



# United States Department of the Interior

## NATIONAL PARK SERVICE

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Washington, DC 20240

### **DIRECTOR'S ORDER #71C: CONSULTATION WITH INDIAN AND ALASKA NATIVE TRIBES**

Approved: Charles F. Samos<sup>III</sup>  
Director

Effective Date: November 4, 2024

Duration: Until amended, superseded, or rescinded

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## **1. Background and Principles**

### **1.1 Background**

The Indigenous people of North America are the original inhabitants and first stewards of the lands now known as the United States of America.<sup>1</sup> Many Indigenous people value their connection to the land—it defines their lifeways, culture, language, existence, and experience as Native people.

The United States has a unique nation-to-nation relationship with American Indian and Alaska

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<sup>1</sup> As the original stewards of these lands, Indigenous people have rapidly adapted to a variety of environments and social and political circumstances, including pressures due to loss of land and language and shifts in lifeways, over the course of a thousand years. The severe nature of these impacts eroded Indigenous identity away from unique band, society, clan, and family systems to larger collectives as a matter of survival and persistence. As traditional systems aggregated to form larger bodies of connected Indigenous communities, the term “Tribe” emerged to identify the qualities of the connection. A Tribe is a useful unit of distinction for the purpose of negotiations and managing governmental affairs, including treaty-making for the cession of lands and resources. As encounters, relationships, and negotiations increased between Indigenous and western European communities, the use of “American Indian,” “Alaska Native,” “Native Hawaiian,” and “Tribe(s)” became normalized, replacing the Indigenous communities’ names for themselves in their language.

Native Tribes<sup>2</sup> that is based in the U.S. Constitution and treaties, statutes, regulations, Executive orders, and Federal court decisions. The historical interactions between the Federal Government and Tribal nations have been complicated—frequently marked by conflict, power imbalance, and under-representation of Tribal nations in decision making. Today, the Federal Government seeks to strengthen relationships with Indian Tribes and embrace attitudes of restoration and reconciliation with Tribal nations and their communities. More recent Federal policies and approaches aim to empower Indian Tribes to manage their resources and lands, engage in economic development opportunities based on their own strategies and priorities, and self-govern through their own independent judgment and cultural values.

Through principled policies that advance relationships and integrate Tribal perspectives and Indigenous knowledge<sup>3</sup> into decision making, the Federal Government can uphold its trust responsibilities to Indian and Alaska Native Tribes. First among these principled policies is the Federal Government’s commitment to inherent Tribal sovereignty and the individual well-being of Native Americans. The Federal policy of Indian self-determination establishes a framework for the protection and promotion of inherent Tribal sovereignty through partnerships with Tribal nations based on a nation-to-nation relationship. Both the [Presidential Memorandum of April 29, 1994](#) and [Executive Order 13175](#) (Consultation and Coordination with Indian Tribal Governments) direct executive departments and agencies to engage in regular and meaningful consultation in good faith with Tribal officials on Federal policies and actions with Tribal implications. The [Presidential Memorandum of November 30, 2022](#) establishes uniform minimum standards for all Federal agencies on how Tribal consultations are to be conducted (Uniform Standards for Tribal Consultation).

In November 2022, the Department of the Interior (DOI) updated [512 DM 4](#) (Policy on Consultation with Indian Tribes) and [512 DM 5](#) (Procedures for Consultation with Indian Tribes). Together, they clarify and expand guidance on Tribal consultation in support of Executive Order 13175 and relevant statutes.

The National Park Service (NPS) recognizes and honors the right of Tribal governments to self-governance and supports inherent Tribal sovereignty and self-determination. A robust Tribal consultation policy, based on two-way, nation-to-nation dialogue and mutual respect, will ensure Indian Tribes have meaningful input into the development and implementation of decision-making processes across the National Park System and within NPS programs.

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<sup>2</sup> “Indian Tribes” or “Indian and Alaska Native Tribes” means any Indian or Alaska Native Tribe, band, nation, pueblo, village, or other organized group or community, which the Secretary of the Interior acknowledges to exist as an Indian Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994 ([25 USC 5130–5131](#)). See also chapter 4 of part 512 of the Departmental Manual ([512 DM 4](#)).

<sup>3</sup> “Indigenous knowledge” means a body of observations, oral and written knowledge, practices, and beliefs that promote environmental sustainability and the responsible stewardship of natural resources through relationships between humans and environmental systems. It is applied to phenomena across biological, physical, cultural, and spiritual systems. It has evolved over millennia, and continues to evolve, and includes insights based on evidence acquired through direct contact with the environment and long-term experiences, as well as extensive observations, lessons, and skills passed from generation to generation ([Joint Office of Science and Technology Policy and Council on Environmental Quality Memorandum “Indigenous Traditional Ecological Knowledge and Federal Decision Making,” November 15, 2021](#)).

## 1.2 Principles

The NPS acknowledges and supports the following principles:

- The United States recognizes the right of Indian Tribes to self-governance and supports inherent Tribal sovereignty and self-determination.
- The United States has a unique trust relationship with, and responsibility to protect and support, Indian Tribes.
- Owing to this trust relationship, the United States has a responsibility to consult with Indian Tribes and Indigenous communities when formulating policies and planning activities that may directly or indirectly affect Tribal lands (including ancestral lands), interests, practices, or traditional use areas.
- Consultation during the formulation of all management plans reduces the likelihood of project delays and increases the efficiency of project implementation.
- Procedures for consultation will be designed and structured to give Indian Tribes the opportunity to provide meaningful, informed input throughout the development and decision-making processes.
- Increasing Federal and Tribal capacities for effective consultation builds institutional knowledge, fosters greater efficiency, and benefits future actions.
- The consultation process will be formalized according to best practices that are designed and administered by the NPS and that fulfill all legal requirements. (See Reference Manual-71C (RM-71C)).
- Effective consultation demands ongoing, respectful, robust communication between NPS managers and Indian Tribes.

Indian Tribes often have cultural and traditional spiritual ties to their ancestral lands, many of which the NPS currently manages. More than 570 federally recognized Indian and Alaska Native Tribes have a unique political status that is recognized by NPS managers. A more comprehensive description of the NPS relationship with Indian and Alaska Native Tribes may be found in section 3.1 of [Policy Memorandum 22-03](#).

## 2. Purpose and Application

### 2.1 Purpose

The purpose of this Director's Order (Order) is to provide guidance for Tribal consultation (consultation) to develop, implement, and maintain positive working relationships with Indian Tribes, based on transparency, accountability, mutual trust, and responsibility.

This Order supplements existing guidance found in NPS *Management Policies* (2006),<sup>4</sup> Executive orders, Presidential memoranda, statutes, regulations, judicial decisions, Secretary's orders, and DOI and NPS guidance. See section 14, below.

Consistent with guidance in [Director's Order #1: National Park Service Directives System](#), associate, assistant, and regional directors, and park and program managers, will integrate the direction from this Order into relevant policies, procedures, and practices. Authority is hereby

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<sup>4</sup> See, in particular, [section 1.11](#) of *Management Policies*, "Relationship with American Indian Tribes."

delegated to the NPS Office of Native American Affairs (ONAA) to issue RM-71C as supplemental guidance to support implementation of this Order.

## **2.2 Application**

This Order applies only to consultation with Indian and Alaska Native Tribes. Separate Director's Orders on consultation with the Native Hawaiian Community<sup>5</sup> and Alaska Native entities<sup>6</sup> will be issued subsequently. For guidance with respect to consultation with Alaska Native entities, see [512 DM 6](#) (Policy on Consultation with Alaska Native Claims Settlement Act Corporations).

While the NPS also consults with non-federally recognized Tribes, State-recognized groups, and other traditionally associated peoples or groups<sup>7</sup> who are connected with park resources or have an interest in proposed NPS actions that might affect those resources<sup>8</sup>, that consultation is beyond the scope of this Order. For information on such consultations, see *Management Policies*, sections [5.2.1](#), [7.5.6](#), and [8.5](#); see also, RM-71C, and the Advisory Council on Historic Preservation's "[Guide to Working with Non-Federally Recognized Tribes in the Section 106 Process](#)." While not strictly applicable, the consultation basics and standards found in this Order may be employed in those consultations.

## **3. Authorities**

### **3.1 Authority to Issue This Director's Order**

Authority to issue this Order is contained in the National Park Service Organic Act and other NPS laws ([54 USC 100101 et seq.](#)), and the delegations of authority contained in [245 DM 1](#).

This Order is intended only to improve internal management of the NPS and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

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<sup>5</sup> "Native Hawaiian Community" means the distinct Native Hawaiian indigenous political community that Congress, exercising its plenary power over Native American affairs, has recognized and with which Congress has implemented a special political and trust relationship ([43 CFR 50.4](#)).

<sup>6</sup> "Alaska Native entities" means the regional and village corporations established under the authority of the [Alaska Native Claims Settlement Act](#) of 1971, as amended (ANCSA), and their affiliated nonprofit organizations and Tribal consortia, and such other Alaska Native organizations created and designated by Tribes to represent their interests, consistent with ANCSA or with the Indian Self-Determination and Education Assistance Act of 1975, as amended.

<sup>7</sup> "Traditionally associated peoples" means contemporary park neighbors and ethnic or occupational communities that have been associated with a park for two or more generations (40 years), and whose interests in the park's resources began before the park's establishment (*Management Policies*, [section 5.3.5.3](#)).

<sup>8</sup> This may include consultation with Indigenous people of Guam, American Samoa, the Freely Associated States, the U.S. Virgin Islands, and other locations.

## 3.2 Authorities Pertaining to Tribal Consultation

Authorities<sup>9</sup> pertaining to consultation include Executive Order 13175, the Presidential Memorandum of April 29, 1994, and the [Presidential Memorandum of November 30, 2022](#).

This Order supplements 512 DM 4 and 5.

## 4. Consultation Basics

### 4.1 What is Consultation?

Consultation is a process, based on a bilateral recognition of inherent Tribal sovereignty, focused on a given topic or set of topics, involving both Federal and Tribal officials with decision-making authority. (See section 4.3(C) of 512 DM 4, and *Management Policies*, section [5.2.1](#); see also RM-71C).

### 4.2 When Should the NPS Consult?

The NPS must invite Indian Tribes to consult early in the planning process whenever an NPS action—i.e., any plan, policy, programmatic or operational activity, regulation, or legislative proposal—may have a substantial direct effect on an Indian Tribe in matters including, but not limited to:

- Tribal cultural practices, lands (including ancestral lands), treaty rights, resources, sacred sites (including submerged sites), access to traditional areas of cultural or religious importance on federally managed lands and waters;
- an Indian Tribe’s ability to govern or provide services to its members;
- an Indian Tribe’s formal relationship with the NPS; or
- any action planned by a non-Federal entity that involves funding, approval, or other final agency action provided by the NPS, unless the Indian Tribe is a party to the action.

Substantial direct effects on Indian Tribes may include, but are not limited to, effects as shown in the Consensus-seeking Model (see section 4.6 of 512 DM 4; see section 5.4 of 512 DM 5; RM-71C).

All the above are examples of a “Departmental Action with Tribal Implications” (Departmental Action). The NPS will (1) assume that all actions with land, water, or resource impacts may have Tribal implications and are thus Departmental Actions, and (2) extend consultation invitations accordingly. The NPS is aware that many Indian Tribes continue to have a deep connection with, and interest in, ancestral lands, which may include traditional homelands from which they may have been removed. (See RM-71C; see also [Director’s Order #6: Interpretation and Education](#).)

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<sup>9</sup> Many Federal laws and Executive orders have specific requirements for Tribal consultation, e.g., the National Historic Preservation Act (NHPA), the Native American Graves Protection and Repatriation Act, the National Environmental Policy Act of 1969, [Executive Order 13007](#) (Indian Sacred Sites), and [Executive Order 14096](#) (Revitalizing Our Nation’s Commitment to Environmental Justice for All). See also consultation requirements related to management plans for National Heritage Areas found in the John D. Dingell Jr. Conservation, Management, and Recreation Act of 2019 (Pub. L. 116-9) and National Heritage Area Act (Pub. L. 117-139), and the NPS regulation for the gathering of plants or plant parts by federally recognized Indian Tribes found at [36 CFR 2.6](#).

### **4.3 Who Should Participate in the Consultation?**

The NPS manager or official with authority to decide on the proposed Departmental Action must participate in the consultation. NPS staff with subject matter expertise on the topic or program may also be involved. NPS staff (other than note-takers) must have the appropriate skills and experience, including familiarity with this Order, to promote and maintain positive relations with Indian Tribes. An Indian Tribe may be represented by an elected or appointed official, acting in the official capacity as the leader of the Indian Tribe, or by that official's designated representative or Tribal entities designated by the Tribe. An Indian Tribe may also include traditional practitioners and treaty officials or others as subject matter experts (SMEs). The parties may also want to include neutral facilitators. (See RM-71C.)

### **4.4 What is the Consultation Process?**

Notice. The appropriate NPS manager will provide notice to Indian Tribes inviting them to consult as early as possible when considering a Departmental Action. Providing notice alone, however, is not consultation. The notice will include sufficient detail about the topic to be discussed to allow Tribal leaders to determine if they want to accept the offer to consult, and if so, provide an opportunity to fully engage in consultation. The notice should include a timeline of the process under consideration and give Tribal leaders the opportunity to provide feedback prior to the consultation.

Timelines. If the notice announces a scheduled consultation meeting(s), Indian Tribes must receive the notice at least 30 days before the first scheduled consultation meeting. If the notice merely announces an opportunity to consult, without a scheduled meeting, it should give Tribal leaders at least 30 days to request consultation. An Indian Tribe may request that the NPS provide an extension beyond the 30 days.

Lack of Response. If the NPS does not receive a response to its invitation to consult, it should make good-faith, 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 must be appropriately documented.

Tribal Requests. An Indian Tribe may request that the NPS initiate consultation when the Indian Tribe believes the NPS is considering a Departmental Action. The appropriate NPS manager will treat an official request for consultation in an expedited fashion and acknowledge its receipt in writing using the most expedient method to communicate (e.g., by email or U.S. Mail). Whenever an Indian Tribe makes such a consultation request, the NPS will work with the Indian Tribe to schedule the consultation at a mutually agreeable time, usually 30 days from the time the request is received by the NPS.

See 512 DM 5; RM-71C.<sup>10</sup>

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<sup>10</sup> See Uniform Standards for Tribal Consultation.

## 5. Standards

As provided above, the Federal Government and Indian Tribal relationship reflects the political and historical development of the Nation. Consultation seeks to:

- respect and uphold inherent Tribal sovereignty;
- invest in the nation-to-nation relationship;
- own and fulfill the Federal trust responsibility;
- recognize the legal, historical, and political importance of Tribal treaties;
- protect and preserve the integrity of sacred sites<sup>11</sup>;
- understand and acknowledge the authority of Indigenous narratives and oral tradition to bring them into dialogue and mutual understanding with non-Indigenous knowledge systems and generate more holistic understanding;
- commit to actualizing Tribal self-determination and self-governance;
- amplify the interests of Indigenous peoples – e.g., data and food sovereignty, language and cultural revitalization, and access to and co-stewardship<sup>12</sup> of traditional and cultural landscapes and other properties of religious and cultural importance;
- honor the common Indigenous point of view that natural resources are cultural resources; and
- acknowledge and embrace that consultation is an ongoing process.

Mutually acceptable consultation protocols to guide the nation-to-nation relationship will be developed at the park and program levels with assistance from national, regional, and support offices, as needed. Consultation protocols and activities may be informed by national, regional, and park-based SMEs.

Consultations can and should occur with intertribal organizations that officially represent federally recognized Indian Tribes, when affected Indian Tribes do not object.

NPS managers will be open and candid with representatives of Indian Tribes during consultations so that (1) affected Indian Tribes may fully evaluate the potential impact of the proposed Departmental Action, and (2) the NPS may fully consider Tribal views in its decision-making processes. This means that consultation should begin at the earliest possible stages of planning. All final decisions will be relayed to the Indian Tribe with a written summary of how Tribal interests were considered and/or implemented.

Consultation does not end with the decision or authorization itself, but rather continues through implementation of the Departmental Action. The NPS will remain engaged with Indian Tribes regarding land, water, and mineral resources, land uses, treatments, mitigation, inspections and monitoring, reclamation requirements, and dissemination of reports, data, and information not subject to withholding under another authority for the lands and resources affected.

See the [Uniform Standards for Tribal Consultation](#).

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<sup>11</sup> See Executive Order 13007.

<sup>12</sup> See [Policy Memorandum 22-03](#).

## **6. Documentation**

All NPS managers and officials engaged in consultation activities must keep an official record of all consultation communications, telephone logs, emails, and official letters. Meeting agendas, notes (including any site visit notes), and any other documentation presented at the consultation will be included in the official record. If the Indian Tribe deems any of the information discussed before or during the consultation to be sensitive in nature, the NPS will work to maintain the confidentiality of the sensitive information (see section 8, below).

### **6.1 Record of the Consultation**

The NPS will maintain a record of the consultation that includes (1) a summary of Tribal input received; (2) a general explanation of how Tribal input influenced or was incorporated into any NPS action; and (3) if relevant, the general reasoning for why specific Tribal suggestions were not incorporated into the NPS action or why consensus could not be attained.

Upon completion of the consultation period, the NPS manager will share the record of consultation with the affected Indian Tribe(s) within 10 business days. See 512 DM 5.

The NPS should obtain informed consent from authorized Tribal representatives in advance for the use of sensitive information provided by the Indian and Alaska Native Tribe, and should inform Tribal representatives that certain Federal laws, including the Freedom of Information Act (FOIA; [5 USC 552](#)), may require disclosure of such information. While the record of consultation may be subject to disclosure under FOIA, it does not waive any privilege or other exception to such disclosure. See section 8, below.

### **6.2 Annual Tribal Consultation Report**

Upon completion of each consultation, a summary record and/or report will be completed in anticipation of the end-of-year report to the Secretary of the Interior (Secretary) as required in 512 DM 4 and 5 and Secretary's Order No. 3342 ([S.O. 3342](#)). (See RM-71C.)

## **7. Additional Considerations**

### **7.1 Costs of Consultation and Compensation for Subject Matter Experts**

The NPS has authority to pay for travel-related expenses for Tribal officials or their designees to participate in consultation as necessary. See 512 DM 4 and 5. Additionally, NPS managers are encouraged to travel to Tribal offices or other locations to facilitate consultation, particularly where travel costs may be prohibitive for Tribal participation.

Consultation may result in a mutual decision that necessitates further work by Tribal SMEs to successfully complete an NPS project or activity. The NPS has authority to compensate Tribal SMEs for work associated with consultation activities including associated costs to acquire relevant and critical information specific to an NPS project or activity. *Management Policies, section 4.2.1*, directs the NPS to identify and obtain information and data, including applicable Indigenous knowledge, that will help NPS managers accomplish management objectives. In addition to engaging in consultation, the NPS may support or procure studies to ensure that plans and actions reflect Indigenous knowledge and best available science about resources that have



traditional cultural meaning and value to associated groups. Where Tribal members may participate or contribute to such studies, then compensation for this time and expertise may be allowed under applicable authorities.

There are various mechanisms for contracting and providing compensation to SMEs, such as Indigenous knowledge keepers and program presenters. A park or program may solicit, or an Indian Tribe may request, that a SME be involved in certain projects. Tribal officials or their designees whose participation is necessary to accomplish an NPS project may be compensated as would any other SME. Tribal consultation should be initiated as early as possible in order to determine the appropriate Tribal SME(s) needed to complete the project. When developing a budget for such a project or activity, compensation should be factored in as a component of overall project planning and implementation. (See RM-71C.)

## **7.2 Food and Beverage for Consultation Meetings**

While Federal funds generally may not be used to provide food and beverage at NPS-hosted meetings and events, the Consolidated Appropriations Act, 2024 ([Pub. L. 118-42](#); see Operation of the National Park System (ONPS)) enables the NPS to use up to \$15,000 for official reception and representation expenses associated with Tribal consultation for fiscal year 2024.<sup>13</sup> NPS managers may also coordinate in advance with willing NPS or park partners (e.g., cooperating associations, Friends Groups) to provide food and beverage when inviting Tribal representatives to consultations. Advance approval from ONAA is required to use ONPS or donated funds to purchase food and beverage for this purpose. See Director's Orders [#21: Donations and Philanthropic Partnerships](#) and [#32: Cooperating Associations](#); see also RM-71C.

## **8. Confidentiality**

The NPS will respect Tribal needs for privacy and confidentiality of sensitive information. NPS managers must inform Indian Tribes and Tribal officials prior to consultation of the likelihood that information obtained or recorded will be subject to disclosure under FOIA ([5 USC 552](#)), subject to limited exemptions afforded by FOIA or other laws that restrict the release of certain information.<sup>14</sup> When consulting, NPS managers should evaluate with Tribal partners what information is necessary to collect or record to support sound management decisions. The NPS will not collect or record culturally sensitive information without permission of the Tribal representatives.

## **9. Flexibility for Tribal Waivers**

For all statutory or regulatory requirements applicable to Indian Tribes that are subject to NPS discretion and waiver, the NPS will streamline processes by which Indian Tribes apply for waivers of those requirements, use flexible policy approaches when reviewing Tribal waiver requests, and render a decision upon the request within 120 days of receipt, or as otherwise provided by law or regulation. If the waiver request is not granted, the NPS will provide the Tribal applicant with written notice of the decision and the reasons within 10 business days.

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<sup>13</sup> Contact ONAA regarding NPS authority to use these funds in future fiscal years.

<sup>14</sup> See, e.g., the Archaeological Resources Protection Act of 1979 (16 USC 470aa–470mm, in particular, [section 470hh](#)); and the NHPA (54 USC 300101 *et seq.*, in particular, [section 307103](#)).

(See section 4.10 of 512 DM 4.)

## **10. Federal Advisory Committee Act (FACA)**

The [Federal Advisory Committee Act](#) (FACA; 5 USC Ch. 10) does not apply to consultation meetings held exclusively between NPS officials and elected officers of Tribal governments or their designees.

## **11. Consensus-seeking Model**

The basis of consultation is rooted in meaningful dialogue where the viewpoints of Indian 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 self-governance, trust resources, or treaty or other rights. Executive Order 13175 also establishes criteria for the following:

- policymaking, including directives to respect Tribal self-governance and inherent Tribal 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 Indian Tribes;
- granting Indian Tribes the maximum administrative discretion possible;
- encouraging Indian Tribes to develop their own policies to achieve program objectives;
- where possible, deferring to Indian Tribes to establish standards; and
- determining whether to establish Federal standards, consult as to the need for Federal standards and any alternatives to preserve the prerogatives and authority of Indian Tribes.

See 512 DM 4, Figure 1 and RM-71C.

## **12. Competencies and Training**

The NPS will review staff positions to update core competencies for consultation and will identify and provide required training opportunities for those competencies. The NPS will develop and implement performance standards and accountability processes by which identified employees will be measured on progress toward meeting the goals of Executive Order 13175 and subsequent memoranda and policies. National, regional, and park managers and staff will be expected to complete the required training and possess the core competencies necessary for effective consultation.

The NPS will prioritize and make available required training for all staff who may be involved in consultation to ensure they have an appropriate understanding of applicable laws and policies, treaty rights, and trust responsibilities. Additionally, the NPS will foster and actively support continuous learning and skills development for staff with consultation responsibilities and will use a variety of communication methods to share information about consultation with employees and the public. All NPS employees should attend cross-cultural trainings when offered by the NPS or DOI.

The NPS will support joint training opportunities with Indian Tribes.

## **13. Roles and Responsibilities**

### **13.1 Director**

As the head of the NPS, the Director will:

- acknowledge and support consultation as a means to uphold inherent Tribal sovereignty and self-determination;
- provide Service-wide leadership on effective and meaningful consultation;
- designate the Supervisory Native American Affairs Liaison (NAAL) as the bureau's Tribal Liaison Officer per section 4.5(C) of 512 DM 4; and
- ensure all Washington Support Office (WASO) associate and assistant directors are fully trained in, and possess the necessary competencies for, effective consultation.

### **13.2 Office of Native American Affairs**

The NAAL, ONAA, is an assistant to the Director within the Office of the Director. The NAAL will:

- lead and guide consultation policy implementation with and for NPS employees with consultation responsibilities;
- complete the required training and possess the consultation core competencies, including co-stewardship and Indigenous knowledge, and support continuous learning;
- serve as the NPS's lead consultation SME;
- coordinate consultation strategies with WASO staff who are designing and implementing national programs or policies;
- review all requests to use ONPS or donated funds to purchase refreshments when inviting Tribal representatives to consultations, and maintain a record of all approvals, denials, and purchases;
- facilitate Service-wide training opportunities for NPS employees with consultation responsibilities;
- regularly communicate with regional Tribal Relations programs and others with consultation responsibilities; and
- issue, revise, and update RM-71C, as necessary.

### **13.3 WASO Associate and Assistant Directors and Program Managers**

WASO associate and assistant directors and program managers will:

- complete the required training and possess the consultation core competencies, including co-stewardship and Indigenous knowledge, and support continuous learning;
- integrate the direction from this Order into relevant national policies, programs, planning, procedures, practices, and projects;
- actively participate in consultations where they are the decision makers;
- ensure that WASO and program staff with consultation responsibilities complete required training and possess the necessary core competencies, including co-stewardship and Indigenous knowledge, and support continuous learning;
- direct WASO and program staff to engage in consultation from the early stages of policy, program, planning, procedure, or project development through its completion;
- where appropriate, offer guidance to partners about engaging Tribes in external program

- delivery and partnership development opportunities; and
- where appropriate, assist parks and regions with consultation requirements.

#### **13.4 Associate Director, Workforce and Inclusion**

The Associate Director, Workforce and Inclusion will:

- provide Service-wide guidance on development of
  - consultation standards for new and existing position descriptions;
  - competencies and performance measures for managers and employees with consultation responsibilities; and
- support collaboration between the Learning and Development Program, ONAA, regional Tribal liaisons, and WASO associate and assistant directors on the development and presentation of consultation training.

#### **13.5 Regional Directors**

Regional directors will:

- complete the required training and possess the consultation core competencies, including co-stewardship and Indigenous knowledge, and support continuous learning;
- integrate the direction from this Order into relevant regional policies, programs, planning, procedures, practices, and projects;
- host a biennial regional Indigenous meeting in consultation with Indian Tribes;
- report on biennial regional Indigenous meeting-related consultations to ONAA in the Annual Tribal Consultation Report (see section 6.2, above);
- coordinate on matters relevant to Indian Tribes across regional boundaries with shared or immediately adjacent sites;
- keep ONAA apprised of significant consultations and associated actions occurring within their respective regions;
- actively participate in consultations where they are the decision makers;
- ensure that regional and park staff with consultation responsibilities complete required training and possess the necessary core competencies, including co-stewardship and Indigenous knowledge, and support continuous learning;
- ensure that regional and park staff obtain ONAA approval in advance for use of ONPS or donated funds to purchase refreshments when inviting Tribal representatives to consultations;
- prioritize consultation when developing an annual budget to support regional consultations and the biennial meeting;
- employ and support regional Tribal liaison(s) to assist in the coordination of regional and park consultations; and
- direct regional and park staff (including superintendents) to engage in consultation from the early stages of policy, program, planning, procedure, or project development through its completion.

#### **13.6 Regional Program Directors and Program Managers**

Regional program directors and program managers will:

- complete the required training and possess the consultation core competencies, including co-stewardship and Indigenous knowledge, and support continuous learning;

- actively participate in consultations where they are the decision makers and support consultations, including any biennial regional meetings with Indian Tribes;
- keep the Regional Tribal Liaison apprised of consultations and associated actions occurring within their respective programs;
- keep the Regional Tribal Liaison informed of all related agreements entered into with Tribes and Tribal organizations; and
- direct regional program staff to engage in consultation from the early stages of policy, program, planning, procedure, or project development through its completion.

### **13.7 Regional Tribal Liaisons**

Regional Tribal liaisons will:

- complete the required training and possess the consultation core competencies, including co-stewardship and Indigenous knowledge, and support continuous learning;
- advise regional directors and regional and park staff on the development of a comprehensive consultation strategy;
- participate in the development of regional and park consultation efforts;
- develop communication strategies with park-level Tribal liaisons;
- lead gathering and analysis of regional consultation data for the annual report to the Secretary;
- keep ONAA apprised of all new, related agreements entered into with Tribes and Tribal organizations within the region;
- keep the Regional Director apprised of significant consultations and associated activities;
- coordinate and implement tribally informed consultation training for regional and park staff with the Learning and Development Program;
- review and recommend, as appropriate, regional budget support for consultations; and
- share consultation best practices information with park managers and park Tribal liaisons.

### **13.8 Superintendents/Park Managers**

Superintendents/park managers will:

- complete the required training and possess the consultation core competencies, including co-stewardship and Indigenous knowledge, and support continuous learning;
- actively participate in consultations where they are the decision makers and support consultations, including any biennial regional meetings with Indian Tribes;
- engage in collaborative, meaningful, and ongoing relationship building with Indian Tribes;
- develop, in consultation with Indian Tribes, mutually acceptable protocols to guide formal nation-to-nation relationships;
- be responsible for maintaining a park's consultation records;
- be responsible for ensuring park staff is aware of consultation requirements and is adequately trained;
- keep the Regional Tribal Liaison apprised of consultations and associated actions occurring within their respective park;
- keep the Regional Tribal Liaison informed of all related agreements entered into with Tribes and Tribal organizations;

- obtain ONAA approval in advance for use of ONPS or donated funds to purchase refreshments when inviting Tribal representatives to consultations, and provide documentation of purchase to ONAA;
- prioritize consultation when developing an annual budget to support park consultations and ensure consultation is addressed within the budget section of the Project Management Information System as part of any project or other compliance;
- designate a park Tribal liaison, as appropriate;
- direct park staff to engage in consultation from the early stages of policy, program, planning, procedure, or project development through its completion; and
- ensure park contractors, cooperating associations, and other partners are fully engaged in consultation, when necessary.

### **13.9 Park Tribal Liaisons**

Park Tribal liaisons will:

- complete the required training and possess the consultation core competencies, including co-stewardship and Indigenous knowledge;
- assist the Superintendent before, during, and after consultations;
- work closely with their respective park and division managers to establish positive on-going working relationships with Indian Tribes and Tribal organizations; and
- respond in a timely manner to the annual consultation and S.O. 3342 data call, as well as other tribally relevant data calls throughout the year through their respective regional Tribal liaisons.

### **14. For Further Reference**

The statutes, Executive orders, Presidential memoranda, Secretary's orders, DM chapters and NPS policies pertaining to consultation are extensive. A listing of them may be found in RM-71C.

*-----End of Director's Order-----*