

**U.S. Army Corps of Engineers – Civil Works
Tribal Consultation Policy**

1. References.

- a. U.S. Constitution, Article I, Section 8; Article VI.
- b. National Historic Preservation Act (54 U.S.C. 300101 et seq.), 15 Oct 1966, as amended.
- c. Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), 18 Dec 1971, as amended.
- d. American Indian Religious Freedom Act (42 U.S.C. 1966 et seq.; Public Law 95-341), 11 Aug 1978, as amended.
- e. Archaeological Resources Protection Act (16 U.S.C. 470aa et seq.; Public Law 96-95), 31 Oct 1979, as amended.
- f. 33 CFR part 325, Processing of Department of the Army Permits, 13 Nov 1986, as amended.
- g. Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.; Public Law 101-601), 16 Nov 1990.
- h. Religious Freedom Restoration Act (42 U.S.C. 2000bb et seq.; Public Law 103-141), 16 Nov 1993.
- i. Executive Order 13007, *Indian Sacred Sites*, 24 May 1996.
- j. Department of Defense American Indian and Alaska Native Policy, 20 Oct 1998.
- k. Engineer Regulation 1105-2-100, *Planning Guidance Notebook*, 22 Apr 2000.
- l. Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*, 06 Nov 2000.
- m. Executive Order 14096, *Revitalizing Our Nation's Commitment to Environmental Justice*, 21 April 2023.
- n. Consolidated Appropriations Act, 2004, as amended, Public Law 108-199, Division H., Section 161.
- o. Consolidated Appropriations Act, 2005, Public Law 108-447, Div. H., Section 518.
- p. Army Regulation 200-1, *Environmental Protection and Enhancement*, 13 Dec 2007.
- q. Engineer Regulation 1130-2-540, *Project Operations – Environmental Stewardship Operations and Maintenance Guidelines and Procedures*, 11 Aug 2008.
- r. Presidential Memorandum, *Tribal Consultation*, 05 Nov 2009.

- s. Announcement of Presidential support for the *United Nations Declaration on the Rights of Indigenous Peoples*, Public Papers of the President, December 16, 2010.
 - t. Section 1129 of the Water Resources Development Act of 2018, Section 1129, Public Law 115-270, 23 Oct 2018.
 - u. Department of Defense Instruction Number 4710.02: DoD Interactions with Federally Recognized Tribes, 24 Sep 2018.
 - v. Department of Defense Instruction Number 4715.16: Cultural Resources Management, Sept. 18, 2008.
 - w. Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships, January 26, 2021.
 - x. Advisory Council on Historic Preservation, Consultation with Indian Tribes in the Section 106 Review Process: The Handbook, June 2021.
 - y. Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Tribal Treaty Rights and Reserved Rights, November 15, 2021.
 - z. Guidance for Federal Department and Agencies on Indigenous Knowledge, November 30, 2022.
 - aa. Presidential Memorandum on Uniform Standards for Tribal Consultation, November 30, 2022.
2. Purpose. On January 26, 2021, the President issued a Memorandum to the heads of all federal agencies entitled *Tribal Consultation and Strengthening Nation-to-Nation Relationships*. The Memorandum reaffirmed Executive Order (E.O.) 13175, *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249) signed on November 6, 2000, and the policy announced in the Presidential Memorandum signed on November 5, 2009. The Presidential Memorandum also requires each agency to formulate a detailed plan of actions that it will undertake to implement the policies and directives of E.O. 13175. E.O. 13175 requires that all federal agencies formulate “an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” This document affirms the U.S. Army Corps of Engineers (USACE) commitment to engage in consultation with federally recognized Tribes and Alaska Native Corporations (ANCs).¹
 3. Background. There are responsibilities to Tribal Nations resulting from the Federal Trust Doctrine, which is derived from Treaties, statutes, regulations, Executive Orders, case law, and agreements between the United States government and Tribal governments. The references in paragraph 1 provide additional guidance on coordination and consultation with Tribal Nations.

¹ A separate consultation policy with Native Hawaiian Communities is under development.

4. For the purpose of this policy, the following definitions apply:
 - a. Alaska Native Corporation (ANC): Any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with 43 U.S.C. §1601, *et seq.*
 - b. Consultation: Regular, meaningful, and robust communication process involving USACE and Tribal officials with decision-making authority and which emphasizes trust, respect, and shared responsibility between USACE and the Tribal Nation or ANC. To the extent practicable and permitted by law, consultation works toward mutual consensus and begins at the earliest planning stages before decisions are made and actions are taken. Consultation is an active, respectful and timely dialogue concerning actions taken by USACE that have Tribal implications on Tribal resources, Tribal rights (including treaty rights), or tribal lands- Consultations are also conducted for actions which have a substantial direct effect on ANCs including actions on or affecting ANCSA lands, or actions for which any Tribes have expressed interest in consultation.
 - c. Coordination: Regular, informal, and/or staff level communications between USACE and the Tribal Nation or ANC. Coordination can and should occur before formal consultation, and is highly encouraged to keep all parties informed, to improve consultation, and to aid in determining when consultation is required. Tribal Nation or ANC coordination should be the primary tool to determine when formal consultation is required.
 - d. Tribe/Tribal Nation: Indian Tribes as defined in E.O. 13175, “an Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 USC 479a.”
 - e. Policies that have Tribal implications: Regulations, proposed legislation and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on treaty or other reserved rights or resources, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. A further extensive list of events or actions that could have tribal implications and therefore trigger consultation is in Para 6.d.ii.
5. Applicability. This Policy applies to all Civil Works elements of USACE, including the Regulatory, Planning, and Operations Programs, at HQUSACE, Major Subordinate Commands, District Commands, the Institute for Water Resources, the Humphreys Engineering Center Support Activity, and the Engineer Research and Development Center.
6. The Tribal Policy Principles. USACE will incorporate the following six Tribal Policy Principles into its planning, management, budgetary, operational, regulatory, and legislative initiatives, management accountability systems and ongoing policy and regulation development processes.
 - a. Tribal Sovereignty.
 - i. All federally recognized Tribes are inherent sovereign governments that have not relinquished powers of self-governance and will be treated with dignity and respect.
 - ii. Sovereignty is the foundation of Tribal governments.
 - iii. Tribal governments set their own priorities, and develop and manage Tribal and trust resources, which may be based on cultural practices and timelines.
 - iv. Tribal Nations are responsible for their own governance and management.

- v. USACE recognizes and respects the distinct, unique, and individual cultural traditions and values of Alaska Native peoples and the statutory relationship between ANCSA Corporations and the Federal Government.
- b. Trust Responsibility.
- i. The trust responsibility will be honored and fulfilled.
 - ii. The federal government has a unique legal and political relationship with Tribal governments that recognizes self-government and self-determination.
 - iii. USACE shall work to meet its trust responsibilities, protect trust resources, and obtain Tribal views of trust and treaty responsibilities for actions related to USACE, in accordance with provisions of treaties, laws and Executive Orders as well as principles lodged in the Constitution of the United States. Integrating consideration of tribal treaty and reserved rights into agency decision-making and regulatory processes is consistent with the federal government's trust responsibility to federally recognized Tribes and to fundamental principles of good government.
 - iv. As a matter of Federal law, only Congress has the authority to abrogate or interfere with tribal treaty rights, which has not been delegated to USACE. USACE cannot authorize, approve, or carry out any activities which would result in a violation of a Tribal treaty right. See Appendix A for Best Practices for Identifying and Protecting Tribal Treaty Rights, Reserved Rights, and Other Similar Rights in Federal Regulatory Actions and Federal Decision-Making for USACE use.
 - v. USACE is committed to supporting projects and programs beneficial to Tribal Nations through partnership with them, including co-management and full-operability where appropriate.
 - vi. USACE will ensure that it considers and addresses Tribal and ANC concerns regarding protected Tribal resources, Tribal rights (including treaty rights) and lands, and ANCSA lands in a respectful way to the Tribes and to the maximum extent allowed under law by taking measures to ensure that agency actions do not impair Tribes' ability to exercise those rights.
 - vii. Through consultation with the affected Tribe(s), USACE will protect and allow access to protected Tribal resources on, under and in USACE managed lands and water resources development projects to the extent practicable and will work to develop and implement access policies as requested by Tribes or ANC.
 - viii. Through consultation with the affected Tribe(s), USACE will ensure reasonable and respectful access to sacred sites on USACE managed lands and water resources development projects in accordance with the American Indian Religious Freedom Act and other applicable laws, regulations, and guidance. Further, USACE shall to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, accommodate access to and ceremonial use of tribal sacred sites.
 - ix. USACE will share non-privileged information in a timely manner when requested by Tribal Nations and ANCs to the maximum extent allowed under law. In addition, federally recognized Tribes and ANCs do not need to submit a FOIA request for non-privileged information that is otherwise releasable under the law.
 - x. USACE welcomes receiving Indigenous Knowledge throughout the consultation process on the implementation of Civil Works functions and will respect and consider such Indigenous Knowledge throughout Civil Works implementation.

- c. Government-to-Government and Nation-to-Nation Relations.²
 - i. USACE will maintain a government-to-government and Nation-to-Nation relationship with Tribal governments and Nations which may include establishing new means or processes to engage with Tribal Nations, separate from those provided to the general public or other governmental entities.
 - ii. Consultation for decision-making occurs between Tribal Leaders and USACE Commanders/Leaders and USACE Commanders/Leaders will work to achieve regular, meaningful, and robust communication with Tribal Leaders on a programmatic as well as a project-specific basis.
 - iii. A Tribal Nation or ANC has access to the Chief of Engineers, the Assistant Secretary of the Army (Civil Works), and other high-level individuals. USACE should also conduct consultation at any time that a Tribal Nation requests consultation. USACE should conduct consultation at the lowest effective level (starting at District) and elevate to resolve issues as required.
 - iv. A Tribal Nation may initiate a request for Government-to-Government or Nation-to-Nation consultation, or coordination at any time.
 - v. Regular and recurring interactions, which may include processes under Section 106 of the NHPA and environmental compliance under the National Environmental Policy Act, will primarily be staff-to-staff unless otherwise requested by the Tribes. As outlined in paragraph 6.d(x), specific protocols for elevating issues to the Government-to-Government or Nation-to-Nation level may be included to ensure resolution at the level the decision is being made.
 - vi. Tribal consultations will be assisted by an appropriate Tribal Liaison. A Tribal Liaison will be designated at each District, MSC, HQ USACE and identified as such on its website. The USACE Tribal Liaisons are assets in engaging and implementing Tribal consultation.
 - vii. Each Tribal Nation or ANC shall be consulted with separately, unless Tribal Nations or ANCs agree to act collectively, for example, after receipt of such request from USACE or on their own initiative.

- d. Consultation Elements.
 - i. Consultation will be an integral, invaluable process of USACE planning and implementation for all of USACE's Civil Works projects and programs.
 - ii. Consultation will be triggered by any USACE Civil Works policy or activity that has Tribal implications or substantial direct effect on Tribes or ANCs, including but not limited to planning for and implementation of individual projects, studies, programs, general permit developments (incl Nationwide Permits), permit applications, requests for approved jurisdictional determinations, real estate outgrants and other actions, Section 408 permission requests, operations and maintenance activities, rulemaking processes, and promulgation of regulations and policies, including policy guidance on treaty rights effect determinations, regardless of land status. USACE will conduct an analysis to determine whether such USACE activities has Tribal implications or substantial direct effect on ANCs regardless of whether a Tribal Nation or ANC requests consultation.

² For purposes of this Tribal Consultation Policy, government-to-government and Nation-to-Nation are equivalent terms regarding fulfillment of Tribal trust responsibility and consultation requirements. The USACE wants to reflect the sovereignty of Tribal Nations in the use of Nation-to-Nation but does not convey any additional legal status or implications through the use of Nation-to-Nation.

Such analysis should be conducted by an individual who effectively interacts with Tribal Nations and/or ANCs.

- iii. To ensure a full understanding of when consultation will be required, USACE – through its Divisions and Districts will consult with Tribal Nations upon issuance of this Policy to further scope and identify the types of projects, actions, and decisions that will impact the Tribes and trigger consultation from the perspective of the Tribes. As stated above, USACE should also conduct consultation at any time that a Tribal Nation requests consultation, particularly if a Tribe indicates an action has substantial direct effect or tribal implications.
- iv. Robust coordination between USACE and Tribes will be central to determining when consultation is required. Good examples of coordination opportunities include planning charettes or draft project documents where coordination seeks to clarify tribal interest. USACE should consider coordination even if a determination is made that a policy will not have Tribal implications or will not have substantial direct effect on ANCs if the policy is of interest to a Tribal Nation or ANC.
- v. Potentially affected Tribal Nations and ANCs, as determined by USACE, including Tribal Nations whose ancestral territories or resource use areas extend to the lands or waters where a proposed activity would occur, will be contacted by USACE using the Tribal Nations’ and ANCs preferred mode of communication (letter, telephone and/or e-mail) sufficiently early to allow a timely review of the proposed action and for initiation of consultation. A public notice sent to Tribal Nations or ANCs is not sufficient for notification or initiation of consultation protocols, unless requested by a Tribe or ANC.
 1. Sufficiently early means at the earliest known planning stage or phase of a proposed project, to include scoping meetings; project kick-off meetings; pre-application/request meetings; as soon as possible upon receipt of an application or request (if a pre-application meeting has not occurred); and prior to signature of any partnering agreements.
 2. See Appendix B (Presidential Memorandum on Uniform Standards for Tribal Consultation) for the protocols for the Notice of Consultation. Appendix B does not supersede existing laws and regulations with established comment timelines and requirements.
 3. USACE may leverage coordination with Tribes to identify potential effects, preferred modes of communication, and timing, when consultation is either desired or required.
- vi. USACE district Tribal Liaisons will work to use existing resources and information from Tribal Nations and ANCs to develop and maintain a list of Tribal and ANC points of contact, preferred method of communication, and the Tribal or ANC designated decision-maker for ease of reference in consultation. USACE will also provide Tribal Nations and ANCs with points of contact on project-related issues, and issues in general.
- vii. If Tribal Nations, ANCs, or other sources identify that the USACE activity has Tribal implications on other Tribal Nations or has a substantial direct effect on other ANCs, USACE has the responsibility to notify those Tribal Nations or ANCs as well.
- viii. Consultation will provide Tribal Nations and ANCs the opportunity for a collaborative process designed to ensure information exchange, consideration of disparate viewpoints, before and during decision making.
- ix. Consultation will generally be conducted at the district or division level involving USACE and Tribal or ANC officials with decision-making authority assisted by an

individual who effectively interacts with Tribal Nations or ANCs, preferably a Tribal Liaison, unless there is a request for HQUSACE (and/or OASA(CW)) input, or if HQUSACE determines input is necessary. A Tribal Nation shall determine who represents the Tribal Nation for consultation. Consultation will be conducted at the HQUSACE and/or OASA(CW) level for actions which have nationwide implications, such as rulemaking actions.

- x. Commands will ensure that all Tribal Nations or ANCs with an interest in a particular activity that has Tribal implications or has substantial direct effect on ANCs are contacted, and their comments, views, perspectives, and knowledge are taken into consideration before decisions affecting Tribal or ANC interests are made. USACE will not assume that lack of response by a Tribal Nation or ANC is acceptance of a USACE decision or presumption of no implications to Tribal trust and treaty rights or establishes or suggests that a project or activity within USACE jurisdiction would not violate or interfere with a Tribal Nation's rights or interests. This can only be confirmed through consultation.
 - xi. In recognition of the varied organizations and customs of different Tribal Nations and ANCs, written protocols for consultation procedures may be developed and implemented at the local level with a specific Tribal Nation or ANC on an individual or programmatic basis. These protocols could include how and to what extent project proponents or non-Federal interests for water resources development projects may coordinate directly with Tribal Nations or ANCs on specific projects and programs.
 - xii. Consultation requires that information obtained from Tribes be given meaningful consideration, and agencies should strive for consensus with Tribes or a mutually desired outcome.
- e. USACE will support Tribal self-determination, self-reliance, and capacity building, to the fullest extent permitted by law and policy, by:
- i. Partnering with Tribal Nations on studies, projects, programs and permitting and implementation processes.
 - ii. Providing early and timely information on opportunities to compete for requests for proposals or other potential contracts with USACE.
 - iii. Sharing appropriate information on USACE programs, policies and procedures, and public documents.
 - iv. Utilizing Indigenous Knowledge for planning purposes and to inform operational activities and permit application reviews.
 - v. Supporting Tribal efforts to lease, operate, and co-manage water resource projects and lands, where appropriate.
 - vi. Identifying and implementing, within existing authority, other capacity-building opportunities as they occur.
 - vii. Identifying, assisting in pursuing, securing, and implementing existing funding opportunities for Tribes to cover expenses related to consultation, co-management, or other coordinated activities between the Tribes and USACE where they exist.
- f. Protection of natural and cultural resources.
- i. USACE recognizes the importance of strict compliance with Native American Graves Protection and Repatriation Act (NAGPRA), the National Historic Preservation Act (NHPA), the National Environmental Policy Act, the Endangered Species Act, and other statutes concerning cultural and natural resources.

- ii. USACE acknowledges that compliance with the above statutes may not compromise the full range of consultation, nor of cultural property and natural resource protection.
 - iii. To the extent allowed by law, USACE will protect the location of historic properties of religious and cultural significance, and archaeological resources, in consultation with and when requested by the affected Tribes(s).ⁱ

- 7. Responsibilities of Commanders and other USACE officials interacting with federally recognized Tribes and ANCs, supported by a Tribal Liaison.
 - a. Build relationships with Tribal Nations and ANCs soon after each change of command, preferably by face-to-face interaction and on tribal lands when practicable.
 - b. Develop a plan for knowledge management transfer specifically related to tribal histories and relationships from the previous Commander prior to assuming command.
 - c. Identify and remove procedural impediments to working with Tribal Nations and ANCs whenever possible.
 - d. Share appropriate USACE procedures, regulations, and organizational information with Tribal Nations and ANCs through regular, meaningful, and robust communication with Tribal leaders on a programmatic basis.
 - e. Maintain open lines of communication and transparency through consultation with Tribal Nations and ANCs during the decision-making process for those matters that have implications for Tribal Nations or have substantial direct effect on ANCs.
 - f. Correspondence with Tribal council, chair-people, and other Tribal or ANC governing leadership, will generally occur at the Commander level. Routine correspondence and follow up communications, such as a request for additional information for consultation under Section 106 of the NHPA, may be delegated. Although these interactions may be delegated, they are subject to the same level of trust obligation as those interactions at the Tribal and USACE leadership levels.
 - g. Encourage partnerships on projects with Tribal Nations wherever possible.
 - h. Encourage collaborative cooperation and partnerships with other federal and state agencies to further Tribal goals and projects.
 - i. Shall use best efforts to understand, uphold the treaties with Tribal Nations in their area of responsibility.

- 8. Documenting Tribal Input into USACE Decisions. Each Tribal Nation that is engaged in Nation-to-Nation consultation and ANCs that are engaged in consultation shall receive a timely response, in writing or in person, from the appropriate decision-maker on how its input, including the consideration and use of Indigenous Knowledge, was considered in decision-making, if provided. The decision-maker shall timely disclose to the affected Tribal Nation or ANC the outcome of the consultation and decisions made as a result of the consultation. Any in person responses provided will be followed with a written response within a timely and respectful manner. USACE will also document whether mutual consensus with a Tribal Nation or ANC was achieved in the decision-making and provide reasoning when mutual consensus was not achieved. See Appendix B Section 7.a for a description of the contents of the Record of Consultation. If the USACE does not adopt and incorporate the Tribal Nation's input or recommendations into its decision or did not modify its decision to avoid adverse effects on the Tribal Nation's rights and interests, including treaty or other reserved rights and resources, the USACE's written response should explain why the agency did not do so. The written response should also explain how the USACE decision will protect the Tribal Nation's rights and interests, including treaty or other reserved rights and resources. In certain circumstances, USACE responses may be limited by

legal or statutory restrictions, such as where the release of information may implicate safety or security functions. In those circumstances, a non-disclosure agreement may be considered to allow Tribal Nations or ANCs to receive a comprehensive response.

9. Alaska Native Corporation Consultation. When taking an action that has substantial direct effects on an ANC, USACE will initiate consultation with the ANC. To the extent concerns expressed by federally recognized Tribes and ANCs substantively differ, USACE shall give due consideration to the right of sovereignty and self-governance of federally recognized Tribes, and to the unique legal status and rights of ANCs.

10. Protocols.

- a. When participating in a consultation, USACE should take into consideration and respect Tribal protocols. In doing so, keep in mind that:
 - i. Tribal representatives may want to open a meeting with a traditional ceremony, although USACE representatives are not obligated to participate.
 - ii. USACE may need to schedule meetings well in advance in coordination with the Tribal Nation or ANC to enable the Tribal Nation or ANC to decide on appropriate attendees, such as Tribal elders, traditional religious leaders, and translators.
 - iii. Tribal representatives may be reluctant to discuss culturally sensitive information outside the Tribal Nation or at certain times of the year. Tribal representatives may need to clear information with traditional religious leaders or Tribal council members before making commitments.
 - iv. Tribal governments differ from each other in their organizational structures and corporate cultures. USACE representatives should be mindful that these differences may affect formal titles and forms of address (such as chief, governor, president, and chair) and other forms of protocol. Tribal representatives may be elected, political and/or spiritual, and exhibit other variations from Tribal Nation to Tribal Nation.
 - v. While acknowledging Tribal sovereignty, the uniqueness of Tribes in the role of government, and the usefulness of protocols, creating Tribal-specific protocols with each Tribe will be helpful in defining which engagements with the Tribe should be taken as coordination, and which should be taken as consultation.
- b. USACE will accept culturally specific information (*e.g.*, letter, e-mail, *etc.*) in any format the Tribal Nation or ANC utilizes to share, unless otherwise specified by statute, regulation, policy or agreement.
- c. Culturally specific information obtained from a recognized leader or the designated representative of a Tribal Nation or ANC in consultation should be respected. USACE will also consider specific details submitted by Tribal members regarding their exercise of a reserved treaty right.
- d. During the consultation process, USACE staff will take into account confidentiality concerns raised by Tribal Nations, including the sharing and protection of Indigenous Knowledge. See reference 1.t. USACE recognizes that a Tribal Nation may wish to keep confidential some of the culturally sensitive information during consultation. To the extent practicable and permitted by law, USACE should:
 - i. Assure Tribal Nations that USACE will make every reasonable effort, consistent with the law, to withhold from public disclosure any specific information that a Tribal Nation identifies as confidential.

- ii. Inform Tribal Nations that USACE is required to provide public access to its records in accordance with 5 U.S.C. § 552 (also known as the “Freedom of Information Act”), except those records protected from disclosure by a statutory exemption.
 - iii. Encourage Tribal Nations to seek the advice of their own legal counsel before providing sensitive information to USACE.
 - iv. Make an effort to identify confidentiality concerns then develop and agree on a process for dealing with culturally sensitive information as early as possible in the consultation process. In appropriate circumstances, consider the use of Consultation Protocol agreements.
 - v. Agreements can be made in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, and 36 CFR § 800.2(c)(2)(ii)(E), to memorialize an agreed-on process for handling culturally sensitive information related to historic properties (Section 304 NHPA) or archaeological resources over 100 years old (Section 9 Archaeological Resources Protection Act).
 - vi. In addition, USACE and the Tribal Nation may identify alternative means of providing culturally sensitive information to best ensure confidentiality, such as exploring orally provided information.
11. Education and Consistency. To develop a proactive well-informed workforce with consistent application of this Policy, in-house trainings and workshops have been developed and will be attended by USACE employees who interact with Tribal Nations and ANCs – liaisons, project managers, planners, engineers, program managers, real estate professionals, regulators, leaders, contracting specialist, legal counsel, etc. In addition, an annual meeting of USACE Tribal Liaisons will continue to occur. Trainings shall include coverage of the documents listed in the paragraph 1 references in this Policy. USACE commits to improve understanding of the federal trust responsibility and treaty rights for all USACE employees, including jointly led opportunities with Tribal members. In addition, USACE commits to ensuring regular and robust coordination will occur in all directions, both vertically to/from districts to/from divisions and to/from HQUSACE, as well horizontally within districts, divisions, and HQUSACE. For example, specific business lines within a district will ensure awareness with other business lines within the district when they have engaged in Nation-to-Nation consultation. USACE is encouraged to consult with and coordinate with the Tribes when developing and implementing training, and to use the services and expertise of the Tribal Nations Technical Center of Expertise in implementing this paragraph.
12. Accountability. To assess the effectiveness of USACE consultation, USACE will keep records of Tribal and ANC consultation meetings and other Tribal and ANC interactions and correspondence. These records will be accessible and can be made available for purposes of reporting to the Office of Management and Budget through the Department of Defense. The report will be synthesized at HQUSACE and transmitted to DoD, Office of the Secretary of Defense, on a yearly basis. A copy of this report will be distributed to federally recognized Tribes or ANCs upon request. In addition, under reference 1.s., tribal consultation on water resources development projects will be reported annually to the Senior Tribal Liaison, HQUSACE, by all MSCs for annual reporting requirements and consideration for development of annual training. Districts and divisions will report all consultations to the designated district and division Tribal Liaisons for roll-up to their designated MSC. HQUSACE will then provide a report on water resources project Tribal consultations to Congress on an annual basis (Section 1120 of Public Law 114-322).

13. General Provisions: This policy is not intended to, and does not grant, expand, create, or diminish any legally enforceable rights, benefits, or trust responsibilities, substantive or procedural, not otherwise granted or created under existing law. Nor shall this policy be construed to alter, repeal, interpret, or modify Tribal sovereignty, any treaty rights, or other rights of any Indian Tribes or ANCs, or to preempt, modify or limit the exercise of any such right.

