

ROUGHLY EDITED TRANSCRIPT

BUREAU OF LAND MANAGEMENT  
TRIBAL RELATIONS: NEW GUIDANCE  
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>> The Bureau of Land Management presents live from the National Training Center in Phoenix, Arizona, and the M Street Office in Washington, D.C., M Street live!

Today's topic Tribal Relations: New Guidance.

And now, the host of your program, Cathy Humphrey.

>> CATHY HUMPHREY: Hi, everybody.

Welcome to another M Street Live.

Thanks for joining us today.

Today we will be talking about the 1780 manual and handbook on tribal relations that will be released soon.

We have a message from our BLM Director, and a great panel who will talk about the new guidance.

And after that, we'll have time for the panel to answer your questions.

So send us your questions as you think of them and we'll answer them at the end.

I will have our contact information in just a minute.

So be ready to jot it down.

As you are all getting settled, in I would like to start out by introducing you to our panel.

Right here with me at the National Training Center in Phoenix, Arizona, we have first of all, Marcia Pablo.

Marcia Pablo is a Tribal Liaison in Billings at the Montana State Office.

Marcia is a Cultural Anthropologist with a Master's Degree.

She is a member of the Confederated Salish and Kootenai Tribes, and was Tribal Historic Preservation Officer there for 16 years.

She worked for the Forest Service as Forest Archaeologist for 10 years and has been with the BLM as Tribal Coordinator for the past year and a half.

She has about 30 years of Tribal Consultation experience from both sides of the table.

Hi, Marcia, glad you could come down and join us.

What I would like to know, is how many tribes do you work with in Montana and what is your favorite thing about being a tribal coordinator.

>> MARCIA PABLO: Cathy, I love my job.

I love working with the tribe.

I work with 22 tribes in North Dakota, South Dakota, Wyoming and Idaho.

And probably my favorite project is working with the tribes to -- it's called eco-regional ethnographic assessment project and what we are doing is having the tribes capture their cultural information on plants, animals, stories, the ecosystem and putting it on a database for generations.

That's probably my most exciting project.

>> CATHY HUMPHREY: That sounds fantastic.

Glad you could join us.

Next to Marcia is Maureen Joe.

Maureen started her professional Career in the Oil and Gas Industry as an accountant and Gas scheduler in Farmington, New Mexico.

In 2000, she began her Federal Government career as an Auditor for the Federal Indian Minerals Office, then became a Project Manager for the BLM eight years later.

She has been the Assistant Field Manager for Lands and Renewable Resources in the Farmington Field Office since 2012.

So, hi, Maureen.

Thank you for joining us.

Since you have been assistant field manager, how many tribes have you had the opportunity to work with?

>> MAUREEN JOE: Hi, Cathy.

Thank you very much.

I am very fortunate to have worked with great number of tribes.

I have worked with the Jicarilla Apache Nation, as well as the Southern Ute Indian Tribe, the big one, the Navajo Nation and the Hopi Tribe and the surrounding Pueblo tribes within the area.

>> CATHY HUMPHREY: Sounds interesting.

That's great.

Glad you could come over.

And now let's head over to the BLM's M Street Office in Washington, D.C., where it's rainy dreary day, and meet the rest of our panel.

Starting with Byron Loosle.

Byron is the Division Chief of the Cultural and Paleontological Resources and Tribal Consultation in WO-240.

Byron, how long you have been in DC and what did you do before that?

>> BYRON LOOSLE: Good morning, Cathy.

I have been here about three and a half years.

Before I came to Washington, I was in the Utah State Office as a state archaeologist and tribal liaison there.

Before that time, I worked with the Forest Service on the Ashley National Forest in northeastern Utah.

The Ashley had been created from the Uintah Reservation many years before by Theodore Roosevelt.

In fact, the Northern Ute Tribe and their various bands were still our neighbors for the 17 years I worked on the Ashley National Forest.

>> CATHY HUMPHREY: Fantastic!

So thank you for the time to be with us today, and next to you we have Jerry Cordova.

Jerry is the Native American Programs Specialist for the Bureau.

That sounds very interesting.

What exactly does a Native American Program Specialist do, Jerry?

>> JERRY CORDOVA: Good morning, Cathy.

I have often described my role as the BLM's help desk for tribal affairs in all manner of issues that deal with our government-to-government relationship with the federally recognized tribes.

I advise BLM leadership at the senior level and on down into the ranks state directors, district and field managers and their staffs.

Any time somebody has a question pertaining to an arcane issue in tribal affairs, they can call me, email me, or do the snail mail to pose their question.

So that is my role and, of course, any other duties that are assigned from the top or elsewhere.

>> CATHY HUMPHREY: Great.

Thanks, Jerry.

That's very helpful.

So that's our panel and now that you have met our lovely panel, I would like to go over some housekeeping.

As usual, this broadcast is back recorded.

It will be posted to the KRC, which is the Knowledge Resource Center and that's a website managed by the National Training Center.

If you want to find where this website -- where this broadcast is posted, just do a web search for NTC KRC tribal.

That will get you close and then you can find it from there.

On that web page for this broadcast, you will find the PowerPoint slides from today's program, you will find some background materials, including the new manual and handbook when they are published.

I do want to mention a little bit about the new manual and handbook.

You might notice, maybe not, they used to be part of the 8100 manual on cultural resources but they have been split out to be their own separate documents.

So now it's the 1780 manual on Tribal Relations, and the handbook is H-1780-1 on Improving and Sustaining Tribal Relations.

So as questions come up during broadcast, as I mentioned before, you can send them to us.

You can use, text, email or fax and the panel will answer your questions at the end of the presentation, which will be in about an hour or so.

The contact information is on your screen.

So you may want to jot it down.

The email and text both have the same address and that is [BLM\\_TC\\_telecast@blm.gov](mailto:BLM_TC_telecast@blm.gov).

The fax number is 602-906-5702.

And if you want to put your question to a specific panel member, you can include that as well.

So that's it for housekeeping.

Before we get into the details of new manual and handbook for tribal relations, I would like to hear a few words from the BLM Director Neil Kornze who was generous enough to record a few words for us in advance.

>> NEIL KORNZE: At the Bureau of Land Management working with our partners is critical.

Partners help us generate ideas, and they offer unique perspectives.

Some of the BLM's most important partners are Indian tribes who bring valuable insights on public land management across the country.

We now have an opportunity to work even closer with tribal nations to manage the public land.

This will be done through the new agency guidance that focuses on building stronger partnerships with tribes.

I'm pleased to announce the new BLM 1780 tribal relations manual and handbook.

This policy and guidance was developed to compliment recent directions from the Department of the Interior.

It outlines the laws and best practices that apply to all of our programs.

Now, the insights we will get from the tribes will help the BLM continue to protect sacred sites and provide tribes with access to the special places and resources on public lands, including treaty rights that they may have for fishing, hunting and gathering.

This new guidance has resulted from BLM managers and staff, listening to the views and the concerns expressed by Indian tribes.

One of their concerns is how we will train staff to implement this new guidance.

Now, this process of training starts immediately with this webinar that you are watching right now.

Line managers you are the agency's decision makers and at the forefront of tribal relations.

We recognized each Indian tribe and Native Alaskan group is unique and individual.

There are 567 federally recognized tribes in this country each with its own history, its

own language, spiritual beliefs, songs, creation stories and much more.

Your role is to engage meaningfully in government to government consultations and to build relationships with those tribes who have ties to the lands in your district and your field offices.

Now, while formal tribal consultation is the responsibility of line officers, we all have a role in tribal relationships.

For millennia, Native Americans, have hunted, gathered, farms and held ceremonies.

And the resources have been passed on from generation to generation.

When this knowledge is shared with us, it gives us the opportunity to make more informed decisions and fulfilling our obligations as stewards of the land.

So to strengthen our relationships and fulfill our trust responsibilities and honor the incredible are responsibility for managing America's land.

>> CATHY HUMPHREY: Thank you, Neil, there are some themes.

Meaningful engagement and we all have a role in the government-to-government consultation, the consultation with the tribes.

All right.

So let's talk about this new guidance.

Let's head back to M Street and I would like to hear from Byron Loosle.

What can you tell us about the new tribal relations manual?

>> BYRON LOOSLE: Well, I'm pleased to announce we will soon release the new manual.

The 1780 Tribal Relations and its accompanying hand book H-1780-1 in Improving Tribal Relations.

There is an approach to tribal consultation.

They introduce new policy and guidance and will assist the BLM and meet the department's and administration's goals for tribal relations and consultation.

There has been substantial effort for many individuals, for multiple disciplines with help

outlined the comprehensive responsibility the BLM has for tribal relations and presented a coordinated approach to tribal consultation across all program areas.

I would like to highlight some important aspects of the manual.

First of all, it represents a clear break from the cultural resource centered approach of the 8120 manuals amendment emphasizes that everyone within the bureau has tribal consultation responsibilities.

Second the series number was carefully selected.

This section of manual guidance focuses on cooperative relations with other governments, including state and international relations.

Third, the BLM intends to develop long-term relationships with tribes based on our common interest in managing and protecting lands and resources important to tribes and the American people.

It encourages managers and their staff to take the time to learn about the tribes they will be working with by reading ethnographic histories and information produced by the tribe about itself and membership.

Foremost, consultation is about demonstrating respect for another's heritage, perspective, and world view.

Our employees are charged with responsibilities but line managers, especially, have delegated authority to conduct government-to-government consultation and are the only individuals that can do so.

Program leaders in field offices crafted the manual.

WO240 has taken the lead but each of the directors have contributed to the program's chapters and highlighting the responsibilities for tribal relations.

This wide variety of programs includes the cadastral survey, natural resources, forestry, lands and royalty, minerals, planning and NEPA, rangeland and plant conservation, recreation, renewable energy, soil, water and air, wildlife and fisheries, and wilderness.

>> CATHY HUMPHREY: That's a very comprehensive list.

It sounds like we all have responsibilities now.

A couple of things I heard you say, developing long-term relationships with tribes.

It's not just a one-time thing that's consultation, it's where we are trying to develop



long-term relationships and also consultation is about mutual respect.

So now that we know some of these important aspects, Jerry, can you tell us why the BLM needs this new manual?

>> JERRY CORDOVA: Well, the tribes themselves stated a need to have the BLM update its manual guidance so that they could get a broader overlook of all the disciplines within BLM where the 8120 manual was focused on cultural resources management, the 1780 manual will include all of the activities that BLM engages in when it deals with tribes.

So this process has been going on for well over seven years, dating back to 2008, when a series of listening sessions was begun both on the part of BLM and later on in the DOI, when it started doing its -- the DOI consultation policy.

So we are now at the threshold of distributing the manual as Byron and Marcia and others have stated, we have been working in concert with the tribes over all of these years and we have been tweaking the draft and we are now hopeful that everything that we started out to address will be included, but then again, these are not set in stone.

They are not legislation.

They are not regulations.

So they are subject to change.

We are advising the tribes as we implement the manual and the handbook, if they see anything that needs to be changed, modified, we will do that.

>> CATHY HUMPHREY: Okay.

So it's more comprehensive.

That's fantastic.

And it was developed collaboratively, love to hear that.

So Marcia, we have talked a lot about consultation.

We will talk a lot more about consultation.

Can you talk to us a little bit about who it is that the BLM consults with?

>> MARCIA PABLO: Yes, I will.

The various laws and presidential executive orders determine who we consult with.

For example, the National Environmental Policy Act, or NEPA, states the BLM will consult with other federal agencies, the state governments, Indian tribes, and the public.

Or other interested parties on undertakings and plans.

It is also the case with the Federal Land Policy and Management Act or FLPMA, the National Historic Preservation Act or NHPA states that consultation will be carried out with other federal agencies again, the state historic preservation office, Indian tribes and the public or interested parties when historic properties are concerned, or may be impacted by a project or undertaking.

Another great resource is Chapter 6 of the handbook, mentions the BLM manual 6340.19, which is wilderness, but its management of BLM wilderness.

And it's called traditional use by the Native Americans and it states, many wilderness areas are in whole or in part important locations for traditional uses by Native Americans, from areas important for the collection of natural materials to places for traditional religious practices, and entire landscape of cultural identity.

The laws listed above require the BLM to consult with the established leaders of the tribes such as their tribal council, the government, or leader.

They can also -- in that -- this is a -- the tribes can also delegate a representative for select someone like the Tribal Historic Preservation Officer to deal with NHPA.

Religious or spiritual leaders or elders may also be involved.

Chapter 5 of the manual gets more specific into the laws and the presidential executive orders that apply explicitly to Indian tribes.

These include the American Indian Religious Freedom Act or AIRFA and the Native American Graves Protection and Repatriation Act or NAGPRA.

These laws are supported by executive order 13175 and that is the consultation and the coordination with the Indian tribal governments and Executive Order 13007, which addresses Indian sacred sites and importantly access to these sites.

When you work within the framework of AIRFA, NAGPRA or sacred sites, you may have a new set of tribal representatives to consult with, such as the NAGPRA coordinator, who may be the only person in the tribe who deals with burials or burial goods.

You may be consulting with the tribal religious leaders or next of kin, when it comes to repatriation or when human remains are found on federal land.

You will probably be working with spiritual and religious leaders when it comes to sacred sites or ceremonial areas.

You need to know your tribal leaders, know when and who to ask for guidance, to navigate through some of this consultation strain.

>> CATHY HUMPHREY: It sounds complicated.

Lots of laws and lots of people and so those who are not as familiar with this I heard read Chapter 5 for more information.

>> MARCIA PABLO: Read Chapter 5, yeah.

>> CATHY HUMPHREY: That's fantastic.

The BLM consults on many different things and so how is consultation with Indian tribes different than consulting like with states or the general public, for example?

>> MARCIA PABLO: That's another good question.

Federally recognized Indian tribes under the Marshall Trilogy of laws from the 1860s, are considered domestic, dependent nations, and are subject to the Indian commerce clause of the US Constitution.

Tribes have a unique -- and I will repeat that -- unique status defined in our Constitution, numerous laws and statutes.

They are not stakeholders.

They are not municipalities.

They are not state governments or -- and most importantly, they are not just the public.

They are sovereign governments or sovereign nations.

When tribes negotiated the treaties with the United States, they came to the table as landowners.

Owning lands that the US wanted to open for homesteading, settlement, the railroad, and mineral resources.

Tribes are sophisticated and knowledgeable negotiators, and they retain hunting, fishing, gathering and grazing rights in the territories that they ceded to the US government.

Most retain thousands or millions of acres of homelands, as their current day reservations.

The lands the tribes relinquished to the United States under these treaties have been used for thousands of years by Native Americans.

There is not one inch of ground in this country that tribes did not utilize or know intimately.

These are the lands that the federal agencies manage today.

That is why there are specific laws addressing the tribal lands.

In those thousand years of use, there were sacred sites and cultural landscapes, pictographs and petroglyphs.

These were inhabited by Native Americans and it's critical to ongoing religious practices, ceremonies and the basic identity of contemporary tribes today.

>> CATHY HUMPHREY: Thanks for that clarification on the unique status of tribes.

I think that was really helpful.

Okay.

So let's dig in a little deeper now.

What exactly is consultation and when does the BLM do this consultation?

>> MARCIA PABLO: The handbook states that consultation is generally construed to mean direct two-way communication between an agency and an American Indian or Alaska Native tribal government, regarding proposed BLM actions.

The purpose of consulting is to obtain substantive tribal input, and involvement in decision making processes.

The manual goes on to state that each tribe has their own idea of what is meaningful consultation to them.

And we should incorporate this into consultations accessible to tribes and the BLM.

Blanket outreach that we usually use for NEPA are not adequate for tribal consultation.

The special status for tribes requires that BLM strengthens their consultation efforts.

Consultation should take place early on in the project, I can't emphasize that enough.

Any undertaking or project should be -- you should take that new information and let the tribes be aware that this is coming down the pike.

And it should occur often and face to face.

A letter is notification.

It is not considered consultation.

A letter is always followed with emails, phone calls, person-to-person visits, and meetings.

There are several approaches to consultations, but first we must remember that each tribe is unique, individual, and that they will let you know how they want to engage in consultation.

They are not shy usually.

For example, one tribe in Idaho prefers a facilitator who interacts between the tribe and the BLM.

They call this consultation Wings and Roots.

Not all the tribes want a facilitator speaking for them.

So they may be directed to meet with the tribal government leaders first.

Then the leadership will direct you to meet with their program staff, specializing in the areas of concern.

You would work with the staff to find a solution or an alternative to whatever issue is coming at you.

It is a question -- if a question comes up that requires government leadership, direction, then you take it back to the council, or the staff and they will take it back to the tribal council.

It just depends how the tribes want to work and what process they have in place.

Another process in the northwest is working with the THPO and the specialist first this may include presenting it to our elders' council or elder's commission.

Now, in the southwest, I understand it's a little different after talking to Maureen, and so she's going to explain her perspective.

>> MAUREEN JOE: Yes.

Thank you, Marcia.

Pretty much all of the stuff that you had outlined regarding the process we follow.

The only difference down in the Southwest area is the fact that we go straight, directly to the tribal government for consultation.

We don't have the elder commissions in place.

They probably do have it, but they do it behind closed door.

So really, you have to go back and think about how things work because this is about relationship and in order for you to understand how the consultation should be -- should be taken you have to know the Indian tribes.

You have to establish that relationship -- those relationships.

So that you know that you will do certain things a certain way for the tribes that you are working with.

>> CATHY HUMPHREY: Okay.

Thank you.

>> MARCIA PABLO: When these various solutions or alternatives are developed and identified, then it's time to present it back to the tribal council leaders for a decision.

You can work from the top down, which is from the leaders, which will direct you to the specialists on down or you can work from the bottom up which is with the -- with the THPO, the specialist and then it goes up to the tribal council.

In Montana, for example, the tribes may request that an issue or policy be presented to the Montana/Wyoming Tribal Leaders Council.

The name is being changed to the Rocky Mountain Tribal Leaders Council.

This is a council of all the tribal leaders from the various tribes in Montana, and Wyoming.

That's because the Shoshoni have joined.

BLM policies can have far reaching effects on tribes that we may never even think about.

For example, transportation plans can impact the tribe by closing a road that impedes the elder's access to medicinal plants, to flat rock or tepee poles.

The consultation is built on mutual trust and respect, and it extends from a good working relationship and foundation.

It's like my elders have always taught, you speak from your heart.

You are sincere and you think the biggest thing we need to learn is to listen.

We really need to hear what the tribes are saying.

A lot of times, they will tell us something in a story and in that story is sometimes the answer to the question you are asking.

Like any relationship and friendship, it takes an investment of time, concern and sincerity to build.

Jerry, do you have anything to add to that?

>> JERRY CORDOVA: I just need to augment comments that Marcia and Maureen have stated about the special relationships between the tribes and the federal government, and throughout the presentation, you will be hearing unique, special relationship, respect, and these are all the cornerstones of that relationship that we are asking our managers to build with their tribal counterparts, because any relationship between governments has to be based on mutual respect and mutual trust, especially when we are dealing with sensitive information from the tribes like sacred sites or other esoteric information that the tribes may divulge to us in a confidential manner.

A lot of times because some of this information may not be protected under privacy act or foyer exemptions, the tribal leader has to rely on the word of the tribal manager that this information will not go any further than the tribal and the BLM office.

Now, with regard to the special relations between the federal government and the 567 tribes, it's -- it goes back in history because all of the tribes were different.

They were independent nations prior to settlement by the United States government.

That changed the whole picture but in the minds of the tribal leadership, they are still sovereign self-governing entities and they are due the respect that the United States government accords other federal leader's -- other foreign leaders.

So with that, I think we pretty much cover the different aspects of that unique nature of the relationship.

>> CATHY HUMPHREY: So one of the things I heard you say, Marcia, is you talked about consulting early, in the idea phase with the tribes and I really like that, because that's another thing that we are advocating in the new planning guidance that's coming out too.

So that's -- that meshes very well.

So from what I understand, consultation with the Native people in Alaska is different than consultation in the lower 48.

So Jerry, can you explain to us those differences?

>> JERRY CORDOVA: The main difference in BLM's relations and outreach efforts to the Alaskan Natives is dictated by the logistics of this huge territory that we have to work in.

So there is less frequent contact with tribal leadership and Alaska and the BLM because of that distance factor.

However, the BLM leadership strives to establish and maintain contact to the extent possible so that the -- the main focus of their dealings with the Native villages and the corporations including the regional corporations is based on those issues that are most important to the natives themselves.

A lot of times, these deal with economic issues and subsistence-related issues.

As an example, we are -- we have a very unique relationship with a council of tribal governments because they are the only tribal group that we have a sales government agreement with and so we are showcasing that as a template, that other native groups in Alaska can use to break into that relationship of the self-governance tribes and the crafting of annual funding agreements under Title IV of the Self-Governance Act.

So that in a word is the difference between dealing with Alaska Natives and the lower 48 tribes.

>> CATHY HUMPHREY: Okay.

Thanks for that.

So Maureen, I always assumed that when the BLM undergoes consultation, that it was the highest ranking official that represents the BLM, but as Neil Kornze was saying at the top of the hour, he can't successfully consult with all 567 tribes.



So who is it that represents the BLM when we are doing the tribal consultation?

>> MAUREEN JOE: Every one of us.

We all have a role regardless of whether we are a resource specialist or we work up front in the administrative group, but every one of us have a role to play out from the resource staff down at the ground level, all the way to the line managers to the field manager, to the district manager, back up to the state office and into Washington.

We all play a role.

>> CATHY HUMPHREY: All right.

And then so you say that the staff has a role.

What exactly is their role during the consultation process?

>> MAUREEN JOE: A lot it has to do -- it goes back to, as Jerry had said, is relationship.

There's these cornerstones that you have to ensure that you build those relationships.

If the relationships are built, then you know exactly what is needed and what the issues are on the part of the tribal entities that you are working with.

So it's all about relationships.

If you have that relationship in place, then you know exactly what the issues and what the concerns would be.

>> CATHY HUMPHREY: Okay.

Building up the long-term relationships.

Good.

So Byron, what else would you like to tell us?

What else should we know about the new policies on tribal relations?

>> BYRON LOOSLE: Well, there's a few things I would like to highlight this morning.

As I stated in the 1780 manual, we are committed to establishing and open and ongoing dialogue with tribal officials, as Marcia, Jerry and Maureen mentioned.

We want the consultation to start early in the development process.

We have attempted to clarify our many responsibilities to the tribes in the guidance.

For instance, BLM not only manages federal surface estate on public lands but federal minerals and other responsibilities that affects tribes.

The manual recognizes that because of these activities, the BLM has a broad trust responsibility and in some cases this includes a fiduciary duty related to Indian trust assets and property or interests reserved by or granted to Indian tribes or Indian individuals by treaties, statute and executive order.

One of the most common examples is our cadastral surveys to establish formal boundaries and sometimes settle disputes.

Our groups are involved with tribal boundaries even though they may not abut federal BLM lands and we also manage minerals that are held in trust for some tribes.

It's important that each tribe is unique and contradict reviews about the economic value and the use of their lands.

However, I guess for some clarification, the BLM does not hold land, resources or property in trust for Indian tribes.

Our public lands -- our BLM administered lands and the cultural natural resources are therefore not Indian trust lands.

These resources include the ecological sites, places of traditional religious and cultural importance such as sacred sites and plants and animals that are important to the economic and cultural of these tribes.

Similarly, human remains and cultural items subject to the Native American Graves Protection and Repatriation Act.

One item is allowing tribal compensation.

This new policy allows managers discretion on a case-by-case basis.

Managers may provide or acquire that land use applicant provide financial compensation to Indian tribes to help to cover the cost for consulting with the BLM on land use planning and authorizations.

The new manual merely codifies what is already happening and our managers and proponents find a way to make things work and get the information they need.

When I was the State Archaeologist in Utah, for instance, we were at a considerable disadvantage because we followed the previous manual's direction and didn't allow for consultation.

Some neighboring states on the other hand did provide compensation.

The result was in Northern Ute, the tribe for which the state of Utah is named and with whom I had nearly two decades of interaction would rarely talk to us in Utah.

We tried to provide some guidance without becoming too prescriptive in the manual.

The managers may compensate tribes on a case-by-case basis for Native American contributions on input, comments that aids the BLM process.

They may use appropriated funds or cost reimbursable accounts to reimburse tribal elders or officials for travel expenses to attend meetings in connection with NEPA, FLPMA, or the NHPA Section 106 process.

This includes time taken to discuss proposed projects for construction industries, oil and gas and coal, tribal issues and concerns including environmental justice, or to identify where tribes gather plants or nuts in traditional use areas.

One of the most significant issues with compensation is how to transfer funds from government to tribal members.

Offices have developed some creative solutions to this bureaucratic hurdle.

Examples such as using proponents, tribal agreements, and third parties are outlined in the handbook.

Each state may develop further guidance with more formal rules standards which we felt were not appropriate for a national manual.

It includes requirement for inclusion of performance measures to ensure accountability of line officers and carrying the responsibilities associated with BLM tribal consultation policies.

We also have commitment to adequate staffing to carry out tribal consultation policies and procedures.

In the appropriate situation, this includes hiring tribal liaison which may be at an individual office and may be regionally or a state level.

The managers encouraged to meet with tribal leaders on a regular basis, and for specific law during important projects which may impact tribal interest.

It is critical for managers to make a serious effort to respond to tribal meeting requests.

This is one of the most serious litigation risks.

We need to meet with tribes when they ask, and have the right people, usually the decision maker, in the room when we meet with the tribal government.

The handbook contains a robust discussion of the level of effort and when you may consider consultation adequate for various projects.

A final issue I would like to mention is the role of tribal consultation and NEPA analysis.

Generally, we are extremely good at listing the consultation efforts in our planning and NEPA documents.

We provide long lists of the tribes, the meetings held and our correspondence with the tribes, however, it is just as important to provide a list of the issues and concerns the tribe raised during the consultation effort.

Even more important is to specifically address how and why these issues or concerns were or were not addressed in the document.

>> CATHY HUMPHREY: I always perk up when you talk about NEPA and planning and I like your guidance on not only listing the locations and the dates, but who you met with, who issues they came up, and how we address them or not.

So that's really great for the admin records.

So thanks for that.

And then one other thing about compensation, I hear you said that -- that that took a lot of discussion.

I can only imagine it took a lot of discussion but it sounds like the new guidance outlines what the compensation is for, how to transfer the money and then where the money comes from.

So I'm sure that will help the field a lot.

And speaking of compensation since I'm sure that that's going to be pretty tricky, any time it comes to money, that's a tricky situation.

So if BLM staff have a question, who should they talk to if they have questions about compensation.

>> JERRY CORDOVA: I would start at the state level with the state tribal liaison, or other individuals designated to represent the state director, and if they can't answer or if there are other questions then they can bring them to Jerry or me here in the Washington Office.

>> CATHY HUMPHREY: That's right, 1-800-Jerry.

All right.

So we have mostly been talking about the tribal relations manual but there's also a companion handbook and you were alluding to, that Byron, but can you tell us about what is in the handbook and how does the handbook relate to the manual?

>> BYRON LOOSLE: Certainly, the manual provides the overall philosophy and the general practices that we want to implement in the BLM.

The handbook provides specific practical guidance on the mechanics of government to government consultation.

So, for instance, the handbook includes example templates of letters and meeting outlines, step-by-step instructions on a variety of topics so these include how to conduct and document consultation efforts.

Identification of tribal leaders or their representatives as Marcia pointed out that can vary depending on what you are consulting on.

Developing strategies to achieve success in our relations, communications, meetings, and formal government-to-government consultation.

And recognizing tribal motivations during consultation.

The handbook also defines the legal framework under which the BLM consults for land use planning and decision support.

It explains how to coordinate tribal consultation and key differences between NEPA, FLPMA, and executive order 13075 and AIRFA and 13007.

Most important it contains program specific guidance for those programs in which BLM tribal consultation and relations are active.

It includes guidance for these programs, but is not limited to cadastral survey, fish and wildlife, forest and woodlands, the minerals program, planning and NEPA, rangelands, realty, renewable energy, soil, water and air, and the wilderness.

The handbook will include additional chapters as they become available and will be edited as we find issues or problems that may arise as we begin to implement this.

>> CATHY HUMPHREY: Well, the handbook sounds very helpful Byron, especially, I like that you said that there's templates, examples and program-specific guidance.

So I can't wait to take a look at it when it comes out in January.

So I was just curious, are you planning on providing any training nor BLM staff, and if so, what would it look like?

Neil talked something about training, what can you say about that?

>> BYRON LOOSLE: As you mentioned, this initiates our training and we will host additional trainings locally throughout this year on the handbook and manual.

Also, we are working with CADR, we provided conflict and dispute resolution with tribes in Reno, Nevada, and we have three more states scheduled at the beginning of this coming year.

And once those have been concluded, we will roll out the 1780 training additional training.

>> CATHY HUMPHREY: And for those who don't know, CADR is collaborative action dispute resolution.

So if people want some of that training, do they contact the Tessa Teams at the National Training Center or can they talk to you about it also?

>> BYRON LOOSLE: Yes, the NTC will know first where those dates will be but we'll also keep track and we can share that information, once we have it.

>> CATHY HUMPHREY: Okay.

Great.

Thanks for that explanation, Byron, and stay tuned for more to come.

All right!

So we have come to the end of the presentation portion of our broadcast.

It hasn't been quite an hour, but that means it's time to answer your burning questions and I would assume that you are also enraptured by what you had that maybe you didn't have time to send us your questions and so this is your chance now.

On the screen, you will see your -- the fax, the text, and email information.

While you are sending in your questions, our panel, we got some questions from the field, over the last few weeks.

And so our panel is going to answer these questions, and in the meantime, go ahead and send us your questions that we can answer for you today.

All right, so the first question is for Jerry.

A BLM manager wrote to us, and she wants to know how do I know when I have done enough consultation?

>> JERRY CORDOVA: Well, the best way to gauge that is to talk with the tribal representatives, the tribal leadership or tribal staff because they are the ones that are giving us information that are vital to their existence and their interests.

We, on the other hand, have to balance that with those of industry, who is operating on a very accelerated time frame, because once a project is started, certain deadlines have to be met and the consultation process fits into that time frame.

So it's very important at the outset because when you initiate consultation early, the manager has an idea of how the project schedule looks like.

So they can communicate to tribal leadership about when a consultation with tribes, and the communication aspects have to be taken care of.

We also have to inform tribal leadership that any issues that are not covered in the initial efforts at consultation, are covered under the government-to-government relationship, meaning that that ongoing relationship allows us to continue this conversation beyond any government established deadlines.

>> CATHY HUMPHREY: Okay.

Thank you for that.

The next question is for Maureen.

A resource specialist asked us -- they weren't specific about who they were.

So they said, I'm a range con or a recreationist, why do I have to know about tribal consultation?

Isn't that the manager's.

I know you talked about this over the past hour, what is the need for the resource specialist in the field for consultation?

>> MAUREEN JOE: Yes, Cathy.

Everything is based on relationship.

Everything is based on communication, collaboration.

So with that said, it's really important to establish the relationship with the Indian tribes because you are on the ground.

You are working.

You are wanting to do some things.

If you establish those relationships, then it makes it easier and you understand exactly the needs and the wants of that Indian tribe.

So it's really important to be able to have that consultation with the Indian tribe, because what we are trying to do is basically ensuring that we protect and respect the resources.

And that we want to make sure that we collaborate with them because they would know more about their resources and how they want things to be handled.

So it's really about the relationship and the communication.

>> CATHY HUMPHREY: So they do the "small c" consultation?

>> MAUREEN JOE: Yes.

>> CATHY HUMPHREY: And speaking of which what is the difference between the "big C" consultation and the "little c" consultation?

Sometimes we talk about that.

So what can you tell us about that?

>> MAUREEN JOE: Yeah, see the "small c" consultation is basically the day-to-day work at the ground level, pretty much, it's the resource staff working out there on a day-to-day, normal schedule, the -- the "big C" consultation requires the Indian tribe president and the council doing a government-to-government consultation with either the district manager, the feel manager or the state director.



So that's really the big difference, the "big C" requires and upper level management consultation and a "little c" is the normal day-to-day operations, and consultation.

>> CATHY HUMPHREY: That clarifies it, thanks.

So Marcia, this next question is for you.

The BLM has several national efforts, national rules, plans, et cetera, and the BLM has to consult on all of them.

Why do I have to consult locally on these national rules and other national efforts?

Shouldn't they be consulted on it at a national level?

>> MARCIA PABLO: All the national efforts, plans, Rules, work their way to the ground locally if you have an EIS, they may talk about burning or timber removal.

That comes on the ground.

The same with the onshore orders.

Those blame specific on the ground and have an impact to tribes.

But it could be culturally or economic.

The travel plans like I mentioned before, closing a road may have impacts, we haven't even thought of.

So they all end up locally on the ground.

>> CATHY HUMPHREY: Great.

Thanks.

Now finally the last question that we got in recent weeks and we have three live questions so far, so there's still time for you to send us your questions.

Marcia, can you take this one too?

So we were asked can we contact -- contract out our tribal consultation responsibilities and, of course, I would assume, heck, no.

>> MARCIA PABLO: The "big C as Maureen just explained, no, we cannot.

Government-to-government has to be with the BLM and the tribe.

Now the “small C” contractor can be very helpful in the small c effort such as getting room and logistics for a meeting, getting that prepared, bringing in refreshments for the meeting.

Even helping you contact tribes, tell them about a meeting or to see if they can make it.

So there's the “big C” and the “little c” again.

No, we cannot delegate our “big C” responsibilities.

>> CATHY HUMPHREY: And you us is use some contractors.

>> MAUREEN JOE: Yeah, we have the contractors do all of that administrative work on that, but the actual tribal consultation, the “big C”, we are doing that on our own.

>> CATHY HUMPHREY: That must be really helpful to you.

>> MAUREEN JOE: Yes, yes, it is because it's a lot of administrative duties that we don't have the resource staff to be able to do all of that.

>> CATHY HUMPHREY: All right.

So let's start with this first question, Jerry this one is for you.

So this question is from the Grand Junction Field Office, from an archaeologist there.

And the question says: Recently during our RMP process, we had a Freedom of Information Act request, asking for tribal spiritual information.

Our office had to use some religious or spiritual information given to us through tribal consultation to justify the recent land management decisions.

When tribal concerns were related to the cultural resources site, we were able to use AIRFA and other statutes to protect the information but it was harder to keep sensitive information confidential when it wasn't related to archaeology sites.

We are worried that tribes might be hesitant to provide sensitive information to the agency if it isn't protected or kept confidential.

So here's the question.

Is there any guidance or discussion in the new manual about how to protect the confidentiality of information so that the tribes may provide to us or any information or best management practices on how to best record or document sensitive information

provided by the tribes?

Great question!

>> JERRY CORDOVA: Well, as was stated, checking out the existing authorities under the Historic Preservation Act and AIRFA, certain information might be protected, but when you get into other areas beyond that, that is where the questions arise and that's all the more reason why that relationship needs to be explored and established between the manager and the tribal counterpart.

We are trying to get somebody interested within the Interior and on the hill to grant us an exemption from having to divulge some of the sensitive information like the Forest Service has.

That's not anywhere near becoming reality.

So in meantime, we are saying be especially careful as you deal with these tribal issues, because there is some information that we absolutely cannot protect from inquiries from the outside, be it the press or scholars, scientists, especially.

So try to explore however you can protect this information under existing authorities and then see if you can't work with the tribes, there may be some mechanisms that the tribe may be able to fall back upon, but do start with the FOIA coordinator and the Solicitor's Office definitely for legal advice that's on point on this question.

>> CATHY HUMPHREY: Okay.

Thanks.

All right.

This next question is for you, Byron.

It is from a cadastral surveyor at the Idaho office.

I work in Idaho.

We have done quite a bit of surveying on the various reservations in Idaho.

We have two project offices and currently have one.

We haven't done any formal consultation in the past, we do meet with Bureau of Indian Affairs staff and tribal staff on occasion depending on situations.

We also discuss survey needs and progress with them.

Does the new manual change our process in regard to consultations?

Will we need to consult before every survey on the reservation and what about surveys done for the BLM or other agencies that may be in areas of ceded land?

>> BYRON LOOSLE: No, I mean, the manual is not going to change your current process, and basically, in many ways, you are our contractor working for the BIA and the tribe, and so your processes are in place, and -- and the handbooks section was written by your engineers, your surveyors so it basically captures and reinforces what you are currently doing.

>> CATHY HUMPHREY: Okay.

And if anybody else has anything to chime in, go ahead.

This next question is also for Byron.

This one is from acting BLM SHPO liaison, also an archaeologist.

So in the heritage resources section of the handbook, it states that tribal inventories will not be required, however, throughout the document, the importance of tribal identification and evaluation is stressed.

How can we have adequate tribal participation in identification and evaluation if the tribes are not afforded an opportunity to conduct inventories?

Including tribes on traditional cultural resource survey does not afford an adequate opportunity to identify and evaluate traditional archaeological sites, because the inventory will be directed in the CRM firm not the tribes.

In order to be consistent with the rest of the document, we recommend that saying something along the line of will not be required but may be used as an important tool for identification and notification.

Without tribal inventories, we won't have the data we need for ethnographic studies.

I don't know that that's a question.

Do you have a comment on that?

>> BYRON LOOSLE: Again, one of the issues we struggle with, with the nationwide manual is trying to encompass everyone.

We tried specifically in the case of tribal inventories create a framework so that the

manager has discretion.

Do they need the information that will be generated by a tribe but we're not requiring it because there's many places in the country where it's not necessary to have the tribal inventory.

We tried to give the managers that discretion and word it appropriately so that the manager has that discretion to gather the information they need to make a decision, and that's, again, one of these cases where that's played out in the manual and handbook.

>> CATHY HUMPHREY: Okay.

Great comment.

Thanks.

All right this question is for Marcia, and it's from an archaeologist in the Price Field Office in Utah.

My question is: Do you have any recommendations on how to get tribes to actively participate in consultation?

I send letters.

I follow up with phone calls and emails, but some tribes never respond, even when there are important NAGPRA concerns.

We tried to physically show up for meetings but sometimes are not welcomed.

How do we build relationships with tribes who do not want to work with the BLM?

Fantastic question!

>> MARCIA PABLO: It's a very good question.

Like they did, I would have ended up on their doorstep and would have expressed how important it is to develop a relationship with this tribe.

I would start with their Tribal Historic Preservation Officer, because usually they are used to dealing with other agencies, and may be more open and from that point then open the doors to the other entities within the tribes that you need to reach out to.

But you can't just -- have you made phone calls.

You have sent emails.

You have sent letters.

They know who you are, but to show up and say, tell us everything you know is not going to work either.

You've got to find that -- you've got to finesse this, call the THPO and set up a meeting and go see the Tribal Historic Preservation Officer and start from that point is what I would do.

If you have other people that know someone in the tribe, go through them.

And find a connection and work through that connection.

>> MAUREEN JOE: Some tribes are very -- I guess they are very finicky about just reaching out to someone they don't know.

And so the best thing to do is find as Marcia said, find somebody and break into that wall that they usually put up to the government agencies and do what you can.

Another thing is having a tribal liaison for the office that represents the tribes and sometimes that breaks the ice and you are able to get in and get that communication and relationship started.

>> CATHY HUMPHREY: And here's another one.

>> JERRY CORDOVA: Cathy, let me just make a comment regarding this question here.

BLM is not the only federal agency that consults with a tribe.

There must be 50 others that do the same thing.

So I have advised other offices, including BLM's offices or BIA's offices that they should seek out other agencies that have -- established relationships with a particular tribe and see what their trick is.

What kind of magic they use and if you shop around enough, you can hit on a solution that might work for you.

But you can't give up just because you are given the cold shoulder the first few times you make these efforts.

>> CATHY HUMPHREY: Good advice.

>> MAUREEN JOE: A lot of times what we have done is shown up to the tribes with huckleberry pie and cookies and say hear is a peace offering.

You know, I'm saying, I want to be your friend.

And you don't eat with your enemies.

Tribes always say that.

You don't eat with your enemies.

That's why sitting down and eating together is so important.

I bring food.

>> CATHY HUMPHREY: That would work for me.

>> MAUREEN JOE: That's what our district manager does.

She always brings along a box of doughnuts.

Right, Victoria?

>> CATHY HUMPHREY: And here's another question, in the same vein, Jerry, it's for you.

It's a good question.

Friends don't always agree.

What do you do when BLM, and tribal governments don't agree?

This is from the office in Fairbanks.

>> JERRY CORDOVA: You know, one of the given facts in dealing in Indian affairs is the tribes have been around for a long time.

So during the course of time various relationships have been established.

So as a result, there's old entities become of territorial disputes, or maybe a family feud that went back several generations.

So when we advise tribal managers to familiarize themselves with the tribes and the communities that they are going to be dealing with.

These are the types of questions that should be researched and it always helps as Marcia stated if you know somebody who has an in with a tribe, and has dealt with the different factions within the tribes that are at odds with each other, that may be a good way to get a handle on the issues and try to work around those issues.

>> CATHY HUMPHREY: Okay.

And then this one, we are staying kind of in the same vein, Jerry, this is for you too.

This is for a member from the NLCS, what do we do after repeated attempts from failed?

When is it enough for us to move forward unilaterally?

>> JERRY CORDOVA: Well, sometimes these issues go on for years.

And, again, you can't give up.

Sometimes you might have the fortune of a change of leadership in tribal government or there might be a change of seasons or reasons within the tribal consultation framework.

You have to look at different angles because the first thing I would like at is why the tribe repeatedly rebuffs our efforts to try to establish communications with them.

Perhaps it's a personal relationship between a particular manager or a staff member, either within the tribal government or within BLM ranks.

That's something leadership has to jump on.

And there may come a time when there has to be that decision made.

Again, I refer to the deadlines that are established under project management.

If a project absolutely has to proceed, then we have to make that cut, because it's either that or the tribe can turn around and say, wait a minute.

We didn't consult -- almost didn't consult adequately with us, and yet they went ahead and gave the go ahead to this particular corporation to proceed with their project, and we're drawn into court and we have to answer.

So unless we have some very good reasons about why we couldn't break that barrier down, the judge is naturally inclined to rule in the favor of the tribe.

So this is something we have to take into consideration.

>> CATHY HUMPHREY: Okay.



And let's change gears just a little bit.

This one has got Maureen's name on it but I think it could be for anybody.

This is from a rec planner.

It says, many tribes change administrations yearly, and new administrations may take months to get fully operational.

So are we required to change our consultation process every year to accommodate the tribes?

Where is the consistency?

What do we do about that?

Do you have a thought?

>> MAUREEN JOE: You know, that really just comes with the territory.

That's just the way working with the tribe -- I mean, it's really a give and take, and building that relationship and, you know, many, many, many times in our office, that's what has happened is we have new administration coming in and you work really hard to build a relationship and then when that individual leaves or those group of people leave, then you just have to start all over.

But sometimes you are fortunate enough to have someone who is still within that administration who will kind of help, and bridges the gap for you.

So it just comes with the territory.

It's just something that you have to work with and make that adjustment.

It's all about flexibility and relationship.

>> CATHY HUMPHREY: And the same thing happens on the BLM side too, managers change.

>> MAUREEN JOE: Exactly.

>> CATHY HUMPHREY: All right.

So here's one --

>> JERRY CORDOVA: I would like to add to that answer.

>> CATHY HUMPHREY: Go ahead.

>> JERRY CORDOVA: NCAI and other intertribal organizations maintain up-to-date tribal leadership rosters and every time there is a change in tribal leadership, they post it on their website.

And it's a good idea to keep abreast of these changes because then the manager can shoot off a congratulatory letter to the new leader, beginning the establishment of a new relationship.

And also offers to meet, even socially.

I always say to new managers, if you are familiar with the ceremonial calendar of a particular tribe or a community, invite yourself to an event that's open to the public.

Because that indicates to the community not only the leaders that you are open to relationships and that can be the beginning of breaking down any respective barriers that might be coming up.

>> CATHY HUMPHREY: Great answers.

That's why you are 1-800-ask-Jerry.

I just thought of that.

Byron, this is from you.

This is from the Bakersfield Field Office from a wildlife biologist.

And the question is: How does the manual address the issue with nonfederally recognized tribes.

This is particularly relevant in California.

>> BYRON LOOSLE: Right, California has a unique situation and our government-to-government is federally recognized tribes.

So we try to provide some guidance on how to interact with tribes and how to work with the nonfederally recognized tribes but it is -- they are frankly, more like the public than federally recognized tribes that have that constitutional background but we do try to provide some guidance for you on how to do that.

>> CATHY HUMPHREY: Okay.

And here is another one for you.

I should know the answer to this, but I'm glad it's for because I don't really know the answer to it.

This is from a district archaeologist in Salem, Oregon.

How does CADR assist in tribal consultation?

Is there a formal or informal role for CADR in tribal consultations?

Byron?

Do you have an answer?

>> BYRON LOOSLE: Right now -- yeah, right now, they are providing the training and they can't -- they can help in especially difficult situations.

So, yes, they can have a formal role, although what I spoke to and what we're doing right now is just talking about tribal consultations, generally, but you can contact them and ask them to help discuss a particular project or if you are having problems, you can involve them.

>> CATHY HUMPHREY: And each state does have a CADR coordinator.

So you would start with them if you want help with that.

All right.

How about we have a couple questions on funding.

Let's start with the short ones.

This question for Byron, from an archaeologists from Rawlins.

>> BYRON LOOSLE: We specify a little bit in there most of what we are seeing is proponents paying for this, but this may be instances where the BLM needs input or something for a particular project.

But most of the successful ones we see right now are coming from the proponents and that's just part of their cost of doing business is providing ethnographic study or inventory or other kinds of things, a report that comes from the tribe to help with our decision making.

>> CATHY HUMPHREY: Okay.

This is for you, again.

>> JERRY CORDOVA: Cathy, I think we should stress that there's no new money to implementation of this guidance.

Because the state directors are the grantees of all money that comes from Washington to state offices for operations.

It's their obligation to determine what amount of money goes for that purpose.

So the cultural resource staff at the particular office needs to talk with the managers, the district and the field managers and state director if possible, to identify what pots of money might be available for them to use to make these commitments.

>> CATHY HUMPHREY: Yeah.

Good.

All right.

And here is one, Byron, this is for you too.

It's another money thing.

A little by different tack on it.

But it's from a manager in Fairbanks.

And the question is: Is it possible within our procurement and consultation policies to use appropriated funds, the micro-purchase authority to purchase refreshments for government-to-government meeting?

Some communities don't have potable water and providing light refreshments is expected but it creates a financial burden to them.

So currently, the folks up there pay for coffee and refreshments out of their own personal funds but over time it adds up.

Do you have any thoughts about that?

>> BYRON LOOSLE: That is a good point.

In fact, this manual can't change our current rules, unfortunately, but that's

actually -- the big consultation effort going on right now, that's related to code access.

That's one of the comments we tried to push forward.

It would help us if we could change some of the bureaucratic rules about compensation, about providing for these funds or other kinds of things.

If that could happen at a higher level and so we have made that comment and pushed that forward, but unfortunately, this manual can't change the current standards.

>> CATHY HUMPHREY: Yeah, and I know I have seen at some meetings where the local BLM folks pay for the refreshments but then they have a little basket there, but I don't know how -- if that's kind of a tacky thing or not.

But -- maybe some creative ideas from others.

So here is a question from a botanist in Bakersfield, California, for Marcia.

I took a quick look at how botanical resources were addressed in the draft 1780 document.

First question is: How do I determine if someone is a legitimate Native American?

This is especially important as concerns -- as concerning the same question as before, nonfederally recognized tribes, common in California.

I know this can be a contentious issue.

Do we have guidance?

Marcia, I don't know if you know.

>> MARCIA PABLO: In the manual and handbook?

>> CATHY HUMPHREY: That's what it looks like.

>> MARCIA PABLO: Just what Byron -- Byron talked about it earlier.

That's all there is.

>> CATHY HUMPHREY: Okay.

All right.

>> BYRON LOOSLE: Yeah, we run into this a little bit and we try to parse this out a little

bit.

Jerry and I have been working on this or a related issue in Oregon.

People that aren't part of a federally recognized tribe are essentially the public.

And now under the American Indian Religious Freedom Act, they may have certain rights or things that could be applicable there, but generally, they are just the public, and what -- what they want to do, we would just apply the same rules that we would anybody else, that comes in from the public requesting a particular resource or access to land or other kinds of things.

Would we do something similar to somebody else that came in there?

>> JERRY CORDOVA: If I may, the -- I can cite an extreme example of one agency, Fish and Wildlife Service, when it fields requests for eagle feathers from individuals, Native Americans.

One of the forms that Fish and Wildlife requires is an affidavit from a religious tribal leader stating that they know who this individual applicant is, and that in their opinion, the feathers will be used for religious purposes only and will not be sold commercially.

So that's an extreme example of determining who a recognized Native American is.

On the other hand, for the individuals who say, well, I'm not enrolled with any particular tribe, I'm not from a federally recognized tribe, that comes down to a judgment call on the part of the manager.

And if the individual is persisting that they are affiliated with a tribe, then call the tribe, contact the tribe, the Historic Preservation Officer may be a beginning.

They have enrollment officers at tribal offices that might be helpful in arriving at a solution.

>> MAUREEN JOE: We also have our cards, Jerry.

Every tribal member has an identification card if you are a member of a tribe.

You carry it in your wallet.

Here I am.

But that's not what they are looking for here.

>> CATHY HUMPHREY: Here is an interesting question.

Can an individual or tribe gain exclusive rights over the -- over a population of plants?

An example would be a patch of shrubs managed for basketry materials.

Should we consider these plant locations as sensitive information?

It says Marcia but I don't know if you want to take it or somebody else.

>> MARCIA PABLO: I can start it and hopefully Jerry and Byron can help.

-- and Maureen.

What we have done on -- in the Forest Service when I was with the Forest Service, we talked about special interest areas.

And we would identify those on a map, let's say a tribe goes there and gathers medicinal plants.

Well, then as a special interest area, we would protect that area from harvesters, commercial harvesters or whatever, and try to let the tribes have first shot at it, and the other commercial stickers or whatever would have to have a permit.

Now that's the Forest Service.

I don't know if there's anything like that with BLM.

>> CATHY HUMPHREY: That's an interesting question.

>> JERRY CORDOVA: I don't believe we have set policy, BLM-wide, but I -- if I recall correctly, California had embarked on an effort to establish some protocols for native craftswomen and others who gather plant materials on public lands.

Regarding the question of exclusivity, I doubt that we could do that on public lands.

I think as Marcia stated, the manager can recognize that a particular group, an artisan's guild has first dibs because of a certain relationship they have with the BLM, meaning maybe they are a volunteer group and they have volunteered to take care of that particular area of land to ensure that fires don't destroy the plants, rodents don't come in and move into the area, but these are the kinds of local protocols that the manager at the local level can come up with.

>> CATHY HUMPHREY: Okay.

And then there's one more question from the botanist in Bakersfield.

How is the collection of noncommercial quantities by Native Americans different from the general public collecting plant materials for personal use?

Why would I need to issue a simple letter of authorization issued annually without charge when I don't require that from the general public?

That's a quote from the draft 1780-1 handbook.

I don't know if -- I'm not sure.

>> JERRY CORDOVA: Well, I think we fall back on, again, that unique relationship.

The special status, again, first in time, first in right might be used rather loosely, but if a tribe can state that they have been harvesting certain plant materials, either for weaving baskets or gathering herbs for medicinal purposes, if they have been doing this for years before others started using the plants, that might have a bearing on the kind of permission that the local manager grants.

>> MAUREEN JOE: A lot of times it goes back to the local management, the district manager, the field manager.

And then I have been emphasizing relationship.

It goes back to the relationship.

If you have -- if you have established that relationship, you know exactly what that Indian tribe is requesting and what it's wanting.

So it's really about that relationship and understanding and knowing that.

>> CATHY HUMPHREY: Okay.

Well, we have got two more questions, but they are real similar to some of the other ones that we were talking about and we are getting a little short on time.

So I think we'll move on and then we'll have the panel members respond to those two individuals specifically.

So that was a great Q&A session.

Thank you so much!

And once again, I would like to let -- remind you that we will be posting this program to the NTC's KRC or Knowledge Resource Center site, but before we sign off, I hope you



can stick around for a few more minutes because I would like to give the panel an opportunity to share some final thoughts.

Let's start with you, Jerry.

What final thoughts would you like to share with our audience?

>> JERRY CORDOVA: Well, I would like to convey to the field the managers and their staffs that we would like to think of our role here in the Washington Office, as resources that can be called upon to assist managers in making their decisions in tribal consultation matters.

And we don't want to be perceived as dictating policy to the field unilaterally.

As I stated, this handbook had its origins way back in 2007 and 2008, when the BLM first started holding listening sessions with the tribes around the lower 48 and Alaska.

So, again, any changes that might be needed after implementation takes place after a while, we appreciate any comments and observations, recommendations from the field because we recognize that you BLMers out there are the ones that deal with these issues on a daily basis.

We hear of issues secondhand.

So oftentimes when an issue is relegated to the Washington level, we have to get back to you, to get the details of what this issue is all about.

So we appreciate your help and your cooperation on these matters.

>> CATHY HUMPHREY: Thanks, Jerry.

And Maureen?

State Office perspective.

>> MAUREEN JOE: So I had a little talk with our state director Amy Lueders the other day and she was very generous enough to be able share her thoughts on what her perspective is for tribal consultation.

Her standards are very high at the state level, and they roll that out to the district office and the field level with the same high standard.

And basically, Amy said to me that, Maureen, it's not about the manual.

It's beyond the manual.

It's beyond the handbook.

It's all about the relationship.

It's about communicating.

It's about respecting the resources is what she said, and I really thought about that for a long time, and really sincerely was really humbled with her explanation as to what her view is regarding tribal consultation.

And so with that said, I want to say Cathy, thank you for the invite and I learned so much the last couple of months and I know that I will be learning a whole lot more.

Jerry has taught me so much as well as Byron, and Marcia.

So thank you so much for the invite.

>> CATHY HUMPHREY: Great.

And Byron, your perspective?

>> BYRON LOOSLE: Well, I mean, we -- some of my most memorable and informative actions I have ever had in my career have been with tribal members.

And we have heard a lot today about relationships and I would just like to share that one story to illustrate it.

It took me a number of years, but I developed a great rapport with a Ute elder Clifford Duncan and we took a group of us where he collected Indian potatoes with his family and he showed us around the place, and we -- for decades we had wondered what an Indian potato was and because the ecologist was there, we learned the scientific name.

As Clifford talked about -- he dug up the potatoes and talked about the history and how they collected it and some of the mythology associated with the plant and how it was used.

And the ranger, the manager, and as we sat there, we could see how the livestock crowd that was adjacent to it, and the dispersed recreation in the area, the road that went to the limestone quarry we could see how all of those things affected what he was talking about and his relationship to the land.

So I would encourage you to have that long-term relationship with the tribal members with which you work.

>> CATHY HUMPHREY: And especially go out in the field with them.

That's helpful too.

And Marcia, the district office, the field office perspective?

>> MARCIA PABLO: I just -- as these questions came about, it again comes back to those relationships.

We've got to build those relationship.

We have got to understand that these resources that we manage are critical to tribal identity, to their ongoing religious and spiritual wellbeing.

And when we impact those or they lose them, the tribe loses a piece of its culture.

So we need to build these relationships.

We need to remember that tribes are individuals, and unique, and one size does not fit all.

We need to listen, and like my elders said, we need to speak from our heart.

>> CATHY HUMPHREY: Thank you.

I would like to express deepest gratitude to Marcia Pablo, Maureen Joe, Jerry Cordova, Byron Loosle and to Anna Rago and of course most importantly thanks you to our audience for your time and your great questions.

So long for now from the National Training Center in Phoenix, Arizona.

>> This broadcast has been a presentation of the BLM National Training Center.