

**STATUS REPORT SUBMITTED PURSUANT TO THE  
PRESIDENTIAL MEMORANDUM ON TRIBAL CONSULTATION  
DATED NOVEMBER 5, 2009**

The Morris K. Udall and Stewart L. Udall Foundation submits this status report in furtherance of President Barack Obama's November 5, 2009, Memorandum on Tribal Consultation directing federal departments and agencies to submit plans for implementing Executive Order 13175, Consultation and Coordination with Indian Tribal Governments.

**I. OVERVIEW**

The Udall Foundation is a small, independent federal agency based in Tucson, Arizona, with an office in Washington, D.C., whose mission includes a focus on Native American matters. To further its mission, the Foundation provides impartial collaboration, mediation, and facilitation services to tribal governments, federal agencies, and others trying to resolve issues concerning the environment, natural resources, cultural resources, and public lands that involve the federal government. The Foundation offers training specifically designed to improve communication between agencies and Indian tribes. In addition, the Foundation provides educational opportunities for American Indians and Alaska Natives relating to government and policy. With this emphasis in its programs, the Udall Foundation strives to further the intent of Executive Order 13175, particularly the special legal status of tribal governments, and the importance of supporting tribal sovereignty and self-determination. The Udall Foundation works to improve dialogue, by applying principles of collaboration and conflict resolution between tribal governments and federal agencies.

**II. UPDATE ON ACTIVITIES IN 2010 AND 2011**

**A. Foundation-wide outreach and services**

In 2010 and 2011, the Udall Foundation increased its collaboration and consultation with Indian tribes and Native peoples.

- In October 2010, Udall Foundation staff addressed the Inter-Tribal Council of Arizona at a quarterly meeting of Arizona tribal leaders.
- In November 2010, the Udall Foundation co-sponsored an Indian water rights meeting in conjunction with the NCAI meeting in Albuquerque. The meeting was co-convened by NCAI, Sandia National Laboratories/Department of Energy, U.S. Institute for Environmental Conflict Resolution/Udall Foundation, Native American Rights Fund, and

the Utton Transboundary Resources Center.

- The Foundation mailed the FY2010 Annual Report to all the tribal leaders around the country as part of an effort to inform them about the work of the Foundation and the resources it could provide for tribes.
- In July 2011, the Udall Foundation sponsored a reception on Capitol Hill to honor the 2011 class of Native American Congressional Interns. Members of Congress and their staff members and Executive Branch management and staff were in attendance at the reception.
- In September 2011, staff members from the Udall Foundation are planning to meet with tribal leaders from the Navajo Nation, the All Indian Pueblo Council in New Mexico, and tribal representatives from the Middle Rio Grande Conservancy District.
- Various Udall Foundation staff members have attended National Congress of American Indian conferences during 2010 and 2011.

## **B. U.S. Institute for Environmental Conflict Resolution**

In 1998, Congress created the U.S. Institute for Environmental Conflict Resolution as a program of the Udall Foundation. The Institute is an independent, nonpartisan, and impartial federal program that assists public and private parties in addressing environmental, natural and cultural resource, and public and tribal land issues that involve the federal government. The Institute provides conflict prevention and resolution services including consultation, consensus building, facilitation, and mediation to a wide range of federal, state, and local government agencies; American Indian tribes; and NGOs. The Institute also offers a variety of training programs to help federal agencies address challenges in interagency/intergovernmental collaborations and public-private cooperation.

### **1. The Native Dispute Resolution Network – a cadre of specialists in facilitating issues impacting Indian country**

In 2004, the Institute created the Native Dispute Resolution Network (Network) as a resource for individuals seeking assistance from a conflict resolution practitioner where Native people and environmental, natural resource or public/trust lands, cultural property, or sacred site issues are involved. Network Members include American Indian, Alaska Native, Native Hawaiian, and other practitioners who are experts in alleviating conflict in Indian country. Several working groups of Network members, which include Native individuals, work with staff to help develop and operate the Network so that it may provide useful tools for Native dispute resolution.

The Udall Foundation is hosting a Native Network Skills Exchange Workshop (SEW) from August 15-18, 2011, in Solvang, California. The SEW is a skills sharing and development opportunity for mediation and facilitation practitioners and partners who work on conflict resolution and collaboration related to the environment, natural resources, and land. The anticipated goals of the 2011 SEW are to develop increased awareness on the use of traditional ecological knowledge, culture and language in conflict resolution and collaborative government-to-government consultation; identifying tribal peacemaking resources for the recruitment of third party neutral

mediation/facilitation practitioners; and as a cultural and practice resource for current practitioner members of the Native Network who often assist federal agencies and tribal governments on environmental, natural resources, and public lands issues. As federal agencies move to implement tribal consultation policies, the three topic areas are important to understand how these policies work, and how existing tribal resources such as traditional ecological knowledge and tribal peacemaking programs can contribute to developing meaningful governmental relationship on protecting the environment and cultural resources. On August 16, SEW participants will conduct a site visit and case study on the restoration of the Chumash people's cultural and traditional canoe journey and their efforts to work collaboratively with federal, state, and local governments. There will also be a Native Dispute Resolution Network business meeting to discuss leadership, membership and marketing, and outreach.

In 2011, the Institute, through the Native Network, helped the Arizona Department of Transportation, Federal Highway Administration, National Oceanic and Atmospheric Administration, U.S. Department of Agriculture, U.S. Department of Energy, U.S. Department of the Interior, U.S. Forest Service, the U.S. Department of Energy, Bureau of Indian Affairs, and Bureau of Land Management identify facilitators to assist with tribal consultation efforts.

The Institute will continue to support the Native Dispute Resolution Network as it provides a resource for individuals seeking assistance from an appropriate collaborative dispute resolution practitioner for matters involving Native people and environmental issues, natural resources, public/trust lands, cultural property, or sacred sites.

For additional information about the Native Network, please visit <http://www.ecr.gov>.

## **2. Native American and Alaska Native Sector Projects**

The Institute's Native American and Alaska Native Environmental Program helps to increase the appropriate and effective use of collaborative problem solving and conflict resolution in environmental matters involving Native American and Alaska Native communities and federal agencies. The program focuses on environmental, natural resources, public lands, and trust land issues where one or more tribes, in addition to a federal agency or interest are directly involved. In the past year, the Institute has greatly increased its case services in this area.

For example, the Institute is assisting with the design and implementation of a comprehensive, collaborative strategy for the USDA Forest Service related to the development of a new forest planning rule that endures over time and addresses issues that have been the subject of persistent legal challenges. This includes formal consultation with Indian tribes. In addition, the Institute is providing impartial collaboration and facilitation services to the USDA and Forest Service Office of Tribal Relations and tribal leaders for a the nation-wide consultation and regional listening sessions on the development of a USDA Sacred Sites Policy. Building on dialogues held in 2006, the Institute is facilitating a process that engages representatives of federally recognized tribes, landowners and others in the development of land use and management regulations related to trespass, leasing, grazing, and rights-of-way. The Institute is assisting the U.S. Department of the Interior with government-to-government consultations with tribal governments and individual Indian land owners to implement the Cobell litigation settlement. The Institute continues its facilitation and consensus building work for a Bureau of Indian Affairs rulemaking committee and

an Office of Natural Resource Revenue rulemaking committee regarding oil and gas valuations on tribal lands.

For additional information about the Institute's services, please visit <http://www.ecr.gov>.

### **3. Training to enhance skills for effective consultation**

An important component of conflict prevention and resolution is the development of collaboration skills. To that end, for many years the Institute has provided a variety of interactive trainings on negotiation and consensus building to resolve environmental and natural resource issues. As part of these trainings, the Institute has been developing government-to-government consultation and communication training specifically aimed at federal agencies working with American Indian tribal governments.

On August 17-19, 2010, the Institute provided GTG 201: Government-to-Government - Laying the Groundwork for Effective Government-to-Government Consultation, in Arlington, VA. Participants developed awareness of key concepts of government-to-government consultation and principles for building trust between sovereigns; learn different ways to manage information, communication, decision making, roles, and responsibilities; and deepen appreciation for tribal preferences, the meaning of cultural and sacred sites, and of how historic events and federal Indian policies have shaped government-to-government relationships.

At the request of the Department of the Interior's Bureau of Indian Affairs, the Institute is providing the complete series of Institute trainings to the BIA at the National Indian Programs Training Center in Albuquerque, NM. The trainings began in September with Introduction to Environmental Conflict Resolution, followed by Facilitation Fundamentals, Negotiation of Environmental Issues, Government-to-Government consultation, Multi-Party Negotiations, Advanced Conflict Resolution, and Collaboration Skills training. Additional trainings are being provided through the end of 2011.

On June 21-23, 2011, the Institute provided "Effective Tribal Consultation" training at the Denver Federal Center to representatives from four federal agencies including the EPA, Department of the Interior, USDA, and the Federal Executive Board. Representatives from the private sector who work with tribal and federal governments also attended the training.

To date, the Institute has provided training to more than 60 federal and private sector professionals.

For additional about the Institute's training sessions, please visit <http://www.ecr.gov/Training/Training.aspx>.

### **4. Consensus-Building, Collaboration Services for G-t-G Consultation**

The Institute provided consultation assistance to several federal agencies planning government-to-government consultations, listening sessions, and similar efforts. Consultation assistance includes advice about how best to structure the consultation meetings to ensure a meaningful and successful meeting and strategies to reach out to tribes. For example, the Institute recently

conducted national tribal roundtables on energy policies and programs for the U.S. Department of Energy and facilitated eight meetings in Arizona, District of Columbia, New Mexico, Oklahoma, California, Nevada, and Alaska between tribal leaders and DOE leadership in preparation for the May 5, 2011, DOE Tribal Summit. Tribal officials representing more than 250 tribal governments, organizations, and communities participated in the eight DOE Tribal Roundtables. During the DOE Tribal Summit, the Institute also facilitated sessions between tribal leaders and DOE Leadership including: Inés Triay, Assistant Secretary, Office of Environmental Management; Phil Calbos, Principal Assistant Deputy Administrator for Defense Programs, National Nuclear Security Administration; Pete Lyons, Assistant Secretary, Office of Nuclear Energy; Henry Kelly, Acting Assistant Secretary, Office of Energy Efficiency and Renewable Energy; Timothy Meeks, Administrator, Western Area Power Administration; Clyde Henderson, Deputy Assistant Secretary, Office of Intergovernmental & External Affairs; and Tracey LeBeau, Director, Office of Indian Energy, to name a few. The result was a comprehensive report for DOE on tribal energy matters, initiatives, and partnership with federal agencies. Future work will include facilitations for the DOE Tribal Working Group.

The Institute continued its work in 2010 and 2011 with Department of the Interior and tribal leaders in the development of an overarching DOI-consultation policy.

For additional information about the Institute's services, please visit <http://www.ecr.gov>.

### **C. Education Programs**

The Foundation furthers Morris and Stewart Udall's commitment to Native people by offering opportunities that promote self-determination and political empowerment, as well as academic scholarship, collaboration, and dispute resolution practices.

#### **1. Native American Congressional Internship**

The Udall Foundation's Native American Congressional Internship regularly funds 12 American Indians or Alaska Natives in a 10-week summer internship in Washington, D.C. The internship helps participants develop as Native professionals and future leaders in Indian country. Interns are placed in congressional offices and committees, executive branch departments, and the White House, where they are able to observe government decision-making processes firsthand by attending congressional hearings and votes. Interns attend weekly enrichment activities that offer an opportunity to meet with distinguished leaders, such as members of Congress, key federal agency officials, and staff from national Native organizations, where they engage in substantive policy discussions.

The 2011 Native American Congressional Internship class included

- Alys Ann Alley, Pokagon Band of Potawatomi Indians, interning in the Office of Representative Dale E. Kildee;
- Sarah Butrum, Sisseton Wahpeton Oyate, interning for Senator Tim Johnson;
- Brianna Carrier, Mohawk from the Six Nations Reserve in Ontario, interning in the Office of Senator Tom Udall;
- Mark Cruz, affiliated with the Klamath Tribes, interning at the U.S. Department of

- Education in the Office of the General Counsel;
- Tara Houska, Couchiching First Nation, interning at the White House Council on Environmental Quality (CEQ);
  - Daniel Knudsen, Confederated Salish and Kootenai Tribes, interning for Senator Mark Udall;
  - Michael Mainwold, Onk Akimel O’Odham from the Salt River Pima-Maricopa Indian Community, interning with the U.S. Department of the Interior, Office of the Solicitor, in the Indian Affairs Division;
  - Rose Nimkiins Petoskey, Grand Traverse Band of Ottawa and Chippewa Indians, interning at the U.S. Department of the Interior, Bureau of Indian Affairs, in the Office of the Assistant Secretary;
  - Elizabeth Anne Reese, Pueblo of Nambe, interning for Senator Jeff Bingaman;
  - Jacob Schellinger, Stockbridge-Munsee Band of the Mohicans, interning with the U.S. Department of Justice in the Office of Tribal Justice;
  - Farrah Lisa Secody, Navajo Nation, interning for Senator John McCain; and
  - Christopher Sharp, Mohave from the Colorado River Indian Tribes, interning in the Office of Representative Raúl M. Grijalva.

Additional information about the internship program may be found at <http://udall.gov/OurPrograms/NACInternship/NACInternship.aspx>.

## **2. Undergraduate scholarship program**

The Udall Foundation’s Undergraduate Scholarship Program awards merit scholarships to American Indians and Alaska Natives who intend to pursue careers related to health care or tribal public policy. The Foundation also awards merit scholarships to students who intend to pursue careers related to the environment. Each year, 80 Udall Scholars are chosen from approximately 500 applicants nominated by more than 200 colleges and universities to receive up to \$5,000 for undergraduate expenses. Each August, the Udall Scholars assemble for a five-day orientation session in Tucson, Arizona, to learn more about tribal and environmental issues.

The 2011 class of Udall Scholars was selected by an independent review committee from among 510 candidates nominated by 231 colleges and universities. Five Native American/Alaska Native Scholars intend to pursue careers in tribal public policy; five Native American/Alaska Native Scholars intend to pursue careers in health care. Three Scholars selected from tribal colleges. Since the first awards in 1996, the Foundation has awarded nearly 150 scholarships worth over \$700,000 to Native American and Alaska Native students.

The 2011 Udall Scholars will assemble August 3-7, 2011 in Tucson, Arizona, to receive their awards and meet policymakers and community leaders in environmental fields, tribal health care, and governance. Students will also have the opportunity to participate in a full-day Nation Building Workshop facilitated by the Native Nations Institute. Kevin Gover, director of the National Museum of the American Indian, is the keynote speaker at the orientation.

### **2011 Tribal Public Policy & Native American Health Care Scholars**

- Samantha Aguirre, Navajo Nation, Arizona State University

- Shannon Alden-Wilson, Crow Tribe of Montana, Little Big Horn College
- Julian Benavidez, Pueblo of Isleta, University of New Mexico
- Jessica Clayburn, Yurok Tribe of the Yurok Reservation, Humboldt State University
- Lyle Etsitty, Navajo Nation, Southwestern Indian Polytechnic Institute
- Roger Irwin, Yankton Sioux Tribe of South Dakota, University of South Dakota
- Blake Jackson, Choctaw Nation, Oklahoma State University
- Trudie Jackson, Navajo Nation, Arizona State University
- Abigail Jones, Prairie Band of Potawatomi Nation, Haskell Indian Nations University
- Alyssa London, Central Council of the Tlingit & Haida Indian Tribes, Stanford

Further information on the scholarship program is available on the Foundation website at <http://udall.gov/OurPrograms/MKUScholarship/MKUScholarship.aspx>.

### Additional Education Program Outreach

- Exhibited at the American Indian Higher Education Consortium conference
- Attended the Federal Bar Association's Annual Indian Law Conference in New Mexico
- Exhibited at the Native American and Indigenous Studies Association conference
- Exhibited at the Society for the Advancement of Chicanos and Native Americans in the Sciences conference
- Exhibited at the National Indian Education Association conference
- Exhibited at the American Indian Science and Engineering Society conference
- Provided information to 161 tribal higher education department contacts
- Increased outreach to tribal colleges, including two campus visits (SIPI and TOCC)

### **3. Native Nations Institute for Leadership, Management, and Policy**

In 2001, Congress authorized the Udall Foundation to develop resources for policy analysis and management and leadership training of Native Americans, Alaska Natives, and others involved in tribal leadership, 20 U.S.C. 5604(7). In response, the Udall Foundation cofounded the Native Nations Institute for Leadership, Management, and Policy (NNI) with the University of Arizona, where NNI is currently located. Annually, Congress authorizes the Foundation to use a part of its appropriations to support NNI.

- In November 2010, NNI released its first module in its new distance learning course series on Rebuilding Native Nations. The course examines the critical governance and development challenges facing Native nations and surveys the breadth and diversity of Native nation-building across Indian Country.
- In April 2011, NNI hosted an Executive Education session in Palm Springs, California, designed to equip Native nation leaders and other key decision-makers with the nation-building knowledge and tools they need to govern effectively and make economic and community development a reality.
- In July 2011, NNI hosted its annual Native American Youth Entrepreneur program in Tucson, Arizona. The aim of the program is to foster skills to encourage private-sector

development in Indian Country by teaching high-school youth the basics of economics, computer skills, strategies for success, and business-plan preparation.

For additional information regarding NNI, please visit <http://nni.arizona.edu/>.

#### **4. Parks in Focus**

The Udall Foundation's Parks in Focus program began in 1999 with an idea: take a group of underserved kids to nearby parks and open their eyes to the wonders of nature by focusing their gaze through the lens of a camera. The participants, primarily 11 and 12-year-old members of the Boys & Girls Clubs, many of whom have never before left their local communities, are provided digital cameras to use and keep, and they learn the fundamentals of photography, ecology, and conservation while hiking and identifying their way through national parks.

When possible, the Foundation includes Native children on the Parks in Focus trips. In particular, it has partnered with Boys & Girls Clubs in Arizona, Maine, Wyoming, and Montana that serve predominately Native populations, including youth from the Navajo, Pascua Yaqui, Penobscot, Choctaw, and Blackfeet reservations. The Udall Foundation will explore avenues for organizing future Parks in Focus trips around the country with Boys & Girls Club participants from Indian country.

Further information on this program may be found at <http://pif.udall.gov/>.

#### **CONCLUSION**

In conclusion, the Udall Foundation welcomes feedback from the White House on its work and how it might further meet the goals of Executive Order 13175.

Further information about Foundation programs that impact tribes is available from Director of Communications Libby Washburn, 505.332.9079 or [washburn@udall.gov](mailto:washburn@udall.gov).