

DEPARTMENT OF THE ARMY  
Corps of Engineers, Northwestern Division  
P.O. Box 2870  
Portland, Oregon 97208-2870

CENWD-NA  
Regulation  
No. 5-1-1

15 August 2001

Management  
NATIVE AMERICAN POLICY

**History:** This issue is a revised Northwestern Division regulation.

**Summary:** This regulation covers the policy, responsibilities, and implementation of the U.S. Army Corps of Engineers Tribal Policy Principles. This regulation has been renumbered to the Management series (5) to support the requirements and responsibilities associated with the Native American Policy Program. The Native American Policy Program is unique in itself receiving guidance from Presidential memorandums and executive orders, and only minimal guidance from Army series regulations as noted in the required references.

1. PURPOSE. This policy establishes guidance for the implementation of the U.S. Army Corps of Engineers Tribal Policy Principles.

2. APPLICABILITY.

a. This policy applies to all Northwestern Division commands having responsibility for Civil Works (CW), military and Hazardous, Toxic and Radioactive Waste (HTRW) functions.

b. For military functions of the Northwestern Division and for civil works functions operating on or using funds of military installations and activities, references 3c and 3d also apply.

3. REQUIRED REFERENCES.

a. White House Memorandum, Government-to-Government Relations, 29 April 1994.

b. CECW PLG 57, Indian Sovereignty and Government-to-Government Relations with Indian Tribes, 18 February 1998, and USACE Tribal Policy Principles.

c. DA Pamphlet 200-4, Cultural Resources Management, Appendix G, Guidelines for Army Consultation with Native Americans, 30 October 1997.

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\*This regulation supersedes NWDR 1130-1-1, 12 July 1999.

d. DOD American Indian and Alaska Native Policy, 20 October 1998.

e. Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, 6 November 2000.

4. POLICY. It is the policy of the Northwestern Division to apply the USACE Tribal Policy Principles in all division activities that may impact any federally recognized Indian Tribe. In those activities where consultation is warranted, it is the policy of the Northwestern Division to consult on a government-to-government level consistent with guidance found in references 3a - 3e and Tribal regulations.

5. RESPONSIBILITIES.

a. Division Commander Responsibilities.

(1) The Division Commander is responsible for integrating the USACE Tribal Policy Principles into all division activities that may impact any federally recognized Indian Tribe.

(2) The Division Commander will provide regional interface with Tribal governments for activities or issues involving multiple districts and refer appropriate actions to the affected district(s).

(3) The Division Commander will develop a Tribal account management plan to guide business development and outreach opportunities that promote USACE capabilities while fostering Tribal self reliance, capacity building and growth.

(4) The Division Commander will formally designate and train a Native American Coordinator(s) with primary or collateral duties to provide quality assurance of district Native American programs and activities.

b. District Commander Responsibilities.

(1) The District Commander is responsible for integrating the USACE Tribal Policy Principles into all district activities that may impact any federally recognized Indian Tribe.

(a) **TRIBAL SOVEREIGNTY** - The district will affirm the sovereign status of Tribal governments, and work to develop and enhance a relationship which acknowledges the right of federally recognized Tribes to set their own priorities, develop and manage tribal and trust resources.

(b) **TRUST RESPONSIBILITY** - The district will work to meet Tribal needs related to district activities and work to protect trust resources.

(c) **GOVERNMENT-TO-GOVERNMENT RELATIONS** - The District Commanders and their designated staff representatives shall meet with Tribal governments at the government-to-government level and observe tribal protocols and standards of dignity.

(d) Commanders and designated staff shall consult with Tribal governments following the general concepts of the Guidelines for Army Consultation with Native Americans and DOD American Indian and Alaska Native Policy.

(e) **SELF RELIANCE, CAPACITY BUILDING, AND GROWTH** - The district will actively promote USACE capabilities, business development and outreach opportunities with Tribes. The district will involve Tribes in district programs that foster self-reliance, build economic capacity and growth such as training, cultural and natural resources, recreation, watershed planning, environmental restoration, emergency management and contracting opportunities.

(f) **NATURAL AND CULTURAL RESOURCES** – Consistent with procedures set forth in applicable federal laws, regulations and policies, the district will proactively work to preserve and protect natural and cultural trust resources, establish Native American Graves Protection and Repatriation Act (NAGPRA) protocols and procedures; and allow reasonable access to sacred sites.

(2) The District Commander will formally designate and train a Native American Coordinator with primary or collateral duties to assist the Commander and other functional staff elements in ensuring that Tribal policy principles and consultation are integrated into all district activities. The District Commander shall ensure Native American issues, activities and contacts with Tribal governments are coordinated with the Native American Coordinator.

c. Servicing District. Coordination of Native American activities will be the responsibility of the servicing district consistent with established civil works, regulatory and military boundaries.

6. FUNDING. Native American coordination will be funded by the applicable division or district activity. Labor should be charged in accordance with civil works and military accounting and reporting regulations found in ER 37-2-10 and ER 37-345-10.

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**7. REPORTING REQUIREMENTS.**

a. Commanders, Native American Coordinators and staff principals who have significant and noteworthy contacts with Tribal Chair or Tribal Councils shall include such meetings in the Weekly Significant Activities Report.

(1) Examples of significant and noteworthy contacts are those that involve policy issues having possible implications to other elements of the Command which may require the involvement of the Commanding General, other Corps leadership, an Assistant Secretary of the Army or other Army leadership.

(2) Generally, Tribal contacts concerning the status of a study or project, matters related to a single permit application or routine operation and maintenance activities are not considered significant contacts that should be reported.

b. Significant Native American activities should be included in the Annual Historic Report.

FOR THE COMMANDER:



CLIFTON P. JACKSON, JR.  
Executive Assistant

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