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Description of document: Department of Agriculture (USDA) A copy of the Tribal Consultation and Collaboration Database Website 2021

Requested date: 03-August-2021

Release date: 04-November-2021

Posted date: 17-June-2024

Source of document: FOIA Request
United States Dept of Agriculture
Office of Information Affairs
1400 Independence Avenue SW
Room 4039-A
Washington, DC 20250-0706
Email: USDAFOIA@usda.gov
[USDA Public Access Link \(PAL\)](#)
[FOIA.GOV](#)

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United States
Department of
Agriculture

Office of the General Counsel
1400 Independence Ave. SW
Washington, DC 20250-1400

November 4, 2021

Delivered via Electronic Mail

**Re: Freedom of Information Act (FOIA) Request No. 2021-DA-05145-F
Final Response**

This is the Office of Information Affairs' (OIA) final response to the above-referenced FOIA request, which sought "[a] copy of the home page of the USDA Tribal Consultation and Collaboration Database website, and each page connected by one click to that home page (i.e., one level down). That site is accessible to employees at <https://usdagcc.sharepoint.com/sites/osec/OTR/SitePages/Home.aspx>".

Your request has been processed under the FOIA, 5 U.S.C. § 552.

The Office of Tribal Relations (OTR) granted OIA access to the site in order to compile the records you requested. As a result, the OIA compiled an eighty-one (81) page record responsive to your request. The record is being released to you in its entirety. Please note that page 42 of the attached record states that the OIA access to the link was denied; however, in consulting with the OTR, the link on the main home page entitled "Tribal Consultations" is linked to a page that no longer exists.

You may seek dispute resolution services from the OIA's FOIA Public Liaison, Mr. Harald Fuller-Bennett. Mr. Fuller-Bennett may be contacted by telephone at (202) 239-4522, or electronically at Harald.FullerBennett@usda.gov or USDAFOIA@usda.gov.

You also have the option to seek assistance from the Office of Government Information Services (OGIS). Please visit <https://www.archives.gov/ogis/mediation-program/request-assistance> for information about how to request OGIS assistance in relation to a FOIA request.

Provisions of the FOIA allow us to recover part of the cost of processing your request. In this instance, no fees are being charged.

If you have any questions regarding the processing of this request, please contact Ms. Melanie Enciso electronically at melanie.enciso@usda.gov or USDAFOIA@usda.gov.

For additional information regarding USDA FOIA regulations and processes, please refer to the information available online at www.dm.usda.gov/foia.

The OIA appreciates the opportunity to assist you with this matter.

Sincerely,

Alexis R. Graves

Alexis R. Graves

Director

Office of Information Affairs

Enclosure: Responsive Record (81 pages)



USDA Tribal Consultation and Collaboration

USDA Tribal Consultation and Collaboration

Home

My Records

Create a New Record

What do I include in a record?

Departmental Regulations

DR 1350-002

DR 1350-001

DR 1340-007

USDA

Office of Tribal Relations

Tribal Consultations

Tribal Programs and Services

Council for Native American Farming and Ranching

Contact USDA OTR

USDA Forest Service

Tribal Relations

Consultation Schedule

TR Authorities

TR External Links

DOI

Bureau of Indian Affairs

Recent

USDA_TCD_2020

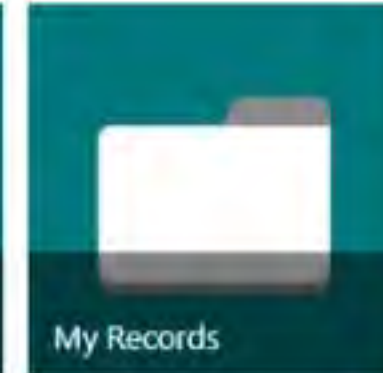
For an optimal user experience please use Google Chrome or Microsoft Edge to view this web page.

Welcome to the SharePoint site for USDA Tribal Consultation and Collaboration established by the Office of Tribal Relations to help USDA agencies maintain an accountable process to ensure regular and meaningful consultation with tribal officials in the development of policies that may have tribal implications.

Quick Links



New Record



My Records



Home



Feedback

Frequently Asked Questions

How do I navigate this site? ***NEW April 2020***

How do I enter a consultation record? ***REVISED April 2020***

What information do I include in a consultation record?

When do I report consultation?

How does this relate to the administrative record?

Where can I learn more?

If you have any questions or site-related issues, comments, or concerns, please e-mail tribal.relations@asec.usda.gov. We are still in the testing phase, and we thank you in advance for your patience. USFS employees may also e-mail rebecca.e.hill@usda.gov.

My Recently Submitted Records

Find an item

✓	Edit	Title	Is this a draft record?	Is this a consultation record?	If not, what is it?	Federally Recognized Tribe(s)	Alaska Native Corporation(s)	Beginning Date	End Date
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There are no items to show in this view of the "USDA Tribal Consultation Database" list.

My Records

USDA Tribal Consultation and Collaboration

- Home
- My Records**
- ***Create a New Record***

How do I enter a consultation record?
 What do I include in a record?

Departmental Regulations

- DR 1350-002
- DR 1350-001
- DR 1340-007

USDA

- Office of Tribal Relations
- Tribal Consultations
- Tribal Programs and Services
- Council for Native American Farming and Ranching
- Contact USDA OTR

USDA Forest Service

- Tribal Relations
- Consultation Schedule
- TR Authorities
- TR External Links

DOI

- Bureau of Indian Affairs

Recent

Quick Links

My Records

Find an item

✓	Edit	Title	Is this a consultation record?	If not, what is it?	Federally Recognized Tribe(s)	Alaska Native Corporation(s)	Beginning Date	End Date
---	------	-------	--------------------------------	---------------------	-------------------------------	------------------------------	----------------	----------

There are no items to show in this view of the "USDA Tribal Consultation Database" list.

USDA Tribal Consultation and Collaboration Database SharePoint list and USFS InfoPath form – InfoPath form fields. Prepared by Rebecca E. Hill. Revision date: July 29, 2019.

USDA U.S. DEPARTMENT OF AGRICULTURE
Office of Tribal Relations

Tribal Consultation Database

Summary

Confidentiality and Disclosure

Do not enter information here that may be culturally sensitive.

Disclaimer

The entry of the administrative record into the Tribal Consultation Database, per the USDA Departmental Regulation on Tribal Consultation, Coordination, and Collaboration ([D.R. 1350-002](#)), published January 18, 2013, does not affect an Agency’s obligation to maintain the full consultation record in accordance with the Departmental Regulation and other applicable statutory or regulatory requirements, such as the Federal Records Act. Agencies should consult their Agency Records Officer regarding records management policies and guidance for maintaining the agencies' full consultation record.

1. **Is this a consultation record?**
2. **If not consultation, what kind of interaction(s) is/are documented in this record?**

USDA

3. **USDA Mission Area or Staff Office**
4. **USDA Agency**
5. **US Forest Service Region/Station/Area**
6. **US Forest Service Forest/Grassland/Office**
7. **US Forest Service Ranger District/Lab**

INDIAN TRIBES, ALASKA NATIVE CORPORATIONS, AND TRIBAL ENTITIES

8. **Federally Recognized Indian Tribes**
9. **Alaska Native Corporations**
10. **Tribal Entities**

SUBJECT MATTER

11. **Subject of the interaction(s)**
12. **Attach all materials provided to, and received from Federal and Tribal Representatives.**
13. **Attach any relevant agreement documents, such as MOUs between single or multiple USFS units with single or multiple Indian tribes, Alaska Native Corporations, or other tribal entities, unit-specific programmatic and/or other agreements.**
14. **Select all applicable authorities and/or topics.**

AIRFA	FLPMA	RFRA	Farm Bill 2002
ANILCA	FLREA	TFPA	Farm Bill 2008
ARPA	NAGPRA	Sacred Sites	Farm Bill 2014
CHCA (Closure)	NEPA	Treaty Rights	Farm Bill 2018
CHCA (Disclosure)	NFMA	USFS Directive(s)	
CHCA (Forest Products)	NIFRMA	E.O. 13175	
CHCA (Reburial)	NHPA	E.O. 13007	

Other If Other, indicate in the space provided.

USDA Tribal Consultation and Collaboration Database SharePoint list and USFS InfoPath form – InfoPath form fields. Prepared by Rebecca E. Hill. Revision date: July 29, 2019.

Roles

FEDERAL OFFICIAL(S)

Lead USDA Official

15. Name
16. Title/Position
17. Yes, the Lead USDA Consulting Official has completed the required Tier 1/Tier 2 training.
18. Name and/or Title/Position of Delegating Authority
19. If applicable, attach documentation delegating authority for consultation.

Other Federal Official(s)

20. USDA Official(s) – Name
21. Non-USDA Official(s) - Name; Affiliation; Title/Position

TRIBAL OFFICIAL(S)

**Fields are available for up to eleven tribal officials.

22. Name
23. Title/Position
24. Email Address
25. Phone Number
26. Mailing Address
27. City
28. State
29. Zip
30. Affiliation
31. If applicable, attach documentation delegating authority for consultation.

ADDITIONAL PARTICIPANTS

32. If applicable, attach a list of attendees/participants.
33. USDA Participant(s) – Name
34. Non-USDA Participant(s) - Name; Affiliation; Title/Position

Process

CRITICAL TRIGGER OR DECISION

35. Which party initiated this interaction?
36. Why was this interaction initiated?
37. When was this interaction initiated?

TYPE AND MODE

38. Type of Interaction
39. Mode of Interaction

DATE(S) AND LOCATION(S)

When and where did the interaction(s) take place?

40. If applicable, attach a consultation schedule.
41. Start Date
42. End Date

Provide specific details for each interaction. **Specific details may be entered for up to five interactions.

43. Date
44. Location

USDA Tribal Consultation and Collaboration Database SharePoint list and USFS InfoPath form – InfoPath form fields. Prepared by Rebecca E. Hill. Revision date: July 29, 2019.

- 45. City
- 46. State
- 47. Please indicate if this interaction occurred on federal or tribal land.

Result and Disclosure

SUMMARY AND OUTCOMES

- 48. Summarize the outcome(s) of the interaction(s), including any follow-up commitments, and highlight any agreements or points of disagreement.
- 49. Summarize how the results of the interaction(s) were considered in any decision-making process by the USDA/USDA Agency and whether they were incorporated or rejected in the final decision(s).
- 50. Identify any additional steps that may need to be taken.

CONSULTATION DOCUMENTATION

- 51. Attach the agenda(s), meeting minutes, or other records of the consultation meeting(s).
- 52. Was this consultation required as part of agency rulemaking?
- 53. If Yes, attach a copy of the preamble to the regulation to be issued in the Federal Register, including the Tribal Summary Impact Statement.
- 54. Collaborators
- 55. Additional Information

USDA Tribal Consultation Database

- DA Tribal Consultation of Collaboration
- Home
- My Records
- Create a New Record***
- How do I enter a consultation record?
- What do I include in a record?
- Departmental Regulation: DR 1350-002
- Office of Tribal Relations
- Tribal Consultations
- Tribal Programs and Services
- Council for Native American Farming and Ranching
- Contact USDA OTR
- USDA Forest Service
- Tribal Relations
- Consultation Schedule
- TR Authorities
- TR External Links
- Bureau of Indian Affairs
- Print

U.S. DEPARTMENT OF AGRICULTURE
Office of Tribal Relations

Tribal Consultation Database

Summary
Rules
Process
Result & Disclosure
Print

Confidentiality and Disclosure

Do not enter information here that may be culturally sensitive.

Disclaimer

The entry of the administrative record into the Tribal Consultation Database, per the USDA Departmental Regulation on Tribal Consultation, Coordination, and Collaboration (D.R. 1350-002), published January 18, 2013, does not affect an Agency's obligation to maintain the full consultation record in accordance with the Departmental Regulation and other applicable statutory or regulatory requirements, such as the Federal Records Act. Agencies should consult their Agency Records Officer regarding records management policies and guidance for maintaining the agencies' full consultation record.

Is this a consultation record? Yes No

Tribal consultation is the timely, meaningful, and substantive dialogue between USDA officials who have delegated authority to consult, and the official leadership of Federally recognized Indian Tribes, or their designated representative(s), pertaining to USDA policies that may have tribal implications (D.R. 1350-002.11.a).

Coordination is the orchestration of the activities of different entities (D.R. 1350-002.11.d). **Collaboration** occurs when two or more people or organizations work together in an intersection of common goals by sharing knowledge, learning, and building consensus (D.R. 1350-002.11.e). Collaborative processes may include listening sessions, roundtables, focus groups, sessions at conferences, or even web-based forums. They help to identify issues, interests, rights, and desired outcomes and may enhance the success of consultation and decision-making.

Notification is the distribution of information from a USDA office or agency to one or more Tribes (D.R. 1350-002.4.11).

The mutual understanding of the consulting parties will determine whether the ongoing discussions are part of the formal consultation process or simply a continuation of dialogue. Refer to D.R. 1350-002.

USDA

USDA Mission Area or Staff Office ▼

USDA Agency

If USDA Agency does not appear in dropdown, please check accuracy of selected USDA Mission Area or Staff Office and/or contact OTR.

INDIAN TRIBES, ALASKA NATIVE CORPORATIONS, AND TRIBAL ENTITIES

Federally Recognized Indian Tribes

Absentee-Shawnee Tribe of Indians of Oklahoma
 Agdaagux Tribe of King Cove
 Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California
 Ak-Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona
 Aklachak Native Community
 Aklak Native Community
 Alabama-Coushatta Tribe of Texas
 Alabama-Quassarte Tribal Town
 Alekta Village

This list includes each Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a. If the federally recognized Tribe(s) is/are not listed, please contact OTR. Last updated: 04/02/2018.

Alaska Native Corporations

Cape Fox Corporation
 Chenega Corporation
 Chickaloon-Moose Creek Native Association
 Chugach Alaska Corporation
 Cook Inlet Region, Inc. (CIRI)
 Eklutna Incorporated
 English Bay Corporation
 Eyak Corporation
 Goldbelt, Incorporated
 Haida Corporation

This list includes Alaska Native villages and regional corporations established pursuant to the Alaska Native Claims Settlement Act, Public Law No. 92-205.

Tribal Entities

Affiliated Tribes of the Northwest Indians
 Alaska Federation of Natives
 Alaska Inter-Tribal Council
 All Indian Pueblo Council
 Alliance of Colonial Era Tribes

Tribal entities may include non-federally recognized Tribes, intertribal organizations, or other Native-oriented organizations.

SUBJECT MATTER

Subject of the interaction(s)

The subject of the consultation is requested at D.R. 1350-002.5.b(1).

Attach all materials provided to, and received from Federal and Tribal Representatives. Materials provided to, and received from, Consulting Officials relevant to the consultation topic are requested at D.R. 1350-002.5.b(3). These may include the regulation, legislation or other policy statement being consulted on, briefing papers, notices or the communication(s) of the opportunity for consultation, etc.

Go to Result & Disclosure View to Attach Files

Cancel
Save Draft & Exit

Next >

U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250

DEPARTMENTAL REGULATION		Number: 1350-002
SUBJECT: Tribal Consultation, Coordination, and Collaboration	DATE: January 18, 2013	
	OPI: Office of Tribal Relations	

Background and Policy

1. Introduction
2. Special Instructions
3. Purpose
4. Background
5. Policy

Consultation Process and Guidance

6. About Consultation
7. Consultation and Related Roles
8. Consultation Processes
9. Consultation Reporting
10. Training and Education
11. Definitions

Background and Policy

1. Introduction

The U.S. Department of Agriculture (USDA) and Federally recognized Indian Tribes (Tribes) share the goals of developing sound agricultural production practices, enhancing food safety, improving nutrition and health through food assistance and nutrition education and promotion, managing and protecting the United States' lands and natural resources, and working cooperatively to ensure that American Indians and Alaska Natives (AI/AN) have full access to the programs and services of the Department. To achieve this goal, it is essential that all agencies of the USDA engage with Tribes in timely and meaningful consultation on policies that have substantial direct effects on one or more Tribes. Consultation, coordination, and collaboration are different but not mutually exclusive; rather, they are mutually supportive. Together, they lead to

information exchange, mutual understanding, and informed decision-making. The importance of consultation and coordination with Indian Tribes was affirmed through Presidential Memoranda in 1994, 2004 and 2009, and in Executive Order “Consultation and Coordination with Indian Tribal Governments” EO 13084, issued in 1998 and replaced by EO 13175 in 2000, as well as in numerous statutes and policies. The value of collaboration is fully recognized within the USDA for all of its constituents, including Tribes.

This Departmental Regulation builds upon these requirements. It establishes over-arching Department-wide guidance upon which the USDA and its many agencies shall rely, thereby providing a baseline from which individual agencies shall further develop and refine their own specific, supplemental tribal consultation policies for government-to-government consultation. USDA agencies shall respect Indian tribal self-government and sovereignty, honor tribal treaty and other rights, and meet the responsibilities that arise from the unique legal relationship between the Federal Government and Tribal governments.

2. Special Instructions

The provisions of Departmental Regulation 1340-007 (which superceded Departmental Regulation 1340-006), concerning "Policies on American Indians and Alaska Natives" and the provisions of Departmental Regulation 1350-001, concerning "Tribal Consultation and Collaboration" are hereby further clarified and complemented by the provisions of this Departmental Regulation.

3. Purpose

- a. This Departmental Regulation implements President Barack Obama's November 5, 2009 Memorandum to the Heads of Executive Departments and Agencies on Tribal Consultation, which directed the Departments and Agencies to commence complete and consistent implementation of Executive Order 13175, *Consultation and Coordination with Tribal Governments*.
- b. This Departmental Regulation directs the USDA and its agencies to provide Federally recognized Tribes the opportunity for government-to-government consultation and coordination in policy development and program activities which have direct and substantial effects on their Tribe, thereby ensuring that tribal perspectives on the social, cultural, economic, and ecological aspects of agriculture, as well as tribal food and natural resource priorities and goals are heard and fully considered in the decision-making processes of the Department and its agencies. This Policy therefore:
 - (1) sets forth criteria that all USDA agencies will use to identify actions that require an invitation be extended to Federally recognized Tribes to engage in consultation,

- (2) establishes a minimum set of requirements and expectations with respect to consultation and coordination throughout the USDA, including the Office of the Secretary and each of the Department's agencies,
- (3) holds the head of each USDA agency accountable for the implementation of this policy, and
- (4) affirms that each USDA agency is responsible for appropriate consultation and collaboration with Tribes.

This Departmental Regulation also serves to establish structures and processes within the USDA and its agencies to accomplish the requirements for Tribal consultation and collaboration. This Policy therefore:

- (1) Provides background on Tribal sovereignty and self-determination;
- (2) Explains the unique legal relationship that Federally recognized Tribes have with the Federal Government and the requirement for government-to-government consultation; and
- (3) Delineates the roles of entities that may be involved in Tribal consultation, coordination, and collaboration.

4. Background

Since before its formation, the United States has recognized Tribes as sovereign governments. A unique legal relationship exists between Federally recognized Tribes and the Federal government which evolved from this recognition of Tribal sovereignty. This relationship is the basis of the "government-to-government" consultation requirement. The treaties in which many Tribes ceded lands to the United States in exchange for protection and provisions for their Tribal citizens were based on the premise of two sovereign governments interacting on an equal basis, just as foreign governments negotiate and sign treaties with the United States today. This relationship is incorporated in the Constitution, and has been expressed through numerous treaties, statutes, executive directives and court decisions as well as political, legal, moral, and ethical principles.

The USDA Policy on Tribal Consultation is particularly linked to a series of directives from U.S. Presidents, specifically Presidential Memoranda and Executive Orders. In addition, some federal statutes, *e.g.*, the Tribal Forest Protection Act of 2004, Pub. L. No. 108-278, 118 Stat. 868 (codified at 25 U.S.C. § 3115a) (2004), and Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246, 122 Stat. 1651 (codified at 25 U.S.C. §§ 3051-3057) (2008), may impose specific consultation requirements and duties beyond those contained in this Departmental Regulation.

On April 29, 1994, a Presidential Memorandum was issued reaffirming the Federal government's commitment to operate within a government-to-government relationship with Federally recognized American Indian and Alaska Native tribes, and to respect self-governance for such Tribes. This Presidential Memorandum directs each executive department and agency to consult with Tribal governments prior to taking actions that would affect them. It stated that in order to ensure that the rights of sovereign Tribal governments are fully respected, all such consultations were to be open and candid so that Tribal governments could evaluate for themselves the potential impact of relevant proposals.

On May 14, 1998, Executive Order 13084, "Consultation and Coordination with Indian Tribal Governments," was issued. This Executive Order was revoked and superseded on November 6, 2000, by the identically titled Executive Order 13175, which sets forth guidelines for all Federal agencies to: (1) establish regular and meaningful consultation and collaboration with Tribal officials in the development of Federal policies that have Tribal implications; (2) strengthen the United States' government-to-government relationships with Tribes; and (3) reduce the imposition of unfunded mandates upon Tribes. EO 13175 directs each executive department and agency to consult with Tribal governments prior to taking actions that would have substantial direct effects on Tribes. On November 5, 2009, President Barack Obama issued a Presidential Memorandum to the heads of executive departments and agencies on the subject of Tribal Consultation. In this Memorandum, the President stated that "[m]y Administration is committed to regular and meaningful consultation and collaboration with tribal officials in policy decisions that have tribal implications including, as an initial step, through complete and consistent implementation of Executive Order 13175." The Memorandum directed each Federal agency to develop and submit to the Office of Management and Budget (OMB) a plan of action to implement the Executive Order, as well as annual progress reports on the status of those plans.

5. Policy

Each USDA agency shall provide an opportunity for Tribes to participate in policy development to the greatest extent practicable and permitted by law. Each Tribe will be provided the opportunity for timely and meaningful government-to-government consultation regarding policy actions which may have tribal implications. Tribal implications are defined as substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. Pursuant to Executive Order 13175, policies that have tribal implications may include regulations, legislative comments or proposed legislation, and other policy statements or actions. This policy does not preclude any office or agency from consulting with a Tribe when the Tribe and the office or agency agree that consultation may be desirable, even if consultation is not specifically required.

Specifically, it is the policy of the USDA that:

- a. Sovereignty. All USDA agencies and personnel shall respect and uphold the sovereignty of all Federally-recognized Tribal governments. This policy does not diminish any Tribal governmental rights, including treaty rights, other reserved rights, sovereign immunities or jurisdiction. Additionally, this policy does not diminish any rights or protections afforded AI/AN persons or entities under Federal law.
- b. Accountability. Each USDA office and agency shall maintain an accountable process to ensure regular and meaningful consultation with Tribal officials in the development of policies that may have Tribal implications. These processes shall incorporate the requirements for critical triggers, minimum standards, consultation processes, reporting, education, training, and other aspects explained in Part II of this document. In order to ensure accountability, each agency shall maintain an administrative record of all relevant decision making, information, and communications associated with each consultation. This includes initial outreach, consultative meetings and dialogue, and how the results of consultation were considered by the agency in the decision-making processes. These administrative records shall be retained by the pertinent agency and entered into the USDA Tribal Consultation Database once it is established by the Office of Tribal Relations. An accountable process shall include, as a minimum, the ability for OMB, the Secretary, Under Secretaries, Agency Heads, and Agency Consulting Officials to determine:
- (1) The subject of the consultation;
 - (2) The critical trigger or decision to initiate consultation;
 - (3) Materials provided to, and received from, Consulting Officials relevant to the consultation topic;
 - (4) Names, titles and contact information of the Consulting Officials (Federal and Tribal Representatives) and any additional individuals who were involved in the consultation process (staff, etc.);
 - (5) How the consultation was conducted (the type and mode);
 - (6) The consultation schedule (dates, times, locations);
 - (7) Agendas, meeting minutes, or other records of consultation meetings;
 - (8) The outcome(s) of the consultation, including follow-up commitments, any agreements or points of disagreement;
 - (9) How the results of the consultation were considered in any decision-making process by the agency and whether they were incorporated or rejected in the final decision(s);
 - (10) What additional steps may need to be taken; and
 - (11) Appropriate public disclosure of the consultation record.
- c. Point of Contact. The USDA Office of Tribal Relations (OTR) is the designated responsible organization within USDA for Department-wide implementation and monitoring of EO 13175, relevant Presidential Memoranda, and this Policy. OTR reports directly to the Secretary, and serves as the Department's point of contact in accessing department-wide information regarding Tribal issues. The Senior

Advisor to the Secretary for Tribal Relations serves as the single point of contact within the OTR for Tribes and other Native American organizations. In addition, the OTR shall:

- (1) Facilitate communication regarding USDA initiatives as they relate to Tribal governments.
 - (2) Coordinate periodic Tribal consultation sessions, within available and allowable funds, to regularly consult with Tribal leaders or their designated representatives on USDA programs at field locations. The Office of Tribal Relations will act as a coordinating office working across all agencies of the Department in order to maximize the effectiveness and efficiency of joint regional consultation events. Other Federal partners will be invited to attend as appropriate.
 - (a) The goal of these efforts is to systematically, efficiently, and effectively provide an opportunity for Tribal consultation and focus the USDA on Tribal issues to continue to enhance the government-to-government relationship between Tribes and the United States Government. These periodic sessions will augment, not replace, the agency-specific consultation efforts.
 - (b) Upon completion of each consultation session, the OTR and participating agencies will document and follow up on any unresolved issues that would benefit from ongoing involvement of Tribes.
 - (3) Consult periodically with Tribal leaders or their designated representatives on the execution of USDA Tribal Consultation Policy to ensure effective and meaningful participation and implementation.
 - (4) Inform Tribes and others about the USDA Tribal Consultation Policy by conducting meetings, roundtables, teleconferences, and forums, by participating in national and regional Native American-focused conferences, and by placing information on the USDA web site homepage and other appropriate web sites.
 - (5) Advise and oversee the development or modification of USDA office- and agency-specific policies and processes for consultation.
 - (6) Develop and maintain a USDA-wide Tribal Consultation Database consistent with funding availability.
- d. Agency Policy Development. Each USDA agency shall develop its own or shall modify its existing policies for Tribal consultation and meet the minimum standards as established in this policy.

- e. Consulting Officials (Agency and Tribal Representatives). Government-to-government consultation only occurs between USDA senior officials, or their designees, and the official leadership of Federally recognized Tribes, or their designated representative(s). All USDA Officials charged with Consultation must complete a level of training in Tribal law, consultation, and Federal/Tribal relations as identified by the Secretary prior to conducting consultation. Agency delegations must be made part of the consultation record as indicated in the accountability process.
- f. Compliance. To the extent practicable and permitted by law, no USDA agency shall promulgate any regulation or policy that has Tribal implications, that imposes substantial direct compliance costs on Tribes, that is not required by statute, unless:
- (1) Funds necessary to pay the direct costs incurred by the Tribe in complying with the regulation or policy are provided by the Federal Government; or
 - (2) The agency, prior to the formal promulgation of the regulation or policy:
 - (a) consulted with Tribal officials in the process of developing the proposed regulation or policy;
 - (b) provided a Tribal Summary Impact statement; and
 - (c) made available to the Secretary and the Director of OMB any written communications submitted to the agency by Tribal officials.
- g. Tribal Summary Impact Statement. In a separately identified portion of the preamble to each regulation to be issued in the Federal Register, the issuing office or agency shall provide a Tribal summary impact statement, which shall consist of:
- (1) a description of the tribal implications and the extent of the agency's prior consultation with Tribal officials,
 - (2) a summary of the nature of the Tribe's concerns and the agency's position supporting the need to issue the regulation, and
 - (3) a statement of the extent to which the concerns of Tribal officials have been met.
- h. Negotiated Rulemaking. On issues relating to Tribal self-governance, Tribal self-determination, Tribal trust resources including land resources, or Tribal treaty and other rights, each office or agency should explore, and where appropriate in

consultation with the USDA Office of General Counsel, use consensual mechanisms for developing regulations, including negotiated rulemaking. USDA agencies should examine the appropriateness in consultation with the USDA Office of General Counsel the negotiated rulemaking process for those programs and policies affecting Tribal land resources.

- i. Conflict Resolution. A Tribe may seek conflict resolution through the USDA Office of Tribal Relations when:
 - (1) a Tribe engaged in consultation believes that the USDA or its offices or agencies have not appropriately or adequately considered the needs, desires, or requests of the Tribe, or
 - (2) a Tribe believes the USDA, or its offices or agencies, should engage with them in consultation and the USDA has not done so.

Consultation Process and Guidance

6. About Consultation

- a. Consultation – an operational definition. While there is no universal definition of Tribal consultation, this operational definition expresses three essential elements: who can consult (those with delegated authority), the qualities of process (timely, meaningful, substantive), and the inclusiveness of communication (two-way dialogue between parties).

Tribal consultation is the timely, meaningful, and substantive dialogue between USDA officials who have delegated authority to consult, and the official leadership of Federally recognized Indian Tribes, or their designated representative(s), pertaining to USDA policies that may have tribal implications.

- (1) Actions commonly confused with consultation. It is also important to distinguish between consultation and other actions. Notification – the distribution of information from a USDA office or agency to one or more Tribes - is not consultation. Neither are technical communications or outreach activities, however important or influential, between staffs without leadership involvement. While notification, technical communications and outreach are all essential, and are often used as part of consultation, they alone do not constitute government-to-government consultation.
- (2) Consultation Record. A record of Tribal consultation must be produced and maintained by the consulting agency. At a minimum, the consultation record must include the elements noted in section 5 subsection b.

- b. Principle of Mutual Concurrence. As a general principle, consultation only occurs when the office or agency and Tribal officials mutually agree that consultation is taking place. Office and agency consulting officials and their staffs should be clear in identifying, in collaboration with the relevant Tribal official(s), when an action or set of actions constitutes government-to-government consultation.
- c. Principle of Agency Executive Authority. Consultation does not require the office or agency to do anything a Tribal representative requests, but rather requires USDA to take the Tribes' views, information, rights, and interests into serious, deliberative consideration. Consultation should be part of an effort to cooperate and collaborate in good faith with Tribal representatives. Consultation and collaboration with Tribes help the USDA better serve Tribal communities.
- d. Consulting Officials.
- (1) For USDA, consultation may only be conducted by employees who have delegated authority for consultation. This delegation occurs through the Secretary to Department Leadership, and flows from the Under Secretaries to the agencies. Whether the USDA consulting official is the Secretary, Deputy Secretary, Assistant Secretary, Under Secretary, agency head, or another agency official depends on the nature of the regulation, policy, program or planning decision and how it may affect the consulting Tribe(s).
 - (2) For the Tribes, consultation is conducted by elected Tribal representatives or Tribal employees or designees who have delegated authority from their Tribal government for consultation. This delegation is determined by the Tribes themselves as sovereign governments. The consulting official must be designated by the Tribe, and agencies should get written confirmation from the Tribe that any official participating in consultation has authority from their Tribal government.
- e. Critical Triggers. A Tribe, the USDA, or another party may take action that could initiate consultation, or at least an evaluation of whether consultation is required or desired. Under EO 13175 the term "policies with tribal implications" includes "regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes."

If there is any potential for an effect, consultation may be required, depending on the extent (significance) of the effect. If the agency does not know the significance of the effect, or even whether there will be an effect, the agency should inquire of potentially affected Tribes whether the Tribe thinks there would

be an effect, how significant such an effect may be, and whether they would like to consult.

The list below is based on the EO 13175; EO 13175 serves as the baseline for description of triggering events and the list below provides examples of other potential triggering events and is based on historical requests for consultation that have been made to various USDA officials and agency administrators. The list is meant to serve as a guide to some of the actions that might trigger consultation, and should not be considered exhaustive, only illustrative:

- (1) Tribal Initiated
 - (a) Request from Tribal Leader
 - (b) Request from Intertribal organization representing Federally Recognized Tribes

- (2) USDA Agency Initiated
 - (a) USDA Structure
 - 1 Agency Roles
 - 2 Program Delivery, i.e. any agency program action that directly affects one or more Indian Tribes; to the extent practicable and permitted by law or policies that have Tribal implications.
 - 3 Formulation and Implementation of Policies
 - (b) Rulemaking
 - (c) Legislative Proposals
 - (d) Legislative Positions
 - (e) Statutory Implementation
 - (f) Directives
 - (g) Physical Infrastructure/Lands
 - (h) Land Use, including water issues
 - (i) Budget Proposals
 - (j) Planning (Strategic)
 - (k) International Policies

- (3) Other Federal Agency Initiated
- (4) Emergency Actions

7. Consultation and Related Roles

While this Policy applies to the USDA and its component agencies, several organizations in a variety of categories may play roles in Tribal consultation. This section delineates those roles.

- a. Federally Recognized Indian Tribes. The government-to-government relationship between the U.S. and Federally recognized Indian Tribes dictates that the principal focus for USDA consultation is with individual Tribal governments. Government-to-government consultation is with individual Tribal governments. Government-to-government consultation generally occurs with a Tribal executive such as a Chairman, President, Governor, or their designee.
- b. Alaska Native Corporations. Created under the Alaska Native Claims Settlement Act, these organizations manage lands and resources for Alaska Natives. While not Federally recognized Tribes, consultation is required with these organizations in some instances as if they were Tribes. Their shareholders are generally members of Tribes in Alaska. This category generally includes both Regional and Village corporations.
- c. Tribally Designated Entities (TDE). The USDA is able to engage with groups other than Federally recognized Tribes, though not in a government-to-government manner. For specific issues, Tribal leadership may delegate authority, by resolution or letter to a Native organization for consultation purposes, subject to the requirements of the Federal Advisory Committee Act (FACA). If the Tribe or Department wants to include organizations which do not represent a specific Federally recognized Tribal government on advisory committees or workgroups, Federal Advisory Committee Act requirements must be followed, where applicable. Collaboration with TDEs should be conducted separately from consultation processes conducted with Federally recognized Tribes, as the obligations and issues vary due to the nature of the relationship.
 - (1) Non-Federally Recognized Tribes. There are groups of American Indian/Alaska Native people who are either self-organized or recognized by States, but which do not have status as Federally recognized Tribes. The Federal government does not have the authority or responsibility to consult with these groups on a government-to-government basis.
 - (2) Intertribal Organizations. These organizations are comprised of officially delegated members who represent their Tribe's interest in conjunction with other Tribes, often relating to a specific issue or policy area. These organizations serve and represent Native issues and concerns that might be negatively affected if these organizations were excluded from USDA policy development processes. Examples of Intertribal organizations include the Intertribal Agriculture Council, the National Congress of American Indians, and the Intertribal Timber Council.
 - (3) Other Native-oriented Organizations. These organizations are not necessarily operated by Native Americans, but the nature of their business is to serve Native communities' issues and concerns. Examples of these

kinds of organizations include businesses, non-governmental organizations, foundations, and some educational organizations.

- d. USDA Agencies. The Department is made up of numerous agencies. Each of these operating units shares in the Department-wide responsibility to coordinate, communicate and consult with Tribes on issues that affect these governments, and each is responsible for conducting Tribal consultation to the extent practicable and permitted by law on policies that have Tribal implications. All agencies will comply with the Department Tribal Consultation Policy. Additionally, all agencies will comply with this policy and develop or revise their own Tribal consultation policies or plans to conform to this Policy. All agencies will designate within 30 days after the effective date of this policy an official with principal responsibility for the agency's implementation of this policy.

8. Consultation Processes

a. Types of Consultation

One type of consultation does not fit every situation. There are at least three types:

- (1) Single event: Sometimes a single meeting between the consulting officials will suffice;
- (2) Multiple events as part of a process: Some policies, programs or planning decisions may require multiple consultation meetings. For instance, consultation may need to be conducted prior to publication of the proposed rule, then continued prior to publishing the final rule; and
- (3) Ongoing as part of a relationship: Often, USDA leaders have regularly scheduled meetings – as well as interactions on an “as needed” basis – with Tribal officials.

b. Formal Consultation

The lexicon of consultation includes words like “formal consultation” and “informal consultation.” These may mean very different things to people in different contexts. The mutual understanding of the parties will determine whether the ongoing discussions are part of the formal consultation process or simply a continuation of dialogue. Government-to-government consultation requires an official record be made and maintained.

c. Modes of Consultation

There are many ways, or modes, for conducting meaningful consultation. Of these, real-time, in-person dialogue is the preferred method; however, the parties to the consultation may agree to carry out consultation by other modes.

Sometimes there is a need to be creative about how to conduct consultation, regardless of whether it is a single session, multiple interactions, or part of an ongoing relationship. Consultation is based on dialogue, and dialogue can occur in many forms. We often think of consultation as taking place between a USDA representative and a Tribal representative in the form of a face-to-face meeting, but it may also occur via telephone or video conference. Budget constraints of both parties must be taken into consideration when planning consultation sessions. Postal mail, email or other forms of communications media are generally utilized to ensure that all parties are in possession of relevant documents, maps, etc., prior to the start of consultation. Consultation by written correspondence (paper or electronic) is possible, but rightfully rare; in such circumstances, all consulting parties should agree that consultation is indeed taking place in such an exchange, and it should be documented as such. Filing and record-keeping is essential to ensure the accountability of the process as required by Executive Orders and Presidential Memoranda. Modes of consultation are not mutually exclusive and may include one or more of these:

- (1) Meeting(s): The agencies may convene one or more meetings with affected, or potentially affected, Tribes to discuss all pertinent issues in a national, regional, or local forum, as appropriate, to the extent practicable and permitted by law, within allowable and available funding, when a proposed plan, policy or program may significantly affect one or more Tribes.
 - (a) Tribes may request to meet one-on-one with an office or agency head, or their designated representative, to consult on issues specific to that Indian Tribe. Agencies should attempt to meet these requests when practicable and offer other means of consultation as an alternative. Other types of meetings and/or conferences occur which may not be considered consultation sessions, but these non-consultation meetings may provide an opportunity to share information, conduct workshops, and provide technical assistance to Tribes.
 - (b) **Regional Tribal Consultation**: USDA has held Regional Tribal Consultation Sessions in the past. USDA will strive to continue holding regionally-based tribal consultation events, as funding allows. When funding constraints make execution of such events impossible, USDA will nonetheless endeavor to provide meaningful consultation venues. Regular collaboration will be held to solicit Tribes' priorities and needs on agriculture, rural development, food and natural resource services and programs. These sessions will provide an opportunity for Tribes to articulate their comments and concerns on budgets, regulations, legislation and USDA policy matters. When conducted, regional in-person or

telephonic venues will be preceded by informational sessions conducted primarily through electronic means.

- (c) Field Offices/Directors and agencies will work collaboratively with the Tribes in their respective States or regions on the development of consultation meetings, roundtables and annual sessions. Field Offices/Directors should develop protocols for consultation with the Tribes in their respective States or regions and should establish regular, meaningful consultation and collaboration relationships.
 - (d) Field Offices/Directors and agencies will work with the Tribes to identify Tribal and Native organizations that can assist in working with Tribes in planning Tribal consultation sessions.
 - (e) Field Offices/Directors and agencies will work collaboratively to facilitate Tribal-State relations regarding USDA programs and services as they affect Tribes and AI/ANs.
- (2) Paper Correspondence. A series of correspondence between consultation officials may serve as consultation. Written communications should clearly provide affected, or potentially affected, Tribes with information regarding the critical trigger.
 - (3) Electronic Correspondence. Similarly, emails or electronic documents shared between consultation officials may serve as consultation.
 - (4) Tribal Resolution. Communications from Tribes frequently come in the form of Tribal resolutions. These resolutions may be the most formal declaration of a Tribe's position for the purpose of Tribal consultation. Once an office or agency receives a Tribal resolution, the office or agency should respond appropriately. Appropriate response may include continued Tribal consultation using other modes.
- d. Leveraging Intertribal meetings. Several national and regional Intertribal organizations hold one or several conferences each year. Tribal leaders, including many who may have delegated authority to consult with USDA, attend these sessions. It can be worthwhile to inquire whether an Intertribal organization would be interested in scheduling consultation sessions with USDA officials during their meetings. This has the potential to leverage the attendance of multiple Tribal leaders in a setting that is conducive to this type of discourse. Keep in mind, however, that such arrangements require consent of the Intertribal organization and planning far in advance. USDA officials should avoid 'taking over' an intertribal organization's meeting and be sensitive to the organization's needs. USDA officials should also keep in mind that consultation in these

settings occurs between agency officials and delegated Tribal officials, not with the sponsoring Intertribal organization.

e. Consultation Steps

The degree and extent of consultation will depend on the identified critical trigger. While this policy does not provide specific guidelines, agencies shall utilize the following criteria to ensure that the requirements of this policy are satisfied.

- (1) Identify the Critical Trigger (funding, policy, programs) and its context: complexity, implications, time constraints, issues.
 - (a) The need to develop a policy may be identified from within the office or agency, or may be identified by Tribes. This need may result from external forces such as Executive, Judicial, or Legislative Branch directives. See Critical Triggers, above.
 - (b) Once the need to develop a policy is identified, a consultation planning process should begin. The agencies may request technical assistance from OTR for planning or conducting the Tribal consultation process.
- (2) Identify the affected/potentially affected Tribe(s)
- (3) Identify the level and mode of consultation to be offered
- (4) Coordinate the Schedule for Consultation. Agencies should establish and adhere to a formal schedule of meetings to consult with Tribal governments and representatives.
 - (a) Agencies are encouraged to establish additional forums for Tribal consultation and participation, and for information sharing with Tribal leadership. Consultation schedules should be forwarded to OTR to be posted on the OTR website and to check for duplication or conflicts with other national Tribal events and USDA consultation sessions.
 - (b) Work sessions may be held to solicit official Tribal comments and recommendations on policy and budget matters affecting Tribes. These sessions at roundtables, forums and meetings will provide the opportunity for meaningful dialogue and effective participation by Tribes.
- (5) Provide Notice. Upon the determination of the level of consultation necessary, proper notice of the critical trigger and the level of consultation utilized shall be communicated to affected, and potentially affected, Tribes

inviting their participation. Notice shall be made using all appropriate methods including mailing, broadcast e-mail, Federal Register, fax and other outlets. Notices shall include clear and explicit instructions for the submission of comments. Notice is not, by itself, consultation, but rather the communication of the opportunity for consultation. Agencies must provide reasonable and timely notice of consultation events initiated by the agencies. The minimum standard notice period should be 30 business days, but in some instances involving complex policies or multiple policies, the notice period may extend for up to 120 days. In emergencies, shorter periods may be necessary.

- (6) Consultation Record. A record of Tribal consultation must be made and maintained. For reporting and oversight purposes, the agency is responsible for entering select components of the consultation record into its own recordkeeping system and a USDA Tribal Consultation Database to be created and maintained by the Office of Tribal Relations. The entry of reporting data into the Database does not affect the agency's obligation to maintain the full consultation record in accordance with this policy and any other applicable statutory or regulatory requirements, such as the Federal Records Act. When developing further details on the contents and process for maintaining the consultation record, agencies are encouraged to consult with their agency records officer.
- (7) Report Outcome. The agency shall report on the outcomes of the consultation to the OTR.
- (8) Incorporate Results of the Consultation Effort into the Critical Trigger or Event as Appropriate. For instance, if rulemaking is the subject of consultation, the preamble to the regulation must contain a discussion of the consultation effort, the comments received and how the agency addressed the comments received during consultation. How results of the consultation are incorporated into the agency action will depend on the nature of the critical triggering event.

f. Dialogue, Coordination and Collaboration with Other Groups

- (1) In cases where a government-to-government relationship does not exist, consultation is encouraged to the extent practicable and permitted by law. Some aspects of these kinds of consultation are set out in statute and administrative policy.
- (2) The Department is able to interact with organizations and/or groups that do not represent Federally recognized Tribal governments. However, if the Tribe or Department wants to include organizations which do not represent specific Federally-recognized Tribal governments on advisory

committees or workgroups, then FACA requirements must be followed. The intergovernmental committee exemption to FACA is found in the Unfunded Mandates Reform Act (2 U.S.C. 1534).

- (3) The OTR, office and agency heads will work closely to identify those instances when other Native American organizations and groups may be negatively affected if excluded from the consultation process. Native American organizations and groups include urban Indian organizations, non-Federally recognized Tribal groups, governing bodies of Tribes on Federal and State Reservations, State Recognized Tribes, other Indian organizations, Native Hawaiians, Native American Pacific Islanders (including American Samoan Natives), and other Native American groups that, by the nature of their business, serve American Indians, Alaska Natives or Native Americans.
- (4) Although consultation may be allowed with these organizations and groups, non-Federally recognized Tribes and organizations and groups that do not represent Federally recognized Tribes do not fall under the intergovernmental committee exemption to FACA found in 2 U.S.C. 1534. As a result, the agency is required to adhere to FACA when such organizations are made a part of an advisory committee or workgroup. The OTR and USDA agencies will work to facilitate any required consultation forums, the level of consultation required, recording of meetings, evaluate the results, determine whether additional consultation on policy items may be needed, and report to the affected Native American groups and organizations.

- g. Involving States. In some instances, the authority and appropriations for USDA programs and services that affect Tribes flow through the States for the benefit of Tribes, based on statute, regulation or USDA policy. It is important that USDA facilitate collaboration and communication between States and Tribes under appropriate circumstances as determined by all parties involved.

9. Consultation Reporting

A USDA Tribal Consultation Database shall be developed and maintained by the Office of Tribal Relations to enable effective oversight of all USDA tribal consultation activities. Each Agency Administrator or Office Director shall identify a single point of contact for reporting consultation activities. That individual shall be responsible for entering all required information into the Database, responding to requests for access to the full consultation record, and fulfilling all other requests for data related to agency consultation activities from the Director of OTR. The individual is not necessarily responsible for identifying critical triggers, conducting consultation, or creating and maintaining the consultation record.

To the extent practicable, all consultation shall be reported within 30 days of a critical trigger, and the consultation record completed within 30 days of final conclusion. The agency shall update the record throughout the consultation process, and within a reasonable period of time as requested by the Director of OTR. The Office of Tribal Relations shall periodically provide information to the Secretary, Under Secretaries, Assistant Secretaries, Agency Administrators, and Office Directors, on agency compliance with reporting requirements and data quality.

10. Training and Education

Annual trainings will be mandatory for all USDA employees upon the following “Tier” groupings:

Tier 1 includes senior staff and management of USDA and its constituent agencies and offices. This category is comprised of primarily political appointees or Senior Executive Service career employees. It is important for these USDA leaders to understand the background and process in order to successfully implement the President’s Tribal Consultation agenda. This group includes the Office of the Secretary; the Under and Assistant Secretaries; and their senior staffs.

Tier 2 includes regional or State-based senior management and staff designated to conduct Tribal Consultations. This group includes the Farm Service Agency (FSA), Rural Development (RD) State Directors; the State and Regional Conservationists in the Natural Resources Conservation Service (NRCS); District Managers with the Food Safety and Inspection Service (FSIS); the Agricultural Marketing Service (AMS); the Animal Plant Health Inspection Service (APHIS) Area Veterinarians-in-Charge and State Plant Health Directors; high-level managers at regional offices; and the leaders of other types of programs where those individuals would personally be involved in the consultation process.

Tier 3 includes all USDA employees.

Tier 1 and Tier 2 trainings should be conducted with a team comprised of professional non-governmental Tribal Consultation trainers and expert USDA staff. Inclusion of Tribal governments as active participants in both the development and implementation of training programs is suggested.

Tier 1 and Tier 2 training sessions will explain the history of the legal relationship between Tribes and the U.S. Government; the definition of Tribal sovereignty; the definition of trust responsibility; and the ramifications of the USDA Tribal Consultation per the President’s agenda. Tier 1 and Tier 2 trainings will involve components of legal issues as well as cultural competency trainings.

Tier 3 training will be offered from the Office of Personnel Management (OPM) Go-Learn program, “Working Effectively with Tribal Governments” that can be accessed via the Internet.

Ongoing tribal consultation training will be developed and offered as appropriate.

11. Definitions

- a. **Accountable Process**
An accountable process is one by which the office or agency is able to track and report on the efforts on any given consultation, from initial outreach and consultation activities to how the results of consultation were used by the USDA agencies.
- b. **Agency**
Any of the operational sub-units of the USDA, e.g. the Forest Service (FS), the Natural Resource Conservation Service (NRCS), or the Food Safety and Inspection Service (FSIS).
- c. **Consultation**
Tribal consultation is the timely, meaningful, and substantive dialogue between USDA officials who have delegated authority to consult, and the official leadership of Federally recognized Indian Tribes, or their designated representative(s), pertaining to USDA policies that may have tribal implications.
- d. **Coordination**
Coordination is the orchestration of the activities of different entities.
- e. **Collaboration**
Collaboration occurs when two or more people or organizations work together in an intersection of common goals by sharing knowledge, learning and building consensus. Collaboration is the mutual development of perspectives or actions that are of mutual interest, as in a Tribe and a USDA agency working together on a USDA policy that benefits both the agency and the Tribe.
- f. **Consulting Official**
Consultation may only be conducted by employees who have delegated authority for consultation. This delegation occurs through the Secretary to Department Leadership, and flows from the Under Secretaries to the agencies. Whether the consulting official is the Secretary, Deputy Secretary, Assistant Secretary, Under Secretary, agency head, or another agency official depends on the nature of the regulation, policy, program or planning decision and how it may affect the consulting Tribe(s).

For the Tribes, consultation is conducted by elected Tribal representatives or Tribal employees or their representatives who have delegated authority from their Tribal government for consultation. This delegation is determined by the Tribes themselves as sovereign governments. The consulting official is usually the Tribal Chairman/Governor/President or another official from the Executive Branch, though it could be a member of the Tribal Council or even a Tribal employee with specialized knowledge of the topic of the consultation.

g. Government-to-government

In Federal Indian law, the term is used to characterize the unique legal relationship that exists between Federally recognized Tribes and the Federal government. This relationship evolved from the recognition of tribal sovereignty expressed in treaties between Tribes and the Federal government and in the U.S. Constitution. This relationship is the basis of the government-to-government consultation requirement and has been expressed through numerous statutes, executive directives and court decisions

h. Negotiated Rulemaking

A technique used to bring interested parties into the rule-drafting process at an early stage. Rules are developed by reaching consensus among committee members representing affected interests. If consensus is achieved, the agency publishes the draft rule based on that consensus in a notice of proposed rulemaking. Negotiated rulemaking is endorsed in E.O. 12866 and in the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561-570).

i. Office of Tribal Relations (OTR)

In FY 2010, the Department received appropriations to launch a new Office of Tribal Relations (OTR). USDA OTR serves as the primary point of contact for Tribal issues, including those dealing directly with Tribal governments and Alaska Native Claims Settlement Act (ANCSA) Corporations, as well as those impacting Tribal members as individuals; is responsible for serving as the single point of contact within the Department on Tribal Affairs; advises the Secretary concerning Tribal issues and concerns; and works cooperatively and collaboratively across all agencies of the Department to build a cooperative, collaborative, and integrated approach to issues, programs and services addressing the needs of American Indians and Alaskan Natives, including the conduct of Tribal consultation.

Organizationally, the OTR is situated within the Office of the Secretary and is the Department's lead office for Tribal consultation in accordance with Executive

Order 13175-Consultation and Coordination with Indian Tribal Governments. Additional duties and responsibilities of the OTR will include: coordination and management of USDA's American Indian and Alaska Native policy issues and serve as the Department's expert and informational resource to the Secretary; collaboration with and outreach to Tribes and national Native organizations; coordination of USDA participation in national Tribal meetings and Tribal site visits for USDA executive leadership; advice and assistance to the USDA regional and state field offices and Senior staff on Tribal affairs, coordination of the interdepartmental working group on Tribal Consultation and Collaboration; oversight of the Department's agency and office policies and processes for consultation; and coordination of the Secretary's policy development for Tribes.

- j. **Policies with Tribal Implications**
Policies that have tribal implications may include regulations, legislative comments or proposed legislation, and other policy statements or actions. Actions, in turn, include deliberations, decisions, directives and implementation of USDA programs and services. Policies that have tribal implications will include those with "substantial direct effects" as identified in the language of EO 13175.
- k. **Substantial Direct Effect**
Direct means that there is an uninterrupted causal connection between the action and the group or individual being affected. Effects may be positive, neutral, or negative. These elements should be considered:
 - (1) If there is definitely potential for an effect that is substantial and direct, consultation is required.
 - (2) If there is any potential for an effect, consultation may be required, depending on the extent (significance) of the effect. If the agency does not know the significance of the effect, or even whether there will be an effect, the agency should inquire of potentially affected Tribes whether the Tribe thinks there would be an effect, how significant such an effect may be, and whether they would like to consult.
 - (3) If there is no potential for an effect, consultation is not required (but may still be valuable).
- l. **Tribe**
Tribe is shorthand for "Indian tribe" as used in Executive Order 13175, which means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian

tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25
U.S.C. 479a.

-END-

U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250

DEPARTMENTAL REGULATION		Number: 1350-001
SUBJECT: Tribal Consultation	DATE: September 11, 2008	
	OPI: OGC, Office of the General Counsel	

1. PURPOSE

The United States Department of Agriculture (USDA) hereby establishes this policy requiring consultation and participation by and between Indian tribes on USDA policies and activities.

2. POLICY

It is in the public interest that USDA should, to the extent practicable and permitted by law, consult and coordinate with tribes on a government-to-government basis. Because tribes are affected by USDA policies, programs and actions, USDA should consult with tribes on matters that may affect their rights and interests in compliance with Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, prior to making a decision.

3. DEFINITIONS

- a) Policies that have tribal implications – refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.
- b) Indian tribe – means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a or any subsequent List.
- c) Tribal officials – means elected or duly appointed officials of Indian tribal governments or authorized intertribal organizations.
- d) USDA – means the United States Department of Agriculture or any of its agencies.

4. FUNDAMENTAL PRINCIPLES

In formulating or implementing policies that have tribal implications, USDA shall be guided by the following fundamental principles:

- a) The United States has a unique legal relationship with Indian tribal governments as set forth in the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions. Since the formation of the Union, the United States has recognized Indian tribes as domestic dependent nations under its protection. The Federal Government has enacted numerous statutes and promulgated numerous regulations that establish and define a trust relationship with Indian tribes.
- b) Our Nation, under the law of the United States, in accordance with treaties, statutes, Executive Orders, and judicial decisions, has recognized the right of Indian tribes to self-government. As domestic dependent nations, Indian tribes exercise inherent sovereign powers over their members and territory. The United States continues to work with Indian tribes on a government-to-government basis to address issues concerning Indian tribal self-government, tribal trust resources, and Indian tribal treaty and other rights.
- c) The United States recognizes the right of Indian tribes to self-government and supports tribal sovereignty and self-determination.

5. POLICYMAKING CRITERIA

In addition to adhering to the fundamental principles set forth in section 4, USDA shall adhere, to the extent permitted by law, to the following criteria when formulating and implementing policies that have tribal implications:

- a) USDA shall respect Indian tribal self-government and sovereignty, honor tribal treaty and other rights, and strive to meet the responsibilities that arise from the unique legal relationship between the Federal Government and Indian tribal governments.
- b) With respect to Federal statutes and regulations administered by Indian tribal governments, USDA shall grant Indian tribal governments the maximum administrative discretion possible.
- c) When undertaking to formulate and implement policies that have tribal implications, USDA shall, to the extent practicable:
 - 1. Encourage Indian tribes to develop their own policies to achieve program objectives;
 - 2. Where possible, defer to Indian tribes to establish standards; and
 - 3. In determining whether to establish Federal standards, consult with tribal officials as to the need for Federal standards and any alternatives that would limit the scope of Federal standards or otherwise preserve the prerogatives and authority of Indian tribes.

6. LEGISLATIVE PROPOSALS

USDA shall not submit to the Congress legislation that would be inconsistent with the policymaking criteria in Section 5.

7. CONSULTATION ON REGULATIONS

To the extent practicable and permitted by law, USDA shall not promulgate any regulation that has tribal implications, that imposes substantial direct compliance costs on Indian tribal governments, and that is not required by statute, unless:

- a) Funds necessary to pay the direct costs incurred by the Indian tribal government or the tribe in complying with the regulation are provided by the Federal Government; or
- b) Prior to the formal promulgation of the regulation, USDA will:
 1. Consult with tribal officials early in the process of developing the proposed regulation;
 2. In a separately identified portion of the preamble to the regulation as it is to be issued in the Federal Register, provide to the Director of the Office of Management and Budget (OMB) a tribal summary impact statement, which consists of a description of the extent of the agency's prior consultation with tribal officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of tribal officials have been met; and
 3. Make available to the Director of OMB any written communications submitted to USDA by tribal officials.

8. PREEMPTING TRIBAL LAW

To the extent practicable and permitted by law, USDA shall not promulgate any regulation that has tribal implications and that preempts tribal law unless the Department, prior to the formal promulgation of the regulation:

- a) Consults with tribal officials early in the process of developing the proposed regulation;
- b) In a separately identified portion of the preamble to the regulation as it is to be issued in the Federal Register, provides to the Director of OMB a tribal summary impact statement, which consists of a description of the extent of the agency's prior consultation with tribal officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of tribal officials have been met; and
- c) Makes available to the Director of OMB any written communications submitted to USDA by tribal officials.

9. OTHER CONSULTATION ISSUES

On issues relating to tribal self-government, tribal trust resources, or Indian tribal treaty and other rights, each agency should explore and, where appropriate, use consensual mechanisms for developing regulations, including negotiated rulemaking.

10. RESPONSIBILITIES OF USDA OFFICIALS

USDA officials should:

- a) Designate an official to perform the duties required in the Accountability section below.
- b) Notify tribes of proposed policy, guidelines, plans, projects or actions that it deems may substantially affect tribal rights or interests in order to provide tribes an opportunity for meaningful dialogue on potential implications and effects.
- c) Fully consider the information, input and recommendations from tribes and address tribal concerns as much as practicable on proposed decisions.
- d) Inform tribes how their information and recommendations were considered in USDA decisions.
- e) Provide tribes with contact information for USDA officials and staff who are responsible for making final decisions that may affect tribes and request the same of tribes.
- f) Take other actions in furtherance of this Departmental Regulation as deemed necessary.

11. WAIVERS

USDA shall, to the extent practicable and permitted by law, consider any application by an Indian tribe for a waiver of statutory or regulatory requirements in connection with any program administered by it with a general view toward increasing opportunities for utilizing flexible policy approaches at the Indian tribal level in cases in which the proposed waiver is consistent with the applicable Federal policy objectives and is otherwise appropriate.

- a) USDA shall, to the extent practicable and permitted by law, render a decision upon an application for a waiver within 120 days of receipt of a complete application by USDA, or as otherwise provided by law or regulation. If the application for waiver is not granted, USDA shall provide the applicant with timely written notice of the decision and the reasons therefore.
- b) This section applies only to statutory or regulatory requirements that are discretionary and subject to waiver by USDA.

12. ACCOUNTABILITY

- a) In transmitting any draft final regulation that has tribal implications to OMB pursuant to Executive Order 12866 as amended, USDA shall include a certification stating that the requirements of Executive Order 12866 have been met in a meaningful and timely manner.
- b) In transmitting proposed legislation that has tribal implications to OMB, USDA shall include a certification from an official designated to ensure compliance with this order that all relevant requirements of this order have been met.

13. JUDICIAL REVIEW

This Departmental Regulation is intended only to improve the internal management of the executive branch, and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law by a party against USDA, its agencies, or any person.

-END-

DEPARTMENTAL REGULATION		Number: 1340-007
SUBJECT: Policies on American Indians and Alaska Natives	DATE: March 14, 2008	
	OPI: Office of the General Counsel	

1. PURPOSE

The purpose of this regulation is to (1) set forth the USDA's policy on government-to-government Tribal relations; and (2) provide policy and implementation guidance for Executive Order 13175 titled "Consultation and Coordination with Indian Tribal Governments."

2. SPECIAL INSTRUCTIONS

This regulation supersedes and replaces Departmental Regulation 1340-006 of October 16, 1992.

This regulation pertains to Federally Recognized Indian and Alaskan Native Tribes and provides guidance to USDA personnel.

3. DEFINITIONS

- a. Indian tribe (or tribe). Any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a-1.
- b. Alaska Native Corporation (ANC). Any Alaska Native village or regional corporation established pursuant to the Alaska Native Claims Settlement Act, Pub. L. No. 92-203 (ANCSA).
- c. Indian. A member of an Indian tribe.
- d. Alaska Native. As defined by section 3(b) of ANCSA, a citizen of the United States who is one-fourth degree or more Alaska Indian (including Tsimshian Indians not enrolled in the Metlakla Indian Community) Eskimo, or Aleut blood, or a combination thereof. The term includes any Native as so defined either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or Native group of which he/she claims to be a member of whose father or mother is (or, if deceased, was) regarded as Native by any village or group.
- e. Tribal government. The governing body of an Indian tribe that has been officially recognized as such by the Federal Government.

4. BACKGROUND

The United States Government has a unique, legal and political relationship with Indians and their tribal governments as defined through treaties, statutes, court decisions and the United States

Constitution. The United States Government has obligations under treaties and statutes to protect and maintain the lands, resources, and traditional use areas of Indians. Tribal governments have powers similar to those of state governments. In Alaska, the relationship with ANCs is defined by ANCSA, as amended.

5. POLICIES

- a. USDA is the lead department of the Federal Government for providing effective and efficient coordination of Federal agriculture, agricultural research, food assistance, food safety, natural resources and rural development programs. USDA recognizes that tribal governments and Alaska Native Corporations manage land for such agricultural activities as farming, grazing, hunting, fishing, subsistence agriculture and gathering of plants, plant products and animals. USDA further recognizes that such resources may hold a unique meaning in the spiritual as well as everyday life of many Indians and Native Alaskans. Consequently, and in furtherance of tribal self-governance, USDA incorporates the provisions of Executive Order 13175 herein and attaches this Executive Order hereto.
- b. USDA will observe the American Indian Religious Freedom Act, Pub. L. No. 95-341.
- c. USDA will work with tribal governments, tribal high schools, colleges and universities to encourage the development of agribusiness skills and awareness, and where needed agribusiness curricula and where needed, curricula. USDA will share information through the exchange of technical staffs and skills.

6. RESPONSIBILITY

The Secretary of Agriculture is responsible for insuring that this policy is followed. The Secretary has delegated authority to certain USDA agencies for carrying out these policies. The Office of Native American Programs, a component of the USDA Office of External and Intergovernmental Affairs, has primary responsibility for coordinating USDA agencies' programs serving Indians and Alaska Natives. The Office of Advocacy and Enterprise has primary responsibility for coordinating USDA's equal employment, civil rights and employment-related outreach to Indians and Alaska Natives.

7. FUTURE AUTHORITY

Future authority given to USDA by Congress shall automatically be incorporated into this regulation.

8. INQUIRES

Inquiries, questions or comments pertaining to this regulation may be directed to the U.S. Department of Agriculture, Office of Native American Programs, Room 216-A, Whitten Bldg., Washington, D.C. 20250-1300 or by telephone at 202-720-6643.

Further information on USDA programs will be available in the guide, "American Indians and Alaska Natives: A Guide to USDA Programs."

Appendix A
Executive Order 13175

Presidential Documents

Title 3—

Executive Order 13175 of November 6, 2000

The President

Consultation and Coordination With Indian Tribal Governments

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes; it is hereby ordered as follows:

Section 1. Definitions. For purposes of this order:

(a) “Policies that have tribal implications” refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

(b) “Indian tribe” means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

(c) “Agency” means any authority of the United States that is an “agency” under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5).

(d) “Tribal officials” means elected or duly appointed officials of Indian tribal governments or authorized intertribal organizations.

Sec. 2. Fundamental Principles. In formulating or implementing policies that have tribal implications, agencies shall be guided by the following fundamental principles:

(a) The United States has a unique legal relationship with Indian tribal governments as set forth in the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions. Since the formation of the Union, the United States has recognized Indian tribes as domestic dependent nations under its protection. The Federal Government has enacted numerous statutes and promulgated numerous regulations that establish and define a trust relationship with Indian tribes.

(b) Our Nation, under the law of the United States, in accordance with treaties, statutes, Executive Orders, and judicial decisions, has recognized the right of Indian tribes to self-government. As domestic dependent nations, Indian tribes exercise inherent sovereign powers over their members and territory. The United States continues to work with Indian tribes on a government-to-government basis to address issues concerning Indian tribal self-government, tribal trust resources, and Indian tribal treaty and other rights.

(c) The United States recognizes the right of Indian tribes to self-government and supports tribal sovereignty and self-determination.

Sec. 3. Policymaking Criteria. In addition to adhering to the fundamental principles set forth in section 2, agencies shall adhere, to the extent permitted by law, to the following criteria when formulating and implementing policies that have tribal implications:

(a) Agencies shall respect Indian tribal self-government and sovereignty, honor tribal treaty and other rights, and strive to meet the responsibilities that arise from the unique legal relationship between the Federal Government and Indian tribal governments.

(b) With respect to Federal statutes and regulations administered by Indian tribal governments, the Federal Government shall grant Indian tribal governments the maximum administrative discretion possible.

(c) When undertaking to formulate and implement policies that have tribal implications, agencies shall:

(1) encourage Indian tribes to develop their own policies to achieve program objectives;

(2) where possible, defer to Indian tribes to establish standards; and

(3) in determining whether to establish Federal standards, consult with tribal officials as to the need for Federal standards and any alternatives that would limit the scope of Federal standards or otherwise preserve the prerogatives and authority of Indian tribes.

Sec. 4. *Special Requirements for Legislative Proposals.* Agencies shall not submit to the Congress legislation that would be inconsistent with the policy-making criteria in Section 3.

Sec. 5. *Consultation.* (a) Each agency shall have an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications. Within 30 days after the effective date of this order, the head of each agency shall designate an official with principal responsibility for the agency's implementation of this order. Within 60 days of the effective date of this order, the designated official shall submit to the Office of Management and Budget (OMB) a description of the agency's consultation process.

(b) To the extent practicable and permitted by law, no agency shall promulgate any regulation that has tribal implications, that imposes substantial direct compliance costs on Indian tribal governments, and that is not required by statute, unless:

(1) funds necessary to pay the direct costs incurred by the Indian tribal government or the tribe in complying with the regulation are provided by the Federal Government; or

(2) the agency, prior to the formal promulgation of the regulation, (A) consulted with tribal officials early in the process of developing the proposed regulation;

(B) in a separately identified portion of the preamble to the regulation as it is to be issued in the **Federal Register**, provides to the Director of OMB a tribal summary impact statement, which consists of a description of the extent of the agency's prior consultation with tribal officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of tribal officials have been met; and

(C) makes available to the Director of OMB any written communications submitted to the agency by tribal officials.

(c) To the extent practicable and permitted by law, no agency shall promulgate any regulation that has tribal implications and that preempts tribal law unless the agency, prior to the formal promulgation of the regulation,

(1) consulted with tribal officials early in the process of developing the proposed regulation;

(2) in a separately identified portion of the preamble to the regulation as it is to be issued in the **Federal Register**, provides to the Director of OMB a tribal summary impact statement, which consists of a description of the extent of the agency's prior consultation with tribal officials, a summary of the nature of their concerns and the agency's position supporting the

need to issue the regulation, and a statement of the extent to which the concerns of tribal officials have been met; and

(3) makes available to the Director of OMB any written communications submitted to the agency by tribal officials.

(d) On issues relating to tribal self-government, tribal trust resources, or Indian tribal treaty and other rights, each agency should explore and, where appropriate, use consensual mechanisms for developing regulations, including negotiated rulemaking.

Sec. 6. Increasing Flexibility for Indian Tribal Waivers.

(a) Agencies shall review the processes under which Indian tribes apply for waivers of statutory and regulatory requirements and take appropriate steps to streamline those processes.

(b) Each agency shall, to the extent practicable and permitted by law, consider any application by an Indian tribe for a waiver of statutory or regulatory requirements in connection with any program administered by the agency with a general view toward increasing opportunities for utilizing flexible policy approaches at the Indian tribal level in cases in which the proposed waiver is consistent with the applicable Federal policy objectives and is otherwise appropriate.

(c) Each agency shall, to the extent practicable and permitted by law, render a decision upon a complete application for a waiver within 120 days of receipt of such application by the agency, or as otherwise provided by law or regulation. If the application for waiver is not granted, the agency shall provide the applicant with timely written notice of the decision and the reasons therefor.

(d) This section applies only to statutory or regulatory requirements that are discretionary and subject to waiver by the agency.

Sec. 7. Accountability.

(a) In transmitting any draft final regulation that has tribal implications to OMB pursuant to Executive Order 12866 of September 30, 1993, each agency shall include a certification from the official designated to ensure compliance with this order stating that the requirements of this order have been met in a meaningful and timely manner.

(b) In transmitting proposed legislation that has tribal implications to OMB, each agency shall include a certification from the official designated to ensure compliance with this order that all relevant requirements of this order have been met.

(c) Within 180 days after the effective date of this order the Director of OMB and the Assistant to the President for Intergovernmental Affairs shall confer with tribal officials to ensure that this order is being properly and effectively implemented.

Sec. 8. Independent Agencies. Independent regulatory agencies are encouraged to comply with the provisions of this order.

Sec. 9. General Provisions. (a) This order shall supplement but not supersede the requirements contained in Executive Order 12866 (Regulatory Planning and Review), Executive Order 12988 (Civil Justice Reform), OMB Circular A-19, and the Executive Memorandum of April 29, 1994, on Government-to-Government Relations with Native American Tribal Governments.

(b) This order shall complement the consultation and waiver provisions in sections 6 and 7 of Executive Order 13132 (Federalism).

(c) Executive Order 13084 (Consultation and Coordination with Indian Tribal Governments) is revoked at the time this order takes effect.

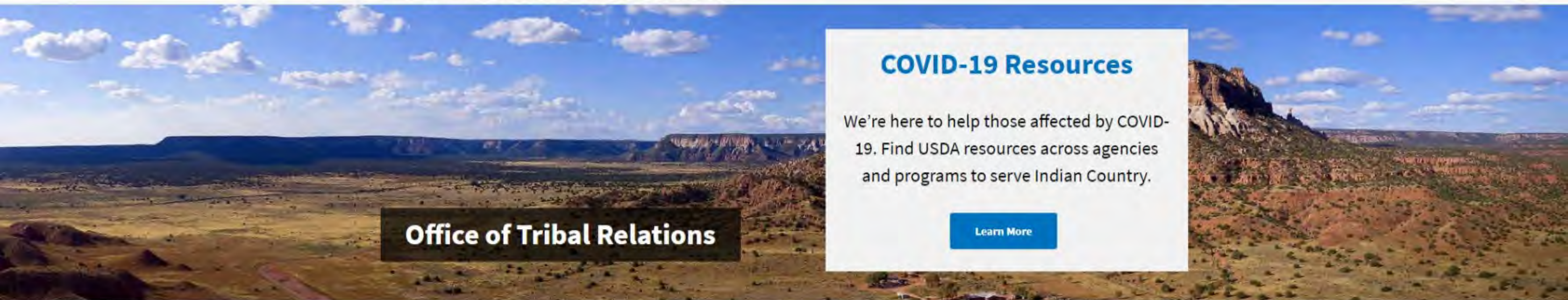
(d) This order shall be effective 60 days after the date of this order.

Sec. 10. *Judicial Review.* This order is intended only to improve the internal management of the executive branch, and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law by a party against the United States, its agencies, or any person.



THE WHITE HOUSE,
November 6, 2000.

[FR Doc. 00-29003
Filed 11-8-00; 8:45 am]
Billing code 3195-01-P



Office of Tribal Relations

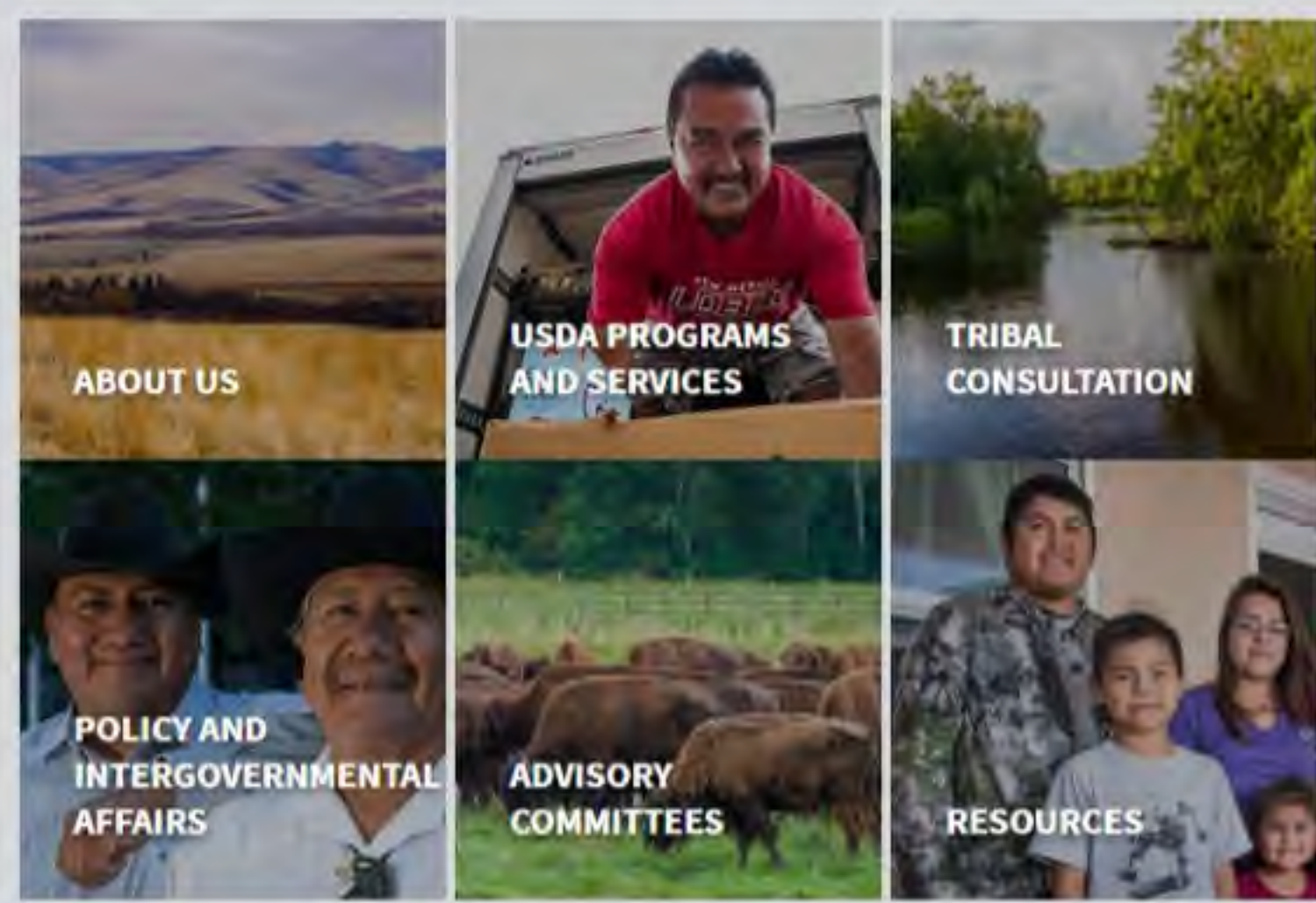
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We're here to help those affected by COVID-19. Find USDA resources across agencies and programs to serve Indian Country.

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The Office of Tribal Relations (OTR) serves as a single point of contact for Tribal issues and works to ensure that relevant programs and policies are efficient, easy to understand, accessible, and developed in consultation with the American Indians and Alaska Native constituents they impact.



About Us

OTR leads the intergovernmental role for the Department with tribes. Efforts through consultation, coordination and collaboration support the preservation of the government to government relationship and enhance access to USDA's various programs and services to tribes, tribal organizations and citizens.

[Learn more](#)

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USDA Office of Tribal Relations
 Room 501-A Whitten Building
 1400 Independence Ave, SW
 Washington, DC 20250

Phone: 202-205-2249
 Email: Tribal.Relations@usda.gov

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Tribal Programs and Services

USDA offers a variety of programs and services that are available to Tribal Governments, Tribal communities and organizations, and individual Native Americans and Alaskan Natives. The Office of Tribal Relations (OTR) is dedicated to ensuring that Tribes have relevant information on the programs and services available at USDA.

For additional information on all Programs, please visit the [Catalog of Federal Domestic Assistance](#) and search by agency for USDA.

Farm Bill

- [Agriculture Improvement Act of 2018](#)
- [2018 and 2018 Side-By-Side](#) (PDF, 3.3 MB)
- [USDA 2018 Farm Bill & Legislative Principles](#) (PDF, 416 KB)

News

- [Farm Service Agency County Committee Nominations Open June 14](#)

USDA Tribal Resources

- [2017 Census of Agriculture](#)
- [Animal and Plant Health Inspection Service](#)
- [Farm Service Agency](#)
- [Food Distribution Program on Indian Reservations](#)
- [Forest Service](#)
- [National Institute of Food and Agriculture](#)
- [Natural Resources Conservation Service](#)
- [Rural Development](#)

Upcoming Listening Sessions

Date: Wednesday, February 12, 2020
Time: 2:00 pm - 3:00 pm
Location: Capital Hilton, 1001 16th Street, NW, Washington, DC 20036
Room: Pan American

The USDA Food and Nutrition Service will be discussing upcoming changes to regulations, policies, and procedures that may have an impact on Indian country. This session will provide background on the changes, answer questions related to such changes, and discuss how Tribes who would like to provide formal feedback on any of these changes can request a formal consultation.

Previous Listening Sessions

Agricultural Marketing Service (AMS) will hold a listening session on **Thursday, December 5, 2019 at 3pm ET**. This event will provide an opportunity to highlight AMS programs and services. It will also give AMS an opportunity to hear directly from you about how we can better serve Native Americans and Alaska Natives. Please feel free to share this with others who may benefit from this information. **An agenda, which includes HEMP, will be emailed soon.**

Date: December 5, 2019
Time: 3pm ET
Toll Free: 844-767-5679
Assess Code: 2225422

The Agricultural Marketing Service (AMS) will hold a listening session on a variety of topics. Please find the information below.

Date: Thursday, September 12, 2019
Time: 3:00 - 4:00 pm EST
Conference Call
Toll Free: (800) 230-1059
No access code needed
[Additional Information](#) (PDF, 193 KB)

Agenda Items:

- Milk Donation and Reimbursement Program Updates
- [USDA Fruit and Vegetable Industry Advisory Committee Nominations](#) (PDF, 222 KB)
- Plant Variety Protection (PVP) Regulation Updates
- Seed Regulatory and Testing Division (SRTD) Updates
- AgTransport Data Portal
- RMA/GAP Funding in 16 States and Harmonized GAP Handbook
- Hemp Production Program Updates

Agricultural Marketing Service (AMS) Quarterly Tribal Listening Session Conference Call

Date: June 13, 2019
Time: 3:00 pm - 4:00 pm Eastern
Toll Free Call-In Number: 800-230-1092 (No access code needed)
Agenda items include updates on research and promotion boards and updates on hemp production program.

Feral Swine Farm Bill Listening Session

Date: Friday, April 5, 2019
Time: 1:00 p.m. - 4:00 p.m. Eastern Time

Please join APHIS Administrator Kevin Shea and NRCS Chief Matthew Lohr along with members of their leadership teams, including APHIS Associate Administrators Mike Gregoire and Mike Watson and NRCS Acting Associate Chief Kevin Norton on Friday, April 5, from 1:00 p.m. to 4:00 p.m. EDT for a Farm Bill Listening Session via teleconference. This listening session is an opportunity for interested State and Tribal partners as well as stakeholders to comment on the feral swine provision in the Agricultural Improvement Act of 2018 that will be jointly managed by APHIS and NRCS.

We recognize that many of you live outside of the Washington, D.C., area, and we hope this call-in format makes it easy for you to participate in the upcoming session and share your thoughts on implementation.

The summary pasted below provides a brief overview of the feral swine farm bill provision. The listening session will also begin with a short briefing on the provisions followed by stakeholder comments for the remainder of the call. In order to hear from as many participants as possible, we ask that you plan to limit your comments to 3 minutes or less. If you would like to provide a written copy of your comments either before or after the listening session, you can do so by sending them to hallee.zimmers@usda.gov.

To participate in the listening session, we ask that you please register in advance by clicking on the link below and providing your name, organization and email address. Once you submit your information, you will promptly receive an email that includes the call-in number and a unique conference code to enter the call. You will also have the opportunity to join by webinar. The listening session will be recorded.

If you would like to make other colleagues aware of this event, please forward them the link below. To avoid any problems connecting to the call, do not share your unique code.

Registration Link: ams5.intelior.com/fo-reqpster&c=1&n=813125

We look forward to hearing from you.

Agricultural Marketing Service Listening Session

Date: Thursday, April 11, 2019
Time: 3:00 p.m. - 4:00 p.m. Eastern Time
Teleconference Dial-In Number: (800) 230-1059

Agricultural Marketing Service (AMS) will hold a listening session on Thursday, April 11, 2019 at 3pm eastern. This event will provide an opportunity to highlight AMS programs and services. It will also give AMS an opportunity to hear directly from you, the leaders, about how we can better serve Native Americans and Alaska Natives. Please feel free to share this with others who may benefit from this information.

Agenda Items:

- Updates on Research & Promotion Boards (Patty Petrella)
- Hemp Production Program (Patty Bennett)
- Foods for the FDIPIR Program (Terry Lutz)
- Native American-owned Vendors Expand their Eligibility Status
- Upcoming AMS Jobs

February 14, 2019 - USDA Food and Nutrition Service Listening Session

October 20, 2018 - [Invite and Agenda for USDA General Listening Session at the Alaska Federation of Natives Convention](#) (PDF, 711 KB)

Upcoming Webinars

Socially Disadvantaged and Veteran Farmers and Ranchers Program (the 2501 Program)

Date: Thursday, January 16, 2020
Time: 3pm EST

Learn what the Socially Disadvantaged and Veteran Farmers and Ranchers Program is, what the funding priorities are, examples of previously funded projects, and how to connect with a technical assistance provider.

To sign up, please visit this [Socially Disadvantaged and Veteran Farmers and Ranchers Program Event Information page](#).

NCAI and Center for Indian Development's Homeownership Webinars

What: A four-part webinar series on increasing homeownership across Indian Country based on the Federal Reserve Bank of Minneapolis' Center for Indian Country Development's [Tribal Leaders Handbook on Homeownership](#).

Who: NCAI's Partnership for Tribal Governance and the CIDC are partnering to inform tribal leaders, tribal housing staff and their partners about best practices for homeownership program development and growth.

When: The first webinar session is on Thursday, January 9, 3:00 to 4:30 p.m. EST

Webinar 1: Overview of homeownership in Indian Country

Topics

An overview of the *Tribal Leaders Handbook on Homeownership*; how tribal leaders can support homeownership; and planning to drive tribal citizen self-sufficiency and asset building, economic development, and community transformation through homeownership development.

Panelists

- Patrice Kunesh, former director, Center for Indian Country Development
- Joanna Donohoe, partner, Seven Sisters Community Development Group, LLC

To register, please visit the [NCAI-CIDC Webinar: Overview of Homeownership in Indian Country page](#).

To learn more and register for the three next sessions:

- [Thursday, January 16, 3:00 to 4:30 p.m. EST](#) : Assessing community needs
- [Thursday, January 23, 3:00 to 4:30 p.m. EST](#) : Partnerships and financing
- [Thursday, January 30, 3:00 to 4:30 p.m. EST](#) : Making homeownership affordable

NCAI Contact: Tyler Scribner, Policy Analyst, tscribner@ncai.org

Prospective Beginning Farmer and Rancher Development Program Applicant Webinar Information

Time: January 29, 2020; 1:00 PM Eastern Time (US and Canada)
Join Zoom Gov Meeting www.zoomgov.com/j/1609989800

Meeting ID: 160 998 9800

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- Find your local number: www.zoomgov.com/j/ae9y4u1tN/

Join by SIP: 1609989800@sip.zoomgov.com

Archived Webinars

Community Forest and Open Space Program Webinar

Date: Wednesday, September 18, 2019
Time: 3:30 pm - 5:00 pm EST
Webinar Link: usfs.adobeconnect.com/spf-flp/
Audio: 1-877-369-5243 or 1-617-668-3633
Access Code: 0174974#
For Assistance: 1-901-250-7202

The Community Forest and Open Space Program is a competitive grant program whereby local governments, qualified nonprofit organizations, and Indian tribes are eligible to apply for grants to establish community forests through fee simple acquisition of private forest land from a willing seller. The purpose of the program is to establish community forests by protecting forest land from conversion to non-forest uses and provide community benefits such as sustainable forest management, environmental benefits including clean air, water, and wildlife habitat; benefits from forest-based educational programs; benefits from serving as models of effective forest stewardship; and recreational benefits secured with public access.

The USDA Forest Service will present a webinar on Wednesday, September 18 to:

- Provide an overview of the Community Forest and Open Space Program and the current Request for Applications;
- Share information about the Hall Mountain Community Forest with Tommy Cabe, forester with the Cherokee Nation, and
- Answer questions.

Note: Please join Adobe Connect and dial in on the phone at least 5 minutes early in case of difficulties.

National Environmental Policy Act Webinar

The USDA Forest Service will be publishing a proposed rule to update our National Environmental Policy Act regulations (36 CFR 1220). You are [invited to attend an information-sharing webinar](#) (PDF, 137 KB) for Tribes to learn about the changes in the proposed rule and the tribal consultation process.

The proposed rule is a key component of our agency-wide effort to improve our environmental analysis and decision-making processes. It is the result of robust input from agency personnel, the public, and other stakeholders. The changes in the proposed rule can help us better manage sustainable, healthy, and productive National Forests and Grasslands. It will help us be more efficient without sacrificing our commitment to delivering high quality, science-based analysis, and making decisions that honor our environmental stewardship responsibilities.

The dates of the Tribal informational webinars are:

- Monday, June 24, 2019 at 1:30pm - 3:00pm (EDT)
- Friday, July 12, 2019 at 1:00pm - 2:30pm (EDT)

Webinar link: usfs.adobeconnect.com/naperule-500/

U.S. Department of Agriculture's Farm Service Agency (FSA) County Committee (COC) Tribal Outreach Webinar

This recorded webinar is available at www.usda.gov/otprograms-and-services/outreach-and-education/webinars/index.

Keeping the Tradition (traditional foods, that is!) Alive: Community Food Systems in Native Communities

[What Does Farm to School Look Like in Native American Communities? Recording](#)

[Incorporating Traditional Foods in Child Nutrition Program Menus Recording](#) | April 20, 2018 Presentation (PDF, 7.5MB)

Tribal Supportive Housing Webinar Series

[Permanent Supportive Housing: A Comprehensive Approach to Tribal Housing](#)

[Promising Practice in Permanent Supportive Housing: Principles in Action](#)

[Federal Financial and Non-Financial Resources to Build Trauma Informed Tribal Housing](#)

Educational Opportunities and Resources

Scholarships for Native American Students: Learn about Financial Aid, Advocacy Groups and Tribal Colleges

USDA deployed the Inter-Tribal Technical Assistance Network (Network) to ensure Tribal governments, communities, and individuals receive technical assistance to improve their access to USDA programs and services. The Network helps USDA deliver its programs and services to farmers and ranchers who are focusing on providing local and traditional food to tribal members and improving the market access for tribally-produced foods. The Network supports members of tribes across the United States, potentially benefiting 55 million acres of reservation lands and the communities located on those lands: www.indianag.org/technicalassistance.

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Council for Native American Farming and Ranching

"Guiding the Way for Native Agriculture"



"Guiding the Way for Native Agriculture"

Council for Native American Farming and Ranching, in Washington DC, August 13-15, 2012.

The United States Department of Agriculture's Council for Native American Farming and Ranching (CNAFR) was created to advise the Secretary on ways to eliminate barriers to participation for Native American Farmers and Ranchers in USDA programs. The Council was initially established as part of the Keepseagle settlement and is pursuant to the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2.

The Council will be conducted under the oversight of USDA's Office of Tribal Relations, which is part of the Office of the Secretary of Agriculture. The Director of Tribal Relations serves as Designated Federal Official (DFO) for the Council. Responsibilities and conduct of the Council are defined in [CNAFR's Charter](#) (PDF, 248 KB) and [Council By-Laws](#) (PDF, 408 KB).

The CNAFR is composed of representatives with specific knowledge of Native American farming and ranching.

By terms of the agreement, the Council consists of [fifteen \(15\) members](#) (PDF, 183 KB) appointed by the Secretary of Agriculture. Appointments include eleven (11) representatives of Native American farmers and ranchers. These individuals have demonstrated ability and a diverse range of experience in different types of agriculture. In addition to the eleven (11), four (4) USDA representatives were appointed from the following groups: The Farm Service Agency Administrator, or his or her delegate; the Senior Advisor to the Secretary on Tribal Relations, or his or her delegate; the Assistant Secretary for Civil Rights, or his or her delegate, and the Chief of the Natural Resources Conservation Service, or his or her delegate.

The role of the CNAFR is to:

- advise the Secretary of Agriculture on issues related to the participation of Native American farmers and ranchers in USDA loan and grant programs;
- transmit recommendations concerning any changes to USDA regulations or internal guidance or other measures that would eliminate barriers to program participation for Native American farmers and ranchers;
- examine methods of maximizing the number of new farming and ranching opportunities created through USDA programs through enhanced extension and financial literacy services;
- examine methods of encouraging intergovernmental cooperation to mitigate the effects of land tenure and probate issues on the delivery of USDA programs;
- evaluate other methods of creating new farming or ranching opportunities for Native American producers; and
- address other related issues as deemed appropriate.

View the federal register notice: [Re-Establishment of the Council and Solicitation for Nominations](#)

[Secretary Vilsack Appoints Members to the Council for Native American Farming and Ranching](#)

2016 - 2018 Council Meeting Information

June 20, 2018:

[June 2018 Meeting Notice](#) | [June 2018 Agenda](#) (PDF, 242 KB) | [June 2018 Minutes](#) (PDF, 292 KB)

November 29, 2017:

[November 2017 Meeting Notice](#) | [November 2017 Agenda](#) (PDF, 294 KB) | [November 2017 Minutes](#) (PDF, 257 KB)

July 20-21, 2017:

[July 2017 Meeting Notice](#) | [July 2017 Agenda](#) (PDF, 112 KB) | [July 2017 Minutes](#) (PDF, 677 KB) | [July 2017 Public Comments Addendum](#) (PDF, 111 KB)

December 8-9, 2016:

[December 2016 Meeting Notice](#) | [December 2016 Agenda](#) (PDF, 54.6 KB) | [December 8 2016 Transcript](#) (PDF, 471 KB) | [December 9 2016 Transcript](#) (PDF, 376 KB)

2014 - 2016 Council Meeting Information

September 1, 2016:

[September 2016 Meeting Notice](#) | [September 2016 Agenda](#) (PDF, 215 KB) | [September 1 Transcript](#) (PDF, 326 KB)

July 27-28, 2016:

[July 2016 Meeting Notice](#) | [July 2016 Agenda](#) (PDF, 255 KB) | [July 28 Transcript](#) (PDF, 267 KB)

April 4-5, 2016:

[April 2016 Meeting Notice](#) | [April 2016 Agenda](#) (PDF, 60.8 KB) | [April 4 Transcript](#) (PDF, 553 KB) | [April 5 Transcript](#) (PDF, 503 KB)

December 8-9, 2015:

[December 2015 Meeting Notice](#) | [December 2015 Agenda](#) (PDF, 74.3 KB) | [December 8 2015 Transcript](#) (PDF, 544 KB) | [December 9 2015 Transcript](#) (PDF, 652 KB)

September 21-22, 2015:

[September 2015 Meeting Notice](#) | [September 2015 Agenda](#) (PDF, 121 KB) | [September 21 Transcript](#) (PDF, 481 KB) | [September 22 Transcript](#) (PDF, 622 KB)

March 25-27, 2015:

[March 2015 Meeting Notice](#) (PDF, 173KB) | [March 2015 Agenda](#) (PDF, 52.6 KB) | [March 25 Transcript](#) (PDF, 166 KB) | [March 26 Transcript](#) (PDF, 264 KB) | [March 27 Transcript](#) (PDF, 255 KB)

December 10-11, 2014:

[December 2014 Meeting Notice](#) (PDF, 173KB) | [December 2014 Agenda](#) (PDF, 196 KB) | [December 10 Transcript](#) (PDF, 237 KB) | [December 11 Transcript](#) (PDF, 447 KB)

September 25-26, 2014:

[September 2014 Meeting Notice](#) (PDF, 80KB) | [September 2014 Agenda](#) (PDF, 279 KB) | [September 25 Transcript](#) (PDF, 322 KB) | [September 26 Transcript](#) (PDF, 286 KB)

2012 - 2014 Council Meeting Information

May 2, 2014:

[May 2014 Meeting Notice](#) (PDF, 173KB) | [May 2014 Agenda](#) (PDF, 64.6 KB) | [May 2014 Transcript](#) (PDF, 357 KB)

December 12-13, 2013:

[December 2013 Meeting Notice](#) (PDF, 173KB) | [December 2013 Agenda](#) (PDF, 119 KB) | [December 2013 Transcript](#) (PDF, 395 KB)

September 9-10, 2013:

[September 9 Transcript](#) (PDF, 389 KB) | [September 10 Transcript](#) (PDF, 384 KB)

May 3, 2013:

[May 2013 Meeting Agenda](#) (PDF, 77.1 KB) | [May 2013 Transcript](#) (PDF, 418 KB)

December 13, 2012:

[December 2012 Meeting Agenda](#) (PDF, 97.3 KB) | [December 2012 Transcript](#) (PDF, 994 KB) | [December 2012 Public Comments](#) (PDF, 156 KB)

August 14-15, 2012

[August 14 Transcript](#) (PDF, 597 KB) | [August 15 Transcript](#) (PDF, 526 KB)

Council Recommendations

As of June 21, 2018:

[CNAFR Recommendations](#) (PDF, 615 KB)

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The Office of Tribal Relations is the lead Agency that works with all USDA Mission Areas to stay advised and involved in the formal process of consultation with Tribal governments. The Office of Tribal Relations also works with the Office of Intergovernmental and External Affairs, the Office of General Counsel, the Senior Policy Team, and other key offices working across USDA. OTR also works with counterparts in other Federal agencies to achieve these goals.

OTR publishes a newsletter that provides a listing of USDA grant opportunities, news and events. If you would like to subscribe, please select the [Tribal Relations topic](#).

To request additional information on consultation, or assistance with other USDA issues, please contact:

Main Office: (202) 205-2249
 Fax: (202) 720-1058
 Mailing Address:
 Room 500-A Whitten Building
 Department of Agriculture
 1400 Independence Avenue, SW
 Washington, D.C. 20250

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- | | | | |
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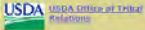


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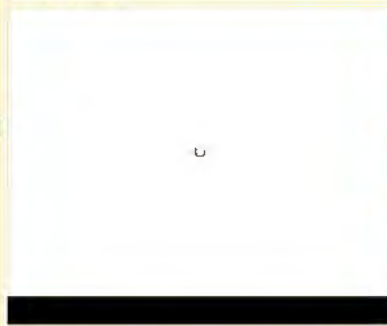
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Tribal Relations



Vision

The Forest Service is recognized as a leader among Federal land management agencies in partnering appropriately and collaboratively with American Indian and Alaska Native Tribal governments and communities for mutually beneficial outcomes.

News and Events

- News & Events Archive
- Tribal Relations Blog

Current Collaboration & Consultation

- USDA Forest Service Tribal Relations Consultation Schedule
- USDA Tribal Consultation and Collaboration Database [Internal Forest Service Site]

NEW! Timber Management Proposed Directives Updates

Forest Service staff presented a webinar on January 15, 2021 to:

- Provide an overview of the proposed revisions to the Timber Management Directives
- Discuss how to submit comments
- Discuss how to engage in Tribal consultation

Watch the [webinar recording](#). See the [executive summary](#) for a brief overview of the proposed update.

Final Rule for the National Environmental Policy Act (NEPA) Procedures

Forest Service hosted a Tribal information-sharing webinar on the Agency's final NEPA rule. More information on the final rule is available at: <https://www.fs.fed.us/emc/nepa/revisions/index.shtml>.

Watch the [webinar recording](#).

Locatable Minerals Proposed Regulations Updates

Forest Service staff presented a webinar on December 8, 2020 to:

- Provide an overview of the proposed revisions to the Locatable Minerals regulations at 36 CFR 228 Subpart A
- Discuss how to submit comments
- Discuss how to engage in Tribal consultation

Watch the [webinar recording](#). See the [executive summary](#) for a brief overview of the proposed update.

[See more past news, events, and webinars...](#)

Tribal Connections



Tribal Connections is an interactive map that shows the connection between national forests and grasslands, tribal trust lands and tribal lands ceded as part of a treaty. The map is used by the Forest Service as one tool of many to better inform land management decisions.

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Location: <https://www.fs.fed.us/sof/tribalrelations/index.shtml>
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USDA Forest Service
Tribal Relations Consultation Schedule
Updated March 25, 2019

2021-DA-05145-F

Schedule of Current and Upcoming Tribal Consultation

Topic	Type	Start Date	End Date
National Phasing Programmatic Agreement under Section 106 of the National Historic Preservation Act – Draft , Info Sheet , Comment Form	Programmatic Agreement	September 2019	TBD
Multiple Forest Products Modernization Timber Directives, Batch 2 – Briefing Paper , Fact Sheet	Manuals and Handbook	January 15, 2020	May 15, 2020
New Directives on Leases for Forest Service sites using new authorities granted by Section 8623 of the Agricultural improvement Act of 2018	Manuals and Handbook	June 6, 2019	TBD
Revisions to the Locatable Mineral regulations in the Code of Federal Regulations (CFR) at Chapter 36, Part 228, Subpart A (36 CFR 228 Subpart A)	Manuals and Handbook	October 12, 2018	TBD
Revisions to the Oil and Gas Resources regulations in the Code of Federal Regulations at Chapter 36, Part 228, Subpart E (36 CFR 228 Subpart E)	Manuals and Handbook	October 12, 2018	TBD


[See Completed Tribal Consultation...](#)

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Authorities

The Forest Service Tribal Relations Program is directed by a number of policies, executive orders, and statutes.

U.S. Forest Service

- [FSH 1509.13 - Tribal Relations Handbook, Chapter 10 - Consultation with Indian Tribes and Alaska Native Corporations](#) (PDF, 458 KB)
- [FSM 1500 - External Relations, Chapter 1560 - State, Tribal, County, and Local Agencies; Public and Private Organizations](#) (PDF, 1.1 MB)

U.S. Department of Agriculture

- [USDA Departmental Regulation on Consultation](#) (PDF, 110 KB)
- [Departmental Regulation 1350-001, September 11, 2008](#) (PDF, 39 KB)
- [Departmental Regulation 1340-007, March 14, 2008](#) (PDF, 597 KB)

Topic-Specific

Tribal Forest Protection Act

- [FSH 2409.19 - Renewable Resources Handbook, Chapter 60 - Stewardship Contracting, Amendment No. 22409.19-2016-1](#) (PDF, 716 KB)
- [USDA Forest Service Tribal Forest Protection Act \(TFPA\) Briefing Paper](#) (PDF, 75 KB)
- [Tribal Forest Protection Act Frequently Asked Questions](#) (PDF, 15 KB)

Indian Tribal Energy Development and Self-Determination Act Amendments of 2017, Public Law 115-325, "Indian Energy Act"

This Act (section 202) amends the Tribal Forest Protection Act of 2004 to direct the Department of the Interior, for land under Bureau of Land Management jurisdiction, and the Department of Agriculture (USDA), for land under Forest Service jurisdiction, to enter into agreements with Tribes to carry out demonstration projects to promote biomass energy production on Indian forest land and in nearby communities by providing them with reliable supplies of woody biomass from federal lands. Interior and USDA must enter into agreements with tribal organizations to carry out additional biomass demonstration projects.

- [The Indian Energy Act](#) (PDF, 230 KB)
- [Section 202, Tribal and Alaska Native Biomass Demonstration Projects](#) (PDF, 132 KB)

The Farm Bill

Law

- [Agriculture Improvement Act of 2018 \(Public Law 115-334\) \("2018 Farm Bill"\)](#) (External link)
- [Food, Conservation, and Energy Act of 2008 \(Public Law 110-234, "The Farm Bill"\)](#) (External link)
 - [Section 8003 \(Community Forest and Open Space Conservation Program\)](#) (PDF, 17 KB)
 - [Sections 8101 to 8107 \(Subtitle B - Cultural and Heritage Cooperation Authority\)](#) (PDF, 28 KB)

Policy

- [Forest Service Manual \(FSM\) 1500, External Relations, Chapter 1563.3, State, Tribal, County, and Local Agencies; Public and Private Organizations](#) (PDF, 1.1 MB) - interim directive for implementing Sections 8103 and 8106 of the "2008 Farm Bill" regarding reburial sites on National Forest System land, reburial, and prohibition on disclosure.
- [United States Department of Agriculture Forest Service 36 CFR Part 261, Prohibitions in Areas Designated by Order: Closure of National Forest System Lands To Protect Privacy of Tribal Activities](#) (External link) - final rule implementing Sections 8102 and 8104 of the "2008 Farm Bill".
- [Forest Service Handbook \(FSH\), FSH 2409.18 - Timber Sale Preparation Handbook, Chapter 80 - Use of Timber Other than Commercial Timber Sales, Special Forest Products - Forest Botanical Products, Section 82.5 Forest Products for Traditional and Cultural Purposes, Amendment No. 2409.18-2017-1](#) (PDF, 392 KB) - Directive for granting trees, portions of trees, or forest products to federally recognized Indian Tribes free-of-charge for non-commercial traditional and cultural purposes, per Section 8105 of the "2008 Farm Bill".

Indian Financing Act

- [Indian Financing Act of 1974 \(25 U.S.C. § 1544\) Section 504](#) (PDF 257 KB)
- [Forest Service Manual \(FSM\) 1500, External Relations, Chapter 1563.01F - Contracting and Cooperative Agreements with Tribes](#) (PDF 1.1 MB)

Ecological Restoration

- [Forest Service Manual \(FSM\) 2000, National Forest Resource Management, Chapter 2020 - Ecological Restoration and Resilience, Interim Directive No. 2020-2011-1](#) (PDF, 195 KB) - directives for using ecological restoration to sustainably manage National Forest System lands.
- Consultation Documentation Form: [PDF Format](#), 12 KB; [Microsoft Word format](#), 28 KB
- [Questions and Answers](#) (PDF, 36 KB)

Direction Not Available Yet

- National Forest Planning Rule
- Roadless Rule

Executive Orders

- [Executive Order 13007 "Indian Sacred Sites"](#) (PDF, 46 KB)
- [Executive Order 13175 "Consultation and Coordination with Indian Tribal Governments"](#) (PDF, 142 KB)
- [Executive Memo, April 29, 1994 "Government-to-Government Relationship"](#) (PDF, 55 KB)
- [Executive Memo, September 23, 2004 "Government-to-Government Relationship"](#) (PDF, 126 KB)

Statutes

- Farm Bill: [Food, Conservation, and Energy Act of 2008 \(Public Law 110-234\)](#) (external link)
- [Tribal Forest Protection Act of 2004](#) (Public Law 108-278, July 22, 2004) (PDF, 32 KB)
- [Healthy Forest Restoration Act \(HFRA\)](#) (Section 303 of Public Law 108-148, December 3, 2003) (PDF, 99 KB)
- [National Indian Forest Resources Management Act \(NIFRMA\)](#) (Public Law 101-630, November 28, 1990) (PDF, 59 KB)
- [American Indian Religious Freedom Act \(AIRFA\)](#) (Public Law 103-344, October 6, 1994) (PDF, 21 KB)
- [Archaeological Resources Protection Act](#) (Public Law 96-95, October 31, 1979) (PDF, 242 KB)
- [Native American Graves Protection and Repatriation Act \(NAGPRA\)](#) (Public Law 101-601, November 16, 1990) (PDF, 190 KB)

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Links and Other Resources

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- [Forest Service Research & Development, Tribal Engagement](#)
- [Forest Service Partnership Resource Center](#)
- [Tribal Government and Native American Resources: USA.gov](#)
- [Bureau of Indian Affairs Useful Links](#)
- [Ecosystem Management, Coordination's \(EMC\), Public Engagement Updates](#) - a regular informational series to bring you valuable updates in the world of public engagement inside and outside the Forest Service.
 - [Public Engagement Update March 2019](#)

News and Events

- [News & Events Archive](#)
- [Tribal Relations Slides](#)

Current Collaboration & Consultation

- [USDA Forest Service Tribal Relations Consultation Schedule](#)
- [USDA Tribal Consultation and Collaboration Dashboard](#) (Internal Forest Service Site)

Partners' Websites

- [Affiliated Tribes of Northwest Indians](#)
- [American Indian Higher Education Consortium](#)
- [American Indian Science and Engineering Society](#)
- [Indian Nation Conservation Alliance \(INCA\)](#)
- [Intertribal Timber Council](#)
- [National Congress of American Indians](#)
- [National Museum of the American Indian](#)
- [Native American Fish and Wildlife Society](#)
- [Native Energy](#)
- [Our Natural Resources](#)
- [Society of American Indian Government Employees](#)
- [United South and Eastern Tribes, Inc.](#)

Other Resources

- [Harvard University Native American Program: Native American Statistics Project](#)
- [Oklahoma State University Library: Treaties by Tribe Name](#)

Media

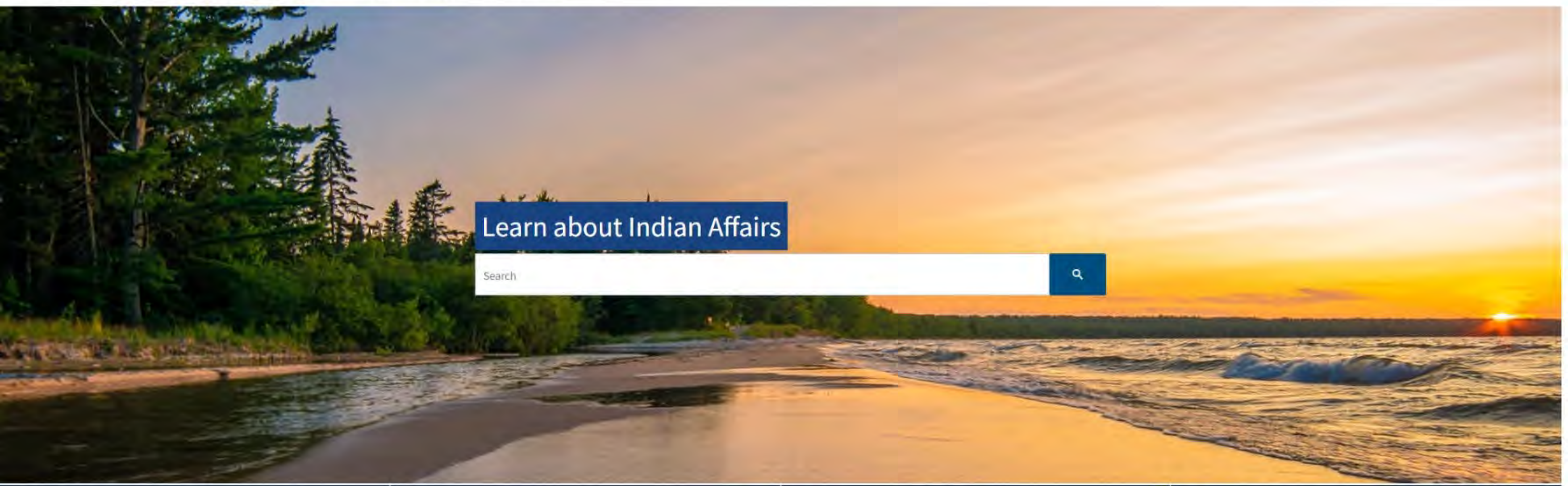
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<p>Education</p> <p>The BIE implements federal Indian education programs for roughly 46,000 students at 183 schools across the U.S.</p>	<p>Justice</p> <p>Reclaiming Our Native Communities roundtables across Indian Country to hear from tribal leaders and others</p>	<p>Economic Development</p> <p>Reliable, affordable broadband access is critical to the health and economic wellbeing of tribal communities</p>	<p>Policies & Procedures</p> <p>Are designed to guide all major decisions, actions, and principles of an organization.</p>
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Discover

We maintain government-to-government relationships with Indian tribes, and facilitate support for tribal people and tribal governments. We promote safe and quality living environments, strong communities, self sufficient and individual rights, while enhancing protection of the lives, prosperity and well being of American Indians and Alaska Natives.

- Get a Job
- Indian Preference
- Track Your Ancestry
- Certificate of Indian Blood
- Tribal Leaders Directory

Featured Services

Indian Affairs provides services directly or through contracts, grants, or compacts to 574 Federally recognized tribes with a service population of about 1.9 million American Indian and Alaska Natives. While the role of Indian Affairs has changed significantly in the last three decades in response to a greater emphasis on Indian self-governance and self-determination, Tribes still look to Indian Affairs for a broad spectrum of services.

- Federal Acknowledgement
- Economic Development
- Indian Gaming
- Safety and Risk Management

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News

<p>PRESS RELEASE</p> <p>Indian Affairs Announces \$500,000 in NABDI 2021 Grants...</p> <p>Funding will enable Tribal leaders to better evaluate, identify viable economic opportunities for their communities.</p> <p>Read More</p>	<p>PRESS RELEASE</p> <p>Buy-Back Program Sends Offers to Landowners with...</p> <p>Interested sellers have 45 days to respond to offers. Landowners who received offers have until October 22, 2021, to consider and return accepted offers in the pre-paid postage...</p> <p>Read More</p>	<p>PRESS RELEASE</p> <p>Buy-Back Program Sends Offers to Landowners with...</p> <p>Interested sellers have until Sept. 27, 2021, to respond to offers.</p> <p>Read More</p>
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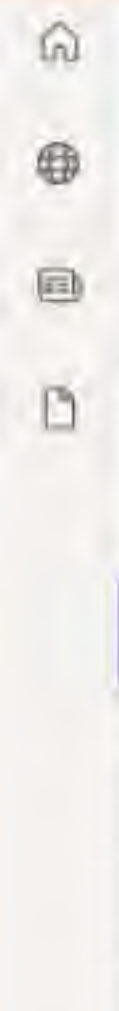
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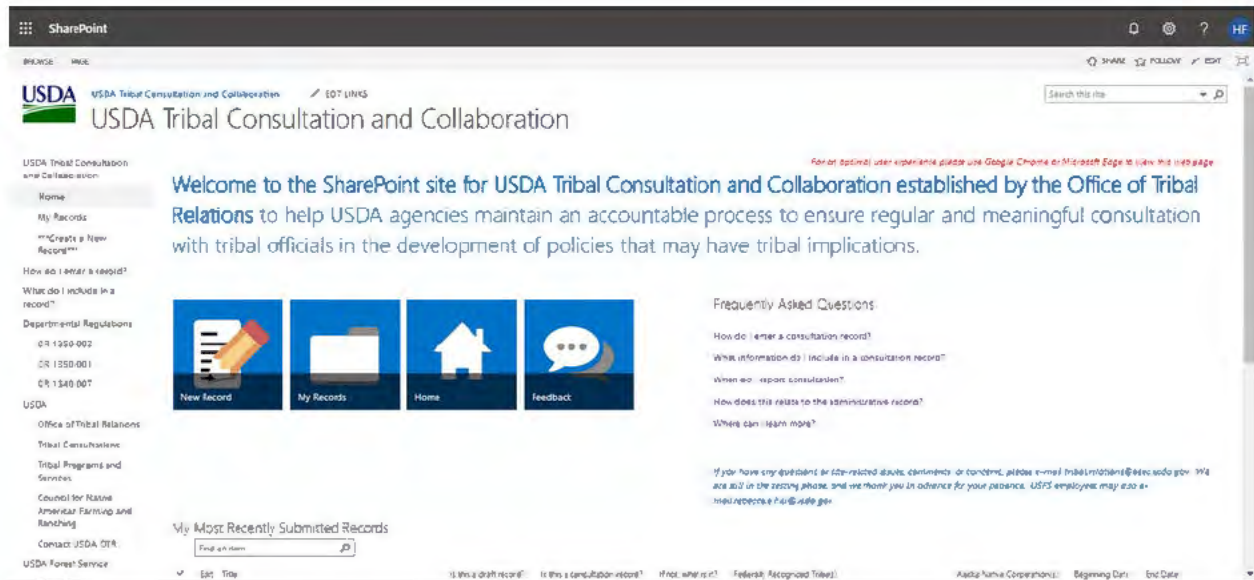
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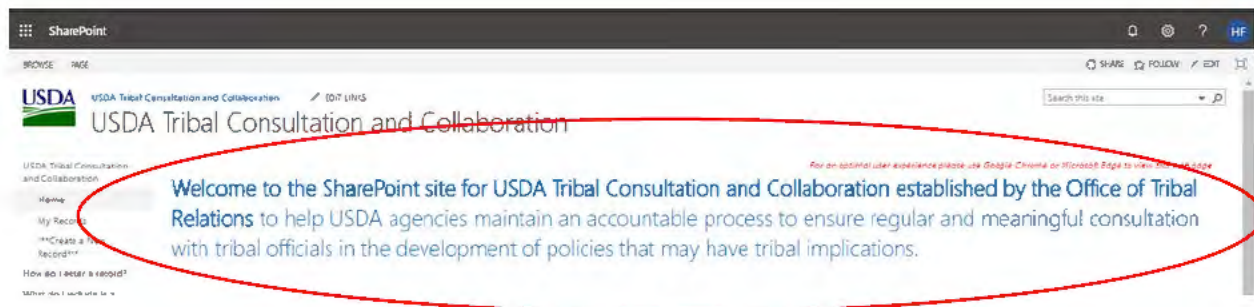


Home

The Home page for the site includes the following message.

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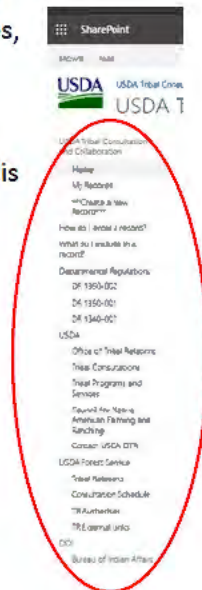
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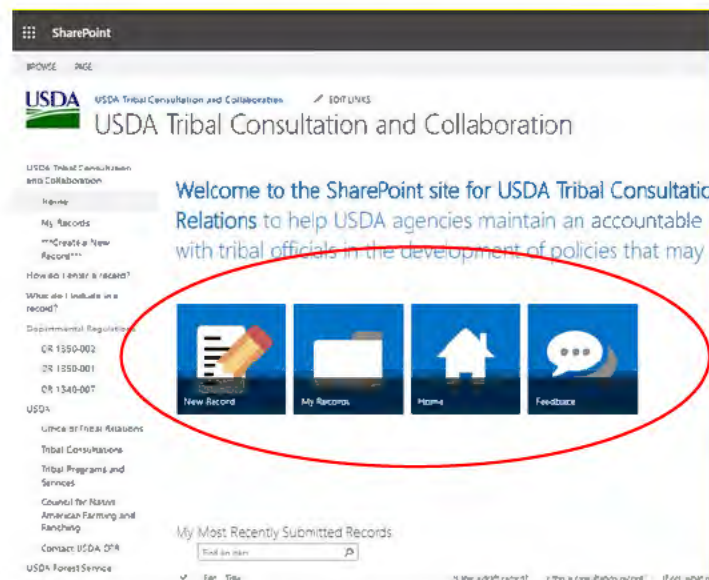
The next section of the navigation pane includes content also found to the right of the Quick Links web part under the heading **Frequently Asked Questions**. Below this are links to various websites, including USDA, USFS and BIA.



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1. **New Record** – Open the form to enter a new record.
2. **My Records** – Manage your draft and final (submitted) records.
3. **Home** – View your ten most recently submitted records, useful links and shared documents.
4. **Feedback** – Submit site/database feedback, review comments or questions.

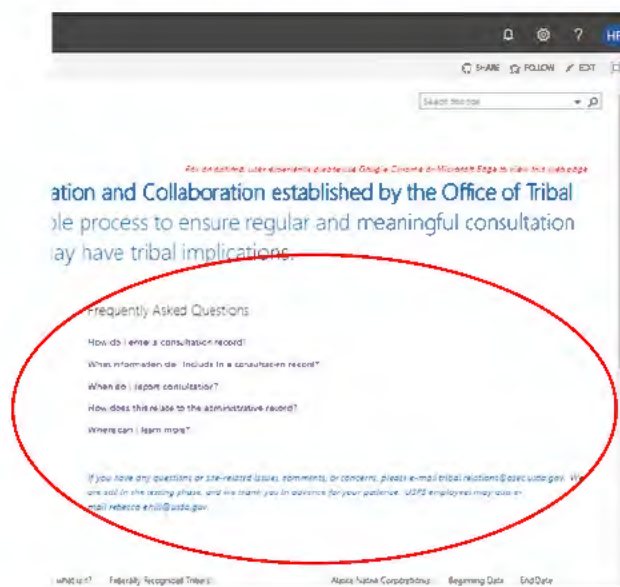


Frequently Asked Questions

To the right of the **Quick Links** web part is one titled **Frequently Asked Questions** that direct users to three versions of guidance for creating or editing a consultation record – one with screen shots, a text only version, and a simple list of the fields included in the record (i.e., the data requested). Additional helpful information can be included in the web part. For example, there are questions about the timing of entering a consultation record and the administrative record; both answers are taken from D.R. 1350-002. The next question is actually a link to a library on the site that contains useful documents, including the above-mentioned guidance and three D.R.s.

Below this is the following statement:

If you have any questions or site-related issues, comments, or concerns, please e-mail tribal.relations@osec.usda.gov. We are still in the testing phase, and we thank you in advance for your patience. USFS employees may also e-mail rebecca.e.hill@usda.gov.



My Most Recently Submitted Records and My Records

Below the **Quick Links** and the **FAQs** is a web part showing an abbreviated view of the user's ten most recently submitted records. Only a subset of the fields are shown. Navigating to **My Records** via the **Quick Links** or the **Navigation Pane** allows the user to view, edit, delete or share all of his or her records – draft and submitted. A draft version of a record can only be accessed by the user who created the record.

In either view, a record may be viewed by selecting the title of the record or right-clicking on the ellipsis and navigating to **View Item**. A record may be edited by selecting the form and pencil icon to the left of the record title or right-clicking on the ellipsis and selecting **Edit Item**. A record may be deleted by right-clicking on the ellipsis and selecting **Delete Item**. A user may share a view of a record by right-clicking on the ellipsis and selecting **Share**. Even though the user is prompted to identify whether the party with whom the record is being shared can edit or view the record, it is only possible to share a view at this time.

Note: Only the user who created a record can access the draft version of it. A final or submitted record can currently be viewed, edited or deleted by the individual who entered the record, any collaborators named in the InfoPath form, and members of the Owners group.

USDA Tribal Consultation and Collaboration SharePoint – Draft User Guide for the USDA Tribal Consultation Database Form. Prepared by Rebecca E. Hill.
Revision date: April 28, 2020.

USDA Tribal Consultation Database: General Information

The **USDA Departmental Regulation on Tribal Consultation, Coordination, and Collaboration** (D.R. 1350-002) **directs** each office and agency **to maintain an administrative record** of all relevant decision making, information, and communications associated with each tribal consultation **and enter select components into the USDA Tribal Consultation Database**.

The USDA Office of Tribal Relations has created the **USDA Tribal Consultation Database** to ensure accountability for regular and meaningful consultation with Tribal officials in the development of policies that may have Tribal implications and to assist USDA offices and agencies in meeting the standards for recordkeeping set forth in D.R. 1350-002. **At a minimum**, each consultation record **must document the following elements as noted in D.R. 1350-002.5(b)**:

- (1) The subject of the consultation;
- (2) The critical trigger or decision to initiate consultation;
- (3) Materials provided to, and received from, Consulting Officials relevant to the consultation topic;
- (4) Names, titles and contact information of the Consulting Officials (Federal and Tribal Representatives) and any additional individuals who were involved in the consultation process (staff, etc.);
- (5) How the consultation was conducted (the type and mode);
- (6) The consultation schedule (dates, times, locations);
- (7) Agendas, meeting minutes, or other records of consultation meetings;
- (8) The outcome(s) of the consultation, including follow-up commitments, any agreements or points of disagreement;
- (9) How the results of the consultation were considered in any decision-making process by the agency and whether they were incorporated or rejected in the final decision(s);
- (10) What additional steps may need to be taken; and
- (11) Appropriate public disclosure of the consultation record.

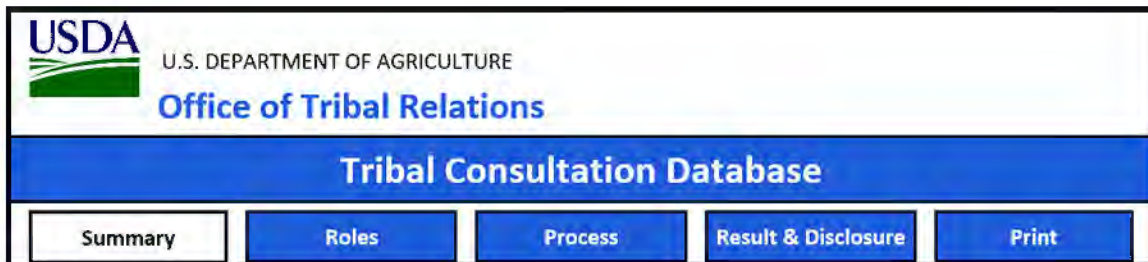
The following pages outline the **process for creating a new record or editing an existing record in the USDA Tribal Consultation Database**¹. A record in the Database documents consultation, coordination, collaboration or notification.

This user guide will be updated as needed.

¹ The USDA Tribal Consultation Database utilizes the Microsoft SharePoint platform and saves consultation records as items in a SharePoint list and as forms in a library. Data entered into the SharePoint list can be exported to Microsoft Access or Excel for analysis and reporting. An InfoPath form template facilitates consultation reporting and allows for each consultation record to be easily viewed, modified, printed, and shared.

USDA Tribal Consultation Database Form: Navigation Basics

The InfoPath form includes five views or pages, and the default is the Summary view. Each view is accessible via tabs near the top of each view or via navigation tabs at the bottom of each view. Four of the views include data entry fields: Summary, Roles, Process, and Result & Disclosure. The Print view is a printable summary view of the consultation record.



Screenshot of tabs near the top of the "Summary" view.

Navigation and action buttons are dependent on each view and whether or not the consultation record is draft or final (records submitted to the Database are viewable by others).

The tab for the current view will appear white.



Screenshot of navigation and action buttons at the bottom of the "Roles" and "Process" views.

Cancel closes the form without saving any changes.

Save Draft & Exit saves changes to the draft record prior to closing the form.

< Previous and Next > navigate to other views.



Screenshot of navigation and action tabs at the bottom of the "Result & Disclosure" view.

SUBMIT saves changes and submits the record to the USDA Tribal Consultation Database prior to closing the form.

USDA Tribal Consultation Database Form: Summary View

The screenshot shows the top portion of a web form. At the top left is the USDA logo with the text "U.S. DEPARTMENT OF AGRICULTURE" and "Office of Tribal Relations". Below this is a blue header bar with the text "Tribal Consultation Database". Underneath the header is a row of five navigation tabs: "Summary", "Roles", "Process", "Result & Disclosure", and "Print". The "Summary" tab is currently selected. Below the tabs is a section titled "Confidentiality and Disclosure" with the instruction "Do not enter information here that may be culturally sensitive." Below that is a section titled "Disclaimer" containing the following text: "The entry of the administrative record into the Tribal Consultation Database, per the USDA Departmental Regulation on Tribal Consultation, Coordination, and Collaboration ([D.R. 1350-002](#)), published January 18, 2013, does not affect an Agency's obligation to maintain the full consultation record in accordance with the Departmental Regulation and other applicable statutory or regulatory requirements, such as the Federal Records Act. Agencies should consult their Agency Records Officer regarding records management policies and guidance for maintaining the agencies' full consultation record."

The **Summary View** opens with a **Confidentiality and Disclosure** statement and a **Disclaimer** statement.

Screenshot of Confidentiality and Disclosure and Disclaimer.

Is this a consultation record? Yes No

Tribal consultation is the timely, meaningful, and substantive dialogue between USDA officials who have delegated authority to consult, and the official leadership of Federally recognized Indian Tribes, or their designated representative(s), pertaining to USDA policies that may have tribal implications (D.R. 1350-002.11.a).

Coordination is the orchestration of the activities of different entities (D.R. 1350-002.11.d).
Collaboration occurs when two or more people or organizations work together in an intersection of common goals by sharing knowledge, learning, and building consensus (D.R. 1350-002.11.e). Collaborative processes may include listening sessions, roundtables, focus groups, sessions at conferences, or even web-based forums. They help to identify issues, interests, rights, and desired outcomes and may enhance the success of consultation and decision-making.

Notification is the distribution of information from a USDA office or agency to one or more Tribes (D.R. 1350-002.6.a(1)).

The mutual understanding of the consulting parties will determine whether the ongoing discussions are part of the formal consultation process or simply a continuation of dialogue. [Refer to D.R. 1350-002.](#)

Screenshot of section prompting identification of the record as documenting consultation, coordination, collaboration, or notification; “yes” is selected.

In the first part of the **Summary** view, the user is prompted to identify whether this record will document **consultation, coordination, collaboration, or notification**. Definitions of each term are provided.

Is this a consultation record?

Yes

No

The default radio button selection is “Yes”. If “No” is selected the user is then prompted to select one of three choices from a drop-down menu.

Is this a consultation record? Yes No

Tribal consultation is the timely, meaningful, and substantive dialogue between USDA officials who have delegated authority to consult, and the official leadership of Federally recognized Indian Tribes, or their designated representative(s), pertaining to USDA policies that may have tribal implications (D.R. 1350-002.11.a).

If not consultation, what kind of interaction(s) is/are documented in this record?

Coordination

Collaboration

Notification

of the activities of different entities (D.R. 1350-002.11.d).
 more people or organizations work together in an intersection of common goals by sharing knowledge, learning, and building consensus (D.R. 1350-002.11.e). Collaborative processes may include listening sessions, roundtables, focus groups, sessions at conferences, or even web-based forums. They help to identify issues, interests, rights, and desired outcomes and may enhance the success of consultation and decision-making.

Notification is the distribution of information from a USDA office or agency to one or more Tribes (D.R. 1350-002.6.a(1)).

The mutual understanding of the consulting parties will determine whether the ongoing discussions are part of the formal consultation process or simply a continuation of dialogue. [Refer to D.R. 1350-002.](#)

Screenshot of section prompting identification of the record as documenting, coordination, collaboration, or notification; “no” is selected.

If not consultation, what kind of interaction(s) is/are documented in this record?

Coordination

Collaboration

Notification

Select one.

USDA

This part of the Summary view prompts the user to document the USDA Mission Area/Agency or Staff Office responsible for the subject interaction.

Screenshot of USDA section prior to selection of Mission Area or Staff Office.

USDA Mission Area or Staff Office


Select one USDA Mission Area or Staff Office. Selection will limit values available in the following field.

USDA Agency

Select USDA Agency or Agencies. If USDA Agency does not appear in dropdown, please check accuracy of USDA Mission Area or Staff Office selection and/or contact OTR.

*****Forest Service users may simply select the USFS shield to populate the first two fields. Three fields specific to the USFS will then prompt users to identify the R/S/A; Forest/Grassland/Office; and Ranger District or Lab.**

USDA



USDA Mission Area or Staff Office
Under Secretary for Natural Resources and Environment

USDA Agency
 Forest Service (FS)

If USDA Agency does not appear in dropdown, please check accuracy of selected USDA Mission Area or Staff Office and/or contact OTR.

USDA Forest Service Region/Station/Area

- ALASKA REGION, REGION 10
- EASTERN REGION, REGION 9
- FOREST PRODUCTS LABORATORY
- INTERMOUNTAIN REGION, REGION 4
- INTERNATIONAL INSTITUTE OF TROPICAL FORESTRY
- NORTHEASTERN AREA, S&PF
- NORTHERN REGION, REGION 1
- NORTHERN RESEARCH STATION
- PACIFIC NORTHWEST REGION, REGION 6
- PACIFIC NORTHWEST RESEARCH STATION

Select USFS Region, Station, or Area.

USDA Forest Service Forest/Grassland/Office

- ACQUISITION MANAGEMENT
- ALASKA REGION, REGION 10
- ALLEGHENY NATIONAL FOREST
- ANGELES NATIONAL FOREST
- APACHE-SITGREAVES NATIONAL FORESTS
- ARAPAHO AND ROOSEVELT NATIONAL FORESTS
- ASHLEY NATIONAL FOREST
- BEAVERHEAD-DEERLODGE NATIONAL FOREST
- BIGHORN NATIONAL FOREST
- BITTERROOT NATIONAL FOREST

Select USFS Forest, Grassland, or Office.

USDA Forest Service Ranger District/Lab

- ADMIRALTY ISLAND NATIONAL MONUMENT
- ALASKA REGION, REGION 10
- ALLEGHENY NATIONAL FOREST
- ALMANOR RANGER DISTRICT
- ALPINE RANGER DISTRICT
- AMADOR RANGER DISTRICT
- AMERICAN RIVER RANGER DISTRICT
- ANDREW PICKENS RANGER DISTRICT
- ANDROSCOGGIN RANGER DISTRICT
- ANDES NATIONAL FOREST

Select USFS Ranger District or Lab.

Screenshot of USDA section following selection of USFS shield.

US Forest Service Region/Station/Area

Select USFS Region, Station, or Area. Multiple selections are permitted.

US Forest Service Forest/Grassland/Office

Select USFS Forest, Grassland, or Office. Multiple selections are permitted.

US Forest Service Ranger District/Lab

Select USFS Ranger District or Lab. Multiple selections are permitted.

INDIAN TRIBES, ALASKA NATIVE CORPORATIONS, AND TRIBAL ENTITIES

This part of the Summary View prompts the user to document the Federally Recognized Indian Tribe(s), Alaska Native Corporation(s), and/or the Tribal Entity or Entities participating in the interaction(s).

INDIAN TRIBES, ALASKA NATIVE CORPORATIONS, AND TRIBAL ENTITIES

Federally Recognized Indian Tribes

- Absentee-Shawnee Tribe of Indians of Oklahoma
- Agdaagaa Tribe of King Cove
- Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California
- Ak-Chin Indian Community of the Maricopa (Ak-Chin) Indian Reservation, Arizona
- Akiachak Native Community
- Akiak Native Community
- Alabama-Coushatta Tribe of Texas
- Alabama-Quassarte Tribal Town
- Alathla Village
- ...

This list includes each Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a. If the Federally recognized Tribe(s) is/are not listed, please contact OIT. Last updated: 04/02/2018.

Alaska Native Corporations

- Cape Fox Corporation
- Chenega Corporation
- Chickaloon-Moose Creek Native Association
- Chugach Alaska Corporation
- Cook Inlet Region, Inc. (CIRI)
- Eklutna Incorporated
- English Bay Corporation
- Eyak Corporation
- Goldbelt, Incorporated
- Haida Corporation
- ...

This list includes Alaska Native villages and regional corporations established pursuant to the Alaska Native Claims Settlement Act, Public Law No. 92-203.

Tribal Entities

- Affiliated Tribes of the Northwest Indians
- Alaska Federation of Natives
- Alaska Inter-Tribal Council
- All Indian Pueblo Council
- Alliance of Colonial Era Tribes
- ...

Tribal entities may include Non-Federally recognized Tribes, Intertribal Organizations, or other Native-oriented Organizations.

Federally Recognized Indian Tribes

Select all Tribes participating in the interaction(s) documented in this record. Multiple selections are permitted.

Alaska Native Corporations

Select all ANCs participating in the interaction(s) documented in this record. Multiple selections are permitted.

Tribal Entities

Select and/or enter the tribal entity or entities participating in the interaction(s) documented in this record. Multiple selections are permitted.

Screenshot of INDIAN TRIBES, ALASKA NATIVE CORPORATIONS, AND TRIBAL ENTITIES section.

SUBJECT MATTER

There are currently two different form views for this part; one for USFS, and a second for all other Mission Areas, Offices, and Agencies.

SUBJECT MATTER

Subject of the interaction(s)

The subject of the consultation is requested at D.R. 1350-002.5.b(1).

Attach all materials provided to, and received from Federal and Tribal Representatives. Materials provided to, and received from, Consulting Officials relevant to the consultation topic are requested at D.R. 1350-002.5.b(3). These may include the regulation, legislation or other policy statement being consulted on, briefing papers, notices or the communication(s) of the opportunity for consultation, etc.

[Go to Result & Disclosure View to Attach Files](#)

Screenshot of SUBJECT MATTER section for non-USFS records.

Subject of the interaction(s)

Enter the subject of the interaction(s) documented in this record. This will serve as the title of the record.

Attach all materials provided to, and received from Federal and Tribal Representatives.

Go to Result & Disclosure View to Attach Files. These include materials provided to, and received from, Consulting Officials relevant to the consultation topic.

SUBJECT MATTER

Subject of the interaction(s)

The subject of the consultation is requested at D.R. 1350-002.5.b(1).

Attach all materials provided to, and received from Federal and Tribal Representatives. Materials provided to, and received from, Consulting Officials relevant to the consultation topic are requested at D.R. 1350-002.5.b(3). These may include the regulation, legislation or other policy statement being consulted on, briefing papers, notices or the communication(s) of the opportunity for consultation, etc.

[Go to Result & Disclosure View to Attach Files](#)

Attach any relevant agreement documents, such as MOUs between single or multiple USFS units with single or multiple Indian Tribes, Alaska Native Corporations, or other tribal entities, unit-specific programmatic and/or other agreements.

[Go to Result & Disclosure View to Attach Files](#)

Select all applicable authorities and/or topics.

<input type="checkbox"/> AIRFA	<input type="checkbox"/> FLPMA	<input type="checkbox"/> RFRA	<input type="checkbox"/> Farm Bill 2002
<input type="checkbox"/> ANILCA	<input type="checkbox"/> FLREA	<input type="checkbox"/> TFPA	<input type="checkbox"/> Farm Bill 2008
<input type="checkbox"/> ARPA	<input type="checkbox"/> NAGPRA	<input type="checkbox"/> Sacred Sites	<input type="checkbox"/> Farm Bill 2014
<input type="checkbox"/> CHCA (Closure)	<input type="checkbox"/> NEPA	<input type="checkbox"/> Treaty Rights	<input type="checkbox"/> Farm Bill 2018
<input type="checkbox"/> CHCA (Disclosure)	<input type="checkbox"/> NFMA	<input type="checkbox"/> USFS Directive(s)	
<input type="checkbox"/> CHCA (Forest Products)	<input type="checkbox"/> NHPA	<input type="checkbox"/> E.O. 13007	
<input type="checkbox"/> CHCA (Reburial)	<input type="checkbox"/> NIFRMA	<input type="checkbox"/> E.O. 13175	
<input type="checkbox"/> Other	If Other, indicate in the space provided.		

Attach any relevant agreement documents, such as MOUs between single or multiple USFS units with single or multiple Indian tribes, Alaska Native Corporations, or other tribal entities, unit-specific programmatic and/or other agreements.

[Go to Result & Disclosure View to Attach Files.](#)

Please select all applicable authorities and/or topics.

- | | | | |
|------------------------|---|-------------------|----------------|
| AIRFA | FLPMA | RFRA | Farm Bill 2002 |
| ANILCA | FLREA | TFPA | Farm Bill 2008 |
| ARPA | NAGPRA | Sacred Sites | Farm Bill 2014 |
| CHCA (Closure) | NEPA | Treaty Rights | Farm Bill 2018 |
| CHCA (Disclosure) | NFMA | USFS Directive(s) | |
| CHCA (Forest Products) | NHPA | E.O. 13007 | |
| CHCA (Reburial) | NIFRMA | E.O. 13175 | |
| Other | If Other, indicate in the space provided. | | |

Screenshot of the USFS version of the SUBJECT MATTER section; USFS form view for this part includes two additional prompts.

USDA Tribal Consultation Database Form: Roles View



USDA
U.S. DEPARTMENT OF AGRICULTURE
Office of Tribal Relations

Tribal Consultation Database

Summary Roles Process Result & Disclosure Print

Confidentiality and Disclosure
Do not enter information here that may be culturally sensitive.

The **Roles View** opens with the **Confidentiality and Disclosure** statement.

Screenshot of top of "Roles" view.

FEDERAL OFFICIAL(S)

This part of the Roles view prompts the user to document the Federal Official(s) participating in the interactions, including the Lead USDA Official and any other Federal Official(s).

Screenshot of the FEDERAL OFFICIAL(S) section.

Lead USDA Official Name

Populate field with the People Picker.

Title/Position

Type the Title/Position of the Lead USDA Official in the text box.

Yes, the Lead USDA Consulting Official has completed the required Tier 1/Tier 2 training.

Check the box if the Lead USDA Official has completed Tier 1/Tier 2 training.

Name and/or Title/Position of Delegating Authority

If applicable, type the Name and/or Title/Position of the Delegating Authority in the text box.

If applicable, attach documentation delegating authority for consultation.

Go to Result & Disclosure View to attach documentation delegating authority for consultation.

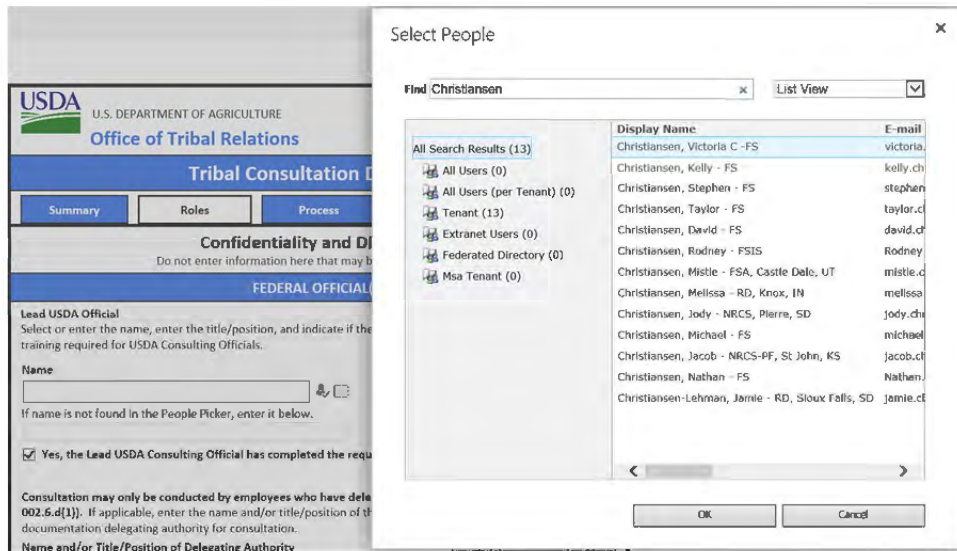
Other Federal Official(s)

USDA Official(s) – Name

Populate field with the People Picker.

Non-USDA Official(s) - Name; Affiliation; Title/Position

Type the Name, Affiliation, and Title/Position of the Non-USDA Official(s) in the text box.



Screenshot of People Picker.

Lead USDA Official Name

Click on the address book to the right of the People Picker field to open the “Select People” box to find and select the name of the Lead USDA Official. You may also type a name in the field and select the icon to the left of the address book to check/search for matches.

Users may type the name of the Lead USDA Official in the text box below the People Picker. This text box should be used only when the name of the Lead USDA Consulting Official is not available in the People Picker; for example, for an individual who is no longer with the USDA.

TRIBAL OFFICIAL(S)

This part of the Roles View prompts the user to enter the name, title/position, and affiliation of the tribal official(s). If applicable, attach documentation delegating authority for consultation. You may also include contact information.

TRIBAL OFFICIAL(S)

Enter the name, title/position, and affiliation of the tribal official(s). If applicable, attach documentation delegating authority for consultation. You may also include contact information.

Name	Title/Position
<input type="text"/>	<input type="text"/>
Email Address	Phone Number
<input type="text"/>	<input type="text"/>
Mailing Address	City
<input type="text"/>	<input type="text"/>
Affiliation	State Zip
<input type="text"/>	<input style="width: 50px;" type="text"/> <input style="width: 50px;" type="text"/>

Name	Title/Position
<input type="text"/>	<input type="text"/>
Email Address	Phone Number
<input type="text"/>	<input type="text"/>
Mailing Address	City
<input type="text"/>	<input type="text"/>
Affiliation	State Zip
<input type="text"/>	<input style="width: 50px;" type="text"/> <input style="width: 50px;" type="text"/>

For Tribes, consultation is conducted by elected Tribal representatives or Tribal employees or designees who have delegated authority from their Tribal government for consultation (D.R. 1350-002.6.d(2)). If applicable, attach documentation delegating authority for consultation.

Go to Result & Disclosure View to Attach Files

Name

- Title/Position**
- Email Address**
- Phone Number**
- Mailing Address**
- City**
- State**
- Zip**
- Affiliation**

Up to ten additional Tribal Officials may be included.

If applicable, attach documentation delegating authority for consultation.

Go to Result & Disclosure View to attach documentation delegating authority for consultation.

Screenshot of TRIBAL OFFICIAL(S) section.

ADDITIONAL PARTICIPANTS

This part of the Roles View prompts the user to select or enter the name, affiliation, and title/position of additional participants (staff, etc.). You may also attach a list of attendees/participants, if you have not done so already.

Screenshot of ADDITIONAL PARTICIPANTS section.

If applicable, attach a list of attendees/participants.

Go to Result & Disclosure View to attach a list of attendees/participants.

USDA Participant(s) – Name

Click on the address book to the right of the People Picker field to open the “Select People” box to find and select the name of the USDA participant(s). You may also type a name in the field and select the icon to the left of the address book to check/search for matches.

Non-USDA Participant(s) - Name; Affiliation; Title/Position

Type the Name, Affiliation, and Title/Position of the Non-USDA participant(s) in the text box.

USDA Tribal Consultation InfoPath Form: Process View



USDA
U.S. DEPARTMENT OF AGRICULTURE
Office of Tribal Relations

Tribal Consultation Database


Summary Roles Process Result & Disclosure Print

Confidentiality and Disclosure
Do not enter information here that may be culturally sensitive.

The **Process View** opens with the **Confidentiality and Disclosure** statement.

Screenshot of top of "Process" view.

CRITICAL TRIGGER OR DECISION

CRITICAL TRIGGER OR DECISION	
<p>Notice is not, by itself, consultation, but rather the communication of the opportunity for consultation. The critical trigger or decision to initiate consultation is requested at D.R. 1350-002.5.b(2). A Tribe, the USDA, or a tribally-designated entity may take action that could initiate consultation, or at least an evaluation of whether consultation is required or desired.</p>	
Which party initiated this interaction?	<input type="text"/>
Why was this interaction initiated?	<input type="text"/>
When was this interaction initiated?	<input type="text"/>  This is the date consultation was initiated or USDA provided notice or communicated the opportunity for consultation, coordination, or collaboration.

Screenshot of CRITICAL TRIGGER OR DECISION section.

Which party initiated this interaction?

- Alaska Native Corporation(s)
- Federally Recognized Indian Tribe(s)
- Other Federal Agency
- Tribally Designated Entity
- USDA Agency

Select one or type custom value.

Why was this interaction initiated?

- USDA Structure/Agency Roles
- Program Delivery
- Policy Formulation and Implementation
- Rulemaking
- Legislative Proposals
- Legislative Positions
- Statutory Implementation
- Directives
- Physical Infrastructure/Lands
- Land Use, including water issues
- Budget Proposals
- Strategic Planning
- International Policies
- Emergency Actions

Select one or type custom value.

When was this interaction initiated?

Type in or select from the calendar display the date consultation was initiated or USDA provided notice or communicated the opportunity for consultation, coordination, or collaboration.

TYPE AND MODE

TYPE AND MODE

There are at least three types of consultation. A single event is a meeting between the USDA and Tribe, ANC, or other Tribal Entity. Some policies, programs, or planning decisions may require multiple consultation meetings. Often, USDA leaders and staff have regularly scheduled meetings, as well as interactions on an "as needed" basis, with Tribal officials and staff. The type, mode, dates, times, and locations of consultation are required per D.R. 1350-002.5.b(5) and b(6).

Type of Interaction

Single event ▼

Mode of Interaction

Meeting - in-person dialogue

Meeting - tele/video-conference

Paper Correspondence

Electronic Correspondence

Tribal Resolution

There are many ways, or modes, for conducting meaningful consultation, which are not mutually exclusive.

Screenshot of TYPE AND MODE section.

Type of Interaction

- Single event
- Multiple events as part of a process
- Ongoing as part of a relationship
- Select one or type custom value.

Mode of Interaction

- Meeting – in-person dialogue
- Meeting – tele/video-conference
- Paper Correspondence
- Electronic Correspondence
- Tribal Resolution
- Select all that apply and/or type custom value.

DATE(S) AND LOCATION(S)

DATE(S) AND LOCATION(S)

When and where did the interaction(s) take place?
 A consultation schedule is required per D.R. 1350-002.5.b(6). If the consultation included multiple events or is ongoing as part of a relationship, attach a consultation schedule or type in the dates and locations of the individual consultation meetings and interactions.

[Go to Result & Disclosure View to Attach Files](#)

Start Date **End Date**

Beginning and end dates for the interaction documented in this record.

In the fields below, provide specific details for each interaction.

Date **Location**

City **State**

Please indicate if this interaction occurred on federal or tribal land.

Screenshot DATE(S) AND LOCATION(S) section.

When and where did the interaction(s) take place?

If applicable, attach a consultation schedule.

Go to Result & Disclosure View to attach a consultation schedule.

Start Date

Type in or select from calendar display the beginning date for the interaction documented in this record.

End Date

Type in or select from calendar display the end date for the interaction documented in this record.

Date

Location

City

State

Specific details may be entered for up to five interactions.

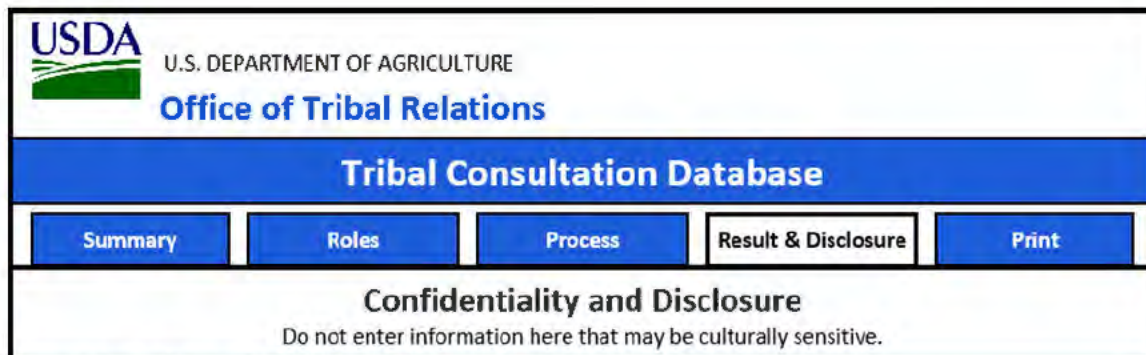
Please indicate if this interaction occurred on federal or tribal land.

Tribal

Federal

Other

USDA Tribal Consultation InfoPath Form: Result & Disclosure View



USDA
U.S. DEPARTMENT OF AGRICULTURE
Office of Tribal Relations

Tribal Consultation Database

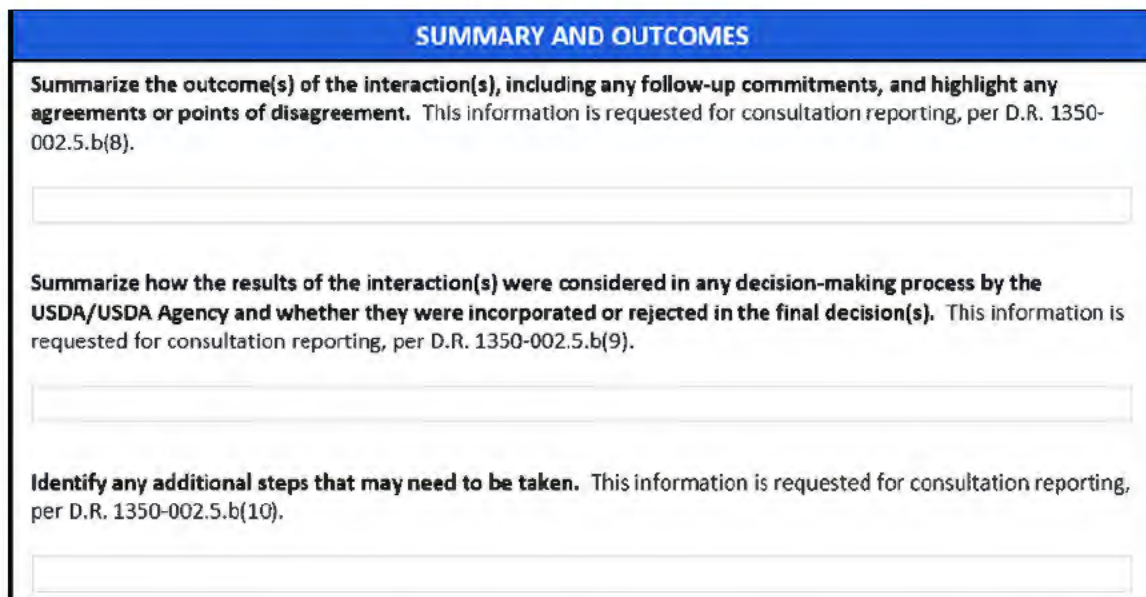
Summary Roles Process **Result & Disclosure** Print

Confidentiality and Disclosure
Do not enter information here that may be culturally sensitive.

Screenshot of top of "Result and Disclosure" view.

The Result and Disclosure View opens with the Confidentiality and Disclosure statement.

SUMMARY AND OUTCOMES



SUMMARY AND OUTCOMES

Summarize the outcome(s) of the interaction(s), including any follow-up commitments, and highlight any agreements or points of disagreement. This information is requested for consultation reporting, per D.R. 1350-002.5.b(8).

Summarize how the results of the interaction(s) were considered in any decision-making process by the USDA/USDA Agency and whether they were incorporated or rejected in the final decision(s). This information is requested for consultation reporting, per D.R. 1350-002.5.b(9).

Identify any additional steps that may need to be taken. This information is requested for consultation reporting, per D.R. 1350-002.5.b(10).

Screenshot of SUMMARY AND OUTCOMES section.

Summarize the outcome(s) of the interaction(s), including any follow-up commitments, and highlight any agreements or points of disagreement.

Summarize how the results of the interaction(s) were considered in any decision-making process by the USDA/USDA Agency and whether they were incorporated or rejected in the final decision(s).

Identify any additional steps that may need to be taken.

CONSULTATION DOCUMENTATION

CONSULTATION DOCUMENTATION

Attach the agenda(s), meeting minutes, or other records of the consultation meeting(s). This documentation is requested per D.R. 1350-002.5.b(7).

[Attach Files Below](#)

Was this consultation required as part of agency rulemaking?

Check if yes.



If Yes, attach a copy of the preamble to the regulation to be issued in the Federal Register, including the Tribal Summary Impact Statement, which shall consist of (1) a description of the tribal implications and the extent of the agency's prior consultation with Tribal officials, (2) a summary of the nature of the Tribe's concerns and the agency's position supporting the need to issue the regulation, and (3) a statement of the extent to which the concerns of Tribal officials have been met. Refer to D.R. 1350-002.5.g.

[Attach Files Below](#)

Attachments

[Click here to attach a file](#)

Collaborators
Select individuals to grant editing permissions for this record.

Additional Information
Provide any additional details in the field below.

Screenshot of CONSULTATION DOCUMENTATION section.

Attach the agenda(s), meeting minutes, or other records of the consultation meeting(s).

Click below to attach agenda(s), meeting minutes, or other records of the consultation meeting(s).

Was this consultation required as part of agency rulemaking?

Check if yes.

Click below to attach the preamble to the regulation to be issued in the Federal Register, including the Tribal Summary Impact Statement.

Attachments

Click here to attach a file.

Click the button to attach files.

Collaborators

Select individuals to grant editing permissions for this record.

Click on the address book to the right of the People Picker field to open the "Select People" box to find and select the name of the individuals to whom you would like to grant editing permissions for this record. You may also type a name in the field and select the icon to the left of the address book to check/search for matches.

Additional Information

Provide any additional details in the field below.

USDA Tribal Consultation and Collaboration Database SharePoint list and USFS InfoPath form – InfoPath form fields. Prepared by Rebecca E. Hill. Revision date: July 29, 2019.

USDA U.S. DEPARTMENT OF AGRICULTURE
Office of Tribal Relations

Tribal Consultation Database

Summary

Confidentiality and Disclosure

Do not enter information here that may be culturally sensitive.

Disclaimer

The entry of the administrative record into the Tribal Consultation Database, per the USDA Departmental Regulation on Tribal Consultation, Coordination, and Collaboration ([D.R. 1350-002](#)), published January 18, 2013, does not affect an Agency's obligation to maintain the full consultation record in accordance with the Departmental Regulation and other applicable statutory or regulatory requirements, such as the Federal Records Act. Agencies should consult their Agency Records Officer regarding records management policies and guidance for maintaining the agencies' full consultation record.

1. **Is this a consultation record?**
2. **If not consultation, what kind of interaction(s) is/are documented in this record?**

USDA

3. **USDA Mission Area or Staff Office**
4. **USDA Agency**
5. **US Forest Service Region/Station/Area**
6. **US Forest Service Forest/Grassland/Office**
7. **US Forest Service Ranger District/Lab**

INDIAN TRIBES, ALASKA NATIVE CORPORATIONS, AND TRIBAL ENTITIES

8. **Federally Recognized Indian Tribes**
9. **Alaska Native Corporations**
10. **Tribal Entities**

SUBJECT MATTER

11. **Subject of the interaction(s)**
12. **Attach all materials provided to, and received from Federal and Tribal Representatives.**
13. **Attach any relevant agreement documents, such as MOUs between single or multiple USFS units with single or multiple Indian tribes, Alaska Native Corporations, or other tribal entities, unit-specific programmatic and/or other agreements.**
14. **Select all applicable authorities and/or topics.**

AIRFA	FLPMA	RFRA	Farm Bill 2002
ANILCA	FLREA	TFPA	Farm Bill 2008
ARPA	NAGPRA	Sacred Sites	Farm Bill 2014
CHCA (Closure)	NEPA	Treaty Rights	Farm Bill 2018
CHCA (Disclosure)	NFMA	USFS Directive(s)	
CHCA (Forest Products)	NIFRMA	E.O. 13175	
CHCA (Reburial)	NHPA	E.O. 13007	

Other If Other, indicate in the space provided.

USDA Tribal Consultation and Collaboration Database SharePoint list and USFS InfoPath form – InfoPath form fields. Prepared by Rebecca E. Hill. Revision date: July 29, 2019.

Roles

FEDERAL OFFICIAL(S)

Lead USDA Official

15. Name
16. Title/Position
17. Yes, the Lead USDA Consulting Official has completed the required Tier 1/Tier 2 training.
18. Name and/or Title/Position of Delegating Authority
19. If applicable, attach documentation delegating authority for consultation.

Other Federal Official(s)

20. USDA Official(s) – Name
21. Non-USDA Official(s) - Name; Affiliation; Title/Position

TRIBAL OFFICIAL(S)

**Fields are available for up to eleven tribal officials.

22. Name
23. Title/Position
24. Email Address
25. Phone Number
26. Mailing Address
27. City
28. State
29. Zip
30. Affiliation
31. If applicable, attach documentation delegating authority for consultation.

ADDITIONAL PARTICIPANTS

32. If applicable, attach a list of attendees/participants.
33. USDA Participant(s) – Name
34. Non-USDA Participant(s) - Name; Affiliation; Title/Position

Process

CRITICAL TRIGGER OR DECISION

35. Which party initiated this interaction?
36. Why was this interaction initiated?
37. When was this interaction initiated?

TYPE AND MODE

38. Type of Interaction
39. Mode of Interaction

DATE(S) AND LOCATION(S)

When and where did the interaction(s) take place?

40. If applicable, attach a consultation schedule.
41. Start Date
42. End Date

Provide specific details for each interaction. **Specific details may be entered for up to five interactions.

43. Date
44. Location

USDA Tribal Consultation and Collaboration Database SharePoint list and USFS InfoPath form – InfoPath form fields. Prepared by Rebecca E. Hill. Revision date: July 29, 2019.

- 45. City
- 46. State
- 47. Please indicate if this interaction occurred on federal or tribal land.

Result and Disclosure

SUMMARY AND OUTCOMES

- 48. Summarize the outcome(s) of the interaction(s), including any follow-up commitments, and highlight any agreements or points of disagreement.
- 49. Summarize how the results of the interaction(s) were considered in any decision-making process by the USDA/USDA Agency and whether they were incorporated or rejected in the final decision(s).
- 50. Identify any additional steps that may need to be taken.

CONSULTATION DOCUMENTATION

- 51. Attach the agenda(s), meeting minutes, or other records of the consultation meeting(s).
- 52. Was this consultation required as part of agency rulemaking?
- 53. If Yes, attach a copy of the preamble to the regulation to be issued in the Federal Register, including the Tribal Summary Impact Statement.
- 54. Collaborators
- 55. Additional Information

When do I enter a consultation record?

To the extent practicable, all consultation shall be reported within 30 days of a critical trigger, and the consultation record completed within 30 days of final conclusion. The agency shall update the record throughout the consultation process, and within a reasonable period of time as requested by the Director of OTR. The Office of Tribal Relations shall periodically provide information to the Secretary, Under Secretaries, Assistant Secretaries, Agency Administrators, and Office Directors, on agency compliance with reporting requirements and data quality.

How does this relate to the administrative record?

In order to ensure accountability, each agency shall maintain an administrative record of all relevant decision making, information, and communications associated with each consultation. This includes initial outreach, consultative meetings and dialogue, and how the results of consultation were considered by the agency in the decision-making processes. These administrative records shall be retained by the pertinent agency and entered here.



USDA Tribal Consultation and Collaboration

☆ Not following

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- What do I include in a rec...
- Departmental Regulations**
- USDA
- USDA Forest Service
- DOI

Shared Documents

- | Title |
|---|
| BIA Tribal Leaders Data, downloaded April 16, 2021 |
| USDA TCD - Outline of Tribal CCON Record |
| USDA TCD - Tribal CCON Record Fields |
| Departmental Regulation 1350-002 - Tribal Consultation |
| Executive Order 13175 - Tribal Consultation and Collaboration |
| DR 1350-002 |
| DR 1350-001 - Tribal Consultation |
| DR 1340-007 - Policies on American Indians and Alaska Natives |
| BIA Tribal Leaders Directory, downloaded April 2, 2018 |
| How does this relate to the administrative record? |
| When do I enter a consultation record? |
| When do I enter a consultation record? |
| How does this relate to the administrative record? |