

April-June 2016

# Collaboration Corner



**Coming together and working together to  
build relationships and develop solutions**

# In This Issue:

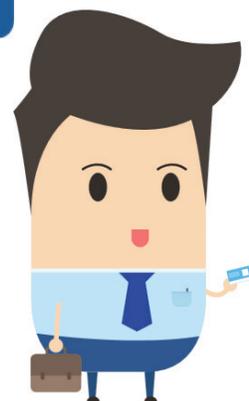
*In honor of the collaborative work being conducted throughout USACE with Tribal Nations and the establishment of the Tribal Nations Technical Center of Expertise, this issue of Collaboration Corner highlights work conducted by USACE staff with Tribal Nations as well as work with other stakeholders including socially vulnerable populations and federal partners.*

This newsletter is produced by the USACE Collaboration and Public Participation Center (CPCX), located at the Institute for Water Resources. For questions, comments, or to submit articles, contact Seth Cohen at [seth.b.cohen@usace.army.mil](mailto:seth.b.cohen@usace.army.mil).

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Submit your questions on Collaboration and Public Participation to be answered in the next issue of Collaboration Corner [Here](#)



**Cover Image:** Rodney Parker, Huntington District Tribal Liaison presenting Colonel Philip Secrist with a Shawnee Blanket.

# Announcements

**AUG**

**3-4**

USIECR's 101:  
Introduction to Managing Environmental Conflict (Lakewood, CO);  
More Information [HERE](#)

**AUG-SEP**

**30-1**

IAP2 Training:  
Techniques for Effective Public Participation (Fort Collins, CO);  
More information [HERE](#)

**SEP**

**7-8**

USIECR's 410:  
Advanced Multi-Party Negotiation of Environmental Disputes (Arlington,VA); More info [HERE](#)

**OCT**

**5-6**

USIECR's 501:  
Collaboration Leadership for Environmental Professionals (Arlington,VA). More info [HERE](#)

**OCT-NOV**

**31-4**

IAP2 Training:  
Foundations in Public Participation – Planning and Techniques (Anchorage,AK). More info [HERE](#)

**NOV-DEC**

**28-2**

NCTC Training:  
Collaboration and Conflict Transformation in Multi-Party Processes (Shepherdstown,WV). More info [HERE](#)

## Featured Resource

The June 2016 webinar on “Difficult Conversations: From Disagreements to Bad News,” based loosely on the book “Difficult Conversations: How to Discuss What Matters Most” by Stone, Patton, and Heen, focused on providing phrases and approaches that can be used during the discussions most of us try to avoid in our everyday lives - from the workplace to the homeplace.

For a recording of the webinar visit:

<http://corpslakes.usace.army.mil/employees/facilitator/exchange.cfm?Option=ArchiveSchedule&CoP=facilitator>

The second in a series of programs on Conflict and Collaborative Problem Solving webinars, this webinar was presented by Andrea Carson and Cynthia Wood of the Institute for Water Resources on behalf of the Facilitators Exchange and the Collaboration and Public Participation Community of Practice.

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## Connect...



We would like to hear about your stories, events, or announcements that would be of interest to our collaboration community.

Copy the [CoP Calendar](#) to your Outlook to stay connected!



U.S. Fish & Wildlife Service

# National Conservation Training Center

## Training Announcement

### Collaboration and Conflict Transformation in Multi-Party Processes

ALC3199

#### Course Description

Distinct from workplace interpersonal conflict, this course focuses on working with conflict in the context of a natural resource collaborative decision making process. Presentations, case studies, and discussions will be integrated with practical group exercises to target skill-building in conflict transformation. Natural resource professionals involved in multi-party collaborative decision processes face increasingly complex decisions where underlying conflict can undermine their efficacy if unknown or inappropriately addressed. Conflict transformation encompasses managing and resolving conflict by harnessing the energy inherent in conflicts to motivate change and improvement not only of the decision but also of the institutions and platforms for implementation. This course was developed in partnership from staff from U.S Fish and Wildlife Service (FWS) and U.S. Army Corp of Engineers Institute of Water Resources (USACE – IWR).



#### Objectives

At the end of this course, you will be able to:

- Develop an awareness of one’s own tendencies in thinking about and responding to conflict.
- Build greater awareness & acknowledgement of conflict and its impacts on decision processes.
- Employ techniques to address, manage, and transform conflict in decision processes.
- Use techniques to build trust and repair broken relationships to promote enduring solutions.
- Evaluate and institutionalize collaborative decision processes.
- Participate more effectively in collaborative decision processes.

#### Date

November 28<sup>th</sup> – December 2<sup>nd</sup>, 2016.

#### Location

National Conservation Training Center, Shepherdstown, WV.

#### Who Should Attend

Individuals who engage or plan to engage in natural resource collaborative decision processes, such as environmental planners, regulatory specialists, consultation biologists, conservation practitioners and other natural resource professionals.

#### Length

4.5 days.

#### College Credit

2 semester hours are available upon request.

#### Tuition

Tuition for FWS, NPS, and BLM is prepaid. USACE participants may request a tuition waiver. For participants from other agencies and organizations, the tuition charge is \$995.

#### To Register

Register online at <http://training.fws.gov> using DOI Learn, the Department of the Interior’s Learning Management System. **Registration closes: Sept. 16, 2016**

#### Availability

Offered annually.

#### Contacts:

For registration questions:  
Jill Del Vecchio, at (304) 876-7424  
[jill\\_delvecchio@fws.gov](mailto:jill_delvecchio@fws.gov)

For course content questions:  
Ashley Fortune, at (304) 876-7361 or  
[ashley\\_fortune@fws.gov](mailto:ashley_fortune@fws.gov)

*“Conflict transformation generates creative platforms that can simultaneously address surface issues and change underlying social structures and relationship patterns.”*

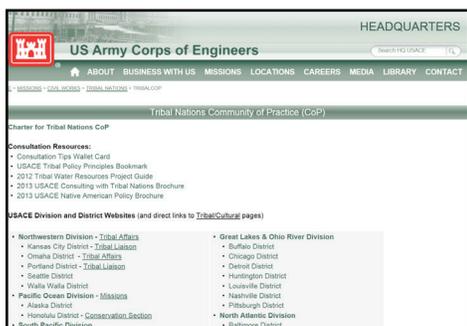
*John Paul Lederach*

In FY15 USACE selected Albuquerque District to be the home for a dedicated national Tribal Nations Technical Center of Expertise (TNTCX) to facilitate the agency's ability to fulfill its Tribal responsibilities. The TNTCX will provide support to the senior tribal liaison and the Tribal Nations Program to improve capabilities and management, reduce redundancies, optimize the use of specialized expertise and resources, enhance USACE-wide consistency, facilitate technology transfer, help maintain institutional knowledge, and improve service to customers. The TNTCX will be managed by Ronald Kneebone, who has served as an archaeologist, project manager and tribal liaison in the Albuquerque District since 1991.



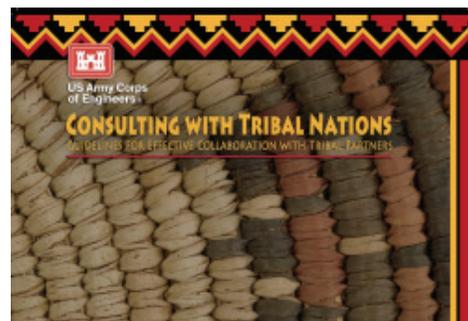
## Interested in Learning More?

Hyperlink to USACE Tribal Nations Webpage:  
<http://www.usace.army.mil/Missions/Civil-Works/Tribal-Nations/>



Hyperlink to Tribal Nations Community of Practice  
<http://www.usace.army.mil/Missions/Civil-Works/Tribal-Nations/tribalcop/>

Hyperlink to Consulting with Tribal Nations: Guidelines for Effective Collaboration with Tribal Partners  
[http://www.usace.army.mil/Portals/2/docs/civilworks/tribal/CoP/2013consult\\_guidelines.pdf](http://www.usace.army.mil/Portals/2/docs/civilworks/tribal/CoP/2013consult_guidelines.pdf)



# Programmatic General Permits Aiding in Tribal Self-Determination

By Jeff Collins, USACE, Senior Project Manager, Regulatory, Jacksonville District

The U.S. Army Corps of Engineers (USACE) and the Seminole Tribe of Florida (STOF) have collaborated to develop a Programmatic General Permit (PGP) titled SAJ-83 to authorize fill activities on the Big Cypress Seminole Indian Reservation (BCSIR; Figure 1). On March 15, 2015, SAJ-83 and a Coordination Agreement were signed by the Jacksonville District Commander, giving general authority to the STOF to administer this permit, on behalf of the USACE and pursuant to Section 404 of the Clean Water Act, for the discharge of fill (up to 1.5 acres) for the following minor activities: single-family home sites, utility lines, recreational facilities, boating, agricultural use, commercial use, government facilities, water control activities, ditch maintenance, and road construction. A separate PGP is nearing authorization for the Brighton Seminole Indian Reservation (Figure 2).

PGPs may be issued where there are duplicative Tribe (or other government programs) and federal processes for permit authorizations. SAJ-83 will expedite STOF and federal permit processing timeframes for Tribal members at BCSIR, while saving the USACE resources that will be applied to more complex permit applications. STOF PGP implementation is an integral component toward the Tribe's overall goal of self-determination. The PGP will provide for considerable time savings to the Tribe

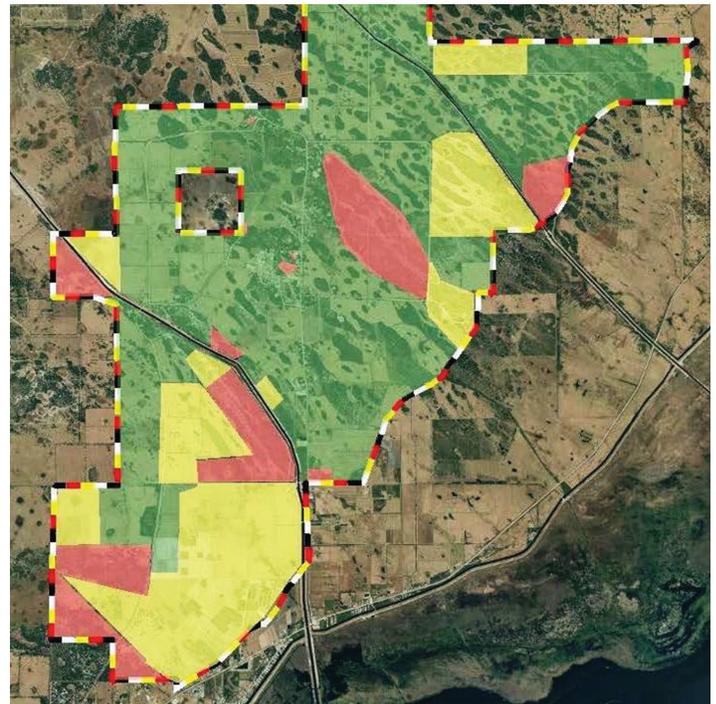


Figure 2. Location of the Brighton Seminole Indian Reservation.

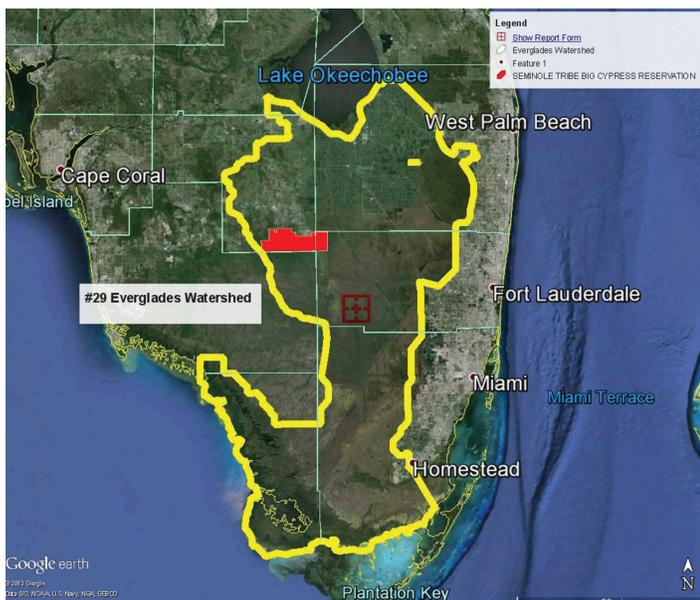


Figure 1. Location of the Big Cypress Seminole Indian Reservation.

for issuing housing permits, as well as more flexibility and control of activities on Tribal land. Allowing Tribes to have more control over their own affairs, on their land, is the cornerstone of the Indian Self-Determination Act. The Act promotes the establishment of a meaningful Indian self-determination policy which permits an orderly transition from Federal domination of programs and services to effective and meaningful participation by the Indian people in the planning, conduct, and administration of these programs and services (e.g., obtaining federal grant funding to administer education programs). Additionally, issuance of the PGP would align with recent laws such as the Helping Expedite and Advance Responsible Tribal Homeownership (HEARTH) Act. The HEARTH Act is another example of strong Presidential and Congressional support for allowing Tribes to manage their own affairs. Under the HEARTH Act, Tribes will have the authority to process land leases without Bureau of Indian Affairs approval. This new authority, combined with the PGP, significantly reduces the time it takes to approve leases for homes or small businesses, promotes investment in Tribal communities and more broadly facilitates economic development in Indian Country.

*Continued on next page*

# Programmatic General Permits Aiding in Tribal Self-Determination (continued)

The STOF has developed the capacity to implement this process, consistent with the Water Quality Certification, and Tribal permitting process. The USACE has fostered STOF capacity development through permitting and wetland delineation trainings provided for STOF workers and

members. USACE anticipates completion of the PGP for the Brighton Seminole Reservation in the near future and looks forward to continued collaboration with the STOF on Clean Water Act, compensatory mitigation and long-term natural resource monitoring and protection issues.”

## The 404 Program – A Controversial Start with a Collaborative Outcome

*By Kathryn Firsching, USACE, Assistant District Counsel, Nashville District*

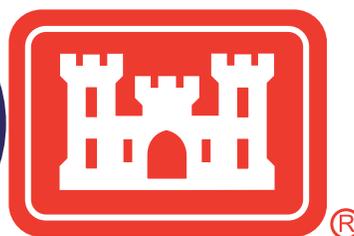
The U.S. Army Corps of Engineers (USACE) 404 program regulates the discharge of dredged or fill material in the waters of the United States. This helps protect both the habitat and clean water functions of the nation’s waterways. When the program first began in the mid 1980’s the USACE and the Environmental Protection Agency (EPA) did not get along very well. To improve one aspect of this jointly administered program, the Department of Justice (DoJ), EPA, and the USACE began holding a national enforcement conference every year in Washington, D.C. Steve Samuels with the DoJ, Environmental and Natural Resource Division has 30 years of experience with the USACE 404 program; his career began at the onset of the 404 program and the joint national enforcement conferences. Mr. Samuels credits the USACE with doing a lot of work to improve the relationship among the agencies involved in the 404 program. However, budget cuts a few years ago ended the annual national enforcement conference. Now what?

The EPA Southeast Region IV serves Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and 6 Tribes. About 12 years ago, the Southeast Region began hosting a regional enforcement

conference attended by members of three USACE Division offices, nine USACE District offices, members of EPA Region IV, and DoJ Environmental and Natural Resources Division.

The most recent Region IV enforcement conference was hosted in December 2015. Topics were solicited from attendees prior to the conference and included bankruptcy issues involving large numbers of coal mining permits with unfulfilled mitigation, updates on the Clean Water Rule litigation, and site access guidelines to prevent USACE employees from becoming personally liable for trespassing while performing their job duties. The conference format provides the latest updates on new laws and regulatory developments, and facilitates development of positive working relationships between the three federal agencies who must work together to successfully support the nation’s 404 program. Furthermore, USACE districts and divisions have the opportunity to share enforcement tools and best practices, and receive feedback on those tools from EPA and DOJ.

Overall, the regional enforcement conference has been well received by all who participate. Steve Samuels has asked for other regions to have this type of conference. So, when will you begin planning your regional enforcement conference?



# Collaborating with Tribal Nations to Successfully Re-inter Ancestral Remains

By Rodney Parker, USACE, District Archeologist and Tribal Liaison, Huntington District

In 2001 the Huntington District Army Corps of Engineers (USACE) disrupted the eternal resting of ancestral remains through archeological excavations associated with a Lock and Dam Replacement Project. At least 25 individuals were identified at this Fort Ancient village site located within the Kanawha Valley of central West Virginia. Up until their re-internment, these remains, consisting of human bone, grave goods, and burial soil, were housed in a secured facility. Since the time of excavation in 2001, there has been a need to properly identify the descendants and consult on a reburial plan.

The Huntington District worked closely with the Mandatory Center of Expertise (MCX) for the Curation and Management of Archaeological Collections (CMAC), to complete a cultural affiliation study to assist in properly determining the descendants of the Fort Ancient culture within our District. Throughout the determination process the Huntington District performed government to government tribal consultation in the truest sense of the term, by mutually exchanging ideas, intentions, and perceptions. During this process the District developed an effective relationship with the Shawnee Nations, who were identified as culturally affiliated with the Fort Ancient culture (1000 A.D- 1700 A.D.). This relationship did not occur overnight, it has taken both time and energy

from both parties, including face-to-face meetings, numerous teleconferences, and email correspondence. The Huntington District has a trust responsibility with all federally recognized Tribes to represent the best interests of the Tribes, their resources, and their members.

All of these efforts culminated on an overcast day this past September, when the Huntington District and Shawnee Tribes led the first successful re-internment of ancestral remains on Huntington District property. A point of emphasis for the Shawnee Tribes was that this was not a reburial ceremony, the ceremony associated with the ancestor passing was performed centuries ago; this would be a re-internment.

All parties associated with the re-internment, from District and Project Office staff, as well as the contractors, performed with a sensitivity, respect, and professionalism that was greatly appreciated by the Shawnee. In appreciation, the Shawnee representatives in attendance presented both the District Office and Project office with blankets. The Shawnee tradition of wrapping someone with a blanket symbolizing that “you feel secure in your surrounding when you can fully wrap it around your body to enjoy the warmth and security you feel among friends and family and not have to worry about assuming a defensive posture”. As a Shawnee representative who attended the re-internment stated, the blankets represent the “Shawnee Tribes welcoming you as friends into our family in appreciation of respect you have shown towards our ancestors”.

Because of the hard work and the reverence shown to the Shawnee Tribes by Huntington District personnel, at both the District Office and the Project Office, the Huntington District has continued to foster and develop relationships that will continue well into the future. The Huntington District has plans to re-inter additional ancestral remains from the Fort Ancient period by the close of this fiscal year.



Rodney Parker, Huntington District Tribal Liaison presenting Col Philip Secrist with a Shawnee Blanket.



# A New Resource for USACE: How to Identify and Engage Socially Vulnerable Populations in Our Work

By Seth Cohen and Susan Durden, USACE, Institute for Water Resources

Exposure to flooding and other environmental hazards often fall disproportionately on the most socially vulnerable people within a community. Those who lack access to education, adequate housing, economic resources, health care, and social networks have the fewest resources to prepare for a flood and often live in the highest-risk locations. Children, the elderly, and those with physical disabilities are also more vulnerable to hazards. Many U.S. Army Corps of Engineers (USACE) teams may not be aware of the need to consider vulnerable populations in evaluating potential projects, studies, or regulatory decisions. To help address that challenge, USACE's Collaboration and Public Participation Center of Expertise (CX) has worked with a team from the Institute for Water Resources and USACE Districts to develop a primer entitled "Identification and Engagement of Socially Vulnerable Populations."

As the title suggests, the primer is intended to help USACE personnel and those who partner with USACE to understand "the importance of identifying and engaging people who due to social, cultural, economic, and physical factors are more vulnerable to floods and other environmental hazards." The primer also provides concrete strategies, tools, and examples of how to identify and work with vulnerable populations, and importantly, shows why including them in the decision making process can have a positive impact on the formulation of water resource management alternatives and water resource decisions. One of those tools newly available for USACE to help with the identification of vulnerable populations is the Social Vulnerability Index (SOVI). SOVI is a comparative metric that provides a snapshot of an area's relative social vulnerability to hazard exposure and can be used for any hazard. The SOVI tool has 2 components: a data development tool and data analyses tool. SOVI is on the ACE-IT approved list and therefore can be installed on agency computers. Users can learn to use the tool by following the accompanying user manual. The associated SOVI analysis is done by uploading the data to Corpsmap and doing the analysis on the Corpsmap platform. The user can then see all SOVI analyses that have been done.

A deliberate focus on social vulnerability in our work is meant to further encourage USACE personnel to con-

sider the "people" part of our work, or in other words, the "social effects" that can be influenced by the agency's studies, projects, and regulatory decisions. "Social effects, in a water resources context, refer to how the constituents of life that influence personal and group definitions of satisfaction, well-being, and happiness, are affected by some water resources condition or proposed intervention" (Dunning and Durden, 2009). Social Vulnerability is one of those key social effects.

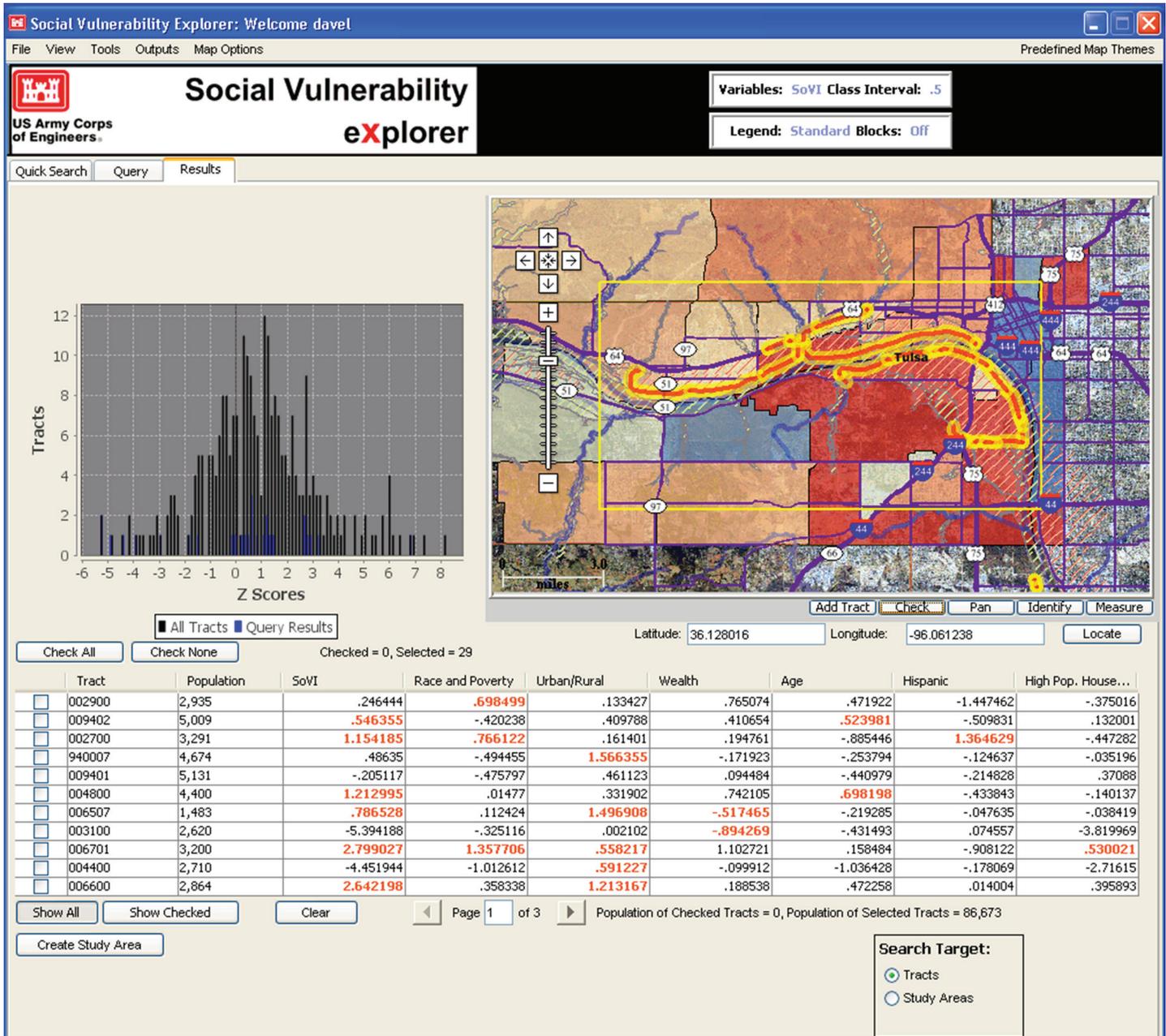
Social Vulnerability and Resilience	Human Needs Focusing Questions for OSE Analysis	OSE Factors Listed in ER 1105-2-100 Planning Guidance Notebook
Ensure that the requirements of special needs populations in the community are adequately addressed	What risks to special needs populations in the community are posed by conditions?	Effects on security, life, health and safety Effects on emergency preparedness

\*Other Social Effects As Expressed in Human Needs Theory and in USACE Planning Guidance

We anticipate that the primer will be useful to all USACE programs and can also serve other government agencies. In addition to providing general guidance, it offers special considerations for addressing social vulnerability in the Dam and Levee Safety Programs. To learn more about the primer and the interactive SOVI tool, or to receive a copy of the primer, please contact Seth Cohen [seth.b.cohen@usace.army.mil](mailto:seth.b.cohen@usace.army.mil) (primer) or Susan Durden [susan.e.durden@usace.army.mil](mailto:susan.e.durden@usace.army.mil) (SOVI). Many thanks to Chris Baker, SWT, for invaluable assistance in developing the SOVI tool and Primer, and to Martin Harm, SAS, for initiating an expert users group.

See graphic on next page

# A New Resource for USACE: How to Identify and Engage Socially Vulnerable Populations in Our Work (continued)



Social Vulnerability Index showing sources of vulnerability by census track.

# Tribal Consultation: Reflections From a Facilitator

By Seth Cohen, USACE, Collaboration and Public Participation Center of Expertise

As a facilitator/mediator who has worked with Native American tribes in different settings, I've had an opportunity to both observe and facilitate some large meetings where over 20 representatives from different tribes were at the table. This article presents some of my reflections and take-away lessons for these type of large meetings.

**Is it Consultation?** Probably the biggest reminder I've witnessed at recent meetings with tribes is the need for all to be clear about what is meant by "consultation" and how it applies to the meeting at hand. Make sure your team is clear about consultation<sup>1</sup>, but also be sure the tribes agree that your meeting fits the definition of government-to-government consultation, or determine if they just consider the meeting "information sharing" that is part of a broader form of engagement. If they consider a meeting a form of preliminary information sharing on a project or study then additional forms of one-to-one consultation with certain tribes may be critical.

Native American tribes that have an interest or "stake" in any issue should not be referred to as regular "stakeholders" and should be consulted based on Federal government Tribal Consultation guidance. Consultation with Native American tribal nations is defined in USACE guidance as, "*Open, timely, meaningful, collaborative and effective deliberative communication process that emphasizes trust, respect and shared responsibility. To the extent practicable and permitted by law, consultation works toward mutual consensus and begins at the earliest planning stages, before decisions are made and actions are taken; an active and respectful dialogue concerning actions taken by the USACE that may significantly affect tribal resources, tribal rights (including treaty rights) or Indian lands.*" What makes this definition potentially confusing is that in the language of most public participation guidance (lap2.org's Spectrum of Engagement, for example) "consultation" is seen as less engaged than "collaboration" and does not have as robust a definition as the one above that is specifically directive for working with sovereign Native American tribal nations and their representatives.

**Co-create your agendas:** To the extent possible, engage as early as possible and work with the tribes to identify and develop the issues to be discussed. Co-create the meeting plan with the intended participants and clarify purpose and desired outcome with them. A lack of communication and collaboration in developing agendas or agreements can lead to mistrust and a feeling that the government has hidden motives. In one meeting I observed that several Tribal Historic Preservation Officers (THPOs) could not move past the fact that the lead agency (not USACE in this case) brought a template Programmatic Agreement (PA) to work on, which the tribes had not participated in developing. Presenting a draft, boiler plate Programmatic Agreement was taken as "jumping ahead" and presumptuous. Some of the THPOs in attendance viewed the process as an historical problem of poor communication and several tribes thus spent significant time asking the lead agency "how it viewed and understood consultation?"

Ideally, send a draft agenda to the invited tribal representatives and seek their input and additions. Whenever possible, take the extra step of follow-up phone calls to understand what might make the meeting more effective or successful for the different tribes involved. This can lead to a more collaborative environment, build trust, and strengthen relationships. Lastly, plan to be flexible with the agenda if new issues or concerns arise.

**The Tribal Caucus.** The caucus is an opportunity for the tribe(s) to talk amongst themselves without the applicant or the convening agencies in the room. There may be times where tribes want the federal agency to be present but they ask the facilitator(s) or an applicant to leave the room. A caucus may happen on the spot as conflict arises or it can be planned. An agency may also plan for a tribal caucus in their agenda, but be prepared that it may go longer than expected. If you are concerned about time, look for a good opportunity – like a break - to speak with some of the tribes about the possibility of reconvening altogether. Be sure not to just insert yourself and try to force things back to the original agenda or your own expectations to reach a particular outcome. This will show an unwillingness to really listen and any trust that

<sup>1</sup> Consult with your District Tribal Liaison or the HQ Tribal Liaison for questions or to obtain a copy of the booklet USACE Consultation Policy and Related Documents [http://www.usace.army.mil/Portals/2/docs/civilworks/tribal/CoP/2013\\_nap\\_brochure.pdf](http://www.usace.army.mil/Portals/2/docs/civilworks/tribal/CoP/2013_nap_brochure.pdf)

# Tribal Consultation: Reflections From a Facilitator (continued)

exists will be lost. It is therefore critical to acknowledge the work and efforts completed during a caucus before moving on. The facilitator or lead agency convener should acknowledge the caucus is complete and ask the tribe(s) if they would like to share the results of their meeting or ask questions of the agency, applicant, or others in attendance at the meeting.

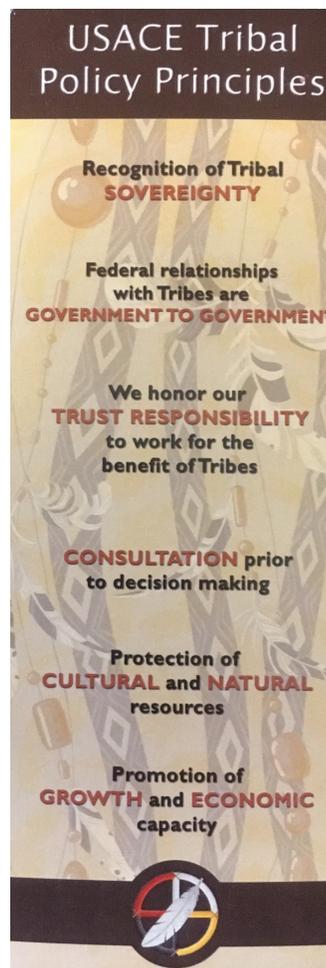
**Confidentiality.** The type and method of information that will be shared during and after the meeting should be agreed upon by all meeting participants. An example is with respect to meeting minutes: will minutes be shared with all persons invited, even if they did not attend, or is it appropriate to share minutes with only those in attendance. With regard to the Section 106 consultation process, for example, many tribes have concerns about sharing culturally significant places/historic properties for fear they will be subject to Freedom of Information Act and thus compromised. This is a major concern for tribes and agencies since there is a need to document and protect these areas of concern and yet also protect a tribal nation's privacy. Work with each individual tribe to identify traditional cultural properties or other significant sites. Develop a process to protect sensitive tribal information and knowledge.

**Third-party support.** A facilitator can often be vital to the success of a collaborative process with tribes. Professional facilitators who have good experiences working with tribes can be a tremendous help to agencies hosting meetings with a large number of tribal representatives. It could be a facilitator who is internal to the agency or an external contractor. Regardless of where they work, their role and purpose should be clear. In some cases the use of a facilitator to develop the agenda with the agency and tribes may be beneficial.

At the start of any meeting be sure to clarify the facilitator's role, and how it differs from the role of persons represented by the lead agency. Discuss the delineation of duties at the onset of the meeting; this can build trust among meeting participants and the facilitator, and will likely assist with meeting management on behalf of the facilitator.

**Cultural Nuances:** In one meeting I facilitated, tribal members informed me and the District personnel that the tribes in that area have a cultural preference for moving clockwise during introductions and discussions. They expected the agency to know how things work in that

part of "Indian country." To lessen the chance of this type of offense in meetings, seek guidance from your District tribal liaisons who could potentially brief staff not as familiar with tribal customs. There are of course many valuable cultural communication lessons one can learn to prepare for work with tribes, which I won't cover here, but just remember there will be unique differences among all Native American tribes. Expect to make mistakes, and be willing to apologize and ask for direction from the tribes for how to proceed or do things differently next time. People are quite forgiving when we acknowledge our mistakes and express a willingness to learn from them.



This is a new bookmark available from the USACE Tribal CoP and CX.

\*The above story represents the experiences and views of the author. Please contact him with any questions or concerns about this article at: [seth.b.cohen@usace.army.mil](mailto:seth.b.cohen@usace.army.mil) or 303-963-4564. For more extensive guidance contact the new Tribal Nations CX also listed in this newsletter.

Dear Hal,

As a PM, I am expected to ensure that federally recognized tribes are engaged and consulted with on my projects. Why do we coordinate with tribes on a government-to-government basis and how do I get started?

# Ask Hal



Planners and Project Managers have so many processes to follow, one important step that has the potential to fall through the cracks is tribal engagement. With SMART planning and accelerated schedules, it is more important than ever to work with tribes early and often.

The principles of government-to-government relations are built upon historical U.S. laws, policies, and legal decisions. Federal agencies are directed by various laws, policies, memorandums, court cases, and executive orders to consult with federally recognized tribes on a government-to-government basis. Consultations address tribal rights, protected resources, and/or Indian Land that may be affected by USACE activities. USACE's 2012 Tribal Consultation Policy outlines how our relations with federally recognized tribes are to occur.

Government-to-government relations should be initiated very early in project planning and are ongoing throughout the life cycle of a USACE project. Government-to-government consultation is a diplomatic process, between two sovereign governments, which is a subset of the overall government-to-government relationship. The main goal of consultation is to assure that USACE fully considers tribal concerns when implementing its activities, projects, and programs before decision making has occurred.

The key aspects of effective communication and engagement with tribes are:

- Recognize unique government-to-government relations;
- Respect tribal sovereignty and authority over tribal rights/protected resources;
- Consultation is a two-way dialog built on mutual respect; and,
- Federally recognized tribes must be given opportunity for government-to-government consultation before any USACE activity that has the potential to significantly affect a protected tribal right or resource.

Tribal concerns must be understood early in the planning process. For Civil Works planning projects, begin engaging tribes before the charrette to learn their concerns. Provide tribes information on SMART planning and invite tribes to your charrette (if applicable). Working with tribes to learn local knowledge will help inform your project risks and uncertainties. Risk registers may require regular management to reflect changes in our understanding of tribal concerns, as it may take time to fully understand all of the concerns of tribes. There are multiple opportunities for engagement with tribes early and at each decision milestone. Government-to-government consultation may occur at any point in the SMART planning process.



*Continued on next page*

# Ask Hal continued



Each District has a Tribal Liaison or POC for working with tribes. Work with your District Tribal Liaison to:

- Understand USACE's government-to-government responsibilities to federally recognized tribes;
- Learn which federally recognized tribes may have an interest in your proposed projects;
- Learn what tribal rights and resources may be potentially impacted by your proposed projects;
- Develop a list of appropriate points of contact within each of the potentially interested tribes;
- Prepare formal letters of notification and invitations to tribes for government-to-government consultation, which should always be signed by the District Commander;
- Follow-up with tribes after letters have been sent;
- Coordinate and facilitate government-to-government consultation when requested by a federally recognized tribe;
- Properly document government-to-government consultation; and,
- Follow-up on any action items resulting from government-to-government consultation.

Ask Hal content provided by Amanda Andraschko, Tribal Liaison, Alaska District

## DID YOU KNOW...

You can find briefing templates, Strong Points, and other great communication tools at the USACE Communicator's Toolbox.

Visit it today at:

<https://intranet.usace.army.mil/hq/Pages/CommToolbox.aspx>