A Structure
For
Tribal, Tribal Agency and Tribal Organizations
Consultation, Collaboration and Coordination Procedures,
Including Federal Notice and Tribal Authorization Requirements

TRIBAL AND TRIBAL ORGANIZATIONS
CONSULTATION, COLLABORATION AND COORDINATION

I. CONSULTATION
When there is any tribal implication (as defined by Executive Order 13175) involving a regulatory matter or an unfunded mandate.

A. Formal Consultation.
- When a matter involves a regulation.
- When a decision is being considered that creates an unfunded mandate or affects an existing unfunded mandate.
- Proposed legislation.
- Policy statements.
- Highly significant actions.

A written notice must be sent minimally to (i) every tribe, (ii) to relevant applicable tribal agencies and (iii) to national tribal organizations either announcing a scheduled consultation or to solicit input.

ANY RESULTING SUBMISSIONS OR PARTICIPATION BY A TRIBE MUST BE AUTHORIZED IN WRITING BY THAT TRIBE.

B. Informal Consultation.
- When a matter involves all other regulatory matters.
- Legislative comments.

A written notice must be sent minimally to (i) every tribe, (ii) to relevant applicable tribal agencies and (iii) to national tribal organizations either announcing a consultation or to solicit input.

NO WRITTEN AUTHORIZATION IS REQUIRED FROM A TRIBE FOR A SUBMISSION OR PARTICIPATION. HOWEVER, ANY TRIBAL SUBMISSION OR PARTICIPATION MUST CLEARLY IDENTIFY THE TRIBE OR TRIBES WHO ARE PARTICIPATING OR RESPONDING.

II. OTHER COLLABORATION AND COORDINATION
When a matter is not required above to go through consultation, including other non-highly significant action, but does have tribal implication (as defined by Executive Order 13175).

A written scheduling announcement or input solicitation notice must be sent to those tribes, tribal agencies and tribal organizations that the Federal agency might have an interest or concerns.

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