



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
WASHINGTON, D.C. 20314-1000

CECW

10 MAY 2010

MEMORANDUM FOR COMMANDERS, DIRECTORS, AND CHIEFS OF SEPARATE
OFFICES, HQ USACE

SUBJECT: Sovereignty and Government-to-Government Relations with American Indian and Alaska Native Tribal Governments: USACE Tribal Policy Principles

1. This memorandum affirms the continuing applicability of the six USACE Tribal Policy Principles, issued by the Chief of Engineers on 18 Feb 1998, and embodied in Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*, 06 Nov 2000, and in President Obama's Presidential Memorandum of 05 Nov 2009.
2. The U.S. Army Corps of Engineers continues to recognize the sovereign status of American Indian and Alaska Native Tribal Governments, and our obligation for consultation on a government-to-government basis. We remain committed to fulfilling our Nation's trust responsibility to Tribes in accordance with the Constitution, Treaties, executive orders, statutes, and the Supreme Court decisions that gave rise to and define that responsibility.
3. The Corps also recognizes the central role of Tribes in protecting and managing their own resources, and remains committed to working in partnership with Tribes on projects that build Tribal capacity and foster development.
4. To facilitate the implementation of our Tribal Policy Principles, the Corps has created a Tribal Nations Program and Community of Practice under the direction of a Tribal Liaison at Headquarters, with a Tribal Point of Contact in each Corps District and Division office.
5. Fulfilling the Tribal trust responsibility is required by law. Please ensure that your staff is aware of and abides by our Tribal Policy to ensure effective and mutually beneficial relationships with our Tribal partners. It is good for the Nation, the Tribes and the Corps.
6. My point of contact on this issue is Dr. Georgeie Reynolds, (202) 761-5855.

Encl

R. L. VAN ANTWERP
Lieutenant General, US Army
Commanding

U.S. ARMY CORPS OF ENGINEERS TRIBAL POLICY PRINCIPLES

TRIBAL SOVEREIGNTY -The U.S. Army Corps of Engineers recognizes that Tribal governments are sovereign entities, with rights to set their own priorities, develop and manage Tribal and trust resources, and be involved in Federal decisions or activities which have the potential to affect these rights. Tribes retain inherent powers of self-government.

TRUST RESPONSIBILITY - The U.S. Army Corps of Engineers will work to meet trust obligations, protect trust resources, and obtain Tribal views of trust and treaty responsibilities or actions related to the Corps, in accordance with provisions of treaties, laws and Executive Orders as well as principles lodged in the Constitution of the United States.

GOVERNMENT-TO-GOVERNMENT RELATIONS - The U.S. Army Corps of Engineers will ensure that Tribal Chairs/Leaders meet with Corps Commanders/Leaders and recognize that, as governments, Tribes have the right to be treated with appropriate respect and dignity, in accordance with principles of self-determination.

PRE-DECISIONAL AND HONEST CONSULTATION - The U.S. Army Corps of Engineers will reach out, through designated points of contact, to involve Tribes in collaborative processes designed to ensure information exchange, consideration of disparate viewpoints before and during decision making, and utilize fair and impartial dispute resolution mechanisms.

SELF RELIANCE, CAPACITY BUILDING, AND GROWTH - The U.S. Army Corps of Engineers will search for ways to involve Tribes in programs, projects and other activities that build economic capacity and foster abilities to manage Tribal resources while preserving cultural identities.

NATURAL AND CULTURAL RESOURCES - The U.S. Army Corps of Engineers will act to fulfill obligations to preserve and protect trust resources, comply with the Native American Graves Protection and Repatriation Act, and ensure reasonable access to sacred sites in accordance with published and easily accessible guidance.