

COMMISSIONER'S ORDER

NUMBER 201029

TRIBAL RELATIONS

This Order is an expression of the intent of the Commissioner of Public Lands to build strong relationships individually and collectively with the twenty-nine federally recognized tribes of Washington State (Tribes) and the Washington State Department of Natural Resources (DNR).

As the Commissioner of Public Lands (Commissioner), I recognize the importance that tribal governments and their respective tribal members place on perpetuating their culture, language, oral history and traditional teachings from one generation to the next. I also recognize that Native American culture is characterized by an intimate relationship with natural areas and resources. It is with an acknowledgement of our shared commitment to protecting natural resources that I seek to build inter-governmental relationships based on trust and mutual respect.

I have learned through a series of conversations with tribal leaders that time is of the essence for tribes in all matters affecting traditional cultural properties, treaty rights, and natural resources. For example, I acknowledge comments received from tribes in Western Washington that there are very few traditional carvers who possess the knowledge to carve an ocean going canoe from an old growth cedar, and in Eastern Washington, many traditional foods gathering sites are rapidly disappearing. As the Commissioner of Public Lands, I would like to recognize our shared capacity to resolve problems together by means of a free exchange of ideas and solutions.

Recital of Guiding Principles for Tribal Relations

I proclaim the following principles will guide the Department's interactions with tribal governments:

Principle 1: Respect for Sovereignty

Each of Washington's federally recognized tribes have a unique political/legal history, culture, language, and the sovereign right to use their own natural and cultural resources as recognized by treaties, statutes, executive orders, and court decisions. Tribal governments are autonomous political entities and I will work to ensure that DNR decision making considers and respects tribal sovereignty.

Principle 2: Interdependence

Tribes have an integral and interdependent relationship with their natural areas as a place of spiritual connection and a landscape of cultural and emotional meaning, beyond the historical and contemporary provision of subsistence.

Principle 3: Sustainable Use

The management of Washington's natural resources must be carried out so as to meet the needs of current and future beneficiaries of these resources, while giving equal respect to tribal and non-tribal present and future generations.

Principle 4: Sound Science

In order to promote cooperation towards achieving shared sustainable development objectives, I am committed to improving scientific understanding and will promote mutually beneficial research between DNR and Tribes. Using sound science, data and information as my guide, I will encourage DNR staff to work cooperatively with Tribes to enhance the development, adaptation, diffusion and exchange of scientific and technological knowledge.

Principle 5: Transparency

Issues that affect individual or multiple tribes that are also addressed by DNR are best handled with the full participation of affected tribal governments. I am committed to making certain that each tribal government has appropriate access to information concerning DNR activities and the opportunity to participate in decision making processes.

Principle 6: Respect for Traditional Knowledge & Cultural Values

Tribal governments and their members have a vital role in natural resources management and development in part because of their traditional ecological knowledge and cultural practices. DNR recognizes and respects tribal identities, cultures and interests and this Order is intended, in part, to facilitate their effective participation in the achievement of sustainable management of natural resources on public lands managed by DNR.

Traditional ecological knowledge is built over generations, based on observations and experience, and learned from one's elders. The first people of Washington State have great insight into the natural environments of their respective natural areas. I acknowledge that many generations of traditional weavers, food gatherers, fisherman and hunters have long histories of using natural resources on the landscape, extending for countless generations. While the scientific perspective is often different from the traditional perspective, both have a great deal to offer one another. Working together is the best way of helping us achieve a better common understanding of our natural resources.

Order of Implementation

Based on the foregoing Recitals of Guiding Principles for Tribal Relations, IT IS HEREBY ORDERED that

- 1. The Washington State Department of Natural Resources Tribal Relations Office has responsibility for assisting Tribes and other DNR staff with implementing effective government-to-government*

relations. The Tribal Relations Office will provide a central contact point for tribal access to multiple Department resources.

- 2. The Commissioner of Public Lands is committed to a productive government-to-government relationship with Washington's federally recognized tribal governments and will take further actions under this Order to carry out this commitment as needed.*
- 3. The need for early communication, coordination, collaboration and consultation with Tribes applies when any proposed policies, programs or actions are identified by DNR as having an effect on a federally recognized tribe. DNR will notify the affected tribe(s) and take affirmative steps to contact, meet with, involve active participation by, or consult with Tribe(s). DNR staff shall respond promptly and respectfully to any request by any of the Tribes for a meeting, communication, or consultation with DNR. All such interactions and consultations shall be open and transparent so that tribal governments may evaluate for themselves the potential impact of relevant proposals.*
- 4. I direct DNR staff, in all agency interactions with members of all of the Tribes, to cooperate in a spirit of partnership to conserve, protect and restore the health and integrity of the lands managed by DNR, taking into account concerns raised by individual tribes while also reflecting DNR's responsibilities with respect to these natural resources.*
- 5. Annual Statewide Meeting: I will convene one statewide meeting with all Tribes each fiscal year and include appropriate DNR staff members. This meeting is intended to be reserved for policy discussions. I will work with all Tribes to develop the agenda for this meeting to address issues raised by DNR and the Tribes. DNR and the Tribes will decide upon the meeting time, date and location.*
- 6. Regional Meetings: Several of the Tribes have expressed the importance of convening regional tribal meetings to identify and address regional natural resource issues. Each DNR region shall convene an annual meeting with Tribes of that region to address issues relevant to DNR policies, regulations, and programs; encourage understanding and the cooperative pursuit of common objectives; and to encourage partnerships with tribes by pursuing opportunities for information exchange and for joint grants, research and training. The Tribal Relations Manager and each respective regional manager will work with the respective Tribes to establish the agenda, meeting time, date, and location.*
- 7. Work Group or Committee: DNR and the Tribes may wish to form a work group or committee to address certain DNR issues for research or resolution. This Order authorizes the formation of work groups or committees that include DNR staff, in consultation with the Tribal Relations Manager and Deputy Supervisor(s) with supervisory responsibilities over the involved staff. DNR staff are encouraged to conduct work group and committee activities through conventional {e.g., in person, via telephone and mail}, as well as innovative {e.g., e-mail and video conferences} means of communication in order to promote meaningful tribal participation.*

8. *Government to Government Consultation:* Although many of the communications that may occur and relationships that may be formed in furtherance of this Order may involve informal participation by DNR staff and tribal representatives, this Order is based upon a general recognition of the importance of government-to-government relationships and in recognition of the uniqueness of each tribe. The primary focus for any formal consultation activities shall involve individual tribal governments. DNR staff shall promptly inform DNR leadership or the Commissioner of Public Lands of any request by any Tribe for a government-to-government meeting or consultation with the Commissioner. The use of regional, statewide, work group and committee meetings will be in coordination with, and not to the exclusion of, consultation with individual tribal governments.

IT IS FURTHER ORDERED that DNR staff members are encouraged to resolve mutual issues and concerns with the Tribes whenever possible at the organizational level that is closest to the issue and that has appropriate delegated authority. Technical personnel should strive to resolve technical issues within their delegated authority and refer policy disagreements to appropriate representatives within the governmental structure. The appropriate region manager will represent the first level of policy for DNR. Any issues of policy that cannot be resolved without the involvement of the Commissioner of Public Lands shall be submitted to me at the earliest recognition of the need for my involvement. DNR staff shall provide timely and complete information to enable the full consideration of the issues, and enable me to invite appropriate tribal representation.

Nothing in this Order is intended to amend, supersede, or conflict with any requirements of applicable law that govern the relationship between the State of Washington and any Tribe, nor does it diminish any of the rights or protections afforded Tribes or individual tribal members under state or federal law. This Order is meant to inform and pertain to the conduct of DNR employees, and improve the working relationship between DNR and Indian Tribes. In enacting this order, the Commissioner of Public Lands grants no particular claims or rights, nor creates any enforceable duties. The sole method of raising a concern with how this Order is being implemented is to address the matter with DNR supervisory staff, and ultimately, the Commissioner of Public Lands.

Dated this 10th day of September, 2010

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES


Peter Goldmark
Commissioner of Public Lands