

# Consulting Strategies & Cross Cultural Communication

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®

US Army Corps of Engineers  
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# Why We Consult

- DoD Policy
- Constitution
  - ▶ Treaty Reserved Rights and Trust Obligations
- It's the law:
  - ▶ NHPA, ARPA, NAGPRA, AIRFA, RFRA, and NEPA
- Case Law
- Executive Orders
  - ▶ Consultation (13175), Sacred Sites (13007), etc
- It is a Tribe's right and our obligation.



# USACE Missions



**Navigation**

**Hydropower**

**Flood Risk Management**

**Ecosystem Restoration**

**Water Supply**

**Regulatory**  
(Wetlands / US Waters)

**Recreation**

**Disaster Response**

**Military Construction**

**Interagency and International Support**



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# The Basics

- Consultation creates relationships.
- It's a process, not an event – no set number of mtgs
- Occurs when there is mutual agreement that “consultation” is taking place
- Issue focused
- Identifies long-term objectives
  - ▶ Agreement (Programmatic, MOU, MOA)
  - ▶ Work Products
  - ▶ Documents
  - ▶ Formal Consultation Meeting/Signing Ceremony
- Identifies Short-term objectives
  - ▶ Working meetings
  - ▶ Milestones



# What is “Consultation”?

- **Consultation:**

- Should occur sufficiently early in the planning process to allow for meaningful input by the tribe(s).
- Is an enhanced form of communication that emphasizes prudent planning and coordination, coupled with trust and respect.
- Is predicated on a shared responsibility.
- Cultivates an open and fluid exchange of information and opinion.
- Strives to meet tribal expectations and reach agreement and common understanding.



# The Government-to-Government (G2G) Relationship

- G2G exists between the federal and tribal governments.
- Elected tribal leaders designate appropriate tribal points of contact
- Tribes may have two forms of leadership:
  - ▶ Elected political leaders or Traditional/spiritual leaders.
- Cautions:
  - ▶ Technical assistance or day-to-day interaction is not G2G consultation with elected tribal leaders.
  - ▶ Some tribal/non-tribal organizations may claim to represent tribal views when they don't. **VERIFY.**
  - ▶ Federal agencies should reach an agreement with the Tribe of what constitutes consultation and document any agreements.



# Common Concerns Expressed by Tribes

- The Corps doesn't consult
- The Corps makes a decision, announces it, and defends it
  - ▶ Tribes want full opportunity for input in planning process.
  - ▶ Not complete until deliberation over proposed action by tribal council and consensus reached.
- Typical Corps methods of business often viewed as hurried, insensitive, regimental, and territorial
- Face-to-face meetings are important



# Common Concerns Expressed by Federal Employees

- No resources (money, staff, time) to consult
- My deadlines won't permit me to consult
- Why can't standard NEPA practices take care of the consultation requirement?
- I can't figure out who to consult with
- Tribes use 'consultation' as a tactic to stop projects
- How much is enough? Must I consult until they agree?
- Why do Tribes get special treatment?



# Establish Relationship First

- Identify opportunities to build relationships before you need to
  - ▶ Take new commander to visit Tribes
  - ▶ Invite Tribal leaders to change of command ceremonies
  - ▶ Invite Tribes to participate in public events or at conferences
  - ▶ Ask for Tribe's assistance in planning events for Native American Heritage Month (November)
  - ▶ Present U.S. flag to Tribal veterans
  - ▶ Identify surplus property that tribes may need
  - ▶ Identify contracting opportunities
  - ▶ Yearly Commander's briefing; 'upcoming projects in the year ahead'



# Before You Begin, Prepare

- Consult your Tribal Liaison
- Which Tribes should you consult with?
  - ▶ Removed Tribes with ancestral connections to your region? Their history / origins?
  - ▶ Customs (e.g., holidays, seasonal activities)
- Governing infrastructure of the Tribe?
  - ▶ Decision-making process? Political, religious leadership?
  - ▶ What is the political environment?
    - Agendas may be different
    - New administration can mean new priorities
- Know your POC
  - ▶ Chief or Chairman?; Dir. Of Natural, Water, or Cultural Resources?; THPO?



# Familiarize Yourself With the Tribe

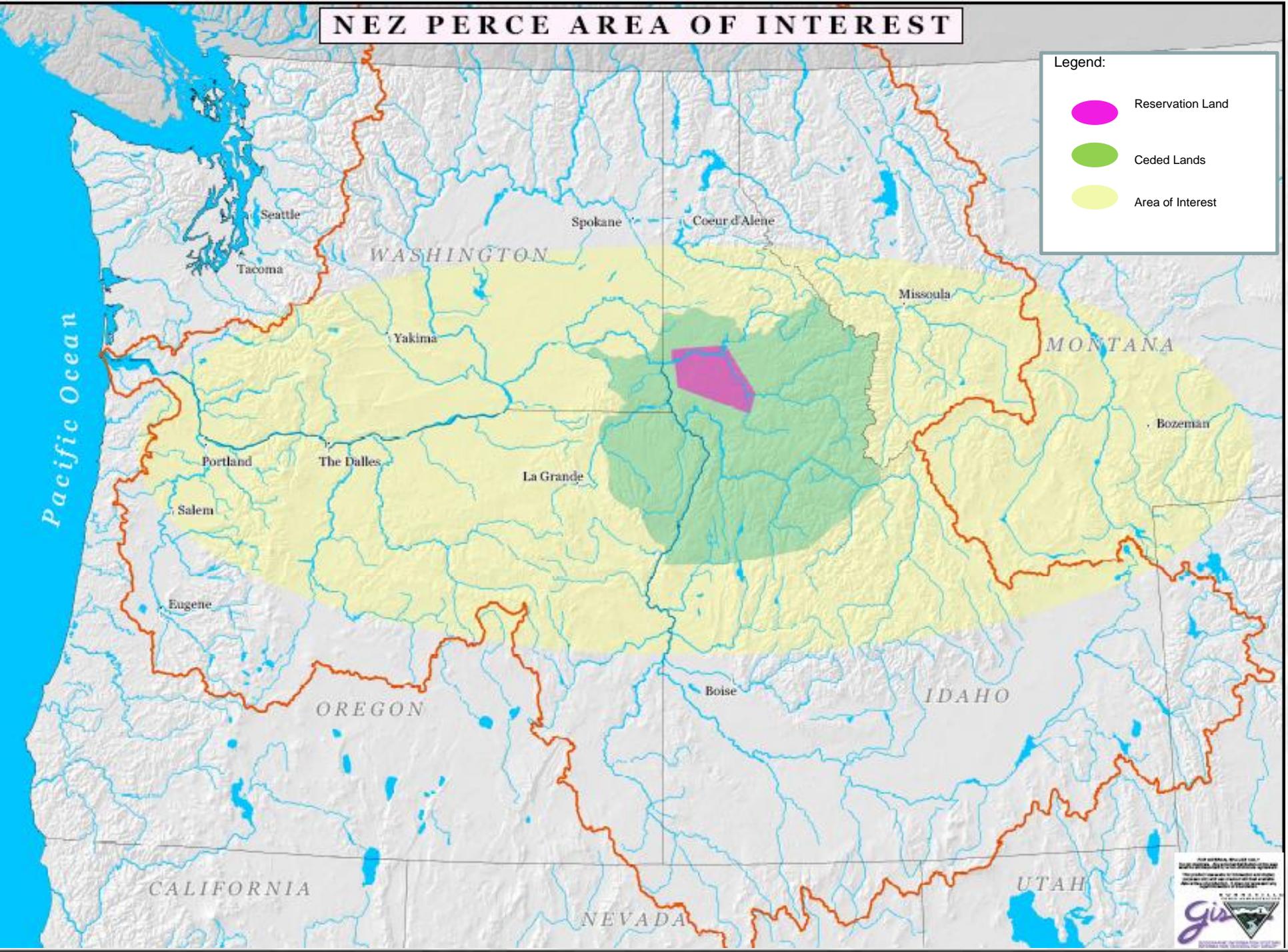
- What is the Corps', your District's and your program's history with tribe(s)?
  - ▶ Applicable treaties?
  - ▶ Current mission impacts? Projects under development?
  - ▶ Other divisions/branches already working tribal issues?
  - ▶ Previous consultation?
    - Current or past hot issues you need to be aware of?
    - Current agreements in place?
- Brief your leadership and co-workers prior to tribal meetings.
- Learn something of their culture
  - Consult Tribal Liaison, SHPO, Tribes, their websites
  - Indian News – Indianz.com, Indian Country Today
- Identify the Tribe's priorities and area of interest.
- Update Tribes about government processes.



# NEZ PERCE AREA OF INTEREST

Legend:

-  Reservation Land
-  Ceded Lands
-  Area of Interest





# Planning a Consultation Meeting

- Partner with your Tribal Liaison.
- Develop draft agenda with Tribal input
- Location -Tribal or agency? Take turns. A neutral place?
- When
  - Consult Tribal POC for ceremonies, celebrations
  - Funerals can cancel a meeting
- Participants (Tribal & agency)
  - Confirm meeting participants—verify with Tribe
  - Recognize, minimize lack of symmetry.
- Draft invitational letter/email
  - Participants (Tribal & Agency)
  - Confirm meeting participants—verify with Tribe
  - Recognize, minimize lack of symmetry.
- Meeting room
  - No head table. Seating arrangements?; Caucus rooms
- Preparations - read-ahead materials
  - Make sure Tribal partners have same info you have



# Cross-Cultural Communication



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# Helpful Qualities in Meetings

- Humility
- Communicativeness
  - ▶ Willingness and ability to communicate thoughts with feelings
- Flexibility
  - ▶ Ability to adapt to uncertain/ ambiguous situations
  - ▶ “Go with the flow”
- Attentiveness and responsiveness
  - ▶ Respond to the tone of the meeting
- Open-mindedness
- Sense of humor--ability to laugh at oneself
- Remember, Tribes fall outside your Chain of Command
  - ▶ You cannot dictate to Tribes



# Cultural Differences Affect Meetings

- Indigenous attitude towards the land
  - ▶ Land cannot be owned
  - ▶ Land is mother earth
  - ▶ People are a part of the earth and come from it
  - ▶ We use the land temporarily; the land exists forever
- Western attitude toward the Land
  - ▶ Land is property
  - ▶ Land is to be settled and exploited
  - ▶ Resources are to be extracted



# More Cultural Differences Affecting Meetings

- Holistic view
  - ▶ Spiritual connection to natural world
  - ▶ Emotional, immediate tie to ancestors and descendants – 7<sup>th</sup> Generation
  - ▶ All creatures are connected
- Time is fluid and circular
- Traditional spiritual leaders and/or council may have to be consulted for a decision
- Elders highly respected; allowed to talk about whatever they want



# Oral Communication

- American Indian/Alaska Native Culture:
  - ▶ Speaks from the heart & can be emotional
  - ▶ Person/relationship oriented
  - ▶ Past, present, future run together; holistic world view
  - ▶ Deep listening; paying attention to all cues
  - ▶ Speaks more slowly than most of us
- The Government Culture:
  - ▶ Speaks objectively & impersonally about facts & data
  - ▶ Attends to business & sticks to the agenda
  - ▶ Focuses on the present
  - ▶ Wants to solve the problem on the spot
  - ▶ Has a tendency to hurry up!



# Nonverbal Communication

- Gestures
  - ▶ Handshakes, touching, saluting
- Facial signals
  - ▶ Nodding, eye contact
- Composure
  - ▶ Expressions of anger & sadness
- Time
  - ▶ Punctuality; sticking to the agenda
- Conversation styles
  - ▶ Pace, volume, interrupting, really listening



# Silence

- In Tribal cultures, silence is often a sign of respect
- Tribal members may not say much; it does not mean they're not interested
- Silence may mean reflection; it does not mean you are not understood
- Silence not always mean tacit agreement; it may mean 'I hear you'
- Try not to be uncomfortable; try to appreciate the silence



# What *Not* to Do

- Present a decision that appears to be already made
- Be bossy or dictatorial
- Dismiss the past as unimportant
- Interrupt
- Ridicule or criticize
- Be defensive
- Show a lack of respect for cultural differences
- Insist on sticking rigidly to the agenda



# Facing Disagreement

- Be prepared for debate, heated discussion and disagreement, surprise agenda items
- Caucus is OK
- Stay calm in the face of anger
  - ▶ Listen, don't react
  - ▶ Don't take things personally
  - ▶ Don't defend past decisions
- Keep an overall focus on your objectives by:
  - ▶ Ask clarifying questions when needed.
  - ▶ Restate, empathize when appropriate, and summarize.



# Dispute Resolution

- Options should be covered in written consultation protocol.
- Sec 106 of the NHPA and NAGPRA have procedures and involvement at higher levels
  - ▶ MOAs/permit conditioning
  - ▶ NAGPRA review committee
- Non 106 and non NAGPRA issues may require the Corps to go beyond District to Division or HQ levels
- Agree to disagree



# After the Consultation Meeting

- Follow up with a phone call a couple of days later
- Distribute the transcript or minutes to all parties participating in consultation process; ask for input.
- Get agreement to the follow-on steps
  - ▶ Another meeting,
  - ▶ Staff to work together to finish products,
  - ▶ Formal signing
- Continue communicating



# Tips – Things to Remember

- Talk early - and often.
- How you conduct yourself at any meeting with tribal members will make or break your relationship with the tribe
- State and Tribal interests frequently differ.
- Avoid Tribal politics
- Do NOT interrupt
- Listen more than you talk
- Don't promise what you can't deliver
- Have reasonable expectations
- Be flexible about deadlines and schedules



# More Things to Remember

- Confidentiality
- Senior level participation is critical for successful consultation.
- Senior level decision makers (district, division or HQ) must listen to Tribal Liaison and other key staff
- Don't expect a decision *at* the meeting
- Initial investment of time and money help insure the mission will not be compromised - Go the extra mile
- Maintain communication after meeting; plan next step



# What does success look like?



# Celilo Redevelopment



Celilo Redevelopment Project Team



Celilo Village



Antone Minthorn, LTG Van Antwerp, Delilah Heemsah



Fishing access site



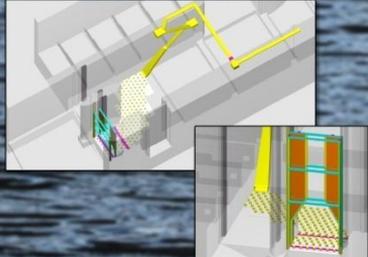
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# Salmon Recovery and Lamprey Restoration

*We must delicately balance  
recovery with restoration*

*Lamprey Passage  
Improvements*



The Dalles Spillwall



Lamprey restoration facilities



# Missouri River: Then & Now



## Indians Fight Eviction

### 3 Affiliated Tribes Seek to Block Construction of Dam

At the Nations on the River...  
The 3 affiliated tribes...  
The dam...  
The tribes...  
The dam...  
The tribes...



# Missouri River Site Mitigation/Bank Stabilization



# QUESTIONS?

## Contact Information

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