSEE will work with the appropriate point of contact for Tribal Nations and Indigenous Peoples early to determine the leadership level of participation in the consultation. The participants chosen by the Tribal Nations and Indigenous Peoples will inform BSEE of their preferred level of participation. The Tribal Nations' and Indigenous Peoples' appointed participants and the type of Bureau Action will determine which BSEE officials are appropriate to participate in the consultation. BSEE participant selection will comply with 512 DM 5.4 (B). The Appropriate Bureau Official will participate in the consultation. BSEE should choose other consultation participants who are able to fully address the concerns and issues articulated for discussion. In all cases, BSEE staff with expertise in the topics under consultation will attend the consultation.

c. Coordination

BSEE will strive to maintain communication, coordination, and cooperation with BOEM and other Federal Agencies, as appropriate, in the most effective manner to ensure a meaningful consultation occurs with Tribal Nations and Indigenous Peoples to meet the requirements of 512 DM 4, 512 DM 6, and 513 DM 1. However, if it is determined through interagency coordination that a joint consultation is not a suitable way forward, BSEE will continue to engage with Tribal Nation and Indigenous Peoples representatives to ensure BSEE complies with its consultation requirements.

d. Facilitation Support

The Office of Collaborative Action and Dispute Resolution (CADR) is available to use as a neutral facilitator during consultations. CADR is available to ensure dialog between Bureau personnel and representatives of Tribal Nations and Indigenous Peoples reaches a mutual understanding toward a common agreement. CADR services can be used for impartial facilitation during consultation between parties. The use of a neutral facilitator during consultations can ensure effective communication that helps the views of Tribal Nations and Indigenous Peoples to be incorporated into the decision-making process.

e. Conduct in Consultation

Initiation of consultations can occur through Tribal Nations and Indigenous Peoples or from the Bureau. Reaching consensus is the goal, and consensus can occur through respectful dialogue. BSEE will be open with Tribal Nations and Indigenous Peoples to ensure their views and knowledge are included in decision making. Engaging in respectful dialogue between Tribal Nations and Indigenous Peoples and the Bureau, and maintaining mutual understanding, are paramount to ensure consensus is reached.

f. Confidential or Sensitive Information

BSEE will protect confidential information provided by the Tribal Nation or Indigenous Peoples to the extent allowed by law. Tribal Nations and Indigenous Peoples may have internal rules restricting the discussion of information for traditional, ceremonial, or religious reasons, and BSEE will comply with those rules whenever possible.

BSEE's Freedom of Information Act (FOIA) disclosure obligations and administrative record requirements may sometimes dictate that certain information be released. BSEE should communicate its limitations in protecting confidential information provided by a Tribal Nation or Indigenous Peoples prior to accepting such information.

g. Seeking Consensus

The Bureau will follow the Consensus-Seeking Model as found in 512 DM 4. Where warranted based on the considerations discussed in Section 4.2.7, the Bureau should begin consultations earlier in the planning process, conduct more focused outreach to Tribal Nations and Indigenous Peoples, ensure longer timeframes for engagement, and provide additional opportunities for consultations.

h. Record of Consultation

BSEE will maintain a complete record of the consultation and include all documentation and correspondence related to the consultation, including a summary of input from the Tribal Nations and Indigenous Peoples, an explanation of how BSEE addressed their input, and BSEE's reasoning in reaching its final decision. Where suggestions from Tribal Nations and Indigenous Peoples were not incorporated into the Bureau action, or consensus was not attained, BSEE will document its reasoning. Documentation of the consultation will be through a written response letter signed by the Director and transmitted to the consulting Tribal Nations and Indigenous Peoples. A summary of any consultation will also be included in any *Federal Register* publications associated with the Bureau action.

4.2.12 Implementation of Federal Action

A formal consultation is closed through a formal, written communication from the lead BSEE official to the Tribal Nations and Indigenous Peoples. The written communication should recount the agreed-upon issues for the consultation or BSEE's understanding of the Tribal Nations' and Indigenous Peoples' concerns. It should explain how BSEE will (or has) addressed those concerns in its final decision or action or, alternatively, the reasons why BSEE will not or cannot address the concerns to the extent sought.

In addition, BSEE will include a statement in any public Record of Decision explaining how the information coming from consultation was included, or not, in the final government decision. The consultation should also be noted in any required *Federal Register* notices associated with the government decision as part of the background information made available to the public.

CHAPTER 5: TRIBAL CONSULTATION ANNUAL REPORTING

The BSEE TLO will develop the Tribal Consultation Annual Report (see 512 DM 4) on the results of consultations with Tribal Nations and Indigenous Peoples. The report is due to the TGO by December 31 of each year. Reporting is intended to capture a comprehensive list of all national and regional consultation efforts undertaken that year and may include, but is not limited to, the scope, cost, and activities of the consultation efforts. BSEE may also include consultation efforts conducted one-on-one with Tribes to highlight successes, challenges, or best practices, and when appropriate, ANCSA Corporations (see 512 DM 6) and the Native Hawaiian Community (see 513 DM 2). The report should also include the outcome, proposed plans, and recommendations from formal consultations. The report template can be found in Appendix C.

The TLO will keep an ongoing administrative record throughout the Fiscal Year to prepare for the TGO annual report. A draft of the report will be prepared by the TLO, TC and RTL's and ready for internal BSEE TWG review no later than October 15. The report will be submitted into the Document Tracking System (DTS) for surnaming no later than November 15 and will follow the guidance found within Secretarial Correspondence Bulletin SCU-SCB-22-002 *Information Memos Accompanying Memoranda of Understanding/Memoranda of Agreement – Update to April 13, 2021, Memo: “Review and Clearance of Decision Memoranda, Memoranda of Understanding/Agreement, Annual Tribal Governance Reports, and Certain Federal Register Notices and Other Documents”* (August 16 2022) for routing to the TGO. The TLO and/or TC should reach out to the controlled correspondence unit point of contact to verify updates to the Memo.

CHAPTER 6: TRAINING

BSEE will ensure that all Appropriate Bureau Officials directly involved with communication, engagement, and formal consultations as well as employees who work on policies with Tribal, ANCSA Corporation, or NHC Implications receive appropriate annual training that meets all Departmental requirements and conforms to the Presidential Memorandum on Uniform Standards for Tribal Consultations.¹⁴

Any BSEE staff who will represent the Bureau in consultation will also complete appropriate training to ensure positive relations with Tribal Nations and Indigenous Peoples. Appropriate training may include, but is not limited to:

- a. The general history of the government-to-government relationship between the Federal Government and Tribes;
- b. The principles behind Federal trust and treaty obligations to Tribes;
- c. The history of Alaska Natives and ANCSA Corporations;
- d. The history of the NHC and NHOs; and
- e. The culture and history of the Tribes, NHC, or ANCSA Corporations participating in a particular consultation.

In accordance with the TC responsibilities in Chapter 1 Section 2.5, they will develop an annual training plan for the Bureau to meet the above listed requirements. Tribal consultation training is offered through DOI Talent throughout the year, either virtually or in-person. Appropriate Bureau Officials required to take the training will work with the TC to ensure timely completion of training prior to any upcoming consultations.

In addition, the TC will plan annual consultation training for the Bureau to ensure that Appropriate Bureau Officials (e.g., National Leads, Program Managers, and subject matter experts) will have the opportunity to attend training. Prior to any consultation, the TC will ensure that the personnel required to be present have completed the required training. The TC will maintain a record of Appropriate Bureau Officials that have completed Tribal Consultation training. BSEE TLO, TC, RTL, and TWG members involved in consultations should also take initial media training through the Office of Public Affairs.

¹⁴ Uniform Standards for Tribal Consultation Memorandum for the Heads of Executive Departments and Agencies, 87 Fed. Reg. 74,479-74,483 (Dec. 5, 2022) (available at <https://www.federalregister.gov/documents/2022/12/05/2022-26555/uniform-standards-for-tribal-consultation>).

CHAPTER 7: CONSULTATION CONSIDERATIONS

7.1 Culturally Sensitive Information

Certain information provided by Tribal Nations or Indigenous Peoples may be privileged or confidential or contain proprietary or otherwise controlled and protected information. As a result, sharing knowledge with non-Tribal members may be contrary to their interest. Further, the National Historic Preservation Act (NHPA) and its implementing regulations protect certain sensitive information about historic properties from disclosure to the public when such disclosure could result in a significant invasion of privacy, risk harm to the historic property, or impede the use of a traditional religious site by practitioners. See 36 CFR § 800.11(c)(1).¹⁵ Historic properties include any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places, including artifacts, records, and remains related to and located within such a property. The term includes properties of traditional religious and cultural importance to a Tribe or NHO and that meet the National Register criteria. 36 CFR § 800.16(l)(1). Tribes and NHOs may be reluctant to share certain information relating to the location, nature, and activities associated with cultural sites, and BSEE will be cognizant of and comply with its obligation to protect this sensitive information as provided for under the NHPA and other applicable laws protecting confidential and proprietary information. However, BSEE representatives should also be careful not to be misleading about the extent of the Bureau's ability to maintain strict confidentiality of all potentially sensitive information. Occasionally the Bureau may be required to disclose certain information pursuant to other legal requirements, such that commitments to maintain strict and complete confidentiality may not be advisable in all situations. The National Register Bulletin 38, Guidelines for Evaluating and Documenting Traditional Cultural Properties, defines culture as the traditions, beliefs, practices, lifeways, arts, crafts, and social institutions of any community, be it a Tribe, a local ethnic group, or the people of the nation as a whole (NRB 38). A more detailed definition of "culture" can be found in the National Park Service's internal cultural resource management guidelines (NPS-28). Traditional Cultural Properties are a National Register property type and constitute perhaps the most common situation where BSEE's consultation with Tribal Nations and Indigenous Peoples may involve culturally sensitive information. "The traditional cultural significance of a historic property is derived from the role the property plays in a community's historically rooted beliefs, customs, and practices. Examples of such locations include:

- a. a location associated with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world;
- b. a rural community whose organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents;
- c. an urban neighborhood that is the traditional home of a particular cultural group, and that reflects its beliefs and practices;
- d. a location where Native American religious practitioners have historically gone, and are known or thought to go today, to perform ceremonial activities in accordance with traditional cultural rules of practice; and

¹⁵ CLIMATE AND ENVIRONMENT Indigenous Knowledge
<https://www.whitehouse.gov/ostp/ostps-teams/climate-and-environment/indigenous-knowledge/#:~:text=Indigenous%20Knowledge%20is%20a%20body,between%20humans%20and%20environmental%20systems.>

- e. a location where a community has traditionally carried out economic, artistic, or other cultural practices important in maintaining its historical identity.

A traditional cultural property, then, can be defined generally as one that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that:

- a. are rooted in that community's history, and
- b. are important in maintaining the continuing cultural identity of the community.”¹⁶

7.2 Indigenous Knowledge

Indigenous Knowledge (IK) is a body of observations, oral and written knowledge, practices, and beliefs applied to phenomena across biological, physical, cultural, and spiritual systems. IK may be similarly privileged or otherwise controlled or regulated by gender, age, and other cultural constraints within an Indian Tribe and, more recently, may be protected under intellectual property rights. IK has evolved over millennia, continues to evolve, and includes insights based on evidence acquired through direct contact with the environment and long-term experiences, as well as extensive observations, lessons, and skills passed from generation to generation. IK is the exclusive provenance of Tribal Nations and Indigenous Peoples. Other terms such as Traditional Knowledge(s), Traditional Ecological Knowledge, Tribal Ecological Knowledge (TEK), and others are sometimes used to describe this body of knowledge. There are also multiple definitions of IK. Input from the knowledge holder and appropriate Indigenous governing body should be used to decide what IK is in practice. Often the indigenous paradigm posits humans as an inseparable part of the environment, with responsibility to steward the environment for future generations.

Each Tribal Nation and Indigenous Peoples is unique, influenced by its local environment, as is its IK. BSEE's scientific and resource management responsibilities can be greatly enriched through the incorporation of IK. It may take BSEE scientists years to validate what local Tribal Nations and Indigenous Peoples know about their environment. IK can be shared through the consultation process, as well as through less formal collaboration. These interactions can help BSEE staff identify individuals from Tribal Nations and Indigenous Peoples who hold IK, as well as the opportunities to ask whether and how IK may be shared.

DOI has developed a policy to respect, and equitably promote the inclusion of, Indigenous Knowledge in the Department's decision making, program implementation, and other activities. The policy is described in a draft Departmental Manual chapter on Departmental Responsibilities for Consideration and Inclusion of Indigenous Knowledge in Departmental Actions and Scientific Research.¹⁷ BSEE will follow the policy and procedures therein.

¹⁶ Guidelines for Evaluating and Documenting Traditional Cultural Properties. Patricia L. Parker and Thomas F. King U.S. GOVERNMENT PRINTING OFFICE 1992 0 - 335-935 QL 3.

¹⁷ 301 DM 7. Departmental Responsibilities for Consideration and Inclusion of Indigenous Knowledge in Departmental Actions and Scientific Research. <https://www.doi.gov/document-library/departmental-manual/301-dm-7-departmental-responsibilities-consideration-and>

Culturally sensitive information may sometimes be publicly available. However, respect for the nature of this information will be demonstrated when consulting with Tribal Nations and Indigenous Peoples. It will not always be possible to know in advance what type of information is culturally sensitive, and Tribal Nations and Indigenous Peoples will not necessarily be willing or able to speak of such information to BSEE representatives. While this poses challenges, awareness that there is likely to be culturally sensitive information, and respect for the privileged nature of this information, will help foster productive relationships with Tribal Nations and Indigenous Peoples.

ATTACHMENT(S)
APPENDIX A AUTHORITIES
APPENDIX B REFERENCES
APPENDIX C TRIBAL CONSULTATION ANNUAL REPORT TEMPLATE
APPENDIX D DEAR TRIBAL LEADER LETTER TEMPLATE
APPENDIX E EXISTING GATHERINGS

APPENDICES

Appendix A: Authorities

E.O. 13175: Consultation and Coordination with Indian Tribal Governments (November 6, 2000)

Federal agencies are required by Presidential E.O. 13175, first enacted by President Clinton in 2000 and still active, to consult with Tribes that may be impacted by agency actions or plans. On January 26, 2021, President Biden issued a Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships, which reaffirms E.O. 13175 and directs each federal agency to consult with Tribes before developing a detailed plan of actions the agency will take to implement the policies and directives of E.O. 13175. Following President Biden's direction, the U.S. DOI directed its bureaus and offices to seek Tribal input on how to best improve its implementation of E.O. 13175 to consistently achieve meaningful consultation.

5 U.S.C. 301

The purpose of this Act is to improve the effectiveness and accountability of Federal agencies to the public by promoting clear Government communication that the public can understand and use.

25 U.S.C. 2 and 9

Establishes delegation of authority from the President to the Commissioner of Indian Affairs.

43 U.S.C. 1457

Defines the duties of the Secretary of the Interior.

Act of January 23, 2004, sec. 148, 118 Stat. 445, establishing the Office of Native Hawaiian Relations.

This authority stems from the special political and trust relationship reestablished by Congress pursuant to its power under the United States Constitution to legislate in matters affecting the aboriginal or Indigenous Peoples of the United States and as a corollary to E.O. 13175 (Consultation and Coordination with Indian Tribal Governments).

Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3101)

In 1980, Congress passed ANILCA, designating more than 100 million acres of federal land in Alaska as new or expanded conservation system units. These conservation units include national parks and preserves, national wildlife refuges, designated wilderness areas, wild and scenic rivers, and the Iditarod National Historic Trail, as well as the Steese National Conservation Area and the White Mountains National Recreation Area. The precedent-setting compromises of ANILCA challenge federal land managers to cooperate with others to balance the national interest in Alaska's natural resources with recognition of Alaska's fledgling economy and infrastructure, and its distinctive rural way of life.

Alaska Native Claims Settlement Act (ANCSA) of 1971 (43 U.S.C. 1601 *et seq.*)

The ANCSA of 1971 was a new approach by Congress to federal Indian policy. ANCSA extinguished aboriginal land title in Alaska. It divided the state into twelve distinct regions and mandated the creation of twelve private, for-profit Alaska Native regional corporations and over 200 private, for-profit Alaska Native village corporations. ANCSA also mandated that both regional and village corporations be owned by enrolled Alaska Native shareholders.

American Indian Religious Freedom Action (AIRFA) (42 U.S.C. 1996)

American Indian Religious Freedom Action (AIRFA) establishes the policy of the Federal government “to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including, but not limited to, access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.”

Archaeological Resources Protection Act of 1979 (ARPA) (16 U.S.C. 470aa-mm)

Archaeological Resources Protection Act (ARPA) requires Federal agencies to notify a Tribe before permitting archaeological excavations on Tribal lands (16 U.S.C. 470cc(c)). It also mandates the confidentiality of information concerning the nature and location of archaeological resources, including Tribal archaeological resources. (Also refer to ARPA implementing regulations concerning consultation.)

Congressional Act requiring Federal Agencies to consult with Alaska Native Corporations on the same basis as Federally recognized Indian Tribes under E.O. 13175 (December 8, 2004) (25 U.S.C. 5301)

The Department interprets the term “Alaska Native Corporations” in this requirement to mean “Native Corporations” as that term is defined under the ANCSA of 1971.

Consolidated Appropriations Act, 2004 as amended by Consolidated Appropriations Act of 2005 (Public Law 108-199, 118 Stat. 3, 452 as amended by Public Law 108-477, 118 Stat. 2809, 3267)

Requires Federal agencies to consult with Alaska Native corporations on the same bases as Federally Recognized Indian Tribes and ANCSA Corporations under E.O. 13175.

Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130)

This requires publication of a list of Federally Recognized Indian Tribes. The Secretary must publish in the Federal Register this list of all Indian tribes which the Secretary recognizes to be eligible for the special programs and services provided because of their status. The list must be published annually on or before every January 30.

Hawaiian Homes Commission Act, 1920, as amended, Act of July 9, 1921, c 42, 42 Stat. 108

The HHCA provides for the rehabilitation of the native Hawaiian people through a government-sponsored homesteading program.

Hawaiian Home Lands Recovery Act, 1995, Public Law 104-42, 109 Stat. 357

This Act sets forth the policies and procedures for review by the Secretary of amendments to the HHCA proposed by the State of Hawai'i; and determination by the Secretary whether the proposed amendment requires congressional approval. It implements requirements of the HHCA, the State of Hawai'i Admission Act, 1959, and the Hawaiian Home Lands Recovery Act, 1995.

Joint Secretarial Order 3403, Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters (November 15, 2021)

In joint action with the Department of Agriculture, the Department of the Interior created the "Tribal Homelands Initiative" in November 2021. The collaborative effort aims to improve federal stewardship of public lands, waters, and wildlife by strengthening the role of Tribal communities in federal land management. Through joint S.O. 3404, the two Departments codified a policy to facilitate agreements with Tribes to collaborate in the co-stewardship of federal lands and waters. The Departments also committed to ensuring that all decision relating to federal stewardship of lands, waters, and wildlife include consideration of how to safeguard the treaty, spiritual, subsistence, and cultural interests of any Indian Tribes. The Order additionally directs the Departments to ensure that Tribal governments play an integral role in decision-making related to the management of federal lands and waters through consultation, capacity-building, and other means consistent with applicable authority.

Marine Mammal Protection Act (MMPA) of 1972 (16 U.S.C. 1361)

The Marine Mammal Protection Act (MMPA) was enacted on October 21, 1972. The MMPA established a national policy to prevent marine mammal species and population stocks from declining beyond the point where they ceased to be significant functioning elements of the ecosystems of which they are a part.

Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-712)

The Migratory Bird Treaty Act (MBTA) prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of the Interior U.S. Fish and Wildlife Service.

National Environmental Policy Act (NEPA) Implementing Regulations (40 CFR Subchapter A)

NEPA requires the preparation of an environmental assessment (EA) or environmental impact statement (EIS) for any proposed major Federal action that may significantly affect the quality of the human environment. While NEPA does not mention Indian Tribes and ANCSA Corporations, the Council on Environmental Quality (CEQ) regulations and guidance do require agencies to contact Indian Tribes and ANCSA Corporations and request their comments on an EIS. 40 CFR 1503.1. CEQ has issued a Memorandum for Tribal Leaders encouraging Tribes to participate as cooperating agencies with Federal agencies in NEPA reviews. 40 CFR

1501.2(b)(4)(ii) requires that Federal agencies consult with Indian Tribes and ANCSA Corporations early in the NEPA process. Other sections also refer to interacting with Indian Tribes and ANCSA Corporations while implementing the NEPA process.

National Historic Preservation Act (NHPA) (16 U.S.C. 470 et seq.)

Section 106 consultations required by the National Historic Preservation Act (NHPA, 16 U.S.C. 470f) are not covered by this Handbook. In carrying out its responsibilities under Section 106 of this Act, a Federal agency must consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to properties. These consultations will be conducted by professionals who meet the Secretary of the Interior Qualifications for historic preservation. For Federal undertakings, BSEE conducts Section 106 consultations with the appropriate entities, which include State Historic Preservation Officers (SHPOs) and/or Tribal Historic Preservation Officers (THPOs), as appropriate. Section 106 consultations can be included in formal consultations for streamlining when it best suits the needs of Tribal Nations and Indigenous Peoples. The regulations for Section 106 consultations are available at 36 CFR part 800, Protection of Historic Properties. Readers should also contact BSEE's FPO for additional guidance on compliance with Section 106 of the NHPA.

Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001 et. seq.)

Native American Graves Protection and Repatriation Act (NAGPRA) requires consultations with Indian Tribes and ANCSA Corporations, traditional religious leaders, and lineal descendants of Native Americans regarding the treatment and disposition of specific kinds of human remains, funerary objects, sacred objects, and other items. Under the Act, consultation is required under certain circumstances, including those identified in Sections 3002(c), 3002(d), 3003, 3004, and 3005. (Also refer to the NAGPRA implementing regulations concerning consultation)

Detailed information about NAGPRA and its implementing regulations is available at the National Park Service (NPS) National NAGPRA website, which can be found at: <http://www.nps.gov/history/nagpra/>

Native American Graves Protection and Repatriation Act (NAGPRA) Implementing Regulations (43 CFR part 10)

The NAGPRA implementing regulations refer to consultation or consultation-related concerns in several sections, including (but not limited to): 43 CFR 10.5 (consultation requirements for intentional excavation or inadvertent discovery), 43 CFR 10.8 (consultation requirements for summaries), and 43 CFR 10.9 (consultation requirements for inventories). The regulations also specify other requirements for communicating with Tribes, though without requiring consultation.

Oil Pollution Act of 1990 (OPA) (33 U.S.C 2701-2761)

The Oil Pollution Act of 1990 ([33 U.S.C. 2701-2761](#)) amended the Clean Water Act and addressed the wide range of problems associated with preventing, responding to, and paying for oil pollution incidents in navigable waters of the United States. It created a comprehensive

prevention, response, liability, and compensation regime to deal with vessel- and facility-caused oil pollution to U.S. navigable waters. OPA greatly increased federal oversight of maritime oil transportation, while providing greater environmental safeguards

Procedures for Reestablishing a Formal Government-to-Government Relationship with the Native Hawaiian Community (October 14, 2016) (43 CFR part 50)

The U.S. DOI issued 43 CFR part 50 to create a pathway for reestablishing a formal government-to-government relationship with the Native Hawaiian community. The regulations set out an administrative procedure and criteria that the U.S. Secretary of the Interior would use if the Native Hawaiian Community forms a unified government that then seeks a formal government-to-government relationship with the United States.

Secretarial Order 3206: Tribal Rights, Trust Responsibilities and the Endangered Species Act (June 5, 1997).

This order was issued jointly by the Secretaries of the Interior and Commerce and applies to both Departments. It provides guidance about how the Federal-Tribal relationship affects the implementation of the Endangered Species Act (ESA). The order directs consultations to be held with Tribal governments in several situations described in the order, including Principle 1's requirement that whenever "agencies, bureaus, and offices of The Departments are aware that their actions planned under the Act may impact tribal trust resources, the exercise of tribal rights, or Indian lands, they shall consult with, and seek the participation of, the affected Indian Tribes and ANCSA Corporations to the maximum extent practicable" and Principle 3(B)'s requirement that the "Departments shall conduct government-to-government consultations to discuss the extent to which tribal resource management plans for tribal trust resources outside Indian lands can be incorporated into actions to address the conservation needs of listed species."

Secretarial Order No. 3225: Endangered Species Act and Subsistence Uses in Alaska Supplement to Secretarial Order 3206 (January 19, 2001)

The Annette Island Reserve of the Metlakatla Indian Community is a formally designated Indian reservation that was exempted from the Alaska Native Claims Settlement Act and, as such, is appropriately covered by Secretarial Order 3206. At the earliest stage after information arises indicating conservation concerns relative to a species that is listed as endangered or threatened under the ESA and used for subsistence, the Departments will promptly provide such information to affected Alaska Natives, Tribes, and other Native organizations, and will seek their full and meaningful participation in evaluating and addressing the conservation concerns. The Department of the Interior will ensure that consultation with Alaska Natives continues on a government-to-government basis as it has to date. It will comply with all relevant Executive Orders, policy directives, and Fish and Wildlife Services operating procedures.

Secretarial Order 3342: Identifying Opportunities for Cooperative and Collaborative Partnerships with Federally Recognized Indian Tribes in the Management of Federal Lands and Resources (October 16, 2016)

The purpose of this Order is to: a) encourage cooperative management agreement and other collaborative partnerships between the Department resource manager and tribes that will further shared interests in the management of Federal lands and resources; and b) establish a process and provide institutional support to ensure that land and resource managers evaluate and develop opportunities to further establish partnerships that benefit tribes and Federal agencies.

State of Hawai'i Admission Act, Public Law 86-2, 73 Stat. 4, approved March 18, 1959

This act declared Hawai'i to be a State of the United States of America.

Appendix B: References

- a. Bureau Interim Directive 2022-047N National Tribal Engagement Program - October 27, 2022
- b. Bureau Interim Directive 2023-004N Management of BSEE Renewable Energy Activities and Responsibilities – July 13, 2023
- c. Bureau of Safety and Environmental Enforcement Delegations of Authority – Office of the Director (219.5-H MC Version 1) February 7, 2018
- d. Bureau of Safety and Environmental Enforcement Environmental Compliance Handbook (550.1-H Version 2), December 7, 2020
- e. Departmental Manual Part 301, Chapter 7: Departmental Responsibilities for Consideration and Inclusion of Indigenous Knowledge in Departmental Actions and Scientific Research (December 5, 2023)
- f. Departmental Manual Part 502, Chapter 1: Collaborative and Cooperative Stewardship with Tribes and the Native Hawaiian Community (November 30, 2022)
- g. Departmental Manual Part 512, Chapter 2: Department of the Interior Policy on Departmental Responsibilities for Indian Trust Resources (December 1, 1995)
- h. Departmental Manual Part 512, Chapter 4: Department of the Interior Policy on Consultation with Indian Tribes (November 30, 2022)
- i. Departmental Manual Part 512, Chapter 5: Procedures for Consultations with Indian Tribes (November 30, 2022)
- j. Departmental Manual Part 512 Chapter 6: Department of the Interior Policy on Consultation with Alaska Native Claims Settlement Act Corporations (November 30, 2022)
- k. Departmental Manual Part 512 Chapter 7: Procedures for Consultation with Alaska Native Claims Settlement Act Corporations (November 30, 2022)
- l. Instructional Memorandum 050
- m. Memorandum for the Heads of Executive Departments and Agencies, Subject: Indigenous Traditional Ecological Knowledge and Federal Decision Making (November 15, 2021)
- n. Memorandum for the Heads of Executive Departments and Agencies, Subject: Tribal Consultation and Strengthening Nation-to-Nation Relationships (January 26, 2021)
- o. Memorandum for the Heads of Executive Departments and Agencies, Subject: Uniform Standards for Tribal Consultation (November 30, 2022)
- p. M-10-33: Memorandum for the Heads of Executive Departments and Agencies and Independent Regulatory Agencies, Subject: Guidance for Implementing Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (July 30, 2010)
- q. Memorandum of Agreement, Bureau of Ocean Energy Management and Bureau of Safety and Environmental Enforcement, National Environmental Policy Act and Environmental Compliance (October 1, 2018)
- r. Memorandum Of Understanding Among the U.S. Department of the Interior, U.S. Department of Agriculture, U.S. Department of Justice, U.S. Department of Commerce, U.S. Department of Defense, U.S. Environmental Protection Agency, U.S. Department of Transportation, White House Council on Environmental Quality, and Advisory Council on Historic Preservation Regarding Interagency Coordination and Collaboration for the Protection of Tribal Treaty Rights Related to Natural Resources (November 2016)
- s. Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Indigenous Sacred Sites Among the U.S. Department of the Interior, U.S. Department of Agriculture, U.S. Department of Transportation, U.S. Department of Energy,

U.S. Environmental Protection Agency, White House Council on Environmental Quality, Advisory Council on Historic Preservation, and Tennessee Valley Authority (November 2021)

- t. Memorandum Of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Tribal Treaty Rights and Reserved Rights Among the Advisory Council on Historic Preservation, U.S. Department of Agriculture, U.S. Department of Commerce, U.S. Department of Defense, U.S. Department of Education, U.S. Department of Homeland Security, U.S. Department of Housing and Urban Development, U.S. Department of the Interior, U.S. Department of Justice, U.S. Department of Labor, U.S. Department of State, U.S. Department of Transportation, U.S. Department of Veterans Affairs, U.S. Environmental Protection Agency, U.S. Office of Personnel Management, and White House Council on Environmental Quality (November 2021)
- u. Standard Operating Procedures for Consultation with the Native Hawaiian Community (October 10, 2020)

Appendix C: Department of the Interior Tribal Consultation Annual Report¹⁸

Bureau of Safety and Environmental Enforcement

The annual report is a summary of all Bureau or Office formal consultations that were conducted on a nationwide or regional basis during one fiscal year. Additionally, Bureaus and Offices may report on any consultation efforts conducted one-on-one with Tribes to highlight consultation successes, challenges, or best practices. The information in the Annual Report is a summary of, and should be compiled from, all the information captured during the fiscal year. Public meetings should not be included in the reporting information. Additionally, any information deemed sensitive or confidential by a Tribe should not be included in the Annual Report. (Use as much space as needed and include the Bureau or Office name on each page.)

Bureau/Office:

1. Summarize and list all consultation topics.
2. List all Tribes consulted.
3. List the location of each consultation by city and state or indicate if consultation was held virtually.
4. Summarize outcomes (e.g., decisions made, actions planned or taken, and how Tribal input was incorporated).
5. Summarize successes and recommendations for improvements to the consultation process. Bureaus and Offices should get permission from the Tribe before including any information on successes in the annual report.

Prepared By:

Date Prepared:

Approving Official:

11/30/2022 #5137

Replaces 11/09/15 #4031

¹⁸ In accordance with 512 DM 6 Department of the Interior Policy on Consultation with Alaska Native Claims Settlement Act Corporations – ANCSA Corporation Consultation Annual Report will be developed and included with the Bureau Tribal Consultation report. Report formatting and structure is the same and attached to the Tribal Consultation Annual Report. In accordance with 513 DM 1 Department of the Interior Policy on Consultation with the Native Hawaiian Community – Native Hawaiian Community Consultation Annual Report will be developed and included with the Bureau Tribal Consultation Annual Report.

Department of the Interior Alaska Native Claims Settlement Act Corporation Consultation
Annual Report

Bureau of Safety and Environmental Enforcement

The annual report is a summary of all Bureau or Office formal consultations that were conducted on a nationwide or regional basis during one fiscal year. Additionally, Bureaus and Offices may report on any consultation efforts conducted one-on-one with Tribes to highlight consultation successes, challenges, or best practices. The information in the Annual Report is a summary of, and should be compiled from, all the information captured during the fiscal year. Public meetings should not be included in the reporting information. Additionally, any information deemed sensitive or confidential by an ANCSA Corporation should not be included in the Annual Report. (Use as much space as needed and include the Bureau or Office name on each page.)

Bureau/Office:

1. Summarize and list all ANCSA Corporation consultation topics.
2. List all ANCSA Corporation consulted.
3. List the location of each consultation by city and state or indicate if consultation was held virtually.
4. Summarize outcomes (e.g., decisions made, actions planned or taken, and how ANCSA Corporation input was incorporated).
5. Summarize successes and recommendations for improvements to the consultation process. Bureaus and Offices should get permission from the ANCSA Corporation before including any information on successes in the annual report.

Prepared By:

Date Prepared:

Approving Official:

11/30/2022 #5139

Replaces 11/09/15 #4031

Department of the Interior Native Hawaiian Community Consultation Annual Report

Bureau/Office:

The annual report is a summary of all Bureau and Office consultations conducted during the fiscal year and all significant consultations conducted on a one-on-one basis with the Native Hawaiian Community. The information in the Annual Report is a summary of and should be compiled from all the information captured during the fiscal year. (Use as much space as needed and include the bureau or office name on each page.)

1. Summarize and list all consultation topics.
2. List all Native Hawaiian organizations consulted.
3. List the location of each consultation by city and county.
4. Summarize and list all issues and recommendations.
5. Summarize successes and accomplishments and include recommendations for improvements to the consultation process.

Prepared By:

Date Prepared:

Approving Official:

XX/XX/XX #XXXXX New

Appendix D: Dear Tribal Leader Letter Template

Dear Tribal Leader:

Notification should include sufficient detail of the topic to be discussed to allow Tribal leaders to determine if they want to accept the offer and, if so, provide an opportunity to fully engage in consultation. Adequate notice entails providing:

- a. A description of the topic(s) to be discussed;
- b. The expected scope of the proposed BSEE action;
- c. The expected purpose of the proposed BSEE action;
- d. The expected timeline of the process, and possible outcomes; and
- e. The BSEE offices that are expected to participate in the consultation, development, and implementation of the Federal action.

The notice should also give Tribal leaders the opportunity to provide feedback prior to the consultation, including time to request technical assistance and/or clarification on how the consultation process conforms to the requirements in this Handbook.

Appendix E: Existing Gatherings¹⁹

Examples of existing gatherings that may be appropriate for consultation sessions include:

- National Congress of American Indians (NCAI) Executive Session (usually in late winter)
- National Congress of American Indians (NCAI) Mid-Year Conference (usually in early summer)
- National Congress of American Indians (NCAI) Annual Conference (usually in early fall)
- The Reservation Economic Summit (RES) conference hosted by the National Center for American Indian Enterprise Development (NCAID) (usually in late winter)
- The annual Tribal Self-Governance Conference (usually in early spring)
- The Native American Finance Officers Association (NAFOA) annual conference (usually in spring)

Examples of regional conferences to consider include those hosted by:

- Alaska Federation of Natives (AFN) (their annual event is usually held in the fall of each year)
- The United South and Eastern Tribes (USET)
- The Rocky Mountain Tribal Leaders Council
- Great Plains Tribal Chairman's Association
- All Pueblo Council of Governors

¹⁹ Best Practices in Federal Consultation – Office of Regulatory Affairs and Collaborative Action June 2022
https://doimspp.sharepoint.com/sites/doi-bia-Raca_Consultation/Shared%20Documents/Best%20Practices%20in%20Federal%20Consultation%20FINAL_6.3.22.pdf