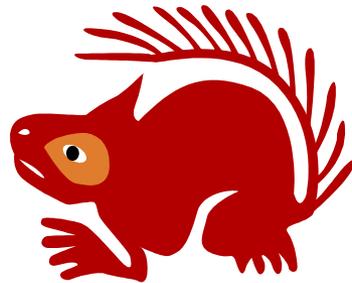


Consultation Strategies



The Basics

- Consultation creates relationships
- Relationships encourage understanding
- It all begins with respect for the person and his/her culture
- Talk early, talk often
- Listen and learn
- Be open, be flexible, be humble

The "C" Words

- Coordination
- Cooperation
- Collaboration
- Consensus
- Consultation

What Consultation is

- A process based on respect and relationships
- A two-way ongoing dialogue; both parties talk and listen
- A continuous, collaborative, dynamic progression, not a single event when the agency wants something
- No set number of meetings required
- Is issue-focused, with a concern for implementation & goal of consensus
- There is no one definition of consultation
- Means different things to different Tribes

Consultation is Goal Oriented

- Short-term objectives
 - “Working meetings” to provide information, discussions – staff works together
 - Setting milestones
 - Identifying goals
- Long-term objectives
 - Agreement (Programmatic, MOU, MOA)
 - Formal Consultation Meeting/Signing Ceremony (G2G)
 - Work Products
 - Documents
 - Study, design, construct & maintain a project

Why We Consult

- It's the law: NEPA, NHPA, NAGPRA, etc
- Euroamerican government seized lands:
 - Through Treaty making
 - Through legislation
 - Through Executive Order
- It's the Tribes' right and our obligation
- Most Federal actions have the potential to affect Tribes

How We Affect Tribes

- Civil Works projects-flood protection, navigation, hydropower, regulatory
- Military program Issues
 - Base realignment and closure
 - Environmental restoration (DERP, FUDS, etc)
 - Noise from flyovers
 - Access to sacred sites
- Changes in Policy
 - Changes to Appendix C (regulatory program)
 - Levee vegetation policy

Remember: In 1492, it was All Theirs....



Common Concerns Expressed by Tribes

- ❑ The government doesn't (know how to) consult
- ❑ They make a decision, announce it, defend it
 - Tribes want full opportunity for input in all stages of the process.
 - Not complete until deliberation over proposed action by tribal council and consensus reached
 - ❑ You may have to agree to disagree
- ❑ Typical government methods of business viewed as hurried, insensitive, regimental, and territorial
- ❑ We want face-to-face meetings

Common Concerns Expressed by the Government

- ❑ 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?



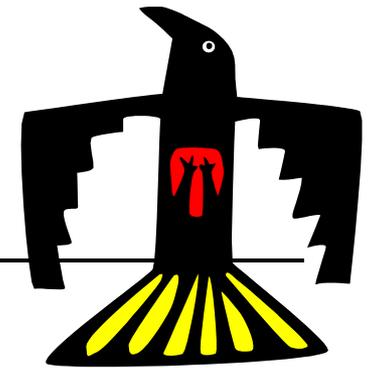
Establish the Relationship First

- Identify opportunities to build relationships before you need to
 - Visit Tribes to get acquainted
 - 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 US flag to Tribal veterans
 - Identify surplus property that tribes may need
 - Identify contracting opportunities
 - Yearly briefing; 'upcoming projects this year'
 - Tribes now come to DC a lot-invite them to visit
 - Invite them to your regional offices

Before You Begin, Prepare

- *Consult your Tribal Liaison*
- Be savvy about local customs: holidays, etc
- Which Tribes should you consult with?
 - Removed Tribes with ancestral connections to your region? Their history /origins?
- 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 Tribal POC
 - Chief or Chairman?; Dir. Of Natural/Water Resources?; THPO? Tip: Tribes are not always headed by a “Chief”

Tribal Hot Buttons



- Disturbance of ancestral remains
 - Exposure of human remains is the worst thing that can happen to most Tribes
 - Disturbed human remains affect the health and well being of tribal members
- Environmental issues
 - Water quality/quantity, flooding – anything affecting the land
 - Infrastructure – housing, plumbing –lack modern facilities
- Preservation of traditional culture
 - Language, sacred places, ceremonies, subsistence, technology

Update Tribes about Government Processes

- Who is that agency and what does it do?
- Budget cycle, Funding Sources, Calendar
- Organization Structure/decision makers/POCs
- Legal Requirements –what are your marching orders?
- Information on the mission
 - What are your mission areas?
 - Definition of terms and commonly used abbreviations

Written Protocols Helpful

- Protocol agreements should contain:
 - Purpose & Guiding Principles - how Agency will relate to Tribe and Tribe to Agency; how government-to-government relationship will work
 - Who the Tribal/agency contacts should be
 - Procedures/protocols when specific consultation needs arise
 - Appropriate use of an area (e.g., reburial), mitigation plan, modification in construction plans, disposition of human remains
 - Dispute Resolution

Learn Your History With Tribes

- Is there a Treaty involved? Know it well.
- What is your office's history with tribe(s)?
 - Current/past mission impacts? What's your reputation?
 - 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.
- Are there treaties involved?
- Learn something of their culture
 - Talk to them!
 - Consult Tribal Liaison, SHPO, Tribes, their websites
 - Indian News – Indianz.com, [Indian Country Today](http://IndianCountryToday.com)

Planning a Consultation Meeting

- Develop draft agenda with Tribal input
- Location - Tribal or agency? Take turns. A neutral place?
- When
 - Consult Tribal POC for ceremonies, celebrations
 - Funerals will cancel a meeting
- Participants (Tribal & agency)
 - Confirm meeting participants—verify with Tribe
 - Recognize, minimize lack of symmetry
- Draft invitational letter
 - 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 are informed



More Planning

- Allow time for
 - Extended discussions, side meetings
 - Opportunities to talk, share; travel time
 - Time for breaks, food/drink – health concerns
 - Protocol
 - Prayers; special ceremonies
- Special requirements
 - Travel, food/snacks, honorariums, gift exchange, etc.
 - Begin coordination for budget approval
 - Interpreters? Moderator? Child care?
- Documentation of Meeting
 - Court reporter? Videotape?
 - A designated person taking minutes?

Helpful Qualities in Meetings

- 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 are not in your chain of command

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
 - 7th 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



Written Communication

- In your letters
 - Be brief & don't use acronyms or technical jargon
 - Prepare an executive summary when you send a large report
 - Read what you write before you send it – do *you* understand it?

- American Indians/Alaska Natives
 - Have a strong oral tradition; data are not necessarily written
 - Have a stronger respect for information passed down thru the generations orally
 - Are under resourced and have few staff to read volumes

Oral Communication

- American Indian/Alaska Native Culture:
 - Speak from the heart & can be emotional
 - Person/relationship oriented
 - Past, present, future run together; holistic world view
 - Deep listening; paying attention to all cues
 - Can speak more slowly & deliberately 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
- Dress/Attire
 - No high heels and pearls; no dirty blue jeans either
 - You want to be comfortable and to make them comfortable
- 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 they don't understand
- ❑ Silence not always mean tacit agreement; it may mean 'I hear you'
- ❑ Try not to be uncomfortable; try to appreciate the silence

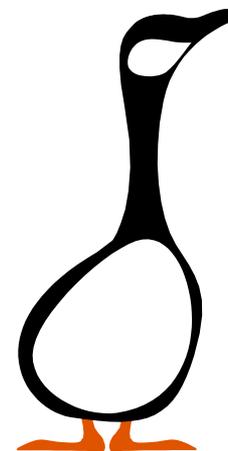


What *Not* to Do

- ❑ 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
 - Forgive, forget, move forward
 - Don't take things personally
 - Don't defend past decisions
- Keep an overall focus on your objectives



Dispute Resolution

- Options could be covered in a written consultation protocol.
- Sec 106 of the NHPA has procedures and involvement at higher levels
 - MOAs/permit conditioning
- Non 106 issues may require the input of your DC office
- Agree to disagree

After the Consultation Meeting

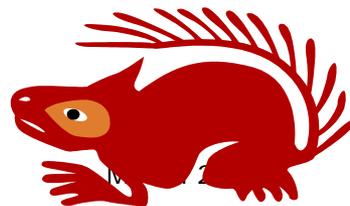
- Follow up with a phone call later
- Distribute the transcript or minutes to all parties; ask for input.
- Decide the next step together
 - Another meeting,
 - Staff to work together to finish products,
 - Formal signing
- Continue communicating

Tips – Things to Remember

- ❑ Talk early - talk often.
- ❑ How you conduct yourself at any meeting with tribal members may make or break your relationship with the tribe
- ❑ Be humble!
- ❑ 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 deadliness and schedules

Tips – More Things to Remember

- ❑ Confidentiality
- ❑ Reimbursement for travel
- ❑ Payment for services
- ❑ Food and Gifts
- ❑ Senior level decision makers 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



Questions? Please call me!

Georgeie Reynolds

Senior Tribal Liaison, HQUSACE

441 G St NW

Washington DC 20314

(202) 761-5855

Georgeanne.I.reynolds@usace.army.mil

Website:

www.usace.army.mil/missions/civilworks/tribalissues.aspx