

Best Practices and Resources for Tribal Engagement

General Information and Context

The US has a unique Trust relationship with, and responsibility to protect and support, Tribal Nations. As the US Department of Energy (DOE) carries out its national security, energy, research, and environmental cleanup missions, it recognizes the utmost importance that consultation and transparent engagement plays in the Government-to-Government relationship.

It is the policy of DOE to recognize and fulfill its legal obligations to identify, respect, protect, and conserve tribal trust resources; carry out its trust relationship with federally recognized Tribes and tribal member entities including Alaska Native entities, as defined in DOE Order 144.1; and invite Tribes to consult on a Government-to-Government basis whenever there is a DOE action with potential impacts on tribal interests. DOE Tribal interactions are guided by executive and departmental orders and administrative memos (included in the resources below).

DOE Office of Nuclear Energy (DOE-NE) takes our commitment to strengthening Tribal sovereignty and self-governance seriously and respects the unique Government-to-Government relationship Tribes hold with the Federal government. Due to the unique nature of the relationship between Tribes and the federal government, provided below are best practices and informational resources that may help inform any outreach or engagement with Tribes. We are here as a resource, if you have any questions on Tribal engagement please contact Marissa Bell, Tribal Engagement Lead for Consent-Based Siting marissa.bell@hq.doe.gov.

At minimum, we strongly suggest in all interactions with Tribes that you make it clear that you are not interacting with a Tribe on behalf of DOE and that your interactions in no way replaces Nation-to-Nation consultation. Furthermore, if a Tribe requests a consultation, or to speak with DOE, please immediately notify and direct them to Marissa Bell.

Best Practices

- **Understand and Respect Tribal Sovereignty:** Take the time to research and learn about any Tribe you may be interacting with. Please remember that each Tribe is unique, with its own culture and history, one Tribe does not speak for another Tribe.
- **Early and Transparent Communication:** Developing relationships and trust with Tribes is a process that takes time. Early engagement facilitates building trust over time.
- **Engage Trusted Entities:** In engaging with Tribes, it is often best to work through existing relationships or trusted programs and organizations, if those are available.
- If there is no existing relationship, it is typically preferred to start with a formal letter sent to the elected Tribal Leadership from the Consortium's leadership. See this [DOE sample Tribal Leadership letter](#) for reference.

- While it may vary, it is typically best to send a copy both in hard copy and electronic format, followed up with a phone call.
- The letter should be addressed to Tribal Leadership, it is recommended to cc administrative staff and/or other relevant staff.
- Provide a direct Point of Contact (POC) including a name, phone, and email.
- **Give Tribes Resources to engage:** Depending on the planned engagement activities, consider offering to pay for their time (honorarium), travel, etc., as long as your budget and cooperative agreement allow for this.
- Notes for awareness:
 - A lack of response does not mean a Tribe is not interested in the proposed activity. Tribal staff often wear multiple hats and have limited resources/capacity.
 - Be okay with No – a Tribe may not be interested.
 - Timing – Tribes may operate on a different timeline than you.

Selected resources and references on Tribal Engagement

Below please find some selected informational resources as a starting point. These are not all-inclusive, if you are interested in learning more, please contact Marissa Bell (Marissa.bell@hq.doe.gov).

- An introductory resource for Understanding Tribal Nations in the US (National Congress of American Indians): archive.ncai.org/tribalnations/introduction/Indian_Country_101_Updated_February_2019.pdf
- Why Tribes Exist Today in the US: bia.gov/faq-category/why-tribes-exist-today-united-states
- Interactive map database for identifying land areas of Federally-Recognized Tribes (Bureau of Indian Affairs): bia-geospatial-internal.geoplatform.gov/indianlands/
- Interactive map for identifying Tribes with historic land connections native-land.ca/
- A Tribally co-developed resource that can be utilized as you begin building your relationship with a Tribe: [FIRST STEPS A Resource for Engaging with Indigenous Communities in STEM](#)
- [Search NK360° Educational Resources | Native Knowledge 360° - Interactive Teaching Resources \(si.edu\)](#)

Key executive orders (EO), administrative memos, and departmental orders guiding DOE Tribal interactions (including but not limited to):

- [White House Council on Native American Affairs](#)
- [Memorandum](#) on Tribal Consultation and Strengthening Nation-to-Nation Relationships
- [EO 13175 \(2000\)](#) Consultation and Coordination With Indian Tribal Governments

- [EO 14112](#) (2023) Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination
- DOE Office of Congressional Affairs Website: [Strengthening Tribal Consultation and Engagement with Tribal Leaders](#)
- [DOE Order](#) 144.1, DEPARTMENT OF ENERGY AMERICAN INDIAN TRIBAL GOVERNMENT INTERACTIONS AND POLICY.
 - Please note that this Order is currently undergoing updates and is open for Tribal comment through January 31, 2024. For current drafts of the updated order, [click here](#).
- DOE 2021 [Tribal Consultation Plan of Action](#)
 - DOE 2022 [Progress Report](#)
- Database of Tribal treaties from Federally Recognized Tribes (White House Council on Native American Affairs, USDA, OSU). Available at: [Home \(okstate.edu\)](#), overview available [here](#).
 - *This is a starting point for research only.* Not all Tribes are treaty Tribes, but all Tribes have rights. See [Disclaimers](#) here. Non-treaty Tribes' reserved rights are not in this database and some boundaries may be disputed.
- Webinar series on Indigenous Knowledge (USGS): <https://www.usgs.gov/programs/climate-adaptation-science-centers/webinar-series-incorporating-indigenous-knowledges>
- The Office of Nuclear Energy is supported by two main Tribal Working Groups and Committees, among others:
 - Tribal Radioactive Materials Transportation Committee, [TRMTC](#), supported by Office of Integrated Waste Management, DOE-NE-82 and DOE-Office of Environmental Management (DOE-EM), www.trmtc.org
 - Nuclear Energy Tribal Working Group, [NETWG](#) supported by DOE-NE
 - NETWG has previously commented on prior iterations of the consent-based siting process, [see white paper here](#).

SAMPLE DEAR TRIBAL LETTER

October 20th, 2022

Dear Tribal Leader,

The U.S. Department of Energy (the Department or DOE) recently issued a \$16 million funding opportunity announcement (FOA) titled “Consent-Based Siting for Interim Storage Program -- Community Engagement Opportunities” Funding Opportunity Number: DE-FOA-0002575. The Department is pursuing a Federal interim storage capability for commercial spent nuclear fuel following a consent-based approach that will begin with broad public engagement and information exchange, and in later phases seek volunteers interested in considering hosting a Federal facility. This FOA is intended to support Tribal, State, community, and interested stakeholder engagement in learning more about consent-based siting, management of spent nuclear fuel, and interim storage facility siting considerations.

Tribal, State, and local governments, and many other eligible entities located within the continental United States, are encouraged to apply to the funding opportunity.

This written notice is intended to be responsive to Tribal feedback DOE received during the planning stages of the consent-based siting process and from prior DOE consultation with Tribal Nations, recommending that information on consent-based siting activities be mailed to federally recognized Tribes in addition to available email and website information. The Department affirms its commitment to continuing to improve its communication processes, identify best practices, and strengthen its working relationships with Tribal Nations.

This FOA is not intended, nor should it be considered, as a substitute for the government-to-government relationship that DOE maintains in its Tribal interactions.

Awards made from the FOA will have a period of performance of 18 – 24 months, during which time awardees will perform activities that include:

- Enabling **mutual learning** about consent-based siting and spent nuclear fuel storage
- **Promoting community participation** in inclusive and equitable engagement processes
- **Contributing insights** for siting a Federal interim storage facility for spent nuclear fuel based on interests and social values
- **Providing direct grants** to interested communities to ensure participation and remove barriers

DOE welcomes and encourages participation by Tribes and Tribal members in the funding opportunity and/or related public engagement events and information exchanges.

DOE recognizes the significance of its long-standing relationships with Tribal Nations and its Trust Responsibility to promote and protect Tribal treaty rights, federally recognized reserved rights, other federally recognized interests, and cultural resources of Tribal Nations. DOE will continue to have a dialogue, communicate, and consult with Tribes with respect to consent-based siting activities, which could impact Tribal resources, environments, or the health and welfare of Tribal members.

The following information is provided by DOE to facilitate Tribal involvement:

- The deadline to apply to the FOA is December 19, 2022. To view the FOA and apply, please visit energy.gov/consentbasedsiting
- Questions regarding the FOA must be submitted by email to consent-based-siting-project@id.doe.gov
- To request an alternate format of FOA materials, or to request a hard-copy of the FOA, please email consentbasedsiting@hq.doe.gov or call **301-903-3301**
- For questions, comments, or requests for Tribal consultations related to DOE's consent-based siting program, please email consentbasedsiting@hq.doe.gov or call **301-903-3301**. Please consider adding 'Tribal Consultation' in the subject line of your email or in the body content of your email.

DOE appreciates Tribal involvement in this important national effort and looks forward to engaging with Tribal Nations that are interested in participating in the consent-based siting process.

Sincerely,

A handwritten signature in black ink that reads "Kathryn Huff". The signature is written in a cursive, flowing style.

Dr. Kathryn Huff
Assistant Secretary
Office of Nuclear Energy