THE SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO. 3317 Amendment 1 (***Amended Material in Bold and Italicized***)

Subject: Department of the Interior Policy on Consultation with Indian Tribes

Sec. 1 **Purpose**. The purpose of this Order is to update, expand, and clarify the Department's policy on consultation with American Indian and Alaska Native tribes; and to acknowledge that the provisions for conducting consultation in compliance with Executive Order (E.O) 13175 (Consultation and Coordination with Indian Tribal Governments) and applicable statutes or administrative actions are expressed in the Department of the Interior Policy on Consultation with Indian Tribes.

Sec. 2 **Background**. Based on a renewed commitment to assess its practices and the opportunities to enhance consultation with Indian tribes, the Department consulted with tribal leaders, engaged Department leadership from across the organization, and convened a working group of tribal and Department officials to recommend new approaches to consultation. These efforts produced a policy document that guides how the Department engages Indian tribes when meeting the Department's responsibilities to consult Indian tribes and how the Department can maximize the benefit of consultation.

Sec. 3 **Authority**. This Order is issued in accordance with the authority provided by 25 U.S.C. sections 2 and 9; and Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended.

Sec. 4 **Policy**.

a. Government-to-government consultation between appropriate tribal officials and the Department requires Departmental officials to demonstrate a meaningful commitment to consultation by identifying and involving tribal representatives in a meaningful way early in the planning process.

b. Consultation is a process that aims to create effective collaboration with Indian tribes and to inform Federal decision-makers. Consultation is built upon government-to-government exchange of information and promotes enhanced communication that emphasizes trust, respect, and shared responsibility. Communication will be open and transparent without compromising the rights of Indian tribes or the government-to-government consultation process.

c. Bureaus and offices will seek to promote cooperation, participation, and efficiencies between agencies with overlapping jurisdictions, special expertise, or related responsibilities when a Departmental action with tribal implications arises. Efficiencies derived from the inclusion of Indian tribes in all stages of the tribal consultation will help ensure that future Federal action is achievable, comprehensive, long-lasting, and reflective of tribal input.

Sec. 5 **Responsibilities.**

a. Tribal Governance Officer. A Senior Departmental Official designated by the Secretary will serve as the Department's Tribal Governance Officer and will, in coordination with the Assistant Secretary – Indian Affairs establish and oversee the activities of a Joint Federal Tribal Team, as described more fully in Section 9, below.

b. Tribal Liaison Officer. Heads of bureaus and offices will designate at least one official to serve as a Tribal Liaison Officer to carry out appropriate duties described in this Order.

c. Bureaus and Offices. Within 180 days of the effective date of this Order, bureaus and offices will review their existing practices, revise those practices as needed in order to comply with this policy, and begin a process to reference practices on tribal consultation in their appropriate bureau or office manual.

Sec. 6 **Training Plan**. Within 180 days of the effective date of this Order, the Office of Strategic Employee and Organizational Development will develop and present to the Tribal Governance Officer a plan of action to implement the provisions of this Order, including development and delivery of the training.

Sec. 7 **Reporting Requirements**. Within 180 days of the effective date of this Order, bureaus and offices will provide to the Tribal Governance Officer the results of their efforts to promote consultation with Indian tribes. Reports shall be submitted annually, thereafter, within 60 days of the end of the fiscal year.

Sec. 8 **Certification**. Heads of bureaus and offices will certify in a written statement that is part of the final publication for all regulations under their purview that the regulatory process complies with E.O. 13175.

Sec. 9 **Establishment of Joint Federal Tribal Team**. A Joint Federal Tribal Team (Team) is established beginning with the effective date of this Order. The Team will convene a minimum of two (2) times annually to identify areas and opportunities for improvements in the Department's consultation practices.

a. Membership. Within 45 days of the effective date of this order, the Tribal Governance Officer will recommend to the Secretary a list of members to serve on the Team. The recommended list of members should represent diversity for the Department and the tribes. Members will continue to serve on the Team at the discretion of the Secretary.

b. Annual Work Plan. The Team will develop an annual work plan that identifies priorities that will improve the quality of the Department's consultation practices with Indian tribes.

Sec. 10 **Establishment of an American Indian and Alaska Native Leaders List**. A single Departmental process shall be established to manage and maintain the contact list for all tribes and Alaska Native Corporation Settlement Act (ANCSA) corporations that are eligible for Federal consultation.

a. Action Plan. In compliance with Departmental consultation policy requirements for enhanced communication; the Tribal Governance Officer, the Chief Information Officer, the Director of the Bureau of Indian Affairs and the Director of the Fish and Wildlife Service will develop a plan of action to establish an electronic database that features an interactive system to update and list all appropriate points of contact for Indian tribes and ANCSA corporations that are eligible for consultation under Federal law.

b. Inter-Agency Outreach. The Assistant Secretary – Indian Affairs will solicit from applicable Federal agency heads any proposals to coordinate the use and access to any communication lists used for the purpose of Federal compliance with E.O. 13175.

Sec. 11 **Effective Date**. This Order is effective immediately. It shall remain in effect until its provisions are converted to the Departmental Manual, or until it is amended, superseded, or revoked, whichever occurs first. In the absence of any of the foregoing actions, the provisions of this Order will terminate and become obsolete on ***December 31, 2013***. The termination of this Order will not nullify the Department's consultation policy, effected herein.

Ken Salazar
Secretary of the Interior

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Date: