



The Secretary of Energy

Washington, DC 20585

via email

November 7, 2023

Dear Tribal and Alaskan Native Leaders:

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

I invite you to a consultation on updating DOE's order and policy governing Tribal consultation and engagement. The consultation will be held virtually on **Monday, December 11, 2023, 1:00-2:30 p.m. ET**. [Register here](#) for the consultation.

Background

DOE published the *DOE American Indian & Alaska Native Tribal Government Policy* (Policy) in 1992 and later revised it in 2009. Also in 2009, the agency issued *DOE Order 144.1 Department of Energy American Indian Tribal Government Interactions* (Order) to aid in implementation.

- The Policy sets forth principles for DOE to follow to ensure effective government-to-government relationships with American Indian and Alaska Native Tribal governments.
- The Order lays out responsibilities for DOE staff and contractors to meet the agency's obligations for interacting with Tribal governments. The 2009 Order focused on DOE communication with Tribes at sites and facilities, and on transportation issues.

The [current Order and Policy are available here](#). The Order starts on page 1 and the Policy begins on page 14.

In 2021, DOE conducted a Tribal consultation on the [Presidential Memorandum on Strengthening Tribal Consultation and Nation-to-Nation Relationships](#) (January 26, 2021). The input and suggestions from Tribes were the basis for DOE to develop an [action plan](#) for Tribal consultation and engagement. One goal of the action plan was the commitment to review and potentially update DOE's Tribal Order and Policy.

On November 30, 2022, President Biden signed the [Presidential Memorandum on Uniform Standards for Tribal Consultation](#) which establishes uniform minimum standards to be implemented across all agencies regarding how Tribal consultations are to be conducted. The memorandum is also designed to respond to the input received from Tribal Nations regarding Tribal consultation on the 2021 Presidential Memorandum, improve and streamline the consultation process for both Tribes and Federal participants, and ensure more consistency in how agencies initiate, provide notice for, conduct, record, and report on Tribal consultations.

In the coming months, DOE will finalize a revision of its Order and Policy to support the Department’s increased government-to-government engagement with Tribal governments. DOE looks forward to engaging with Tribal governments on how the provisions included in the *Presidential Memorandum on Uniform Standards for Tribal Consultation* should be implemented prior to the revision of the Department’s current Order and Policy.

DOE Order and Policy Development Process

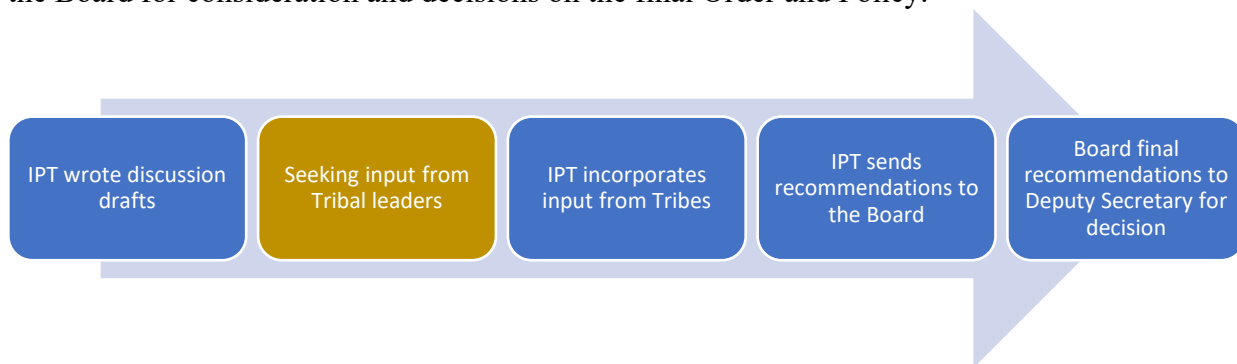
Most DOE directives, such as DOE’s Order and Policy are written and updated without input from entities, parties, or individuals outside the agency because they are internal policies of the Department. DOE recognizes that the Order and Policy are unique because they relate to Tribal consultation and engagement. Accordingly, we believe it is important in this instance to receive Tribal leader perspectives in preparing recommended updates to the Order and Policy.

The Secretary or Deputy Secretary make decisions on departmental policies, orders, and other directives based on recommendations from the DOE Directives Review Board (Board), which is a group of senior leaders representing each DOE office and program.

The Integrated Project Team (IPT) is part of the Board process and comprises a group of representatives from each related program office that make recommendations for changes to directives. The IPT developed initial suggested updates in the attached “discussion drafts” of the Order and Policy.

- The discussion drafts incorporate initial input from Tribal leaders during the April 2021 consultation, including written comments on DOE’s consultation practices, and is considering additional recommended updates to the Order and Policy based on the November 2022 *Presidential Memorandum on Uniform Standards for Tribal Consultation* (for which Tribal leaders [were previously consulted](#)).

Once its recommendations on the Policy and Order are finalized, the IPT will send them to the Board for consideration and decisions on the final Order and Policy.



A detailed explanation of the process for updating policies and orders can be found in [DOE Order 251.1D](#) *Departmental Directives Program*.

Seeking Input

This consultation is to inform the recommendations from the IPT to the Board on the DOE Order and Policy.

Specifically, we hope to receive your input on the following questions:

1. What questions, comments, or suggestions do you have regarding DOE's discussion drafts of its Order and Policy?
2. What consultation practices and processes outlined in the DOE Order and Policy should DOE adopt to support government-to-government engagement?
3. Do you think there are there any concepts missing from the Order and Policy?

[Register here](#) for the [Monday, December 11, 2023, 1:00 to 2:30 p.m. ET session](#).

We respectfully request that each Tribal government register one primary leader or designee to provide comments. All others are welcome to register as listen-only participants.

DOE will send out an agenda and a list of registered speakers on or before [Friday, December 8, 2023](#).

The deadline to submit written comments is [December 31, 2023, at 11:59 p.m. AKT](#). Written comments should be sent to tribalconsultation@hq.doe.gov. We look forward to hearing your feedback on this issue.

Additional information is available on the [DOE's Tribal Consultation website](#). If you have any questions, please email tribalconsultation@hq.doe.gov.

Sincerely,



Jennifer Granholm

Enclosures:

- Discussion Draft DOE American Indian & Alaska Native Tribal Government Policy
- Discussion Draft DOE Order 144.1 Department of Energy American Indian Tribal Government Interactions