

# Best Practices in Federal Consultation

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June 2022

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## I. Scope

The Indian Affairs' (IA) Office of Regulatory Affairs & Collaborative Action (RACA) plans and assists with facilitating Tribal consultations on regulations and other matters within its realm of responsibility. However, **it is each program office's responsibility to organize, plan, and facilitate Tribal consultations on matters within its program area.** RACA is available to provide guidance and recommendations, but each program office should plan to rely on their own resources (including funding) and staff to secure meeting space and perform on-site responsibilities at the session.

The best practices documented herein are designed for use in Tribal consultations with all federally recognized Tribes or some large subset thereof. Consultation with a few Tribes would follow an approach tailored to those Tribes, as determined by early dialogue with the Tribes.

## II. Determining Whether Consultation is Appropriate

Program office staff should undertake an analysis to determine whether consultation is appropriate as early as possible in their planning efforts.

The standard for whether an agency action triggers a consultation is explained in [Executive Order 13175](#) as any action that has a “substantial direct effect” on one or more Tribes, on the relationship between the Federal Government and Tribes, or on the distribution of power and responsibilities between the Federal Government and Tribes. The Department of the Interior (DOI) policy provides that DOI must consult on any action or plan with Tribal implications (*see* [512 DM 4](#) and [512 DM 5](#)).

If there is any question as to whether an agency action will have a substantial direct effect or Tribal implications, or if there could be a substantial direct effect or Tribal implications depending on what shape the agency action ultimately takes, then consultation is appropriate.

Likewise, if an action has a substantial direct effect on Alaska Native Claims Settlement Act (ANCSA) Corporations, DOI policy provides that DOI must consult with the ANCSA Corporation. This document refers to “Tribes,” but should be read to include ANCSA Corporations where applicable. To the extent that concerns expressed by Tribes and ANCSA Corporations substantively differ, separate consultation sessions may be appropriate, as DOI policy provides that “DOI officials shall give due consideration to the right of sovereignty and self-governance of federally recognized Indian [T]ribes.” (*see* [512 DM 4.6](#)).

### **III. Planning**

Program office staff should work with their leadership to answer the questions in each of the categories below in planning a consultation.

#### **A. What is the target date for releasing the final deliverable?**

Determine when the ideal target date is for releasing a final deliverable. Work backward from the target date for release of the final deliverable to schedule time for:

- Developing the notice of the consultation (Dear Trial Leader letter (DTLL) and, if appropriate, a Federal Register notice (FRN)).
- Securing consultation venues to include in the notice
- The surname process for the notice
- The surname process and any other necessary approvals (e.g., Office of Information and Regulatory Affairs (OIRA) or Paperwork Reduction Act (PRA)) for the final deliverable.
- Allowing a comment period (typically at least 60 days from the date of notice for Tribes to provide written comments). Note: It's advisable to keep the comment periods the same between the FRN and the DTLL if possible, for consistency purposes.
- Securing court reporters for the sessions
- Holding consultation sessions during the latter part of the comment period
- Issuing a notice of the consultation session(s) at least 30 days in advance of the first consultation session\*
- Developing the final deliverable, taking into account consultation input
- Responding to issues and comments raised in consultation

\*If there are timing constraints such that a 30-day advance notice of a session is not possible, consider holding a more informal “listening session” instead to kick off the consultation period before the more formal consultation sessions. More information regarding what constitutes a “listening session” can be found on the Indian Affairs’ (IA) website here:

<https://www.bia.gov/service/tribal-consultations>.

The program office should establish interim target dates for each of the above tasks in order to stay on track for the release of the final deliverable.

## **B. What is the appropriate extent of consultation in this case?**

### **1. Type(s) of Sessions**

Consider the anticipated level of Tribal interest in the agency action when planning what type, and how many, sessions are appropriate. If the action under consideration would be of great interest to Tribes across the nation, then the program office should plan multiple in-person (and/or virtual) sessions across the country. If the action would be of great interest only to Tribes in a certain region, then consultation sessions should be focused in that region.

Consultation by teleconference can be a cost-effective way to reach Tribes in areas that you may not have the resources to travel to, and to provide a participation opportunity to any Tribal representatives who are unable to travel to an in-person session. Depending on the program office's capabilities, a virtual session may also be an option. A virtual session allows for the presentation of visuals while speaking (while a teleconference does not). However, there should always be an option for a call-in phone number to allow any Tribal representative without access to the virtual session to participate.

Teleconferences or webinars may be appropriate where an action is expected to be of specific interest to particular Tribal leaders (their request); but the program office would nevertheless offer the opportunity to consult. If this approach is taken, and a Tribal leader requests in-person consultation, that request should be seriously considered.

### **2. Number of Sessions**

The number of sessions may range from one session to as many as needed. In making the determination, weigh the anticipated level of Tribal interest against any timing or resource constraints. In certain situations, determine if interested parties will be affected and consider separate sessions for individuals if appropriate. For example, the Bureau of Indian Education's (BIE) interested parties would range from parents, to administrators, to school board members, etc.

### **3. Location of Sessions**

In determining what locations are best suited to in-person sessions, the program office should consider:

- Are there any regions in which Tribes are likely to be more interested in the action or subject matter than in other regions?
- What locations will attract the most Tribal participation?

- What locations will ensure that no Tribe is excluded?
- Can travel be minimized to locations likely to experience weather delays?
- Can the locations be arranged to easily travel from one location to the next?

Often, for nationwide conferences, cities are chosen that are the most central for the majority of the Tribes, such as:

- Minneapolis, Minnesota or Rapid City, South Dakota
- Seattle, Washington or Portland, Oregon
- Sacramento, California
- Phoenix, Arizona
- Albuquerque, New Mexico
- Oklahoma City or Tulsa, Oklahoma

You will need to estimate the number of Tribal participants you expect at each location; this estimate will be important when deciding on venues.

#### **4. Dates of Sessions**

When choosing dates for each of the sessions, it helps to schedule sessions on Tuesdays and Thursdays of each week to allow for travel on Monday, Wednesday, and Friday. Also:

- Ensure that dates allow sufficient time for Federal Government staff to travel from one location to the next.
- Minimize scheduling winter travel to locations likely to experience weather delays.
- Minimize conflicts for Tribes in various regions, for example:
  - Avoid scheduling sessions in Alaska during the summer when subsistence activities take place; and
  - Avoid scheduling sessions on the same date as other sessions Tribes may attend (unless the sessions are piggybacking off an already scheduled gathering, as described below).

Exact dates are often driven by the availability of venues at the chosen cities.

## 5. Venues

The first step when looking for a venue to host a consultation is to identify whether there are any Federal Government facilities that can accommodate the meeting at no cost<sup>1</sup>.

If there are no Federal Government facilities available in the area, then request three quotes (federal acquisitions) from Tribally-owned facilities, convention centers, or hotels with meeting space in the area and choose the best value.

You should try to reserve space in Tribally-owned facilities whenever possible, assuming the federal per diem rate for lodging is available and reasonable as compared to other facilities in the area.

## 6. Hybrid

Hybrid sessions allow participation for *both* in-person and virtually. When reserving a venue, additional coordination is required to ensure the meeting space has audio/visual (A/V) support to ensure full participation by remote and in-person participants.

Please be aware this option can be expensive as it will require renting additional equipment, on-site tech support, and a dry run to ensure the equipment is set up properly, cameras and/or laptops are positioned on the speakers, and audio is connected to the house audio to ensure those participating virtually can hear the speakers in the room. Most often, the venue will require a third-party A/V company to provide the support for a hybrid session.

Additional considerations for the day of the consultation include ensuring that note takers or a court reporter can accurately hear all participants both in-person and those joining virtually, as well as checking audio and visual quality for those joining virtually.

## 7. Existing Gatherings

The most efficient approach is to conduct consultation sessions in person at events where it is likely that interested Tribal leaders will already be present. For example, DOI often coordinates with the National Congress of American Indians (NCAI) to obtain space at their meetings, or hold consultation sessions immediately following their meetings (and obtain a listing on their agenda). Examples of existing gatherings that may be appropriate for consultation sessions include:

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<sup>1</sup> If a Federal Government facility is used, be sure to notify Tribes of any security requirements, such as recommending they arrive early and bring identification.

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

Examples of regional conferences to consider include those hosted by:

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

Depending on the topic of the consultation, there may also be Tribal organizations focused on that topic. For example, a consultation on forestry issues would ideally be coordinated to occur when the Intertribal Timber Council meets.

Also consider whether any federal events that will attract Tribes are available. For example, the BIA usually hosts a Provider’s Conference in Anchorage, Alaska each December.

## **IV. Notice**

### **A. Type of Notice**

There are two types of notice: actual and constructive. Actual notice includes direct notification, such as a letter to a specific recipient. Constructive notice is a notification that is not directed at a specific recipient.

***Actual Notice*** - At a minimum, provide notice to Tribal leaders through a Tribal leader letter (also known as a “Dear Tribal Leader letter” or DTLL).

**Constructive Notice** - Examples include: IA/DOI press release, agency website posting, and FRN.

If there is any concern about keeping the discussion close-hold between the Federal Government and Tribes, then a FRN may not be advised as it alerts the entire public of the sessions.

A FRN is appropriate in addition to the DTLL if the consultation is for formal Notice of Purposed Rulemaking (NPRM).

## **B. Timing**

It is the Department's Tribal Consultation policy to strive to ensure that a notice is given at least 30 days advance notice of consultation sessions, as measured from distribution of the DTLL(s). Adequate notice entails providing a description of the topic(s) to be discussed, a timeline of the process, and possible outcomes. Notification of a consultation should include sufficient detail of the topic to be discussed to allow Tribal leaders an opportunity to fully engage in the consultation. Plan accordingly to ensure that the letter (and FRN, if appropriate) get through the surname process in time. Currently, the Assistant Secretary-Indian Affairs (AS-IA) front office requires at least one week for review and clearance, and then DOI Exec Sec requires at least two weeks of additional time for their clearance process.

## **C. Contents of Notification**

### **1. Essential Contents of a Letter**

The DTLL should include the following at a minimum:

- Sufficient information on the topic to be discussed, and the context for the topic, so that meaningful consultation can occur
- Date, time (including time zone), and location of each upcoming consultation session on the topic
- If there will be a virtual or hybrid session, then include links to join or register in advance
- An explanation of any time constraints (e.g., statutory deadline)
- Deadline for any written comments on the topic
- Link to a website for more information\*
- Staff name and contact information for more information

\*Include access to all the relevant information in your letter, FRN, and website announcement. If possible, include hard copies of the relevant materials with the DTLL letter (if mailing the DTLL). If the materials are too long (e.g., > 10 pages), you may consider posting the material to the IA consultation website (and/or to a program office website if appropriate (and include the link in the letter)). Questions about where to post materials can be directed to the RACA team.

Questions regarding what level of leadership should sign the DTLL should be directed to the AS-IA front office/Executive AS-IA (ESIA) Correspondence Lead.

## **2. Essential Contents of FRN (if applicable)**

The FRN would apply to formal notice of proposed rulemaking and should include the same elements as the letter, including the link to a website for more information; however, there may be instances when you want to restrict the general public's access to the information.

Additionally, because the FRN can be seen by the general public, consider including a provision emphasizing that the session is for government-to-government consultation with federally recognized Tribes.

## **3. Whether to Request RSVPs or Advance Registration**

You may request that Tribal leaders contact you by a certain date to confirm they will be attending if you need an approximate number of how many will be attending the consultation. You may wish to set up an email inbox specifically for receipt of these RSVPs (or designate a specific person's email address to receive RSVPs). However, please note that in past experience, the RSVPs provide little guidance as to the number of individuals who will be attending as most Tribal representatives choose not to RSVP, and some who RSVP that they will attend ultimately do not attend.

If the session is held virtually or hybrid, it is always a good option to require advanced registration for individuals to receive a link to join. This will also assist the planning team so they can view a list of potential attendees and sort through elected leaders and Tribal staff.

## **D. Addressing and Disseminating Notice**

### **1. DTLLs**

Include one letter listing the salutation as "Dear Tribal Leader" if the letter will be distributed to all Tribes electronically. Even if you will be addressing the letters individually, having a master copy with the salutation "Dear Tribal Leader" will be helpful for posting on the website. If there is a potential effect on ANCs, address the letters to "ANC Chief Executive Officer (CEO)."

If the letters are to be mailed or emailed individually to each Tribal leader, then individually address each Tribal leader letter to the appropriate leader (e.g., Principal Chief Baker) if at all possible, rather than generically to “Tribal Leader.” Take care to list the appropriate title, as well as the appropriate name.

The BIA is currently distributing the DTLL electronically through its regions to its agencies, who then distribute to the Tribes they serve. To request this type of distribution, coordinate with the BIA Deputy Director.

## **2. FRN**

If a FRN will also be published, aim to have the distribution of the DTLL occur roughly the same day as when the FRN is published.

## **3. Press Release**

If there will be a press release issued, work with either AS-IA or DOI Office of Public Affairs (OPA) on timing. In addition, see if information can be shared via the appropriate Twitter account and/or other social media options. Please coordinate with the applicable office as they may have internal timelines you need to meet.

## **4. Additional Recipients**

You may also choose to send courtesy copies to:

- Tribal staff that have expertise in the subject matter to be discussed
- National or regional organizations that will be interested in the matter, if appropriate (e.g., NCAI, United South and Eastern Tribes, National Indian Education Association, Inter-Tribal Monitoring Association, etc.)

## **V. Preparing for Consultation**

### **A. Venue Logistics**

#### **1. Room Set-up**

Work with the meeting facility in advance to have the room set up as follows:

- Front table for panelists
  - On the same level as the participants' seats (i.e., no platform or other set-up that contributes to the sense that Federal Government representatives are talking "with," rather than "at," Tribal representatives), if possible.
- Chairs for Tribal participants
  - If space allows, chairs and tables should be in a U- shape, with chairs against the wall behind the U-shape. At the meeting, invite the Tribal leaders or other official Tribal representatives to sit at the table. Tribal counsel and support staff may choose to sit in the chairs along the wall.
  - If space does not allow the U-shape, request theater (chairs only) or classroom (tables and chair) seating.
- A table and chair in the front corner of the room, with access to an electrical outlet, for the court reporter.
- A registration table outside the room for attendees to sign in and receive any handouts.
- Signage to indicate the location of the consultation.

#### **2. A/V Equipment**

Ensure you have, or the meeting facility will provide and set up, the necessary A/V equipment (e.g., projector, screen, microphones, soundboard). This is typically an additional cost.

Additionally, the following items should be provided:

- Microphones
  - Have at least two wireless microphones—one for federal staff, and one available to carry to Tribal leaders who wish to speak.
  - You may also add a wired microphone to be placed on a mic stand or podium.
  - You may seek to recruit regional agency personnel to assist in hand-carrying the microphones from speaker to speaker. Having microphones ensures that the speaker's

words will be heard by those present, will be captured by the court reporter, and that only one person speaks at a time.

- Hybrid
  - Ensure you work with A/V support for microphones, cameras, the house system, and set up of on-site support a day prior to the consultation; complete a dry run the day prior as well (if possible). Ensure on-site support tests all equipment prior to the start of the session.

### **3. Light Refreshments**

Per the U.S. Government Accountability Office (GAO), in general, an agency may not use appropriated funds to purchase items considered personal expenses like food, without specific authority. There are exceptions to this law, however, and you should check with the DOI or IA Solicitor's Office (SOL) for further guidance.

### **B. Reserving a Court Reporter**

The purpose of a court reporter is to accurately capture the dialogue that serves as the official record of the consultation. At least two weeks prior to a scheduled session, obtain quotes from three court reporters to transcribe the session, and find out whether the reporters accept charge cards; choose the best value option once your research is complete.

In some locations, there may not be a court reporter available that accepts charge cards. In that case, you may contact someone in AS-IA with check-writing capability.

In especially remote locations, there may be no court reporter available. In that case, you may choose to record the audio of the session and seek a transcription at a later date, or have staff transcribe the session from the recording. In the alternative, you may designate a staff person who is knowledgeable in the subject matter (and preferably a fast typist) to take notes at the session.

When reserving the court reporter:

- Request the person arrive 15-30 minutes early to allow time for that person to set up.
- Request one electronic copy (PDF) of the transcript, and a hard copy if needed (at the program's discretion).
- Be specific on when you need the final transcript (i.e., 10 business day turnaround for completed product).

- Obtain contact information for the court reporter in case you need to contact them the day of the session.
- Provide handouts and/or presentation to the court reporter to review the topic of the consultation.
- If a court reporter is needed for multiple sessions, you may want to work with the Division of Acquisitions to ensure you do not exceed the cap of \$2,500 for services.

### **C. Staffing the Session**

The session should be led by a political leader or other agency decision-maker for the issue being discussed. At least one official who oversees the relevant program should also participate on the panel, if possible. If legal questions are likely to be raised during the consultation, a representative from the SOL may also participate on the panel. Note: if the program requests SOL to be present, the program may need to reimburse SOL for travel.

The program office should also plan to have at least one person available to staff the registration table, and if a crowd is expected, at least one person in the room to hand-carry the microphone from speaker to speaker.

### **D. Preparing Copies**

The program office should prepare copies of any PowerPoint presentation slides, the DTLL, and any other documents that will be discussed at the consultation, in advance.

If you have a visual presentation (e.g., PowerPoint), ensure that:

- There are no errors in the presentation.
- The presentation is clearly visible (check background and font colors that allow for black and white printing for the public).
- The presentation has been approved by the appropriate federal leadership.
- Keep the presentation the same for all sessions.

### **E. Items to Ship or Bring**

There are a number of items to remember for the day of the consultation:

- Copies of the presentation, DTLL, and any other documents
- Laptop to show the presentation (unless the venue will be providing one)

- A thumb drive with the presentation (or the presentation loaded on your laptop, if using)
- Sign-in sheets
- Pens
- Table tents identifying speakers on the panel
- Nametags, if desired

Staff may either FedEx items (except the laptop) to the location of their hotel to arrive at least one day prior to the session, or travel with them. Also consider any weather or other conditions that may impact or delay the shipment. Note: ensure sign-in sheets are scanned and stored as leadership may request to review them at a future point in time.

## **VI. Who May Attend the Consultation Session**

Tribal consultation sessions are set aside for official government-to-government communications. Occasionally, a topic being consulted on may attract the interest of the press or other non-Tribal representatives. If the topic is one that is appropriate for input from non-Tribal representatives or interested parties, plan to hold a public meeting separate from the Tribal consultation.

### **A. Tribal Representatives**

Officially designated Tribal representatives are usually the Tribal leader or member of the Tribal council. Sometimes, Tribes will designate counsel (Tribal counsel or counsel from an outside firm) to represent their views at a consultation session. Tribal organization representatives may also be designated by one or more Tribes to speak on their behalf. If, however, it appears that individuals who are not designated by Tribes are speaking, the AS-IA or other federal staff may remind participants that the session is intended for input from officially Tribally designated leaders.

### **B. Tribal Members**

Often Tribal members who are not the designated representative of their Tribes will attend consultations. Our past practice has been to allow them to observe the session and even participate, as long as they defer to Tribal leaders to speak.

## **C. Other Members of the Public**

Other members of the public who are attending with a Tribal representative are assumed to be the Tribal representative's invitee. Members of the public who are not accompanying a Tribal representative or Tribal member may be permitted to observe the session, barring any objection from Tribal representatives. Federal staff should ask anyone who is disruptive to the session to leave.

## **D. Press**

The federal staff person helping individuals to sign-in should alert the AS-IA if there are members of the press. The general practice in the past has been to defer to the Tribal representatives as to whether they are comfortable having press present. The AS-IA may ask the member of the press to introduce him or herself to the convened group, and then provide Tribal leaders with the opportunity to let the AS-IA know if they would like the session to be closed to press (this could occur at a break so as not to force any Tribal leader to express the desire to the entire group).

If the session topic is a sensitive one (e.g., sacred sites), then the announcement of the session may include a notation that it will be closed to press or, on the day of, the federal staff person at the registration table may proactively notify any member of the press signing-in that press is not permitted.

## **VII. Consultation Session Run-of-Show**

### **A. On-Site Arrival**

A federal staff person should arrive at the venue at least one day prior to the session to ensure proper setup, and one hour prior to the scheduled start time to set up the registration table and work with the venue to make any adjustments to the room, as needed. This may be the same staff person who coordinates with the court reporter to ensure the court reporter has access for proper set up.

The designated federal staff person who is bringing the electronic version of the presentation should also arrive early to ensure there are no technical difficulties in the projection, as well as with the microphones/speakers.

A staff person should be at the registration table to direct each arriving person to sign-in, hand them copies of any documents, and answer any questions they may have.

## **B. Order of Session**

### **1. AS-IA Opening**

The AS-IA or other political leader or decision-maker should arrive at least 15-30 minutes prior to open the session by:

- Welcoming everyone and thanking the host Tribe for hosting (if applicable).
- Requesting a spiritual leader (contacted in advance) provide an opening blessing (ask if they wish the blessing to be recorded for the record).
- Providing a high-level overview of why the topic of the consultation session is important to the Administration.

The AS-IA may then either take an active role in leading the consultation or turn the session over to a subject-matter expert.

### **2. Blessing**

If a Tribal representative has agreed to provide a blessing, the AS-IA may set aside this time for the Tribal representative to do so.

### **3. Logistics**

The AS-IA or other federal staff leading the session may wish to address certain logistics at the beginning of the session, such as:

- Note location of restrooms
- Describe the agenda (order of activities)
- Establish any ground rules (if necessary)
- Identify what is in the handouts (if applicable)
- If pictures are taken throughout the meeting, ask if anyone objects prior to the start of the meeting.

### **4. Present Proposed Action or Plan**

The subject matter expert or other federal staff should outline the topic and proposed federal action or plan that is the subject of the consultation, providing sufficient background and context

so that Tribes can meaningfully engage. This may be presented using a PowerPoint or verbally, referring to any relevant documents or information in the handouts, as appropriate.

## **5. Open the Floor for Tribal Input and Discussion**

Following the federal presentation, the AS-IA will invite discussion and comments from Tribal leaders. If a wireless microphone is available, the AS-IA may offer to have Tribal leaders raise their hands and have federal staff hand-carry the microphone to them. If there is a wired microphone on a stand or podium, invite them to come up to the microphone to speak.

Reminders for federal participants:

- Direct your attention to Tribal representatives who are providing comments.
- Place your cell phones on mute and refrain from checking your messages/emails during comments.
- If someone hands you written comments, provide them to the Federal Government official Lead at each meeting.

Reminders for participants:

- Give Tribal leaders the opportunity to speak first.
- Speakers should clearly pronounce their name, title, and affiliation prior to speaking so the court reporter can capture this information.
- Be respectful of others (if past consultations on the topic warrant this reminder).

If necessary, remind those present that the session is intended for government-to-government discussion between officially designated Tribal representatives and the Federal Government. Once all officially designated Tribal representatives have had the opportunity to speak, then the session may be opened to others such as individual Tribal members.

## **6. Closing the Session**

If possible, the AS-IA should close the session by summarizing what he/she heard, any action items or next steps, and noting any opportunities for additional input.

Federal staff should provide to the court reporter: a copy of the sign-in sheets and/or online registration report, as well as a copy of any written testimony that was read for the record. If there's any reason copies cannot be made, obtain the court reporter's email address so you may send them copies electronically as reference material only.

## **VIII. Processing Comments**

### **A. Collecting Comments**

Following the comment deadline, the program office should collect all transcripts and written submissions.

For transcripts, ensure that the court reporters have sent the requested transcripts. For IA-led consultations, coordinate with RACA on posting a PDF of the transcript online to the appropriate webpage. For any non- IA-led consultations, post on a central webpage as appropriate.

For written submissions, ensure you check for email submissions as well as any mailed submissions or submissions through other means as provided for in the DTLL.

### **B. Summarizing Comments**

It is often helpful to summarize both written and oral (transcribed) comments in one document. Note:

- If entering into an Excel spreadsheet, include a column to categorize the comment; then when all comments have been entered, sort by category so that comments on the same topic can be considered together.
- If entering into a Word document, list categories in a table of comments and then enter the comment in the appropriate category.

### **C. Addressing Comments**

The program office subject matter experts, SOL representatives (if appropriate), and any other appropriate staff should review and discuss the summarized comments and agree on responses, including any commitments to changes in the proposal that was the subject of the consultation.

### **D. Responding to Tribes**

Feedback to Tribes in the form of a DTLL, FRN, post consultation report, memorandum, or otherwise is necessary to communicate how Tribes' input is being addressed and allow the opportunity for additional dialogue on implementation or otherwise.

Note: your agency may require reporting of Tribal consultations on an annual basis.

## Attachment A: Checklist for Program Office

- Make sure the venue will be providing:
  - A/V equipment including:
    - Projector (if needed)
    - Screen for projector (if needed)
    - Wireless microphones (At least 2: 1 for DOI reps and 1 hand-held for commenters)
    - Power access (extension cords) for court reporter
    - House speakers or external speakers
  - Hybrid equipment:
    - Cameras or additional laptop/iPad rentals
    - On-site technical support, etc.
    - Connection to house sound system to allow those participating virtually to hear speakers attending in person
  - Set-up/furniture including:
    - Registration table outside the room
    - Chairs in a U-shape with audience members behind the U-shape
    - Alternative: theater or classroom set-up
    - No raised platforms or podiums, just a single table in front
    - Small table & chair at front, off to side, with power access (for court reporter)
    - Small table for projector with power access
  - A contact person(s) for making copies, adjusting room temperature, getting extension cords, moving furniture – get information on how to contact them quickly
- Reserve Court Reporter
- Bring:
  - Projector (if needed, unless venue will be providing)
  - Copies of the document(s), presentation, and other hand-outs to be consulted on
  - Sign-in sheets for name and Tribe/organization
  - Agenda (if applicable)
  - Tent cards for speakers (if applicable)
  - Name tags to write on and markers (if desired)
  - Sign for registration table (if appropriate)
- The evening before (if possible) or on the morning of:
  - Check the room set-up to ensure that everyone will be able to see the screen
- On the day of:
  - Have at least 1 staff person at registration table
  - Have at least 1 staff person available to hand-carry the microphone to commenters
  - Designate a place or person where written comments can be submitted on site

## Attachment B: Tool to Estimate Costs

Site 1	Estimate
Venue Rental Fee	\$0
Audio-Visual Set-Up Fee	\$0
Audio-Visual Rental Fee (microphones, projector)	\$0
Court Reporter/Transcript	\$0
Agency Representatives' Travel Costs (see below)	\$0
<b>SUBTOTAL</b>	<b>\$0</b>
Site 2	Estimate
Venue Rental Fee	\$0
Audio-Visual Set-Up Fee	\$0
Audio-Visual Rental Fee (microphones, projector)	\$0
Court Reporter/Transcript	\$0
Agency Representatives' Travel Costs (see below)	\$0
<b>SUBTOTAL</b>	<b>\$0</b>
Site 3	Estimate
Venue Rental Fee	\$0
Audio-Visual Set-Up Fee	\$0
Audio-Visual Rental Fee (microphones, projector)	\$0
Court Reporter/Transcript	\$0
Agency Representatives' Travel Costs (see below)	\$0
<b>SUBTOTAL</b>	<b>\$0</b>
Site 4	Estimate
Venue Rental Fee	\$0
Audio-Visual Set-Up Fee	\$0
Audio-Visual Rental Fee (microphones, projector)	\$0
Court Reporter/Transcript	\$0
Agency Representatives' Travel Costs (see below)	\$0
<b>SUBTOTAL</b>	<b>\$0</b>
<i>(Copy and insert the fields above to add additional sites)</i>	
<b>TOTAL</b>	<b>\$0</b>

Agency Representatives' Travel Costs may be calculated as follows:

[Number of Representatives Traveling] x ([Estimated airfare cost] + [Estimated hotel cost] + [M&IE])