

Consultation: DOE Policy and Order 144.1 Updates



U.S. DEPARTMENT OF
ENERGY

Disclaimers

- Consultation is closed press
- Consultation recording
- Closed captioning

Traditional Welcome

DOE Speakers



Wahleah Johns

Director, Office of Indian Energy



Matt Dannenberg

Senior Tribal Liaison, Congressional and Intergovernmental Affairs

Secretary of Energy Jennifer Granholm



Deputy Secretary of Energy David Turk



DOE Policy and Order Overview

Consultation Intent

Need for Policy/Order Update

DOE Directives Process

Draft Recommendations

Next Steps

Consultation Intention

DOE is seeking Tribal leader and ANC leader input on draft documents representing proposed improvements to our internal policies and procedures related to Tribal interactions and consultation.

- Consultation on Dec 11 at 1:00 pm ET.
- Written comments requested by January 31st.

U.S. Department of Energy
Washington, D.C.

ORDER

DOE O 144.1

Approved: 1-16-09
Admin Chg 1: 11-6-09

**SUBJECT: DEPARTMENT OF ENERGY AMERICAN INDIAN TRIBAL GOVERNMENT
INTERACTIONS AND POLICY**

1. **PURPOSE.** This Order communicates Departmental, programmatic, and field responsibilities for interacting with American Indian Governments and transmits the Department of Energy's (DOE) American Indian and Alaska Native Tribal Government Policy (hereafter "Indian Policy") including its guiding principles, and transmits the Framework for Implementation of the Policy.
2. **CANCELLATION.** DOE O 1230.2, *American Indian Tribal Government Policy*, dated 4-8-92. Cancellation of a directive does not, by itself, modify or otherwise affect any contractual obligation to comply with the Order. Contractor Requirement Documents (CRDs) that have been incorporated into or attached to a contract remain in effect until the contract is modified to either eliminate requirements that are no longer applicable or substitute a new set of requirements.
3. **APPLICABILITY.**
 - a. **DOE Elements.** Except for the exclusions in paragraph 3c, this Order applies to

Documents Considered for Update

DOE American Indian & Alaska Native Tribal Government Policy

- Principles for DOE to follow to ensure effective government-to-government relationships with American Indian and Alaska Native Tribal governments.
- Published in 1992 and updated in 2009.

DOE Order 144.1 DOE American Indian Tribal Government Interactions

- 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.

Need for Policy/Order Update

President Biden's January 2021 Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships

- Instructed federal agencies to consult with Tribes and develop an action plan to implement the policies and directives of Executive Order 13175
- <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-on-tribal-consultation-and-strengthening-nation-to-nation-relationships/>

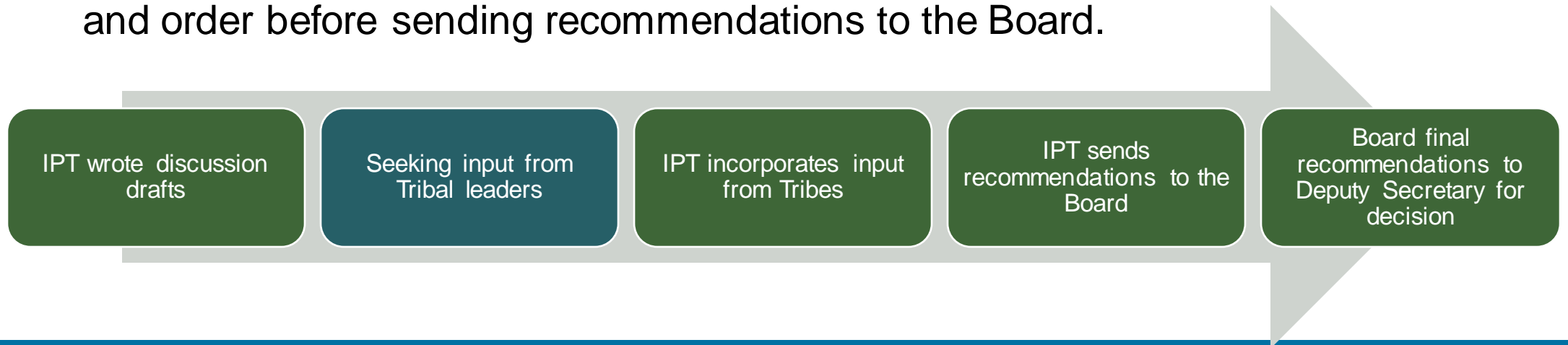
DOE April 2021 Consultation

- Based on input from Tribal leaders, DOE committed to review DOE Order 144.1
- Action plan is available at: <https://www.energy.gov/congressional/strengthening-tribal-consultation-and-engagement-tribal-leaders>

DOE Directives Process

DOE Secretary or Deputy Secretary make decisions on policy/order/directives based on DOE Directives Review Board (Board).

- The Integrated Project Team (IPT) includes representatives from each program office who are experienced in working with Tribes. They will share recommendations with the Board.
 - The draft policy and order show recommendations from the IPT.
- Most DOE directives have no input from entities outside the agency because they are DOE's internal policies. In this case, we seek Tribal leader input on the policy and order before sending recommendations to the Board.



Input Considered So Far

Includes input from:

- Comments and letters from Tribal leaders during April 2021 consultation on DOE consultation practices
- The 2021 Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships
- The MOU Regarding Interagency Coordination and Collaboration for the Protection of Tribal Treaty Rights and Reserved Rights
 - These MOUs were developed after Tribal consultation
- The MOU Regarding Interagency Coordination and Collaboration for the Protection of Indigenous Sacred Sites
- Important concepts like incorporating Indigenous Knowledge, protecting sacred sites, and acknowledges the importance of Indigenous Languages.

The proposed revisions also underwent legal review.

Key Changes in the Draft Order and Policy

DOE intends that these revisions clarify roles, responsibilities, and requirements, and strengthens DOE's support of Tribal consultations and interactions and capacity to better meet the agency's Tribal trust obligations.

- Expands the requirements for Tribal **training** for DOE officials to understand the Department's responsibilities to Tribal nations.
- Gives more guidance on what DOE needs to do to **support Government-to-Government consultation** and engagement with Tribes and ANSCA Corporations.
- Provides additional details on what needs to be included in **annual reporting** from DOE offices to DOE headquarters.
- Designates in writing one or more **Tribal Liaison Officer positions** in each program office and at least one Tribal liaison for each field office or site.
- Requires program offices to develop an **implementation plan** to implement this Order and Policy, including identifying staff, budget, and training.

Next Steps: Tribal Leader and ANC Leader Input

DOE is seeking Tribal leader and ANC leader input on the proposed revisions of the Order and Policy.

- Dec 11th, 1:00pm ET – Virtual consultation
- The deadline for written comments has been extended to January 31, 2024.

Next Steps

- DOE will consider additional Tribal input then finalize recommendations to the Board.

Contact us at tribalconsultation@hq.doe.gov

Tribal Leader and ANC Leader Input

What questions, comments, or suggestions do you have regarding DOE's Order and Policy?

What consultation practices and processes should DOE adopt to support government-to-government engagement?

Are there any concepts missing from the Order and Policy?

What other input would you like to share?