

DOI Consultation Procedures (512 DM5) Update Chart

512 DM 5 – Original Language	512 DM 5 - Updated Language	Explanation of Changes
<p>5.1 Purpose. This chapter provides the procedures and process for Department of the Interior (DOI) government-to-government consultation between appropriate tribal officials and DOI officials.</p>	<p>5.1 Purpose. This chapter provides the procedures and process for <u>the</u> Department of the Interior (Department) formal government-to-government consultation between appropriate <u>T</u>ribal officials and Departmental officials. This chapter incorporates the definitions from 512 DM 4.</p>	<p>“DOI” replaced with “Department” or “Departmental” throughout the chapter.</p> <p>5.1 Technical edits and added “formal” to conform with 512 DM 4</p>
<p>5.2 Scope. All DOI bureaus/offices shall follow the processes in this chapter for consultation with tribes.</p>	<p>5.2 Scope. All Departmental Bureaus/Offices shall follow the processes in this chapter for consultation with <u>T</u>ribes.</p>	<p>5.2 Technical edits.</p>
<p>5.3 Authority. Executive Order (EO) 13 175 (Consultation and Coordination with Indian Tribal Governments).</p>	<p>5.3 Authority. Executive Order (EO) 13175 (Consultation and Coordination with Indian Tribal Governments)</p>	
<p>5.4 Consultation. A. Bureaus and offices must consult tribes and ANCSA Corporations whenever a DOI plan or action with tribal implications arises. Bureaus and offices must be open and candid with tribal government(s) during consultations and incorporate tribal views in their decision making processes. The consultations, whether initiated by the tribe or DOI, must be respectful of tribal sovereignty. Information received will be deemed confidential, unless</p>	<p>5.4 Consultation.</p> <p>A. <u>Requirement for Consultation.</u> Bureaus/Offices must invite Indian Tribes early in the planning process to consult tribes and ANCSA Corporations whenever a Departmental plan or action with <u>T</u>ribal Implications arises. Bureaus/Offices should operate under the assumption that all actions with land use or resource impacts may have Tribal implications and should extend consultation invitations accordingly. Bureaus/Offices -should also be aware that Tribes continue to have a connection and</p>	<p>5.4 (A) Based on comments received during December 2021 consultations, language was added to clarify that consultation should occur early in the planning process. Additionally, based on comments received, language was added to indicate that agencies should operate under the assumption that all actions with land use or resource impacts may have Tribal implications. Language was also added to outline that agencies should be aware that Tribes continue to have a connection and interest in their traditional homelands.</p>

<p>otherwise provided by applicable law, regulation, or policy, if disclosure would negatively impact upon a trust resource or compromise the trustee's legal position in anticipation of or during administrative proceedings or litigation on behalf of the tribal government(s).</p> <p>B. The basis of consultation is rooted in meaningful dialogue where the viewpoints of tribes and DOI, including its bureaus and offices, are shared, discussed, and analyzed. A consultation session is, but is not limited to, in-person meetings, video-conferences, teleconferences, and correspondence to discuss a specific issue. In the case of in-person meetings, video-conferences, and teleconferences, the consultation may be expanded upon through subsequent correspondence after consultation is initiated. On a case-by-case basis, consultation may be held through a series of written correspondence with the tribal leadership, but this process of utilizing written correspondence should only be used when other methods of dialogue are not feasible.</p>	<p><u>interest in their traditional homelands, but may have been removed from those lands or may have reservations that are significantly reduced from their traditional homelands. Bureaus/Offices must consult with Tribes when Departmental Actions with Tribal Implications affect a Tribe's traditional homelands.</u></p> <p>B. <u>Appropriate Representatives at Consultation.</u></p> <ol style="list-style-type: none"> 1. <u>The Departmental official with authority to decide on the proposed Departmental Action with Tribal Implications must participate in the consultation.</u> 2. <u>The elected official of the Tribe, acting in the official capacity as the leader of the Tribe may participate or choose to designate alternate or additional Tribal representatives to participate in the consultation.</u> 3. <u>Bureau or Office staff with subject matter expertise for the topic or program may be involved in the consultation.</u> <p>C. <u>Coordination. Bureaus/Offices will work with each other and with other Federal agencies, where appropriate, to</u></p>	<p>5.4(B) Language added to outline appropriate representatives at a consultation. This section was added based on comments received during the March 2021 consultations on consultation. Language included in the 512 DM 5 draft update for the December 2021 consultation.</p> <p>5.4(B)(3) Based on comments received during December 2021 consultation, language was added to clarify that bureau or office staff with subject matter expertise should be at the consultation.</p> <p>5.4(C) Based on comments received during December 2021 consultation, language was added to clarify that bureaus and offices will work with each other and other federal agencies to coordinate consultations as outlined in of 512 DM, which includes consultations with federally recognized Tribes (512 DM 4), ANCSA Corporations (512 DM 6), and the Native Hawaiian Community (513 DM 1).</p> <p>5.4(D) Clarifies that bureaus and offices may use third-party neutral facilitation support in planning consultations. Such support is available through the Office of Collaborative Action and Dispute</p>
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	<p><u>coordinate consultation, and coordinated consultations will adhere to 512 DM 4.</u></p> <p>D. <u>Facilitation Support. In planning consultation, Bureaus/Offices should consider best practices for engagement, including but not limited to, the use of neutral facilitation and other collaborative problem-solving approaches to promote effective dialogue and conflict resolution. Such support is available through the Office of Collaborative Action and Dispute Resolution (CADR). Ifn the event thatf the consulting parties encounter an impasse, the parties may utilize the impartial facilitation, mediation, and consensus-building services provided by</u> <u>CADR.</u></p> <p>E. <u>Conduct in Consultation. Bureaus/Offices must be open and candid with Tribal governments during consultations and incorporate Tribal views and knowledge in their decision- making processes. The consultations, whether initiated by the Tribe or the Department, must be respectful of Tribal sovereignty. The goal in consultation is to have Tribal leaders and Federal representatives engage in respectful dialog based on mutual understanding of the issues to reach a common agreement pursuant to the principles laid out in paragraph G.</u></p>	<p>Resolution. Facilitation support can also be used in instances where Tribes and a bureau or office reach an impasse during consultation or when working towards consensus. Language included in the 512 DM 5 draft update for the December 2021 consultation.</p> <p>5.4(E) Based on input provided during March 2021 consultations, language was added to indicate that bureaus and offices must be open and candid with Tribal governments and must incorporate Tribal views and knowledge in decision-making processes. At all times consultations must be respectful. Language included in the 512 DM 5 draft update for the December 2021 consultation. Based on input received from the December 2021 consultation, language was added to state that the goal of consultation is to have Tribal leaders and federal representatives engage in respectful dialog and mutual understanding in order to reach a common agreement as guided by 5.4(G) Consensus Seeking.</p> <p>5.4(F) Based on input provided during March 2021 consultations, language was added to indicate information shared during consultation will be deemed confidential. Language included in the</p>
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	<p><u>A.F. Confidential or Sensitive Information. Information received will be deemed confidential, unless otherwise provided by applicable law, regulation, or policy, if disclosure would negatively impact upon a trust resource or compromise the trustee's legal position in anticipation of/ or during administrative proceedings or litigation on behalf of the Tribal government(s).</u></p> <p><u>G. Consensus Seeking Model. The basis of consultation is rooted in meaningful dialogue where the viewpoints of Tribes and DOI, including its bureaus and offices, are shared, discussed, and analyzed. Executive Order 13175 directs agencies to explore and, where appropriate, use “consensual mechanisms” for developing regulations that relate to Tribal selfgovernment, Tribal trust resources, or Tribal treaty or other rights. Executive Order 13175 also establishes criteria for policy making, including directives to respect Indian Tribal selfgovernment 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. Seeking Consensus Model. Consistent with the 512 DM 4, above directives, Bureaus and Offices should abide by the Consensus-Seeking</u></p>	<p>512 DM 5 draft update for the December 2021 consultation.</p> <p>5.4(G) Consensus-Seeking Model language was moved to be a stand alone section. See 512 DM 4.6.</p> <p>Based on input provided during March 2021 consultations, a consensus-seeking model was developed. 5.4(G) directs bureaus and offices to abide by the consensus seeking model. Bureaus and office must work towards consensus. If the impact of a Departmental Action with Tribal Implications is closer to the center of the model, a bureau or office must work to seek a greater degree of consensus. If a Departmental Action is further a way from the center of the model less consensus is required. Language included in the 512 DM 5 draft update for the December 2021 consultation.</p> <p>5.4(G)(1) Allows for dispute resolution in cases where consensus is required but can not be reached. In such cases, the head of a bureau or office will review the information and make a determination on how to proceed. The STAC outlined in 512 DM 4.7 may also be called upon to review and provide guidance to the head of the bureau or office.</p>
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	<p><u>Model (figure 1 in 512 DM 4) that correlates the degree to which Tribal consensus should be sought based on the degree of impact on the Tribe. The model illustrates that impacts of Departmental Action with Tribal Implications Of action closer to the center necessitate increasingly dedicated efforts by Departmental officials to achieve consensus and should, where possible, defer to Tribes to establish standards. This model may be most useful for one-on-one consultation where impacts are to a single Tribe, or to several Tribes who have among themselves achieved consensus, but Departmental officials are encouraged to use the model as a framework for national and regional consultations even where full consensus of all impacted Tribes may not be achievable.</u></p> <p>1. <u>Dispute Resolution. Where consensus cannot be reached for areas outlined in the consensus model, the head of the Bureau/Office will review the consultation information and consensus-seeking documentation and determine on how to proceed. The Secretary’s Tribal Advisory Committee described in 512 DM 4.7 may be called upon to provide review and guidance to the head of the Bureau or Office.</u></p> <p><u>H. Consultation Session Methods. A e</u>Consultation session <u>methods may include</u>s, but <u>are</u>s not limited to, in-person meetings, video-conferences, teleconferences, and correspondence to discuss a</p>	<p>5.4(H) Based on input provided during March 2021 consultations, language was added to indicate that consultation sessions must be noticed as consultations in advance, and that DOI will strive for both in-person and virtual sessions where possible. Language was also added to the section to indicate that notification of a Departmental Action with Tribal Implications is not consultation. Language included in the 512 DM 5 draft update for the December 2021 consultation.</p>
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	<p>specific issue, <u>and must identify the session as consultation in advance of the scheduled meeting.</u> In the case of in-person meetings, video-conferences, and teleconferences, the eConsultation <u>session methods</u> may be expanded upon through subsequent correspondence after consultation is initiated <u>through written notification.</u> <u>Department will strive to include both in-person and virtual consultation session methods to provide Tribes with access to participate in at least one consultation session for a specific issue, regardless of their travel capabilities.</u> On a case-by-case basis, consultation may be held through a series of written correspondence with the <u>T</u>ribal leadership, but this process of utilizing written correspondence should <u>only be used</u> when other <u>consultation session methods of dialogue</u> are not feasible. <u>Providing notification (the distribution of information from one or more Departmental offices) to one or more Tribes of a Departmental action as a stand-alone effort is not consultation.</u> [NOTE: Last sentence moved up from “Initial Planning Stage” below].</p>	
<p>5.5 Consultation Procedures. Bureaus/offices will carry out the consultation stages described below for a Departmental action with <u>T</u>ribal implications.</p> <p style="padding-left: 40px;">A <u>Initial Planning Stage</u>.</p> <p style="padding-left: 80px;">(1) The appropriate DOI officials within a bureau/office will provide</p>	<p>5.5 Consultation Procedures. Bureaus/Offices will carry out the consultation stages described below for a Departmental <u>A</u>ction with <u>T</u>ribal Implications.</p> <p style="padding-left: 40px;">A. <u>Initial Planning Stage</u>.</p> <p style="padding-left: 80px;">1. The appropriate Departmental officials within a Bureau/Office will provide notice</p>	<p>5.5 Technical edits.</p> <p>5.5(A)(1) Language added to indicate that Tribes are invited to consult as early as possible when a bureau or office is considering a Departmental Action with Tribal Implications.</p> <p>5.5(A)(2) Based on comments received during the December 2021 consultation, language was added to indicate that</p>

<p>notice to, and begin consultation with Federally Recognized Indian tribes as early as possible when considering a Departmental action with tribal implications and provide Indian tribes a meaningful opportunity to participate in the consultation process. Providing notification (the distribution of information from one or more DOI offices) to one or more tribes of a Departmental action as a stand-alone effort is not consultation. (The appropriate DOI officials are those individuals who are knowledgeable about the matters at hand, are authorized to speak for a bureau/office, and who exercise delegated authority in the disposition and implementation of a bureau/office action.)</p> <p>(2) 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. Adequate notice entails providing a description of the topic(s) to be discussed, a timeline of the process, and possible outcomes. The notice should also give tribal leaders the opportunity to provide feedback prior to the consultation, including time to request technical assistance and/or clarification on how the consultation process conforms to the requirements in this chapter.</p>	<p>to, begin <u>Tribes inviting them to</u> consultation with Indian Tribes as early as possible when considering a <u>Departmental Action</u> with tribe Tribal Implications and <u>will</u> provide Indian Tribes a meaningful opportunity to participate in the consultation process. Providing notification (the distribution of information from one or more Departmental offices) to one or more Tribes of a Departmental action as a stand-alone effort is not consultation. [NOTE: Deleted text moved to H. Consultation Session Methods] (The appropriate <u>Departmental</u> DOI officials are those individuals who are knowledgeable about the matters at hand, are authorized to speak for a <u>Bureau/Office</u>, and who exercise delegated authority in the disposition and implementation of a <u>Bureau/Office</u>, action.)</p> <p style="text-align: center;">2. Notification of a consultation should include sufficient detail of the topic to be discussed to allow <u>Tribal leaders</u> <u>to determine if they want to accept the offer to consult and, if so, provide</u> an opportunity to fully engage in the consultation. Adequate notice entails providing:</p> <ol style="list-style-type: none"> a) a <u>A</u> description of the topic(s) to be discussed; b) <u>The expected scope of the proposed Departmental action under consideration;</u> c) <u>The expected purpose of the Departmental action under consideration;</u> d) <u>The expected</u> a timeline of the process, and possible 	<p>notifications should be sent early as to allow Tribal leaders enough time to consider the information provide in the notification and determine if the Tribe would like to consult.</p> <p>5.5(A)(2)(b) Based on comments received during December 2021 consultation, “expected” was deleted. Tribal comments indicated that DOI should know the scope of project if consultation is being initiated. “Under consideration” was added to indicate that the scope would be more fully known, but that it is still under consideration as no decisions have been made and a bureau or office will still be in the initial planning phases.</p> <p>5.5(A)(2)(c) Based on comments received during December 2021 consultation, “expected” was deleted. Tribal comments indicated that DOI should know the purpose of Departmental action. Similar to above “under consideration” was added to indicate the purpose would be known, but that consultation should begin early in the initial planning phase.</p> <p>5.5(A)(2)(d) “expected” deleted. Similar to above “under consideration” was added to indicate that consultation should begin early in the initial planning phase.</p>
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<p>(i) The bureau/office will ensure that public notice is given at least 30 days prior to a scheduled consultation. If exceptional circumstances prevent notification within 30 days of the consultation, an explanation for the abbreviated notification will be provided in the invitation letter.</p> <p>(ii) A tribe may request that DOI provide more than 30 days notice prior to consultation and, at its discretion, DOI may grant such requests.</p> <p>(3) A tribe may request that the DOI initiate consultation when the tribe believes that a bureau/office is considering a departmental action with tribal implications. The appropriate bureau/office TGO or appropriate representative will treat an official request for consultation in an expedited fashion and respond in writing that DOI has received the request, using the most expedient methods to communicate to the tribe.</p> <p>B. <u>Proposal Development Stage</u>. The bureau/office will develop a process for the Proposal Development Stage that maximizes the opportunity for timely input by Indian tribes and that is consistent with both tribal and bureau/office schedules. Examples of appropriate processes for the proposal</p>	<p>outcomes <u>of the Departmental action under consideration</u>; and</p> <p>e) <u>DOI Departmental Bureaus and Offices that will be expected participate in the consultation and the development and implementation of the Departmental DOI action under consideration.</u></p> <p>(2)(3) The notice should also give Tribal leaders the opportunity to provide feedback prior to the consultation, including time to request technical assistance and/or clarification on how the consultation process conforms to the requirements in this chapter.</p> <p>(3)(4) <u>If the notice is announcing a scheduled Tribal consultation session, the Bureau/Office will ensure that public notice to the Tribe(s) is given at least 30 calendar days prior to the first scheduled consultation session.</u> If exceptional circumstances prevent notification within 30 days of the consultation, an explanation for the abbreviated notification will be provided in the invitation letter.</p>	<p>5.5(A)(2)(e) Based on input provided during March 2021 consultations, language was added to clarify that notice should include information on which bureaus and offices will be participating in the consultation. Similar to above “under consideration” was added to indicate that consultation should begin early in the initial planning phase.</p> <p>5.5(A)(4) Language updated to indicate if a notice is announcing a scheduled Tribal consultation session, it should be provided to the Tribe at least<u>least</u> 30 days in advance of the first consultation session. Language included in the 512 DM 5 draft update for the December 2021 consultation. “Calendar” added after 30 to match the language used in 5.5(5)</p> <p>5.5(A)(5) Language added to indicate that if a notice is announcing an opportunity to consult, but does not include scheduled consultation session, Tribal leaders should have at least 30 calendar days (preferably 45 calendar days) to request consultation. Language included in the 512 DM 5 draft update for the December 2021 consultation. “Calendar” added after 45 for consistency.</p>
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<p>development stage include, but are not limited to, negotiated rulemaking, tribal leader task force, a series of open tribal meetings, or single meetings.</p> <p>(1) Bureaus/offices will solicit the views of affected Indian tribes regarding the process timeline to consult on a departmental action with tribal implications. Bureaus/offices should work with Indian tribes to structure a process, to the extent practicable, that considers specific Indian tribal structures, traditional needs, and schedules of the Indian tribes. Bureaus/offices may proceed with the expectation that interested Indian tribes will respond within a reasonable time period. If a bureau/office initiates consultation with a tribe but does not receive a response, the bureau/office should make reasonable and periodic efforts to repeat the invitation and, when feasible, should allow an Indian tribe to join an ongoing consultation. These efforts of engagement shall be appropriately documented.</p> <p>(2) When the matter under consultation involves confidential or culturally sensitive information, the bureau/office will work with the Indian tribe to develop a consultation process that addresses the sensitivity of the information to the extent permitted by Federal law. If litigation or legal requirements impact a bureau/office schedule for conducting consultation, the</p>	<p><u>(5) If the notice announces the opportunity to consult, without a scheduled Tribal consultation session, the notice should give the Tribal leaders at least 30 calendar days (preferably 45 calendar days) to request consultation before Departmental action planning proceeds.</u></p> <p><u>(a) A Tribe may request that DOI the Department provide an extension of more than 30 days' notice –prior to consider whether to request consultation and, at its discretion, the Department may grant such requests.</u></p> <p><u>(i)(b) If a Bureau/Office invites a Tribe to consult but does not receive a response, the Bureau/Office should make good-faith, reasonable and periodic efforts to repeat the invitation and, when feasible, should allow a Tribe to join an ongoing consultation. These efforts</u></p>	<p>5.5 (A)(5)(a) Language added to clarify that a Tribe may request an extension beyond the 30 calendar days to consider whether to request a consultation. Language included in the 512 DM 5 draft update for the December 2021 consultation.</p> <p>5.5(A)(5)(b) Language was added to indicate that good-faith efforts should be made to invite a Tribe to consult, and that a Tribe should be allowed to join ongoing consultations. Language included in the 512 DM 5 draft update for the December 2021 consultation.</p> <p>5.5(A)(6) Technical edits and clarifying language added.</p> <p>5.5(A)(6)(a) Based on input provided during March 2021 consultations, language was added to clarify and indicate that a Tribe may initiate a consultation at any time and the Department will work with the Tribe to schedule a consultation. Language included in the 512 DM 5 draft update for the December 2021 consultation.</p> <p>5.5(B) Based on comments received during December 2021 consultations that expressed that only Tribes can determine substantial and direct effect, language was</p>
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<p>bureau/office shall explain the constraints to the Indian tribe. If a determination is made that the Administrative Procedure Act or other Federal law or regulation expressly prohibits continued discussion at a specified point in the decision making process, the Indian tribes should be informed at the earliest opportunity in this stage of the process.</p> <p>(3) Bureaus/offices will work with each other and with other Federal agencies, where appropriate, to coordinate consultations.</p> <p>C. <u>Implementation of Final Federal Action Stage.</u> Bureaus/offices may consider implementing a post-consultation review process that invites tribal feedback or considers the need for training or technical assistance concerning the final Federal action. The post-consultation review process shall not limit DOI’s deliberative process privilege regarding internal considerations or any other applicable privilege.</p> <p>D. <u>Consultation Summary Report.</u> Upon completion of the consultation, bureaus/offices must prepare a summary of the consultation activities. Information from the summaries should be</p>	<p><u>of engagement shall be appropriately documented.</u></p> <p>(6) A <u>T</u>ribe may request that the Department initiate consultation when the <u>T</u>ribe believes that a bureau/office is considering a <u>-Departmental A</u>ction with <u>T</u>ribal <u>i</u>mplications. The appropriate Bureau/Office <u>TLO</u>TGO or appropriate representative will treat an official request for consultation in an expedited fashion and respond <u>to the Tribe</u> in writing that <u>DOI Department</u> has received the request, using the most expedient methods to communicate <u>(e.g., by email in addition to U.S. Mail).</u>to the tribe</p> <p>a) <u>Whenever a Tribe requests consultation the Department will work with the Tribe to schedule the consultation at a mutually agreeable time, usually 30 days in advance.</u></p> <p>B. <u>Proposal Development Stage.</u> The <u>B</u>bureau/<u>O</u>office will develop a process for the Proposal Development Stage that maximizes the opportunity for timely input by <u>Indian T</u>ribes and that is consistent with both <u>T</u>ribal and <u>B</u>bureau/<u>O</u>office schedules <u>and allows for Tribal input in determining if there is substantial and direct effect to the Tribe.</u></p>	<p>added to indicate that bureaus and offices should allow for time in the proposal development stage for Tribal input in determining if there is substantial and direct effect to a Tribe.</p> <p>5.5(B)(1) Based on comments received during December 2021 consultation that identified concerns about bureaus or offices moving forward with an action without making a good-faith effort to follow up with Tribes, language was added to indicate that a bureau or office may only proceed after making multiple efforts and attempts to contact the Tribe and documenting those efforts.</p> <p>5.5(B)(2) “natural disasters” added. Language included in the 512 DM 5 draft update for the December 2021 consultation.</p> <p>5.5(B)(3) created to align with Departmental Manual template formatting.</p> <p>5.5(C) Technical edits made.</p>
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<p>used to develop the Annual Report described in 512 DM 4.8.</p>	<p>Examples of appropriate processes for the proposal development stage include, but are not limited to, negotiated rulemaking, a Tribal leader task force, a series of open Tribal meetings, or single meetings. <u>Bureaus/Offices may perform these activities during the Initial Planning Stage, above, as appropriate.</u></p> <ol style="list-style-type: none"> 1. Bureaus/Offices will solicit the views of affected Indian Tribes regarding the process timeline to consult on a Departmental Action with Tribal Implications. Bureaus/Offices should work with Indian Tribes to structure a process, to the extent practicable, that considers specific Indian Tribal structures, traditional needs, and schedules of the Indian Tribes. Bureaus/Offices may proceed with the expectation that interested Tribes will respond within a reasonable time period, <u>and only after documenting attempts to follow up on consultation letters thorough multiple forms (e.g. letters, emails, etc).</u> <u>[NOTE: Deleted text was moved up to “Initial Planning” stage, above].</u> 	
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	<p>2. When the matter under consultation involves confidential or culturally sensitive information, the Bureau/Office will work with the Indian Tribe to develop a consultation process that addresses the sensitivity of the information to the extent permitted by Federal law.</p> <p>3. If litigation, or legal requirements, <u>or natural disaster emergencies</u> impact a Bureau/Office schedule for conducting consultation, the Bureau/Office shall explain the constraints to the Indian Tribe. If a determination is made that the Administrative Procedure Act or other Federal law or regulation expressly prohibits continued discussion at a specified point in the decision-making process, the Indian Tribes should be informed at the earliest opportunity in this stage of the process.</p> <p>(3) Bureaus/offices will work with each other and with other Federal agencies, where appropriate, to coordinate consultations. <u>[NOTE: Deleted text was moved up to 5.4(C)]</u></p> <p>C. <u>Record of Consultation</u>. On completion of the consultation period, the head of the Department Bureau/Office or their designee must prepare and transmit to the Tribe (or for national and regional consultations or if otherwise appropriate, publish on the website) documentation in a record of consultation that describes:</p>	
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	<ol style="list-style-type: none"> 2. A summary of Tribal input received; 3. An explanation of how that Tribal input was addressed; 4. The reasoning for any instance in which Tribal suggestions were not incorporated into the DOI Departmental action or consensus could not be attained. <p style="text-align: center;">D. <u>Implementation of Final Federal Action Stage.</u> Bureaus/oOffices may consider implementing a post-consultation review process that invites Tribal feedback or considers the need for training or technical assistance concerning the final Federal action. The post-consultation review process shall not limit DOI's Department's deliberative process privilege regarding internal considerations or any other applicable privilege.</p> <p style="text-align: center;">E. <u>Consultation Summary Report.</u> Upon completion of the consultation, bBureau/Ooffice must prepare a summary of the consultation activities. Information from the summaries should be used to develop the Annual Report described in 512 DM 4.8.</p>	
<p>5.6 Consultation with Alaska Native Corporation Settlement Act of 1971 (ANCSA)</p>	<p>5.6 Consultation with Alaska Native Corporation Settlement Act of 1971 (ANCSA) Corporations. When taking Departmental action that has a substantial direct effect on ANCSA Corporations, DOI</p>	<p>5.6 Section deleted. See 512 DM 6</p>

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<p>Corporations. When taking Departmental action that has a substantial direct effect on ANCSA Corporations, DOI will initiate consultation with ANCSA Corporations. The same consultation procedure described in paragraph 5.5 above shall be followed to engage Alaska Native communities.</p>	<p>will initiate consultation with ANCSA Corporations. The same consultation procedure described in paragraph 5.5 above shall be followed to engage Alaska Native communities.</p>	
<p>5.7 Joint Federal-Tribal Consultation Team (Team). The Secretary will appoint six to eight tribal leaders to serve on the Team and advise departmental officials on the consultation process. Each member's term of appointment may not exceed 2 years, and each member must be the duly elected tribal leader for the duration of the term appointment, or cede the position at the expiration of the tribal leadership position.</p> <p>A. The DOI officials should engage members of the team to determine what constitutes meaningful consultation to DOI's decisionmaking process. The DOI officials will also coordinate with the team and discuss implementation of best practices and lessons learned during the consultation process for future Departmental action.</p> <p>B. The Team shall meet regularly to discuss the most recent quarter's DOI</p>	<p>5.6 Joint Federal-Tribal Consultation Team (Team). The Secretary will appoint six to eight tribal leaders to serve on the Team and advise departmental officials on the consultation process. Each member's term of appointment may not exceed 2 years, and each member must be the duly elected tribal leader for the duration of the term appointment, or cede the position at the expiration of the tribal leadership position.</p> <p>B.F. The DOI officials should engage members of the team to determine what constitutes meaningful consultation to DOI's decisionmaking process. The DOI officials will also coordinate with the team and discuss implementation of best practices and lessons learned during the consultation process for future Departmental action.</p> <p>C. The Team shall meet regularly to discuss the most recent quarter's DOI consultation sessions with Indian tribes to identify areas where consultation with</p>	<p>5.7 Deleted text replaced with STAC in 512 DM 4.</p>

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<p>consultation sessions with Indian tribes to identify areas where consultation with engaged tribal stakeholders impacted Departmental action.</p> <p>C. Tribal Team members will be elected officers of tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities in order to comply with the exception of the Federal Advisory Committee Act (5 U.S.C. App.) contained in the Unfunded Mandates Reform Act (Pub. L. 104-4).</p>	<p>engaged tribal stakeholders impacted Departmental action:</p> <p>D-</p> <p>E.G. Tribal Team members will be elected officers of tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities in order to comply with the exception of the Federal Advisory Committee Act (5 U.S.C. App.) contained in the Unfunded Mandates Reform Act (Pub. L. 104-4).</p> <p>[NOTE: Deleted text replaced with STAC in 512 DM 4].</p>	
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