



CONSULTATION WITH TRIBAL GOVERNMENTS  
UNDER NORTHWEST FOREST PLAN

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*PILOT STUDY REPORT*

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**Submitted To: Intertribal Timber Council**

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## GLOSSARY OF TERMS

Definitions for some key terms used in this report are listed below. For a more complete glossary of terms, the reader is referred to the Policy and Guidelines documents of Appendix D.

**Aboriginal Areas:** The historic and prehistoric lands where a tribe(s) lived, carried out food gathering, cultural and religious practices, seasonal activities or traded with other Indian peoples.

**Indian tribe:** Any American Indian or Alaska Native tribe, band, nation, pueblo, community, rancheria, colony, or group meeting the provisions of the Code of federal Title 25, Section 83.7 (25 FR 83.7) or those recognized in statutes or treaties with the United States.

**Indian Rights and Interests:** Indian treaty and other rights or interests recognized by treaties, statutes, laws, executive orders, other government action, or federal court decisions.

**Treaty:** A legally binding agreement between two or more sovereign governments. With respect to American Indian tribes, a treaty is a document negotiated and executed with an Indian tribe(s) by a representative of the President of the United States and ratified by the U.S. Senate.

**Treaty Rights:** Tribal rights or interests reserved in treaties by Indian tribes for the use and benefit of their members. The uses include such activities as described in the respective treaty document. Only the United States Congress can abolish or modify treaties or treaty rights.

**Tribal Self-Governance:** First proclaimed in modern terms by President Nixon in 1970, as "Indian Self-Determination, this refers to the ability of Indian tribal governments to make their own decisions that affect the lives and welfare of the general tribal population or the management of tribal assets. A modern U.S. Indian policy that reinstates the independent decision making process of Indian tribal entities that had existed before European contact. In 1975, the Indian Self-Determination and Education Act (P.L. 93-638) was enacted into law and sets forth principles of Indian Self-Determination and provides authority for tribes to assume responsibility for federally funded programs administered for their benefit by the Bureau of Indian Affairs and Indian Health Service.

**Trust Land or Resources:** Land or resources in collective tribal holding or individual Indian ownership held in trust by the United States, and for which the Secretary of the Interior has a continuing trust responsibility to protect and manage in a manner to benefit the respective tribe or individual owner.

**Trust Responsibility:** The federal trust responsibility has never been specifically defined by the United States Congress, any President, Cabinet Official, or by tribes. Generally, it is a set of principles and concepts outlining the responsibilities of the United States Government to act as the trustee of the Indian people and Indian owned assets. The federal government, through the President has certain responsibilities to protect Indian property and rights, Indian lands, and resources. The federal trust responsibility may involve a fiduciary obligation in which the President, through the Secretary of the Interior, acts as the trustee of Indian assets.

## **ACKNOWLEDGEMENTS**

Appreciation is expressed to the tribal and federal participants of the Pilot Study who took the time from their busy schedules to complete the questionnaires and discuss government-to government consultation with the project team during the on-site visits and telephone interviews. Thanks to the Intertribal Timber Council and staff of the Regional Ecosystem Office who provided helpful advice and guidance in addressing the multitude of issues relating to the Northwest Forest Plan and consultation with tribal governments. A special thank you for the hospitality extended to George and Cal by the tribes and federal agencies during our visits to your offices.

## Summary

Federal agencies are required to consult with tribal governments whenever tribal rights and interests may be affected in the implementation of the Northwest Forest Plan (NFP). To evaluate compliance with this requirement, the Regional Interagency Executive Committee (RIEC) and Intergovernmental Advisory Committee (IAC)<sup>1</sup> initiated a Pilot Study to gather information on the tribal consultation processes employed by federal agencies. The Intertribal Timber Council (ITC) was provided federal funding to conduct the Pilot Study. The ITC contracted with Pacific Management Associates to complete the project work and prepare the Pilot Study report.

The specific purpose of the Pilot Study was to test and evaluate an approach to monitoring the implementation and effectiveness of government-to-government consultation between federal land management and regulatory agencies and tribal governments as identified in the NFP (ROD, 54-55). It is intended that information from the Pilot Study will be used to develop and refine a long-term plan for improving and monitoring the effectiveness of tribal consultation processes under the NFP.

The Pilot Study involved nine tribal governments<sup>2</sup> representing (a) treaty tribes with off-reservation reserved rights, (b) executive order tribes, (c) tribes with large forest land holdings, and (d) tribes that have been restored following termination. A questionnaire approach was utilized to gather information. Pilot Implementation and Effectiveness Monitoring Questionnaires were developed with assistance from the IAC, the tribal Monitoring Subcommittee, and agency tribal relations specialists. The questionnaires were completed through mailings, telephone interviews and on-site visits. People contacted included elected officials and technical staffs of tribal governments and representatives of federal agencies at the local and regional levels.

Discussions with tribal and federal officials and analysis of questionnaire information reveal that there are numerous definitions of consultation and significant differences of opinion as to what constitutes effective consultation. Consultation is difficult to measure and there is no ideal methodology to accomplish the task. Recognizing these attributes of consultation, the majority of respondents viewed the Pilot Study concept as an acceptable methodology to obtain an assessment of consultation as it relates to requirements of the NFP.

While the Pilot Study approach (questionnaires combined with one-on-one interviews) was considered acceptable for measuring consultation within the framework of the NFP, a number of respondents cited concerns about the concept and content of the questionnaires. These concerns are identified below and discussed in greater detail in Part II of the report. Response to these concerns will be an important part of future work to refine and improve the tribal monitoring module.

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<sup>1</sup> The RIEC and IAC are regional level committees of the interagency structure established to implement the Northwest Forest Plan.

<sup>2</sup> The Skagit System Cooperative was considered as a single entity in gathering information for the Pilot Study. The Cooperative consists of three member tribes ( Swinomish, Upper Skagit and Sauk-Suiattle).

There are significant differences in treaties and other organic authorities for establishment of tribal governments, as well as differences in tribal cultures and the way tribes conduct business. Similarly, on the federal side, there are differences in agency missions and the statutes which govern how agencies carry out their responsibilities to tribes. This creates inherent problems in attempting to use “one-shoe-fits-all” questionnaires.

Questionnaires are a written approach for creating databases and statistical numbers from opinions and views. As an inherent aspect of culture, many tribes prefer face-to-face verbal communications rather than written responses to questionnaires. Also, many elements of government-to-government consultation are not well suited to description or evaluation by numbers or statistics.

Respondents had difficulty dealing with the “one-to-many” issue posed by the format of the questionnaires. A particular tribe many have relationships with several federal agencies varying from excellent to poor. It is difficult to describe and evaluate this wide range of relationships by responding to a single question about a particular topic. The same applies to federal officials who deal with several tribes.

Several respondents indicated that the questionnaires are too lengthy and a number of questions are redundant. For some respondents, six hours or longer were required to complete the questionnaires. The format of the questionnaires, with identical or similar questions listed under the two categories of Implementation Monitoring and Effectiveness Monitoring, creates confusion and makes the flow of questions difficult to follow. Some questions do not appear to lead to meaningful responses.

The land managing agencies (USFS and BLM) have written policy or guideline documents pertaining to consultation with tribes. In regard to the regulatory agencies, the USFWS has issued a Native American Policy document which sets forth general principles that guide the Service’s government-to-government relationship to Native American governments in the conservation of fish and wildlife resources. Secretarial Order No. 3206, issued by the Secretaries of Interior and Commerce, acknowledges the trust responsibility and treaty obligations of the United States toward Indian tribes. This Order, which pertains to activities of the USFWS and NMFS and other component agencies and bureaus of the two Departments, clarifies responsibilities of the federal agencies when actions taken under authority of the Endangered Species Act may affect Indian lands, tribal trust resources, or the exercise of American Indian tribal rights. An Appendix to the Order provides specific guidance pertaining to government-to-government consultation with tribes.

Most federal and tribal people contacted during the Pilot Study were aware of these written policy and guideline documents. Nearly all federal respondents felt that the tribal consultation guidance was being followed. Four tribes responded to the questions relating to this matter. Two felt that the consultation guidance issued by the federal agencies was being followed, one felt that it was not, and one responded that the

agencies followed direction issued by specific individuals and that such direction may or may not reflect written agency policy.

Consultation with tribal governments relating to implementation of the NFP is occurring by methods described below<sup>3</sup>.

As part of the NEPA process, scoping letters are being sent out to tribal officials and their staffs requesting comments on proposed management activities. Notices of Intent to prepare EA and EIS documents and drafts of such documents are being provided to the tribes for their input.

At some locations, annual or quarterly schedules of projects proposed by the federal land management agencies are being provided to the tribes. The tribes are requested to provide input on projects of interest or those which may affect tribal rights or trust resources.

The federal agencies are providing notification to tribes of specific projects or management activities which the federal official feels may be of interest to them, affect tribal rights or for which the tribes may have information pertinent to the planning and implementation of the project.

Routine communications between technical staffs of the federal agencies and tribes. Many issues are resolved by this informal consultation process involving on-going working relationships between federal agency and tribal staffs.

As a general practice, federal officials send letters or other forms of notification to the tribal Chairperson with copies to appropriate tribal staff. Tribes also receive "concerned citizen" letters from the federal agencies. In some instances, the federal official invites the tribal leader to call if a meeting on a government-to-government basis is desired, or the federal official will directly request a meeting to discuss tribal interests or concerns.

While tribal respondents acknowledge that consultation activities described above are occurring to varying degrees, they feel that the consultation process could be improved and made more effective. Several tribes, especially those with limited staff resources, indicate they would like to see a more pro-active role by the federal agencies in screening projects which may affect tribal rights and interests. There was a general feeling by all tribes that more follow up effort by the federal agencies is needed concerning the routine notifications they receive about proposed management activities. Federal respondents indicated that consultation is a two way process and that they often seek responses to consultation efforts but receive no responses from the tribes. There was general agreement by both federal and tribal respondents that silence does not imply consent to the proposed action or satisfaction with the consultation process.

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<sup>3</sup> Examples of these methods of government-to-government consultation involving written communications are contained in Exhibit C.

The NFP (ROD, 54-55) states that, in addition to tribal governments, consultation will be conducted early in the planning process with the Bureau of Indian Affairs (BIA) and the Office of the Solicitor. BIA respondents indicate that, for the most part, they are out of the loop of activity relating to NFP implementation and the government-to-government relationships between the tribes and federal agencies. This is a result of extensive Indian self-determination contracting whereby tribes have contracted for management of BIA programs and are directly conducting inter-governmental activities with other federal agencies. There is no indication by either federal or tribal respondents that the Solicitor's Office has been involved in the NFP consultation process as described in the ROD.

Generally, the regulatory agencies feel that it is not their role to be involved in direct consultation with the tribes on proposed NFP implementation activities which may affect tribal rights or trust resources. It is their position that direct consultation on such actions is the responsibility of the land managing agencies. The tribes do not fully agree with this position. When proposed NFP implementation actions are subject to formal consultation under the ESA, the tribes prefer a more proactive role by the regulatory agencies in providing notification of these actions and advocating tribal participation in the ESA consultation process.

A Memorandum of Understanding (MOU) is being used at some locations as a means to maintain consistency in communications and establish an agreed to method of consultation between the federal agency and tribe. Some MOUs provide a process for addressing situations and resolving conflict when proposed actions are found to be adverse to tribal interests. Respondents report a higher level of adequacy and greater satisfaction with outcomes of government-to-government consultation when the consultation process is defined in a MOU.

Key recommendations for improvement of the monitoring approach and tribal consultation processes evaluated in the Pilot Study are briefly described below. These recommendations and other suggestions to refine and improve the tribal monitoring module are addressed in greater detail in Part II of the report.

- ◆ Streamline/shorten the questionnaire so that no more than two hours will be required for completion.
- ◆ Change format to improve grouping of identical or similar questions under one topic heading and to make the questionnaire more "user friendly".
- ◆ Consider using different questionnaires for different respondent groups and subgroups.
- ◆ Modify "yes", "no", "explain" types of questions to provide for responses that may not be "yes" or "no", but somewhere in between.
- ◆ Give additional emphasis to the distinction between the general public and tribes in the process of the federal agencies obtaining input on proposed management actions.

Some tribes are still receiving “concerned citizen” letters. Consultation requirements with tribal governments dictate a more intensive approach involving direct contact with tribal leaders and/or technical staffs and follow up with in-person meetings.

- ◆ Implement as standard federal agency practice the process of: (1) providing tribes with annual schedule (or quarterly, if available) of proposed management actions and projects, (2) screening of listed actions/projects by person(s) knowledgeable about tribal culture, rights, and trust resources, (3) highlighting those proposed actions/projects which the agency determines may affect tribal rights, trust resources or interests, (4) scheduling in-person meeting to discuss face to face the schedule of proposed actions/projects actions and obtain tribal input, (5) incorporating information and input contributed by the tribes into federal decisions for project/action implementation, and (6) providing specific feedback to the tribes describing how and to what extent their input was considered in implementing proposed projects/actions.
- ◆ Expand the use of MOUs as a means for federal agencies and tribes to agree to the method of how government-to-government consultation will be conducted and establishing a process for conflict resolution.

As a final and important note, several tribal respondents emphasized that, while the Pilot Study approach is satisfactory for purposes of addressing requirements of the NFP, specific assessment of consultation and determination of standards and requirements which fulfill federal agency trust responsibilities must be determined government-to-government with each individual tribe.

## I. Description of Pilot Study

### A . Northwest Forest Plan

The Northwest Forest Plan (NFP) Record of Decision (ROD) states that the NFP *... provides a higher level of protection for American Indian trust resources on public lands than the plans that it amends, and does not impair or restrict the treaties or rights of the tribes. It is conceivable, however that subsequent implementation of standards and guidelines could directly affect American Indian practices and activities – for example, a prohibition against the collection of certain plant material or trees in late-successional reserves that are subject to tribal treaty off-reservation gathering rights. Under such circumstances, the exercise of these tribal treaty rights will not be restricted unless the Regional Interagency Ecosystem Office determines that the restriction is (1) reasonable and necessary for preservation of the species at issue, (2) the conservation purpose of the restriction cannot be achieved solely by regulation on non-Indian activities, (3) the restriction is the least restrictive alternative available to achieve the required conservation purpose, (4) the restriction does not discriminate against Indian activities either as stated or as applied, and (5) voluntary tribal conservation measures are not adequate to achieve the necessary conservation purpose.*

*Future analysis and planning efforts to implement this decision on lands administered by the BLM and Forest Service will identify Indian trust resources that would be affected, and identify potential conflicts between proposed federal actions and treaty rights or tribal trust resources. Consultation with the recognized tribal government with jurisdiction over the trust property that the proposal may affect, the Bureau of Indian Affairs, and the Office of the Solicitor will be conducted early in the planning process. The consultation with affected tribes will occur on a government-to-government basis. Conflicts will be resolved collaboratively with affected tribes involved in the planning process, consistent with the federal government's trust responsibilities. (ROD, 54-55)*

*American Indians and Their Cultures* is one of five areas identified in the Effectiveness Monitoring section of the Implementation Chapter (Appendix E) of the ROD.

The following information describes the Pilot Monitoring Program to conduct the Implementation and Effectiveness Monitoring of government-to-government consultation between the federal agencies and affected tribal governments. The Pilot Study, which surveyed nine tribes and federal agencies involved with these tribes on matters relating to implementation of the NFP, was completed in July 2000. The result of this pilot will be used to formulate a full Implementation and Effectiveness Monitoring Module that is flexible enough to be applied to each respective tribe in addressing government-to-government consultation.

## **B. Purpose**

The purpose of the pilot was to test and evaluate an approach to monitoring the implementation and effectiveness of the government-to-government consultation between federal land management and regulatory agencies and tribal governments as identified in the NFP.

The pilot included an initial set of questions designed to support a regionally based monitoring approach. During the pilot, a small number of tribal governments and associated federal agencies were surveyed to: a) evaluate the initial set of questions, b) identify issues raised during the survey, and c) develop approaches for reporting results. Primarily, the pilot results will be used to develop a recommended tribal monitoring module for IAC and RIEC consideration to fulfill NFP monitoring requirements.

## **C. Approach**

The approach to developing the monitoring module focuses on the regional scale, the range of the northern spotted owl as identified in the ROD. The pilot evaluated an approach that sampled the tribe as the unit for monitoring, used questionnaires to structure the information gathering process and examined the ability to aggregate results to the regional scale. Development of the tribal monitoring module is based on the experience and approach used in the NFP implementation monitoring program.

Some of the key aspects of the effort are:

- results reported at the regional scale,
- a statistical sampling approach is desirable,
- the monitoring process will be guided by questionnaires,
- the questionnaires will give priority to monitoring ROD topics focused on government-to-government consultation,
- information will address both tribal and agency processes, actions, outcomes, and evaluations,
- the information gained via monitoring, analysis and reporting will be fully accessible to intergovernmental group(s)
- a pilot team leader is required and may be staffed through a variety of approaches, including with a qualified contractor.

The primary questions addressed through this monitoring pilot were: 1) How and to what degree is government-to-government consultation being implemented under the NFP? 2) Is the consultation occurring because of affects on resources of tribal interest on federal lands or trust resources on tribal lands? and, 3 ) How effective are the government-to-government consultations in accomplishing the goals and objectives of those consultations? Results from the pilot will form the foundation of the tribal monitoring module that is recommended to the IAC and RIEC for implementation.

This module and pilot program addresses federal-tribal government consultation. There are a number of other aspects of Implementation or Effectiveness Monitoring concerning *American Indians and Their Culture* that are not discussed or explored in this pilot.

The Implementation Monitoring Topics included in the pilot are:

- documentation of government-to-government consultations, with respect to resources, issues, participants, protocols or process followed, and outcomes,
- identification of agency plans/actions appropriate for government-to-government consultation, including criteria applied,
- identification of resource/issues/plans where government-to-government consultation was desired by the tribes,
- identification of conflicts over the use or management of resources of tribal interest, including resolution processes and outcomes or status,
- identification of existing systems and processes to facilitate information exchange and collaboration.

The collection of this information for the pilot study was facilitated by completion of an Implementation Monitoring Questionnaire. The timeframe of interest for identification of government-to-government consultation was from the time of the ROD signing (4/94) to the present.

The Effectiveness Monitoring Topics included in the pilot are:

- adequacy/satisfaction with government-to-government consultation process,
- adequacy/satisfaction with government-to-government consultation outcomes,
- adequacy/satisfaction with government-to-government information exchange,
- adequacy/satisfaction with identification of resources/issues for government-to-government consultation,
- adequacy/satisfaction with government-to-government consultations related to ESA, Section 7 & 10 actions,
- evaluation of the degree to which conflicts have been resolved or decreased.

An Effectiveness Monitoring Questionnaire was used to facilitate the information gathering and recording process. In addition, a series of questions were included in a Monitoring Process and Questionnaire Evaluation and Feedback Form to prompt feedback and suggestions from the pilot participants.

The pilot involved a small number (9 tribes) of selected monitoring cases. These cases were selected to provide examples of the range of circumstances to be addressed by future monitoring. The criteria for selecting the tribes to be included in the pilot study involved a range of: 1) resources/areas of tribal interest on federal lands with NFP activities, 2) tribal size and organization, 3) degree of interest and involvement with NFP, and 4) treaty, executive order, and congressionally restored tribes. It is emphasized that the involvement of the small number of tribes was for the purposes of the pilot only,

which evaluated the module (e.g., the quality of the questionnaires, the methodology employed, etc.). The selected candidate tribes were: [1] Coquille, [2] Hoopa, [3] Muckleshoot, [4] Tulalip, [5] Quileute, [6] Quinault, [7] Yakama, [8] Warm Springs, and [9] Swinomish, Upper Skagit, Sauk-Suiattle (Skagit System Cooperative). The federal agencies sampled were those involved with the candidate tribes, e.g., BLM, NPS, EPA, FS, BIA, FWS, NRCS, NMFS, BOR, and COE.

The Intertribal Timber Council [ITC] was provided federal funding to conduct the pilot study. On January 18, 2000, the ITC entered into a Contractual Agreement with Pacific Management Associates [PMA], a natural resource management consulting firm located in North Bend, OR, for completion of the pilot study work. Mr. George E. Smith, PMA owner, was the principal consultant conducting the project work. Mr. Calvin T. Mukumoto, consultant for Glass and Associates, Inc., was a subcontractor working with PMA on the pilot study project.

The monitoring questionnaires were mailed out to appropriate tribal and agency policy representatives and technical staff members for their advance review and completion. Following mailing of the questionnaires, on-site and telephone interviews were conducted to discuss the completed questionnaires, evaluate the pilot study process, and obtain feedback that will assist in further development and enhancement of the tribal monitoring module.

This pilot was not intended to be used as a standard for consultation between federal agencies and tribal governments. Likewise, the results of this pilot do not identify either maximum or minimum requirements needed to fulfill any federal agency's statutory or other responsibilities regarding the federal government's trust responsibility to tribal governments.

#### **D. Evaluation**

The objective of the pilot study was to evaluate and refine the monitoring approach (including the questionnaires) and it is the primary focus of the post interview task. The evaluation addresses the overall approach, the questionnaires, the use of the tribes as the sampling approach, the interview process and team, and all issues that surfaced during the pilot. Where appropriate, alternative suggestions for addressing improvements and enhancements are identified and evaluated.

A series of questions seeking comments and feedback on the monitoring process, questionnaires or relevant aspects were included in the Monitoring Process and Questionnaire Evaluation and Feedback Form. Information obtained from completion of this Form will assist in the evaluation of the monitoring methodology.

## **E. Report**

This written report delivered to the Intertribal Timber Council and the IAC Subgroup for tribal monitoring presents the results and evaluation of the pilot study. The report includes a summary of the pilot study information and recommendations for improving the pilot monitoring approach or other options for developing a final Tribal Monitoring Module.

## **II. Analysis of Pilot Study Information**

### **A. The Monitoring Approach**

In order to evaluate a monitoring approach; the evaluator must establish a definition of purpose. A clearly defined purpose provides a baseline to measure endeavors. Federal agencies are required to consult with tribal governments whenever tribal rights and interests may be affected in the implementation of the Northwest Forest Plan. The purpose of monitoring government-to-government consultations is to measure federal agency compliance with this requirement. The purpose of this pilot is to test and evaluate the effectiveness of the monitoring approach. The monitoring approach is guided by questionnaires. The questionnaires are a method to keep track of and gather information on the implementation and effectiveness of government-to-government consultations. The questionnaires give priority to monitoring ROD topics centered on government-to-government consultation addressing tribal and agency processes, actions, outcomes, and evaluations. The questionnaires focus on two general issues: (1) how and to what degree is government-to-government consultation being conducted under the Northwest Forest Plan? and (2) have the goals and objectives of the consultation been achieved? Additional desired outcomes of the monitoring approach are to report results on a regional scale, and to provide a statistical sampling approach.

The monitoring approach requires tribal and federal participants answer and evaluate two questionnaires. The two questionnaires are delivered as printed forms containing separate sets of questions focused on Implementation and Effectiveness. These questionnaires contain a total of sixty-two questions. The Implementation Monitoring Questionnaire contains questions focused on identifying what tribal trust resources or treaty rights are affected, when does consultation occur and how government-to-government consultation is conducted. The federal government has the following responsibilities under the Northwest Forest Plan relating to tribal consultation:

1. Identification of Indian trust resources that are affected by the implementation of the Northwest Forest Plan.
2. Identification of potential conflicts between proposed federal actions and treaty rights or tribal trust resources.
3. Consultation with the affected tribe, the Bureau of Indian Affairs and the Office of the Solicitor early in the planning process.
4. Conducting consultation with tribes on a government-to-government basis.

5. Resolving conflicts in a collaborative manner with tribes involved in the planning process.

The Effectiveness Monitoring Questionnaire contains questions addressing the adequacy/satisfaction with government-to-government consultations. This questionnaire provides an approach to evaluate effectiveness of consultations relating to general principles stated in the ROD: ...the federal government under the NFP will provide a higher level of protection for Indian trust resources on public lands and must meet five criteria when restricting exercise of tribal treaty rights relating to these resources.

An additional questionnaire was also used entitled Monitoring Process and Questionnaire Evaluation and Feedback. The purpose of this questionnaire is to solicit information on how the monitoring process may be developed and enhanced. With the addition of this questionnaire, the total number of questions is seventy-four.

In addition to use of questionnaires, on-site and telephone interviews were conducted with both federal and tribal representatives.

## **B. Findings and Recommendations**

The following findings and recommendations focus on the questionnaires as an approach for monitoring consultation with tribes under the NFP. Information obtained during the Pilot Study relating to the nature and extent of government-to-government consultation occurring under the NFP is presented in the report summary. This information was obtained primarily from interview discussions. Several Pilot Study participants felt that one-on-one discussions provide a better method to describe and comment on adequacy of consultation activities, than written responses to questionnaires. Further, while the Pilot Study provides useful information to evaluate the monitoring approach, the information database is too small for detailed analysis and formulation of statistically sound conclusions concerning actual consultation activities and their adequacy.

1. *Questionnaires take too much time to complete and are inappropriate as a sole means of information gathering.*

A majority of interviewees considered the time to complete the questionnaires excessive. One interviewee reported that it required six hours. Our experience with recording answers to a database was at least one hour and a half per questionnaire. Obviously, the number and type of questions and the organization of the questionnaires influence the time required for completing the questionnaires. The total numbers of questions in this pilot is seventy-four. The questionnaires ask for a minimum of 149 responses of which fifty questions request a narrative response. However, one federal respondent commented that given the importance of this monitoring requirement and when compared to other monitoring activities, several hours is appropriate. Frustration with the length and breath of the questionnaire was expressed during an on-site tribal interview. A tribal representative was quoted as saying, "In order to fill this

questionnaire out, I would have to prepare like I was intending to file a mismanagement suit against the federal government.” The difficulty in filling out the questionnaires is a significant hurdle for many tribes with overworked or short staffs. Five of the nine tribes contacted did not complete the questionnaires. Pilot Study information for these tribes was obtained from one-on-one interview discussions and other forms of written response (e-mail and letters). Those tribal representatives who did not complete the questionnaires reported them as too long and too broad to attempt to complete.

Tribal respondents and interviewees indicate that sole use of questionnaires is the least desirable method to gather information from tribes. It is our opinion that use of questionnaires as the sole means of information gathering will not be effective and may even create a sampling bias that is outside the representative population of the involved tribes. The questionnaires can be a guide for interview questions. (We define interview as a conversation in which facts or statements are elicited from another). While useful as an interview guide, completing the questionnaires during the interview would be difficult and require several hours.

- a. *Recommendation:* Shorten the questionnaires so that they take no more than two hours to complete. Used them as a pre-interview briefing to identify significant areas of concern and areas where activities are going well.
- b. *Recommendation:* Supplement the use of the questionnaires with one-on-one interviews.

### 2. *The significant use of narrative questions make statistical reporting difficult.*

As stated in No.1 above, 50 responses out of a minimum of 149 are narrative in nature. To report narrative responses in a statistical manner requires categorizing the responses under *dummy variables*. Combining narrative responses into *dummy variable* categories requires a certain amount of qualitative judgment. Qualitative judgments will introduce bias into the statistical reporting. We did not attempt to categorize the narrative responses.

*Recommendation:* Reduce the use of narrative type questions. Ask for explanations of significant issues during interviews. Combining recommendation No.1a with this recommendation should enhance the reporting process.

### 3. *Questionnaires are confusing and difficult to follow.*

Many respondents and interviewees commented that the organization of the questionnaires creates confusion. The questions require that a respondent keep track of headings to understand what is being asked. For example, question No. 44 was reported as redundant to question No. 57 by some respondents.

44. Are agency processes adequate to identify agency actions that might directly or indirectly adversely impact:  
 [Place ōafter appropriate answer.]  
 a. Resources of tribal interest?

Inadequate	1 _____ 2 _____ 3 _____ 4 _____ 5 _____	Adequate
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57. What is the adequacy of processes for identification of:  
 [Place ōafter appropriate answer.]  
 a. Resources of tribal interest?

Inadequate	1 _____ 2 _____ 3 _____ 4 _____ 5 _____	Adequate
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However, question No. 44 is asked under part **II.A Adequacy/satisfaction with government-to-government consultation process**. While question No. 57 is asked under part **II.D Adequacy of identification of resources/issues for government-to-government consultation**.

It is possible to answer both questions differently given their categories. To catch the subtle differences in similarly worded questions, respondents must keep a close track on headings.

*Recommendation:* Redesign the questionnaires so that questions follow a logical sequential manner. Change the format to improve grouping of identical or similar questions under one topic heading and to make the questionnaires more “user friendly”. For example have effectiveness questions follow appropriate and relevant implementation questions.

*4. One-to-many design issue.*

Many respondents commented about the difficulty in describing one-to-many relationships in the questionnaires. In the case of a tribal respondent, one tribe has many relationships with different federal land managers and regulators. The opposite is true for federal respondents; one agency has relationships with many tribes. The questionnaires are not designed to provide different responses for different agencies or tribes. In the Pilot Study, the federal respondents were asked to respond as if they were describing their relationship with a single tribe. This limitation mitigated the one-to-many issue for federal agencies. However, tribal respondents commented on more than one agency. One tribal respondent drew new boxes on the questionnaires to accommodate different responses for different agencies. Others averaged their responses or selected one agency to focus answers on. No respondent completed more than one set of questionnaires. Continuing with the current design will require tribes and agencies to complete several questionnaires, greatly increasing the completion time.

*Recommendation:* Design questionnaires to accept answers for more than one tribe and agency.

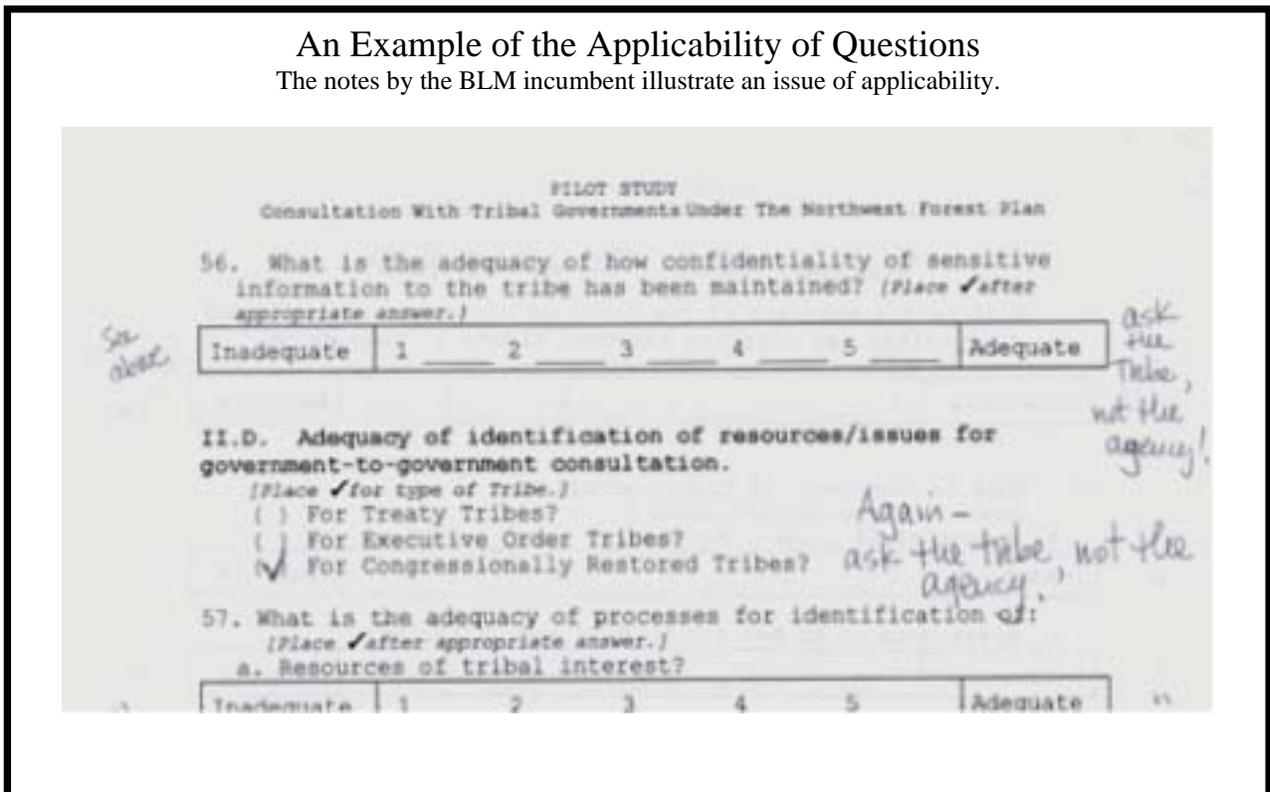
5. *Yes/No questions.*

Related to the one-to-many issue, respondents wrote “some” in response to yes/no questions. In other cases both “yes” and “no” were checked. A correct response may not be “yes” or “no”, but somewhere in between. This is often a problem when the respondent’s answers refer to many agencies or tribes that fit both yes and no.

*Recommendation:* Implement recommendation No.4. Also review questions for the possibility of answers such as “some”, “unknown” and “not applicable”, and provide these type of responses as options.

6. *Problems with the applicability of questions.*

Some respondents did not answer large portions of the questionnaires since they interpret them as not applicable. The respondents suggested that these questions be directed only to the applicable party.



Several respondents recommended that separate questionnaires for land management agency, regulatory agency and tribal participants be developed. We found different perception of roles even within the same federal agency. Additionally, as a further

refinement, some respondents recommended that questionnaires be created for the field and policy/administrative levels, since understanding and information about government-to-government consultation can be different at different organizational levels. For example, the adequacy of the treatment of resources in biological opinions is a subject with which many tribal council persons are not familiar. However, they most likely have an opinion on the condition of tribal trust resources (i.e. Huckleberry or Camas root) on nearby USFS or BLM lands. In 1993, the Indian Forest Management Assessment Team (IFMAT) was successful in using different questionnaires designed for Bureau of Indian Affairs participants and tribal members. IFMAT paid close attention to craft questions that communicated to the respondent yet provided answers that were comparable.

*(a) Recommendation:* Review questionnaires for appropriate levels and types of organizations. Simplifying questions will facilitate bringing forth a common question base applicable to different organizational levels.

*(b) Recommendation:* Clarify roles within and between land management agencies and regulatory agencies and communicate those clarifications to the tribes.

#### *7. Conclusions may be misleading.*

Respondents commented that correlations of the adequacy/satisfaction responses with a conclusion of success for consultation efforts might not be valid. Other factors such as political and social forces may influence responses.

*Recommendation:* Emphasize the remark stated at the beginning of the questionnaires: “The questions do not connote that a specific legal requirement or expectation exists, and the answers don’t equate to success or failure.”

#### *8. Questions presume a level of knowledge.*

A responsibility of the federal government concerning tribal trust resources is the identification of potential conflicts between proposed federal actions and treaty rights or tribal trust resources. Respondents reported an issue that question No. 5 presumes the respondent has identified or possesses the knowledge of which tribal resources have a potential to be affected and which federal plans and actions have a potential to affect.

If resources have not been identified then the respondent may not be able to answer the questions.

### An Example of Question Which Presumes a Level of Knowledge

5. How frequently has the tribe been consulted on federal agency plans, projects, programs or activities that had the potential to affect? [Place  $\checkmark$  in appropriate column.]

c. The tribe's resources or areas of special interest?

Always	Frequently	Some of the time	Infrequently	Never	No known resources or area of interest
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c. Religious or cultural areas/uses?

Always	Frequently	Some of the time	Infrequently	Never	No known resources or area of interest
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c. Hunting and/or gathering?

Always	Frequently	Some of the time	Infrequently	Never	No known resources or area of interest
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Also, those who receive the questionnaires may not understand terms such as Section 7, ESA or biological opinion that were used throughout the questionnaires.

- a. *Recommendation:* Ask questions only if appropriate. For example, question No. 5 should only be asked after it is identified that the respondent knows what tribal resources may be affected. Otherwise, such questions should be skipped.
- b. *Recommendation:* Provide a definition of terms or glossary with the questionnaires.

*9. Questionnaires should include direct, simple questions concerning federal responsibilities as describe in the ROD.*

The questionnaires use many questions that provide information on indicators of effective government-to-government consultations. However, direct simple questions that are at the core of the issue are not asked. For example, there is not a question that asks “Has the agency identified what Indian trust resources would be affected on BLM or USFS lands?”. Another simple direct question may be, “ When conflicts are identified, are they resolved on a collaborative basis with tribe involved early in the planning process?”

*Recommendation:* Include direct simple questions that tie directly to the requirements of the ROD.

*10. A desired state for the resources.*

Some respondents suggested that federal agencies should work with the tribes for a common understanding, support and acceptance of a desired state for the resources. Having a common desired state would facilitate consultation effectiveness by creating relationships based on common goals as opposed to resolving conflicts. In order to complete a journey one must know where one is now and where one wishes to be. The effort is then in choosing and measuring the steps that take you along the way.

*Recommendation:* Consultation efforts should emphasize achieving a common view concerning a desired state for the resources.

A final comment concerning the Pilot Study approach pertains to selection and notification of pilot tribes. In the November 16, 1999 letter (see Appendix A) to tribal government representatives from the Chair of the Regional Interagency Executive Committee, nine tribes were listed as candidate tribes for the Pilot Study. Some tribal participants indicated that neither they, nor their tribal leaders, were properly consulted about being a candidate or selected tribe for the Pilot Study. The consultant team was not involved in the pilot tribe selection process and is not aware of how tribal governments were specifically contacted concerning their participation in the study. If, in fact, involved tribal leaders were not properly consulted; it was an unintentional but, nonetheless, significant oversight. This illustrates a key finding of the Pilot Study: that a general communication, such as the RIEC letter to a distribution list of tribal representatives, is not satisfactory government-to-government consultation with tribes. It cannot replace one-on-one communication with tribal leaders or the all important in-person meeting.

While this did not create major problems in working with the pilot tribes, proper consultation must occur when conducting future studies and tribal monitoring activities.

### C. Design and Implementation of Final Tribal Monitoring Module

Specific recommendations for further development of the tribal monitoring module are presented below.

#### 1. Core Questions for Final Tribal Monitoring Module

Shortening of the pilot study questionnaires to 21 core questions is proposed. Based on results of the pilot study, the following core questions have been selected as providing the most meaningful information for assessing consultation with tribal governments under the NFP. The italicized number indicates the question number in the pilot questionnaires. The core questions have been formatted to address the “one-to-many” design issue. Where appropriate, questions provide the option to accept answers for more than one tribe or agency. Core question No. 1 had been redesigned to replace the narrative response with answers that can be reported in a statistical manner.

#### Core Question No. 1 (*I.A.1*)

Is policy guidance available pertaining to tribal consultation when federal agency plans, projects, programs or activities have the potential to affect resources/areas of tribal interest?

*[Place ǝ in appropriate column.]*

Single Tribe/ Agency or Single Answer for All:

<b>Policy Guidance Available:</b> Yes ___ No___	<b>If available, was it followed?</b> Yes ___ No___
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Multiple Tribes/Agencies

<b>Policy Guidance Available</b> <b>A:</b> Yes ___ No___ <b>B:</b> Yes ___ No___ <b>C:</b> Yes ___ No___ ___: Yes ___ No___	<b>If available, was it followed?</b> <b>A:</b> Yes ___ No___ <b>B:</b> Yes ___ No___ <b>C:</b> Yes ___ No___ ___: Yes ___ No___
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**Core Question No. 2 (I.A.2)**

Have consultation protocols been developed or is there a Memorandum of Agreement on how consultation should be initiated and conducted? *[Place 0 in appropriate column.]*

**Single Tribe/Agency or Single Answer for All:**

<b>Protocols developed, Current MOA</b>	<b>Protocols, no MOA</b>	<b>None Developed</b>	<b>None Needed nor Desired</b>
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**Multiple Tribes/Agencies**

<b>Protocols developed, Current MOA</b>	<b>Protocols, no MOA</b>	<b>None Developed</b>	<b>None Needed nor Desired</b>
<b>A:</b> <b>B:</b> <b>C:</b> <b>___:</b>			

**Core Question No. 3(I.A.5a)**

How frequently has the tribe(s) been consulted on federal agency plans, projects, programs or activities that had the potential to affect the tribe's resources, traditional uses or areas of special interest? *[Place 0 in appropriate column.]*

**Single Tribe/ Agency or Single Answer for All:**

<b>Always</b>	<b>Frequently</b>	<b>Some of the time</b>	<b>Infrequently</b>	<b>Never</b>	<b>No known resources or area of interest</b>
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Core Question No. 3 (cont.)

Multiple Tribes/Agencies

Always	Frequently	Some of the time	Infrequently	Never	No known resources or area of interest
A: B: C: ___:					

Core Question No. 4(I.B.17)

How frequently has tribal information on resources/areas of tribal interest been incorporated into federal planning documents and decision making processes during implementation of the NFP?  
*[Place 0 in appropriate column.]*

Single Tribe/ Agency or Single Answer for All:

Always	Frequently	Some of the time	Infrequently	Never	No known resources or area of interest

Multiple Tribes/Agencies

Always	Frequently	Some of the time	Infrequently	Never	No known resources or area of interest
A: B: C: ___:					

**Core Question No. 5(I.B.20)**

Have agencies consulted with tribal governments to develop plans for future cooperative monitoring, planning, restoration or assessment projects? *[Place 0 after appropriate answer and explain.]*

**Single Tribe/ Agency or Single Answer for All:**

Yes ___ No ___	<b>Explain:</b>
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**Multiple Tribes/Agencies**

A: Yes ___ No ___ B: Yes ___ No ___ C: Yes ___ No ___ ___: Yes ___ No ___	<b>Explain:</b>
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**Core Question No. 6(I.B.22a)**

To what extent has the tribe(s) been involved in the conduct and evaluation of watershed analyzes prepared by the agencies? *[Place 0 in appropriate column and explain.]*

**Single Tribe/ Agency or Single Answer for All:**

<b>Always</b>	<b>Frequently</b>	<b>Some of the time</b>	<b>Infrequently</b>	<b>Never</b>	<b>Explain:</b>
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Core Question No. 6 (cont.)

Multiple Tribes/Agencies

Always	Frequently	Some of the time	Infrequently	Never	Explain:
A:					
B:					
C:					
___:					

Core Question No. 7(I.C.24)

What is the level of involvement of tribal governments in ESA Section 7 consultations related to NFP actions? *[Place 0 after appropriate answer.]*

Single Tribe or Single Answer for All:

Low	1 ____ 2 ____ 3 ____ 4 ____ 5 ____	High
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Multiple Tribes

A: Low	1 ____ 2 ____ 3 ____ 4 ____ 5 ____	High
B: Low	1 ____ 2 ____ 3 ____ 4 ____ 5 ____	High
C: Low	1 ____ 2 ____ 3 ____ 4 ____ 5 ____	High
___: Low	1 ____ 2 ____ 3 ____ 4 ____ 5 ____	High

**Core Question No. 8(I.B.27)**

What is the level of involvement of tribal governments in ESA Section 10 consultations related to NFP actions? *[Place 0 after appropriate answer.]*

**Single Tribe or Single Answer for All:**

Low	1 _____ 2 _____ 3 _____ 4 _____ 5 _____	High
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**Multiple Tribes**

A: Low	1 _____ 2 _____ 3 _____ 4 _____ 5 _____	High
B: Low	1 _____ 2 _____ 3 _____ 4 _____ 5 _____	High
C: Low	1 _____ 2 _____ 3 _____ 4 _____ 5 _____	High
____: Low	1 _____ 2 _____ 3 _____ 4 _____ 5 _____	High

**Core Question No. 9(I.C 31)**

What is the level of tribal participation on the PACs? *[Place 0 in appropriate column.]*

**Single Tribe or Single Answer for All:**

None	Infrequent	Moderate	Frequent	All
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**Multiple Tribes**

None	Infrequent	Moderate	Frequent	All
A:				
B:				
C:				
____:				

Core Question No. 10(I.D 32)

Has the exercise of tribal rights or access to resources/areas of tribal interest on federal lands been curtailed because of implementation of NFP standards and guidelines? *[Place 0 after appropriate answer and explain.]*

Single Tribe/ Agency or Single Answer for All:

Yes ___ No ___	Explain:
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Multiple Tribes/Agencies

A: Yes ___ No ___ B: Yes ___ No ___ C: Yes ___ No ___ ____: Yes ___ No ___	Explain:
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Core Question No. 11(I.E 39)

Have systems and procedures been put in place to provide protection of sensitive tribal information from unauthorized access or release? *[Place 0 after appropriate answer and describe.]*

Single Tribe/ Agency or Single Answer for All:

Yes ___ No ___	Describe:
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Core Question No. 11 (cont.)

Multiple Tribes/Agencies

<p>A: Yes ___ No ___</p> <p>B: Yes ___ No ___</p> <p>C: Yes ___ No ___</p> <p>___: Yes ___ No ___</p>	<p>Describe:</p>
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Core Question No. 12(I.E 40)

Have the agencies actively sought and incorporated tribal traditional knowledge in the development of management actions?  
*[Place 0 after appropriate answer and describe.]*

Single Tribe/ Agency or Single Answer for All:

<p>Yes ___ No ___</p>	<p>Describe:</p>
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Multiple Tribes/Agencies

<p>A: Yes ___ No ___</p> <p>B: Yes ___ No ___</p> <p>C: Yes ___ No ___</p> <p>___: Yes ___ No ___</p>	<p>Describe:</p>
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**Core Question No. 13(I.E 41)**

Did any changes to federal plans result from the identification of the resources/areas/sites? If so, explain. *[Place ō after appropriate answer and explain.]*

**Single Tribe/ Agency or Single Answer for All:**

Yes ___ No ___	Explain:
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**Multiple Tribes/Agencies**

<b>A:</b> Yes ___ No ___ <b>B:</b> Yes ___ No ___ <b>C:</b> Yes ___ No ___ ___: Yes ___ No ___	Explain:
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**Core Question No. 14(II.A.44)**

Are agency processes adequate to identify agency actions that might directly or indirectly adversely impact resources, uses or areas of tribal interest?: *[Place ōafter appropriate answer.]*

**Single Tribe/Agency or Single Answer for All:**

<b>Inadequate</b>	1 ___ 2 ___ 3 ___ 4 ___ 5 ___	<b>Adequate</b>
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**Multiple Tribes/Agencies**

<b>A:</b> <b>Inadequate</b>	1 ___ 2 ___ 3 ___ 4 ___ 5 ___	<b>Adequate</b>
<b>B:</b> <b>Inadequate</b>	1 ___ 2 ___ 3 ___ 4 ___ 5 ___	<b>Adequate</b>
<b>C:</b> <b>Inadequate</b>	1 ___ 2 ___ 3 ___ 4 ___ 5 ___	<b>Adequate</b>
___: <b>Inadequate</b>	1 ___ 2 ___ 3 ___ 4 ___ 5 ___	<b>Adequate</b>

**Core Question No. 15(II.A.45)**

Are agency processes adequate to identify agency actions that might directly or indirectly adversely impact activities on tribal lands? *[Place ōafter appropriate answer.]*

**Single Tribe/Agency or Single Answer for All:**

<b>Inadequate</b>	1 _____ 2 _____ 3 _____ 4 _____ 5 _____	<b>Adequate</b>
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**Multiple Tribes/Agencies**

<b>A:</b> <b>Inadequate</b>	1 _____ 2 _____ 3 _____ 4 _____ 5 _____	<b>Adequate</b>
<b>B:</b> <b>Inadequate</b>	1 _____ 2 _____ 3 _____ 4 _____ 5 _____	<b>Adequate</b>
<b>C:</b> <b>Inadequate</b>	1 _____ 2 _____ 3 _____ 4 _____ 5 _____	<b>Adequate</b>
<b>__:</b> <b>Inadequate</b>	1 _____ 2 _____ 3 _____ 4 _____ 5 _____	<b>Adequate</b>

**Core Question No. 16(II.A.46)**

What is the adequacy of processes and procedures established to facilitate government-to-government consultations? *[Place ōafter appropriate answer.]*

**Single Tribe/Agency or Single Answer for All:**

<b>Inadequate</b>	1 _____ 2 _____ 3 _____ 4 _____ 5 _____	<b>Adequate</b>
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**Multiple Tribes/Agencies**

<b>A:</b> <b>Inadequate</b>	1 _____ 2 _____ 3 _____ 4 _____ 5 _____	<b>Adequate</b>
<b>B:</b> <b>Inadequate</b>	1 _____ 2 _____ 3 _____ 4 _____ 5 _____	<b>Adequate</b>
<b>C:</b> <b>Inadequate</b>	1 _____ 2 _____ 3 _____ 4 _____ 5 _____	<b>Adequate</b>
<b>__:</b> <b>Inadequate</b>	1 _____ 2 _____ 3 _____ 4 _____ 5 _____	<b>Adequate</b>

**Core Question No. 17(II.B.49)**

What is the adequacy of or are you satisfied with the outcomes of government-to-government consultation and conflict resolution processes? *[Place ōafter appropriate answer.]*

**Single Tribe/Agency or Single Answer for All:**

<b>Inadequate</b>	1 ____ 2 ____ 3 ____ 4 ____ 5 ____	<b>Adequate</b>
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**Multiple Tribes/Agencies**

<b>A:</b> <b>Inadequate</b>	1 ____ 2 ____ 3 ____ 4 ____ 5 ____	<b>Adequate</b>
<b>B:</b> <b>Inadequate</b>	1 ____ 2 ____ 3 ____ 4 ____ 5 ____	<b>Adequate</b>
<b>C:</b> <b>Inadequate</b>	1 ____ 2 ____ 3 ____ 4 ____ 5 ____	<b>Adequate</b>
<b>__:</b> <b>Inadequate</b>	1 ____ 2 ____ 3 ____ 4 ____ 5 ____	<b>Adequate</b>

**Core Question No. 18(II.B.50)**

What is the adequacy of the level of access to federal land so that tribes may exercise reserved rights ? *[Place ōafter appropriate answer.]*

**Single Tribe/Agency or Single Answer for All:**

<b>Inadequate</b>	1 ____ 2 ____ 3 ____ 4 ____ 5 ____	<b>Adequate</b>
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**Multiple Tribes/Agencies**

<b>A:</b> <b>Inadequate</b>	1 ____ 2 ____ 3 ____ 4 ____ 5 ____	<b>Adequate</b>
<b>B:</b> <b>Inadequate</b>	1 ____ 2 ____ 3 ____ 4 ____ 5 ____	<b>Adequate</b>
<b>C:</b> <b>Inadequate</b>	1 ____ 2 ____ 3 ____ 4 ____ 5 ____	<b>Adequate</b>
<b>__:</b> <b>Inadequate</b>	1 ____ 2 ____ 3 ____ 4 ____ 5 ____	<b>Adequate</b>

**Core Question No. 19(II.B.52)**

What is the adequacy of the level of protection of spiritual/cultural sites on federal land? *[Place ōafter appropriate answer.]*

**Single Tribe/Agency or Single Answer for All:**

<b>Inadequate</b>	1 _____ 2 _____ 3 _____ 4 _____ 5 _____	<b>Adequate</b>
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**Multiple Tribes/Agencies**

<b>A:</b> <b>Inadequate</b>	1 _____ 2 _____ 3 _____ 4 _____ 5 _____	<b>Adequate</b>
<b>B:</b> <b>Inadequate</b>	1 _____ 2 _____ 3 _____ 4 _____ 5 _____	<b>Adequate</b>
<b>C:</b> <b>Inadequate</b>	1 _____ 2 _____ 3 _____ 4 _____ 5 _____	<b>Adequate</b>
<b>__:</b> <b>Inadequate</b>	1 _____ 2 _____ 3 _____ 4 _____ 5 _____	<b>Adequate</b>

**Core Question No. 20(II.F.61)**

Have conflicts over the use and management of resources/areas of tribal interest been resolved, increased or decreased as a result of implementation of the NFP and associated government-to-government consultation? *[Place ōafter appropriate answer, and explain.]*

Single Answer Representative of all Tribe/Agency Situations.

<b>Decreased</b>	1 _____ 2 _____ <b>Resolved</b> _____ 4 _____ 5 _____	<b>Increased</b>
<b>Explain:</b>		

**Core Question No. 21(IV.65)**

Should success of the NFP in establishing collaborative working relationships be gauged by the degree with which cooperative relationships are achieving desired conditions of the resources/areas of tribal interest? *[Place ōafter appropriate answer, and explain.]*

Single Answer Representative of all Tribe/Agency Situations.

Yes ___ No___	<b>Explain:</b>
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**2. Guidance for Implementation of Tribal Monitoring Module**

*(a) Selection of tribal monitoring units and use of questionnaire for gathering information.*

A formal government-to-government consultation process should be used in contacting and selecting tribes as monitoring units. Tribal leaders and key staff should be contacted by letter and follow up telephone call or personal visit. Written confirmation should be obtained from the tribal chairperson indicating willingness of the tribe to participate as a monitoring unit. The confirmation letter should also identify an individual within the tribal organization who will serve as the contact person for the monitoring activity.

Once selection of the tribal monitoring unit is finalized, line officials of the federal agencies involved with the tribe in NFP implementation should be notified of the forthcoming monitoring activity. A contact person for each involved federal agency should be designated by the agency line official.

The monitoring activity requires tribal and federal participants to answer a questionnaire. Use of a shortened questionnaire containing the 21 core questions described above is recommended. It is proposed that gathering of questionnaire information be a two step process. The first step would be to mail out the questionnaire to designated tribal and federal agency representatives for their advance review. The second step would be a one-on-one interview involving the questionnaire respondents and the monitoring information gathering team. With the shortened questionnaire, it would be feasible to actually complete the questionnaire during the interview session. If the questionnaire was completed prior to the one-on-one interview, the interview session would be used to discuss respondent's information and to obtain additional explanation relating to significant issues of

concern and areas where activities are going well. The end product of the one-on-one interview session is the completed questionnaire. The monitoring information gathering team should depart the interview session with the completed questionnaire in-hand.

*(b) Analyzing the gathered information and summarizing results.*

Two problems encountered in analyzing information and reporting results of the pilot study were: (a) difficulty in providing statistical data based on narrative responses to several questions, and (b) difficulty in presenting results or conclusions which were statistically significant due to insufficient sample size (only four of the nine pilot tribes completed the questionnaires).

The format of the proposed core questions should alleviate the first difficulty. All of the questions provide for complete or partial answers which can be reported in a statistical manner. None of the questions rely solely on a narrative response. Seven of the core questions ask for supplemental narrative explanation or description. Conclusions derived from this supplementary information can be presented in a narrative manner in the monitoring report.

The proposed shortened questionnaire will facilitate completion by respondents. Use of the one-on-one interviews for completion of the questionnaire and delivery to the monitoring team should ensure a sample size equal to the number of selected monitoring units. With a sufficient information data base, the method of detailed analysis illustrated in Book 2 of the pilot study can be used to formulate statistically sound conclusions concerning government-to-government consultation activities and their adequacy. The results of the tribal monitoring activity should be documented in a monitoring report and distributed in a manner similar to that used for other NFP monitoring programs.