

DOI Consultation Policy (512 DM 4) Update Chart

512 DM 4 – Original Language	512 DM4 - Updated Language	Explanation of Changes
<p>4.1 . Purpose This chapter provides the requirements for Department of the Interior (DOI) government-to-government consultation between appropriate tribal officials and DOI officials. It expands and clarifies DOI’s policy on consultation with Indian Tribes and Alaska Native Claims Settlement Act of 1971 (ANCSA) Corporations and acknowledges the provisions for conducting consultation in compliance with Executive Order (EO) 13175 (Consultation and Coordination with Indian Tribal Governments), applicable statutes, and administrative actions.</p>	<p>4.1 Purpose. This chapter provides the requirements for Department of the Interior (Department) government-to-government consultation between appropriate Tribal officials and Departmental officials. It expands and clarifies Department’s policy on consultation with Indian Tribes and Alaska Native Claims Settlement Act of 1971 (ANCSA) Corporations and acknowledges the provisions for conducting consultation in compliance with Executive Order (EO) 13175 (Consultation and Coordination with Indian Tribal Governments), applicable statutes, which includes, but is not limited to, the National Historic Preservation Act, Native American Graves Protection and Repatriation Act, and National Environmental Policy Act, and administrative actions. Please see 512 DM 6 and 7 for Department of the Interior Consultation Policy with Alaska Native Corporations and 513 DM 1 and 2 for Department of the Interior Consultation Policy with the Native Hawaiian Community.</p>	<p>“DOI” replaced with “Department” or “Departmental” throughout the chapter.</p> <p>In section 4.1, Alaska Native Claims Settlement Act of 1971 (ANCSA) Corporations references deleted from the policy. A new policy for consultation was added to the Departmental Manual for ANCSA Corporations at 512 DM 6 and 512 DM 7. A new policy for consultation with the Native Hawaiian Community was added at 513 DM 1 and 513 DM 2. These changes were made based on input received during the March 2021 consultation on consultation as well as the December 2021 consultation on the draft updates to 512 DM 4 and 5.</p> <p>Based on comments received during December 2021 consultation, “appropriate” deleted from the first sentence. Tribes indicated that only the Tribe can determine who is the appropriate Tribal Official.</p> <p>Based on comments received during the December 2021 consultations, language was added to provide examples of applicable statutes where consultation is required. This language is intended to clarify that the DOI policy applies to</p>

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		consultations that carried out under statutes requiring Tribal consultation.
<p>4.2 Scope. The policy and requirements in this chapter apply to all DOI bureaus and offices. It complements, but does not supersede, any existing laws, rules, statutes, or regulations that guide consultation processes with Indian tribes.</p>	<p>4.2 Scope. The policy and requirements in this chapter apply to all DOI bureaus and offices. It complements, but does not supersede, any existing Federal laws, rules, statutes, or regulations that guide consultation processes with Indian Tribes.</p>	<p>Federal was inserted into 4.2 to clarify that the scope does not supersede any existing federal laws.</p>
<p>4.3 Definitions.</p> <p>A. Indian Tribe or Tribe. Any Federally Recognized American 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.</p> <p>B. ANCSA Corporation. Any Alaska Native village corporation, urban corporation, or regional corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act, 43 U.S.C. 1601 et seq.</p> <p>C. ANCSA Corporation Official or Designee. An official or ANCSA member designated in writing by an ANCSA Corporation.</p> <p>D. Tribal Governance Officer (TGO). An individual designated by DOI to carry out responsibilities described in this chapter.</p>	<p>4.3 Definitions.</p> <p>A. Indian Tribe or Tribe. Any Federally recognized American Indian or Alaska Native tribe, band, nation, pueblo, rancheria, 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.</p> <p>B. ANCSA Corporation. Any Alaska Native village corporation, urban corporation, or regional corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act, 43 U.S.C. 1601 et seq.</p>	<p>4.3 Definitions</p> <p>4.3 (A) Rancheria was added to definition in the DM of Indian Tribe or Tribe.</p> <p>ANCSA reference was deleted. Please see 512 DM 6.</p> <p>ANCSA Corporation Official or Designee reference deleted. Please see 512 DM 6.</p> <p>4.3(B) was updated to reflect the definition of Departmental Action with Tribal Implications that was included in the DOI Consultation Policy (2011). This edit was made based on input from the March 2021 and December 2021 consultations. The definition includes a footnote that advice from Office of the Solicitor is not a regulation, rulemaking, policy, guidance, legislative proposal, grant funding formula change. Additionally, based on Tribal input, 4.3(B)(1) was updated to include “treaty rights”, “ancestral lands”, and “sacred sites, including sites that are submerged,</p>

<p>E. <u>Tribal Liaison Officer (TLO)</u>. One or more individuals officially designated by a bureau or office to carry out responsibilities described in this chapter.</p> <p>F. <u>Tribal Official</u>. An elected or appointed tribal leader or official designated in writing by an Indian tribe to represent the tribe in government-to-government consultations.</p>	<p>C. <u>ANCSA Corporation Official or Designee</u>. An official or ANCSA member designated in writing by an ANCSA Corporation.</p> <p>Action with Tribal Implications. An action by the Department or any of its bureaus or offices that may have a substantial direct effect on one or more Tribes, the relationship between the Federal Government and Tribes, or on the distribution of power and responsibilities between the Federal Government and Tribes. Substantial direct effects on Tribes may include, but are not limited to, effects as shown in the Consensus Seeking Model (Figure 1).</p> <p><u>B. Departmental Action with Tribal Implications. Any Departmental regulation, rulemaking, policy, guidance, legislative proposal, programmatic or operational activity, or grant funding formula changes ⁽¹⁾ that may have a substantial direct effect on an Indian Tribe on matters including, but not limited to:</u></p> <p><u>1. Tribal cultural practices, lands, treaty rights, resources, ancestral lands, including sacred sites, including sites that are submerged, and lands Tribes were removed from, or access to traditional areas of</u></p>	<p>and lands Indian Tribes were removed from”.</p> <p>4.3 (C) A definition of Formal Government-to-Government Consultation was added based on Tribal input from the December 2021 consultation on 512 DM 4 and 5 draft updates, and input received during the March 2021 consultations on consultation.</p>
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	<p><u>cultural or religious importance on federally managed lands and waters;</u> <u>2. The ability of an Indian-Tribe to govern or provide services to its members;</u> <u>3. An Indian Tribe’s formal relationship with the Department, either as Nation-to-Nation or as beneficiary to trustee; or</u> <u>4. Any action planned by a non-federal entity that involves funding, approval, or other final agency action provided by the Department, unless the Tribe is a party to the action. Substantial direct effects on Tribes may include, but are not limited to, effects as shown in the Consensus-Seeking Model (Figure 1).</u></p> <p>[foot note]¹¹ <u>Advice from the Office of the Solicitor is not a regulation, rulemaking, policy, guidance, legislative proposal, grant funding formula change, or operational activity with any direct effect on a party outside the Department, but rather an internal legal opinion. Ctr. for Biological Diversity v. U.S. Bureau of Land Mgt., CV 17-8587-GW(ASX), 2019 WL 2635587, at *12 (C.D. Cal. June 20, 2019). Such advice is also protected from disclosure under the attorney-client privilege, even as to the beneficiary of the trust. United States v. Jicarilla Apache Nation, 131 S. Ct. 2313 (2011). Any such advice, therefore, is not within the scope of this</u></p>	
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	<p><u>Chapter. Furthermore, matters that are in litigation or in settlement negotiations, or matters for which a court order limits the Department’s discretion to engage in consultation are also outside the scope of this Chapter.</u></p> <p><u>C. Formal Government-to-Government Consultation. Formal government-to-government consultation is a process based on a bi-lateral recognition of sovereignty and is generally focused on a given issue or set of issues, including compliance with a variety of statutes, policies and administrative actions that direct the federal government to consult with Federally Recognized Indian Tribes. Consultations are defined as having both Department and Tribal officials with decision-making authorities present at the government-to-government consultation session(s)/meeting(s) regarding the proposed plan or Departmental Action with Tribal Implications.</u></p> <p><u>¶ D. Tribal Governance Officer (TGO). An individual designated by the Department to carry out responsibilities described in this chapter.</u></p> <p><u>¶ E. Tribal Liaison Officer (TLO). One or more individuals officially designated</u></p>	
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	<p>by a Bureau or Office to carry out responsibilities described in this chapter.</p> <p><u>EF. Tribal Official.</u> An elected or appointed <u>Tribal</u> leader or official designated in writing by an <u>Indian Tribe</u> to represent the <u>Tribe</u> in government-to-government consultations.</p>	
<p>4.4 Policy. It is the policy of DOI to recognize and fulfill its legal obligations to identify, protect, and conserve tribal trust resources; carry out its trust relationship with federally recognized Indian tribes and tribal members; and consult with tribes on a government-to-government basis whenever DOI plans or actions have tribal implications. All bureaus and offices shall comply with and participate in the consultation process in a manner that demonstrates a meaningful commitment and ensures continuity in the process.</p>	<p>4.4 Policy. It is the policy of the Department to recognize and fulfill its legal obligations to identify, protect, and conserve <u>Tribal</u> trust resources; carry out its trust relationship with federally recognized <u>Indian Tribes</u> and <u>Tribal</u> members; and <u>invite Tribes to consult with Tribes</u> on a government-to-government basis whenever <u>there is a Departmental Action plans or Actions have with Tribal implications</u>. All Bureaus and Offices shall <u>make good-faith efforts to invite Tribes to consult early in the planning process and throughout the decision-making process and engage in robust, interactive, pre-decisional, informative, and transparent consultation when planning actions with Tribal implications</u>. It is the policy of DOI to seek consensus with impacted Tribes <u>when the action with Tribal implications in accordance with the Consensus-Seeking Model, comply with and participate in the consultation process in a manner that demonstrates a meaningful commitment and ensures continuity in the process.</u></p>	<p>4.4 Was updated to clarify that the federal government invites Tribes to consult, and that bureaus and offices shall make good-faith efforts to invite Tribes to consult early as well as throughout the decision-making process. These updates were made based on input received during the March 2021 consultations and were included in the 512 DM 4 draft update for the December 2021 consultation.</p>
<p>4.5 Responsibilities.</p>	<p>4.5 Responsibilities.</p>	

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<p>A. <u>TGO</u>. The TGO is appointed by the Secretary and is responsible for carrying out the responsibilities in this chapter including the following:</p> <ol style="list-style-type: none"> (1) Serving as the Secretary’s representative when requested to do so in matters pertaining to consultation. (2) Leading and managing DOI’s consultation efforts to ensure effective government-to-government relationships with Indian tribes and ANCSA Corporations. (3) Overseeing bureau and office compliance with the policy in this chapter, EO 13175, and other consultation requirements pertaining to government-to-government consultation. (4) Implementing a DOI reporting system to ensure that consultation efforts are documented and properly reported. <p>B. <u>Heads of Bureaus and Offices</u>. Heads of bureaus and offices are responsible for:</p> <ol style="list-style-type: none"> (1) Designating in writing one or more TLOs. (2) Ensuring that procedures are established to carry out consultation activities of their organizations. (3) Ensuring compliance with the requirements in this chapter. <p>C. <u>TLOs</u>. The TLOs are responsible for:</p> <ol style="list-style-type: none"> (1) Serving as the bureau/office principal point of contact for tribal consultation matters. (2) Promoting and facilitating consultation and collaboration between Indian tribes and their bureau/office. 	<p>A. <u>TGO</u>. The TGO is appointed by the Secretary and is responsible for carrying out the responsibilities in this chapter including the following:</p> <ol style="list-style-type: none"> 1. Serving as the Secretary’s representative when requested to do so in matters pertaining to consultation. 2. Leading and managing DOI’s consultation efforts to ensure effective government-to-government relationships with <u>Indian Tribes and ANCSA Corporations</u>. 3. Overseeing the Department’s <u>bureau and office</u> compliance with the policy in this chapter, EO 13175, and other consultation requirements pertaining to government-to-government consultation. 4. Implementing a Department reporting system to ensure that consultation efforts are documented and properly reported. 	<p>4.5(A)(2) ANCSA Corporations reference deleted. Please see 512 DM 6</p> <p>4.5(A)(3) “DOI” added and “bureau and offices” replaced to clarify this applies to all of the Department.</p> <p>4.5(B) Added responsibilities for Assistant Secretaries. Added based on comments received during March 2021 consultation for the need to clearly state the responsibilities of Departmental leadership. Language included in the 512 DM 4 draft update for the December 2021 consultation.</p> <p>4.5(C) is updated to Heads of Bureaus and Offices.</p> <p>4.5(C)(2) ensure compliance with consultation procedures was added to based on comments received during March 2021 consultation for the need to clearly state the responsibilities of Departmental leadership. Language included in the 512 DM 4 draft update for the December 2021 consultation.</p> <p>4.5(D) is updated to TLOs.</p>
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<p>(3) Reporting to the TGO annually of newly engaged consultation processes with any Indian tribe or ANCSA Corporation.</p> <p>D. <u>Department of the Interior University (DOIU)</u>. The DOIU in collaboration with bureaus/offices, tribal colleges and universities, and other entities with Indian expertise is responsible for developing and delivering training to facilitate implementation of this policy.</p> <p>E. <u>Office of Collaborative Action and Dispute Resolution (CADR)</u>. The CADR is responsible for assisting in planning and facilitating an effective consultation process, negotiated rulemaking, or other collaborative approach to decisionmaking.</p> <p>F. <u>Joint Federal-Tribal Team (Team)</u>. The Team is responsible for making recommendations on the implementation of this policy. The Team members should include representatives from DOI and Indian tribes. Members of the Team serve at the discretion of the Secretary. The Team will meet regularly to identify opportunities for improvements in DOI's consultation practices.</p>	<p>B. <u>Assistant Secretaries</u>. <u>Assistant Secretaries are responsible for ensuring that all bureaus and offices within their reporting chain comply with the requirements of this chapter.</u></p> <p>C. <u>Heads of Bureaus and Offices</u>. Heads of Bureaus and Offices are responsible for:</p> <ol style="list-style-type: none"> 1. Designating in writing one or more TLOs. 2. Ensuring that procedures are established to carry out <u>the consultation activities of their organizations and ensuring compliance with those procedures.</u> 3. Ensuring compliance with the requirements in this chapter. <p><u>DE</u>. <u>TLOs</u>. The TLOs are responsible for:</p> <ol style="list-style-type: none"> 1. Serving as the Bureau/Office principal point of contact for <u>T</u>ribal 	<p>4.5(D)(3) language added to clarify the reporting requirement. Language included in the 512 DM 4 draft update for the December 2021 consultation. See 4.9 and Report Appendix.</p> <p>4.5(E) Added training requirement for DOI Staff. Added based on comments received during March 2021 consultation for the need to clearly state the responsibilities of all DOI staff engaged in consultation. Language included in the 512 DM 4 draft update for the December 2021 consultation.</p> <p>4.5(E)(3) Added language to clarify Federal trust obligation applies to both individual Tribal members and Tribes. Native Hawaiians reference deleted. See 513 DM 1.</p> <p>4.5(E)(5) added in language to clarify that DOI staff training should include information on Tribe's existing consultation policies and Tribal government structures. Clarifying language added based on comments received during December 2021 consultations.</p> <p>4.5(F) is updated to Department of the Interior University (DOIU).</p>
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	<p>consultation matters.</p> <p style="text-align: center;">2. Promoting and facilitating consultation and collaboration between <u>Indian Tribes</u> and their bureau/office.</p> <p style="text-align: center;">3. Reporting to the TGO annually <u>in the Tribal Consultation Annual Report</u> of newly engaged <u>national or regional</u> consultation processes with any <u>Indian Tribe or ANCSA Corporation</u> and any <u>updates to Bureau/Office consultation procedures or processes</u>.</p> <p><u>E. Department Staff. Any Department staff who will represent the Department or a Bureau or Office in consultation (other than note-takers) must first complete training to promote positive relations with Tribes, including training on implementation of this policy and a review of:</u></p> <p style="text-align: center;">1. <u>The general history of the government-to-government relationship between the Federal Government and <u>Indian Tribes</u>;</u></p>	<p>4.5(G) is updated to Office of Collaborative Active and Dispute Resolution (CADR). Technical edits made to update language to plain language.</p> <p>4.5(F) “Joint Federal Tribal Team” deleted. Secretary’s Tribal Advisory Committee (STAC) added based on comments from March 2021 consultations. Draft STAC language included in the 512 DM 4 draft update for the December 2021 consultation. See 512 DM 4.7.</p>
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	<p>2. <u>The treaty rights of Indian Tribes;</u></p> <p>3. <u>The Federal trust obligation owed to American Indians (both individuals and Tribes) and, Alaska Natives, and Native Hawaiians in the United States;</u></p> <p>4. <u>The culture and history of American Indians, Alaska Natives, and Tribes; and-</u></p> <p>5. <u>Existing consultation policies of the Tribe(s), as well as Tribal government structures, and decision-making processes; and-</u></p> <p><u>F. Department of the Interior University (DOIU). The DOIU in collaboration with bureaus/offices, tribal colleges and universities, and other entities with Indian expertise is responsible for developing and delivering training to facilitate implementation of this</u></p> <p>policy.</p> <p><u>GE. Office of Collaborative Action and Dispute Resolution (CADR). Upon request, tThe CADR is responsible for assisting may</u></p>	
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	<p><u>assist</u> in planning and facilitating an effective consultation process, negotiated rulemaking, or other collaborative approaches to decision making.</p> <p>F. Joint Federal Tribal Team (Team). The Team is responsible for making recommendations on the implementation of this policy. The Team members should include representatives from DOI and Indian tribes. Members of the Team serve at the discretion of the Secretary. The Team will meet regularly to identify opportunities for improvements in DOI's consultation practices.</p>	
<p>4.6 Alaska Native Corporation Settlement Act of 1971 (ANCSA) Consultation. When taking Departmental action that has a substantial and direct effect on ANCSA Corporations, DOI will initiate consultation with ANCSA Corporations. To the extent that concerns expressed by Indian tribes and ANCSA Corporations substantively differ, DOI officials shall give due consideration to the right of sovereignty and self-governance of federally recognized Indian tribes.</p>	<p>4.6 Alaska Native Corporation Settlement Act of 1971 (ANCSA) Consultation. When taking Departmental action that has a substantial and direct effect on ANCSA Corporations, DOI will initiate consultation with ANCSA Corporations. To the extent that concerns expressed by Indian tribes and ANCSA Corporations substantively differ, DOI officials shall give due Consideration to the right of sovereignty and self-governance of federally recognized Indian tribes.</p>	<p>Section deleted. See 512 DM 6.</p>
	<p><u>4.6 Consensus-Seeking Model. The basis of consultation is rooted in meaningful dialogue where the viewpoints of Tribes and the Department, including its bureaus and offices, are shared, discussed, and analyzed. Executive</u></p>	<p>4.6 Consensus-Model language added based on comments from March 2021 consultations. Draft language included in the 512 DM 5 draft update for the December 2021 consultation. Language</p>

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	<p><u>Order 13175 directs agencies to explore and, where appropriate, use “consensual mechanisms” for developing regulations that relate to Tribal self government, Tribal trust resources, or Tribal treaty or other rights. Executive Order 13175 also establishes criteria for policy-making, including directives to 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 Tribal governments; grant Tribal governments the maximum administrative discretion possible; encourage Tribes to develop their own policies to achieve program objectives; where possible, defer to Tribes to establish standards; and determine whether to establish Federal standards, consult as to the need for Federal standards and any alternatives to preserve the prerogatives and authority of Tribes. (Consensus Seeking model is figure 1.)</u></p>	<p>moved from DM 5 to DM 4 to clarify that the consensus-seeking is policy. See 512 DM 5 for updated consensus-seeking model procedures.</p>
	<p><u>4.76H. Secretary’s Tribal Advisory Committee (STAC). The Secretary will establish established, by charter, an STAC consisting of elected Tribal leaders or their designated representatives from each of the 12 Bureau of Indian Affairs Regions. The STAC’s purpose is to seek consensus, exchange views, share information, provide advice and, for recommendations or facilitate any other</u></p>	<p>4.7 STAC language moved to be a stand alone section. Duties of the STAC updated to reflect duties outlined in the STAC charter.</p>

interaction related to intergovernmental responsibilities or administration of Department programs, including those that arise explicitly or implicitly under treaty, statute, regulation or executive order. The duties of the STAC are to:

- A. Identify evolving issues and barriers to access, coverage, and delivery of services to American Indians and Alaska Natives related to Department programs;
- B. Identify evolving issues relating to trust assets; lands, waters, and treaty/subsistence resources; cultural resources; and governmental interests of federally recognized Indian Tribes;
- C. Propose clarifications and other recommendations and solutions to address issues raised at Tribal, regional, and national levels;
- D. Serve as a forum for Tribes and the Department to discuss these issues and proposals for changes to Department regulations, policies, and procedures;
- E. Identify priorities and provide advice on appropriate strategies for Tribal consultation on issues at the Tribal, regional, and, or national levels;
- F. Ensure that pertinent concerns are brought to the attention of Tribes in a timely manner, so that timely Tribal feedback can be obtained; and

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	<p><u>G. Coordinate with Department Regional Offices on Tribal consultation initiatives.</u>–</p>	
<p>4.7 Departmental Database. A single DOI database will be maintained to manage the contact list for leadership of all Indian tribes and ANCSA Corporations, as defined in paragraph 4.3A and 4.3B respectively that are eligible for Federal consultation. The database should be an electronic and interactive system that allows real time updating of contacts and allows all bureau/office access. This database shall be maintained by the Bureau of Indian Affairs, Office of Indian Services.</p>	<p>4.8 Departmental Database. A single DOI database will be maintained to manage the contact list for leadership of all <u>Indian Tribes and ANCSA Corporations, as defined in paragraph 4.3A and 4.3B respectively that are eligible for Federal consultation.</u> The database should be an electronic and interactive system that allows real--time updating of contacts and allows all Bureau/Office access. This database shall be maintained by the Bureau of Indian Affairs, Office of Indian Services.</p>	<p>4.8 ANCSA Corporations reference deleted. See 512 DM 6.</p>
<p>4.8 Tribal Consultation Annual Report. On an annual basis, bureaus/offices shall develop a report of the results of their efforts to promote consultation with Indian tribes. The report is due to the TGO by December 31 of each year. Reporting is intended to be comprehensive and may include, but is not limited to, the scope, cost, and activities of the consultation efforts. The report should also highlight significant consultation efforts with Indian tribes and when appropriate, ANCSA Corporations. The report should also include proposed plans and recommendations. (The format for the report is provided in the Appendix.)</p>	<p>4.9 Tribal Consultation Annual Report. On an annual basis, <u>bBureaus/Oe</u>ffices shall develop a report of the results of their efforts to promote consultation with <u>Indian Tribes</u>. The report is due to the TGO by December 31 of each year. Reporting is intended to be <u>a comprehensive list of all national and regional consultation efforts undertaken that year</u> and may include, but is not limited to, the scope, cost, and activities of the consultation efforts. The <u>bureau/office may also</u> report should also <u>include</u> consultation efforts <u>conducted one-on-one</u> with <u>Indian Tribes to highlight successes, challenges, or best practices</u> and when appropriate, ANCSA Corporations (<u>See 512 DM 6) and the Native Hawaiian Community</u></p>	<p>4.9 Language added to clarify the reporting requirement. Bureaus and Offices are to report on all national and regional consultation effort, and may also include information on one-on-one consultations with Tribes to highlight successes, challenges, or best practices. Reporting will focus on regional and national consultations to document agency efforts to consult. One-on-one consultations should not generally be included to respond comments about the need to balance reporting with concerns about information shared by individual Tribes during consultations. Language</p>

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	<p>(see 513 DM 2). The report should also include the outcome, proposed plans and recommendations. (The format for the report is provided in the Appendix.).</p>	<p>included in the 512 DM 4 draft update for the December 2021 consultation.</p>
	<p><u>4.10 Flexibility for Tribal Waivers.</u> For all statutory or regulatory requirements applicable to Tribes that are subject to Department discretion and waiver, each bureau/office shall streamline processes by which Tribes apply for waivers of those requirements, use flexible policy approaches when reviewing Tribal requests for waivers of those requirements, and render a decision upon a complete application for a waiver within 120 days of receipt of such application, or as otherwise provided by law or regulation. If the application for waiver is not granted, the bureau/office shall provide the Tribal applicant with timely written notice of the decision and the reasons.</p>	<p>4.10 Language added based on input received during March 2021 consultations. Language included in the 512 DM 4 draft update for the December 2021 consultation.</p>
<p>Department of the Interior Tribal Consultation Annual Report Bureau/Office: The annual report is a summary of all bureau/office consultations during one fiscal year. The information in the Annual Report is a summary of and should be compiled from all of the information captured during the fiscal year. (Use as much space as needed and include the bureau/office name on each page.) 1. Summarize and list all of the consultation topics. 2. List all of the tribes consulted. 3. List the location of each consultation by city and state.</p>	<p>Department of the Interior Tribal Consultation Annual Report Bureau/Office: The annual report is a summary of all bBureau/Ooffice <u>formal</u> consultations during one fiscal year <u>that were conducted on a nationwide or regional basis. Additionally, Bureaus and Offices may report on-and-any consultation efforts conducted one-on-one with Indian Tribes to that the bureau/office would like to report to highlight consultation successes, challenges, or best practices.</u> The information in the Annual Report is a summary of and should be compiled from all of the</p>	<p>Annual Report updated to clarify that bureaus and offices should report on formal consultations that are conducted on a nationwide or regional basis. Bureaus and Offices may also include information on one-on-one consultations with Tribes to highlight successes, challenges, or best practices. Language included in the 512 DM 4 draft update for the December 2021 consultation Based on comments received during the December 2021 consultation, language was added to clarify that public meetings</p>

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<p>4. Summarize and list all of the issues and recommendations.</p> <p>5. Summarize successes and accomplishments and include recommendations for improvements to the consultation process.</p> <p>Prepared By: Date Prepared: Approving Official:</p>	<p>information captured during the fiscal year. <u>Public meetings should not be included in the reporting information. Additionally, any information deemed sensitive or confidential by a Tribe should not be included in the annual reports.</u> (Use as much space as needed and include the bureau/office name on each page.)</p> <ol style="list-style-type: none"> 1. Summarize and list all of the consultation topics. 2. List all of the Tribes consulted. 3. List the location of each consultation by city and state <u>or indicate if consultation was held virtually.</u> 4. Summarize <u>outcomes (eg decisions made, actions planned or taken, and how Tribal input was incorporated). and list all of the issues and recommendations.</u> 5. Summarize successes and accomplishments and include recommendations for improvements to the consultation process and recommendations for improvements to the consultation process. <u>Bureaus and offices should get permission from the</u> 	<p>should not be included in report nor should the report include any information deemed sensitive or confidential by a Tribe.</p> <ol style="list-style-type: none"> 3. Language added to update report to include if a consultation was held virtually. 4. Based on comments received during the December 2021 consultation, item #4 was updated to have bureaus and offices summarize outcomes of the consultations. 5. Based on comments received during the December 2021 consultation, item #5 was updated to indicate that bureaus and office should get permission from the Tribe before submitting any information on consultations successes in the annual report in case the Tribe does not want information shared outside of the consultation.
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	<p><u>Tribe before including any information on successes, in the annual report.</u></p> <p>Prepared By: Date Prepared: Approving Official:</p>	
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