



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Washington, D.C. 20240

National Policy Memorandum

Office of the Director

Number: NPM-DBIA-2

Effective: 11/18/2022

Expires: 11/18/2023

Title: Supporting Tribal Nations in Stewardship of Federal Lands and Water

1. Purpose

This National Policy Memorandum (NPM) establishes the Bureau of Indian Affairs (BIA) policy to support collaborative and cooperative stewardship of Federal lands and waters between the Department of the Interior (DOI), its bureaus and offices, and federally recognized Tribes pursuant to Secretary's Order (SO) 3403, Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters.

The United States has a responsibility to maintain nation-to-nation relationships with federally recognized Indian Tribes – a relationship derived from the treaty and trust responsibility the Federal Government owes to Tribal people and Tribal governments. The BIA implements Federal policy designed to support healthy ecosystems in Indian Country and promote the safety and prosperity of individual American Indians and Alaska Natives everywhere. The BIA engages in regular outreach and consultation with federally recognized Tribes in a manner that maintains a healthy report and liaison. This relationship, in keeping with the intent of SO 3403, may serve as a meaningful resource to other agencies and bureaus in their collaborative efforts with Indian Country.

The purpose of this NPM is to implement guidance and leadership intent espoused in SO 3403. Through this NPM, the BIA commits to supporting the cooperative and collaborative approaches to manage Federal lands between relevant Federal agencies and federally recognized Tribes. In doing so, the BIA aligns its expertise in the Federal-Tribal relationship to protect Tribal treaty, religious, subsistence, and cultural interests related to Federal lands and waters in keeping with the United States trust responsibility to federally recognized Indian Tribes and their members.

This NPM:

- A.** Directs BIA staff to support the goals of SO 3403 and to support Tribes in a manner consistent with the goals of native nation building and Tribal self-determination.

- B.** Establishes a national framework for BIA to support other bureaus and offices in their work to fulfill the Department's treaty and trust responsibilities to Tribes in the stewardship of Federal lands and waters in such a way as to provide flexibility to respond to variations in Tribal histories, ways of knowing, as well as in applicable laws, reserved rights, and treaties.
- C.** Affirms BIA's support for its sister bureaus and offices as they develop and broaden nation-to-nation relationships with Tribes that also may further the United States trust responsibility to Tribes and individual Indians.
- D.** Reaffirms the BIA's commitment and support for Tribal nations' pursuit of consolidating their homelands, pursuit of co-stewardship of Federal lands and waters, and acknowledge the utility of Indigenous Knowledge as integral to the appropriate stewardship and management of Federal lands and waters.

2. Scope

This policy applies to all BIA programs, offices, regions, and agencies involved in the stewardship of Federal lands, water, and wildlife.

3. Policy

Bureau leadership, supervisors, and employees must:

- A.** Proactively engage with the Tribes in their respective regions and/or service areas to make Tribal leadership aware of SO 3403 and the associated rights of Tribes and associated Federal responsibilities and obligations.
- B.** Proactively engage with Tribes in their respective regions and/or service areas to provide information to Tribes on options, mechanisms and support for co-stewardship, including but not limited to funding opportunities, technical assistance, capacity building, Intergovernmental Personnel Act opportunities, self-determination contract opportunities, memorandum of agreement opportunities, and cooperative agreement opportunities.
- C.** Promptly respond to and otherwise support Tribes within their respective region and/or service area in requests for meetings, information, technical assistance, and other supports consistent with this Memorandum.
- D.** Proactively engage with other Federal land and water managers and personnel within their respective regions and/or service areas. Federal land and water managers include but are not limited to the United States Department of Agriculture, Department of Commerce, Department of Defense, Department of Energy, and other bureaus and offices within the DOI.
- E.** Promptly respond to and otherwise support other bureaus and offices within the DOI as those bureaus and offices collaborate with Tribes to ensure that Tribal governments play

an integral role in decision making related to the planning and management of Federal lands and waters, whether through consultation, capacity building, or other means consistent with applicable authority, including Tribal administration of programs, functions, services and activities through, *inter alia*, contracting, self-governance agreement, and/or compacting under the Indian Self-Determination and Education Assistance Act.

- F. Promptly respond to and otherwise support other bureaus and offices within the DOI as those bureaus and offices engage in co-stewardship where Federal lands and waters are located within or adjacent to federally recognized Indian Tribes' reservations, where Tribes have subsistence or other rights or interests in non-adjacent Federal lands and waters, or where requested by Tribes.
- G. Promptly respond to and otherwise support other bureaus and offices within the DOI as those bureaus and offices ensure decisions made relating to the Federal stewardship of lands, waters, and wildlife include consideration of safeguarding interests of any affected Indian Tribes and Alaska Natives.
- H. Promptly respond to and otherwise support other bureaus and offices within the DOI as those bureaus and offices implement processes to requests from Tribes with treaty, trust, or other interests in public lands, to advance Tribal goals to the extent permitted by law.
- I. Promptly respond to and otherwise support other bureaus and offices within the DOI as those bureaus and offices develop appropriate institutional structures to implement agreements related to Tribal co-stewardship.

4. Roles and Responsibilities

- A. **Director, BIA** shall ensure appropriate organizational arrangements, non-financial resources, and personnel are available to provide knowledge and support to other bureaus and offices in engaging with Tribal communities and in understanding the role Tribal governments may play in collaborating and cooperating in the stewardship of Federal lands and waters, including wildlife and its habitat.
- B. **Deputy Bureau Director (DBD), Field Operations, BIA** is responsible for receiving and distributing within BIA incoming requests from other bureaus and offices to support engagement with Tribal governments and communities. The DBD, Field Operations, shall exercise appropriate discretion to respond to inquiries and support collaboration among other Federal entities in their liaison with Tribes, to include referrals to subject matter experts and similar appropriate regional officials within the BIA. DBD, Field Operations may also, at their discretion, provide resource connections as needed with Federal Tribal Liaison Officers in support of the Department's policy on consultation with Indian Tribes and Alaska Native Corporations.
- C. **BIA Regional Directors** serve as the senior accountable official for working within their respective regions to ensure prompt follow-up with other bureaus and offices to respond

to requests from other bureaus and offices to support engagement with Tribal governments and communities; for reporting relevant developments to the DBD, Field Operations, as needed; for overseeing BIA agency staff and disseminating policy relevant to the agencies; and for offering technical assistance to units or local offices of the bureaus and offices within their Unified Region to engage with Indian Tribes, as needed.

5. Approval

Darryl LaCounte Digitally signed by Darryl LaCounte
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11/18/22

Darryl LaCounte
Director, Bureau of Indian Affairs

Date