

Subpart A - Introduction

405.0 Purpose

- A. This policy provides guidance for interactions with Indian Tribes and their members. It relates specifically to the unique status of Indian Tribes, their members, and the government-to-government relationship between the United States and Indian Tribes.
- B. This policy pertains only to federally recognized Indian Tribes and Alaska Native village corporations.

405.1 References

- A. Public Law-46, 49 Stat 163, April 27, 1935, 16 U.S.C. Sections 590a-590f, 590q
- B. Public Law 101-624, the 1990 Food Agriculture Commerce and Trade Act, Section 2501(g) (7 U.S.C. Section 2279)
- C. Public Law 110-246, Food, Conservation, and Energy Act of 2008
- D. Department Regulation (DR) 1340-007, Policies on American Indians and Alaska Natives (March 14, 2008)
- E. DR 1350-001, Tribal Consultation (September 11, 2008)
- F. Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (November 6, 2000)
- G. Executive Order 13270, Tribal Colleges and Universities, July 3, 2002
- H. Public Law 93-638, Indian Self-Determination and Education Assistance Act of 1975
- I. Public Law 89-665, October 15, 1966, 16 U.S.C. 470 et seq. (National Historic Preservation Act and its 22 amendments, and implementing regulations for Section 106 of the Act, 36 CFR Part 800), especially regarding special consultation role of American Indian Tribes and Tribal Historic Preservation Officers
- J. Executive Order 13007, Indian Sacred Sites, May 24, 1996
- K. Nationwide Programmatic Agreement among the United States Department of Agriculture Natural Resources Conservation Service, Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers, May 31, 2002 (NRCS A-3A75-2-64), especially regarding government-to-government negotiation of Tribal cultural resources consultation protocols

405.2 Definitions

- A. **Consultation.**—The responsibility of NRCS to seek advice, guidance, and counsel from Indian Tribes and confer with them regarding natural resource conservation issues that may affect Indian Tribes. NRCS will develop processes to ensure meaningful and timely input by Tribal officials in the development of agency policies and regulations that have Tribal implications.
- B. **Indian.**—A person who is a member of an Indian Tribe or is a "Native," as defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. Section 1602(b)).
- C. **Indian Country.**—All land within the limits of any Indian reservation under the jurisdiction of the U.S. Government and all dependent Indian communities within the borders of the United States, including all Indian allotments.
- D. **Indian Tribe.**—Any Indian Tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Claims Settlement Act (43 U.S.C. Section 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.
- E. **Tribal Conservation Advisory Council (TCAC).**—An Indian Tribe may designate a TCAC to provide input on NRCS programs and the conservation needs of the Tribe and Tribal producers. This TCAC may be an existing Tribal committee or department (e.g., resources committee, natural resources department, etc.) A TCAC may also be an association of member Tribes that provide direct consultation to NRCS at the State, regional, and national levels to provide input on NRCS rules, policies, and programs and their impacts on Tribes.
- F. **Tribal Conservation District.**—A conservation district, soil and water conservation district, or resource conservation district that has been constituted under Tribal law and recognized by the Secretary of Agriculture through a mutual agreement signed by the Secretary of Agriculture, the Tribal Leader (chair, governor, president, war chief, chief, etc.), and the Tribal conservation district chair (or interim chair).
- G. **Treaty Rights.**—Specified rights of Indian Tribes (hunting, fishing, plant gathering, access to spiritual sites, etc.) reserved by treaties between Indian Tribes and the U.S. Government. Treaty rights are not given to Indian Tribes by the U.S. Government, but are rights retained by Indian Tribes through the treaty process.

H. Tribal Lands.—All of the following are considered Tribal lands:

- (1) All lands held in trust by the United States for individual Indians or Tribes.
- (2) All lands, titles to which are held by individual Indians or Tribes, subject to Federal restrictions against alienation or encumbrance.
- (3) All lands that are subject to the rights of use, occupancy, or benefit (or any combination of these) of certain Tribes.
- (4) Land for which the title is held in fee status by Indians Tribes and U.S. Government-owned land under the jurisdiction of the Bureau of Indian Affairs.

405.3 Background

The foundation of the government-to-government relationship between the United States and Indian Tribes is the United States Constitution, treaties, and other laws involving American Indians and Alaska Natives, including case law. In many situations, Indian Tribes entered into treaties, which influence natural resource management options for NRCS programs both on and adjacent to the American Indian and Alaska Native Tribal lands.

405.4 Policy

NRCS recognizes and commits to a Government-to-Government relationship with Indian Tribes. NRCS, as a Federal agency, acknowledges the trust responsibility relationship between the Federal Government and Indian Tribes as established by specific statutes, treaties, court decisions, Executive orders, regulations, and policies. NRCS will consult and work with Indian Tribes before making decisions or implementing policy, rules, or programs that may affect an Indian Tribe to ensure that Tribal rights and concerns are addressed. NRCS will identify and take appropriate steps to remove impediments to working directly and effectively with Indian Tribes. NRCS will work cooperatively with other Federal agencies and other governmental and nongovernmental entities to further the goals of this policy. NRCS recognizes the importance of Tribal self-sufficiency and will work to promote strong, stable Tribal resource management programs.

405.5 Responsibilities

A. Indian Tribes

- (1) Tribal Governments and Indian Tribes
 - (i) Appoint a Tribal conservation advisory council, or establish a Tribal conservation district to provide leadership and counsel to NRCS and USDA if Tribes wish to participate. (The Tribal conservation advisory council may be an existing Tribal committee or department.)
 - (ii) Provide leadership and support to strengthen natural resource conservation programs.
 - (iii) Consult with NRCS regarding identification and consideration of cultural resources in accordance with the National Historic Preservation Act, regulations, and any consultation protocols established under the NRCS nationwide programmatic agreement, if appropriate and feasible.
- (2) Tribal Conservation Advisory Council or Tribal Conservation District (Local or District Level)
 - (i) Provide leadership on conservation needs, programs, and priorities to NRCS Tribal Liaison.
 - (ii) Maintain communications with the NRCS Tribal liaison.
 - (iii) Engage NRCS in resource assessments.
 - (iv) Develop conservation plans and priorities for implementation.
- (3) Tribal Conservation Advisory Council – State Level
 - (i) Maintain communications with the State Conservationist.
 - (ii) Communicate conservation needs, plans, and priorities to the State Conservationist.
 - (iii) Engage the State Conservationist in developing annual budgets for natural resource conservation.
 - (iv) Advise the regional level conservation advisory councils of natural resource programs and budget needs.
 - (v) State-level conservation advisory councils may consist of one member from each Tribal conservation advisory council, Tribal conservation district, or other Tribally appointed member.
- (4) Tribal Conservation Advisory Councils – Regional Level
 - (i) Maintain communications with the Regional Conservationists
 - (ii) Communicate with State- and national-level Tribal conservation advisory councils regarding conservation programs, legislative needs, and budgets.
 - (iii) The regional-level conservation advisory councils may include one member from each State-level conservation advisory council, members of regional Tribal natural resource organizations, or both. Existing regional Tribal natural resource organizations may also serve in this capacity.

B. National Headquarters

- (1) Chief
 - (i) Provides national leadership in carrying out the mission of NRCS.
 - (ii) Communicates national Tribal conservation needs, plans, and priorities to the Deputy Chief for Financial Assistance and Community Development
- (2) Deputy Chief for Financial Assistance and Community Development

- (i) Provides national leadership in administering NRCS programs in a fair, efficient, effective, and equitable manner.
- (ii) Champions the Tribal consultation process to ensure that NRCS policies and programs work to achieve parity in Tribal jurisdictions.
- (iii) Recommends program direction and resources to address needs on Tribal land.
- (3) Deputy Chief for Management
 - (i) Provides agency-wide leadership to broaden access and assistance in the delivery of agency services to Tribal Governments and Indian Tribes.
 - (ii) Ensures the agency engages in full participation in Departmental and multi-agency efforts to deliver fair and equitable services to Tribal Governments and Indian Tribes.
 - (iii) Provides support to enable the agency to engage successfully in formal consultation activities with Tribal Governments and Indian Tribes.
- (4) Regional Conservationists
 - (i) Provide regional leadership in carrying out the mission of NRCS.
 - (ii) Communicate regional Tribal conservation needs, plans, and priorities to the Chief and the Deputy Chief for FA and CD
- (5) National Tribal Relations Coordinator
 - (i) Coordinates the implementation of the USDA Action Plan for Tribal Consultation and Collaboration.
 - (ii) Ensures coordination of activities with appropriate national, regional, and State Tribal conservation advisory councils.
 - (iii) Communicates with regional Tribal conservation advisory councils.
 - (iv) Communicates with NRCS regional and State Tribal liaisons.
 - (v) Coordinates with USDA and other Departments and agencies to further the NRCS mission within Indian country.
 - (vi) Builds and maintains relationships with appropriate national Tribal organizations.
 - (vii) Assesses the delivery of NRCS programs to Tribal governments, American Indians, and Alaska Natives and makes recommendations for improving agency program effectiveness.

C. State Office

- (1) State Conservationists
 - (i) Ensures coordination of NRCS consultation with Tribes for conservation activities.
 - (ii) Advises Indian Tribes on NRCS programs.
 - (iii) Ensures assistance for developing Tribal conservation programs.
 - (iv) Advises Indian Tribes on funding opportunities to address locally determined Tribal conservation priorities.
 - (v) Communicates with State- and regional-level Tribal conservation advisory council.
 - (vi) In States where federally recognized Tribes reside, establish full- or part-time (collateral) State Tribal liaison positions.
 - (vii) Establishes NRCS staff at Tribal headquarters as negotiated with the Tribe.
 - (viii) Ensures continuing outreach to Indian Tribes.
 - (ix) Consults with American Indian Tribal governments to establish appropriate cultural resources consultation protocols under the National Historic Preservation Act and NRCS nationwide programmatic agreement.
- (2) State Tribal Liaisons
 - (i) Coordinates between NRCS and other USDA agencies, as needed, for Tribal consultation.
 - (ii) Establishes and maintains relationships with Indian Tribes and Tribal organizations including Tribal conservation advisory councils and Tribal conservation districts as appropriate.
 - (iii) Provides information on NRCS programs.
 - (iv) Assists with planning and participates in continuing outreach activities.
 - (v) Provides awareness training for NRCS personnel, as needed.
 - (vi) Communicates with outreach and special emphasis coordinators.
 - (vii) Works with State cultural resources specialists and coordinators to ensure appropriate cultural resources consultation protocols (negotiated on a government-to-government basis by the State Conservationist) or procedures (as defined by the National Historic Preservation Act and implementing regulations) are followed.
- (3) State Outreach Coordinators or Special Emphasis Coordinators
 - (i) Coordinates Tribal outreach efforts as part of total outreach program.
 - (ii) Incorporates State and regional Tribal initiative for improving assistance to American Indian and Alaska Natives organizations and Tribal colleges.
 - (iii) Develops plans for outreach to Indian Tribes.
 - (iv) Works with Tribal universities and colleges in recruiting American Indians and Alaska Natives.
- (4) District Conservationists or Tribal Liaisons
 - (i) Ensures local coordination between NRCS and partner agencies in providing Tribal assistance.
 - (ii) Maintains relationships with local Tribal entities as appropriate.
 - (iii) Assists Tribes in resource assessment and conservation program development.
 - (iv) Provides conservation assistance as appropriate.
 - (v) Supports and participates in outreach activities.
 - (vi) Works with State cultural resources specialists and coordinators to ensure appropriate

- cultural resources consultation protocols (negotiated on a government-to-government basis by the State Conservationist) or procedures (as defined by the National Historic Preservation Act and implementing regulations) are followed.
- (5) **Resource Conservation and Development Coordinators**
 - (i) Develops and maintains relationships with local Tribal government leadership and appropriate Tribal agencies.
 - (ii) Encourages council to recruit leadership from Indian Tribes.
 - (iii) Encourages council to accept Tribal proposals as appropriate.
 - (iv) Builds capacity of Indian Tribes to fully participate in council decision making.
 - (v) Builds capacity of Indian Tribes to propose and conduct appropriate community improvement projects.
 - (vi) Supports and participates in outreach activities.
 - (6) **State, Area, District Cultural Resources Coordinators and Specialists**
 - (i) Works with State Tribal liaison to establish appropriate lines of communication that facilitate mandatory consultation with American Indian Tribes (resident in the State and those with traditional or historic ties to lands in the State) regarding cultural resources that may be affected by NRCS programs and practice installation (as is required under the National Historic Preservation Act and NRCS's nationwide programmatic agreement).
 - (ii) Ensures American Indian Tribal governments and Tribal historic preservation officers are consulted early in the planning process of NRCS proposed program implementation and practice installation.

Subpart B - Policy and Principals

405.10 Government-to-Government Relationship

- A. Indian Tribes have the right of self-determination and self-government, which originates from their inherent sovereignty. The powers that Tribes possess are a result of their status as independent nations.
- B. An Indian Tribe has the right to set its own priorities and goals for the welfare of its members.
- C. NRCS will work with each Indian Tribe, when appropriate, to meet that Indian Tribe's needs.
- D. Indian Tribes have the authority to form Tribal conservation districts under Tribal law, if the Tribe chooses.
- E. NRCS will provide Indian Tribes information on Tribal conservation advisory councils and conservation district options and processes for their consideration.
- F. If a Tribal conservation district is formed, NRCS will work with the newly formed district and the Indian Tribe to establish an office at Tribal headquarters in accordance with the provisions of the Food, Conservation, and Energy Act of 2008, under section 14001 (g).

405.11 Trust Responsibility Relationship Between the Federal Government and Indian Tribes

- A. A trust responsibility relationship exists between the Federal Government and Indian Tribes as established by specific statutes, treaties, court decisions, Executive orders, regulations, and policies. NRCS must ensure that Indian Tribal interests are represented and Tribal concerns are considered in all agency undertakings. The agency must address issues that affect Indian Tribes.
- B. NRCS must ensure that Indian Tribes are made aware of opportunities to participate through the consultative process.
- C. NRCS will work with and require contractors to consult with Tribal employment rights offices (TEROs), where present, when providing Federal funds for projects on Tribal lands.

405.12 Consulting With Indian Tribes

- A. NRCS recognizes its responsibility to Indian Tribes and will consult and work with them prior to implementing action that will affect them or their lands and resources.
- B. NRCS will consult with Indian Tribes and seek their input at the appropriate level on policies, rules, programs, and issues that may affect Indian Tribes' rights and lands in accordance with Executive Order 13175, Consultation and Coordination with Indian Tribal Governments.
- C. NRCS will inform Indian Tribes about proposed programs and projects prior to their implementation.

405.13 Removing Impediments to Working Effectively With Indian Tribes

- A. NRCS recognizes that there may be impediments that affect its working relationship with Indian Tribes and will work to remove impediments where they exist.
- B. Consistent with the requirements of Executive Order 12875, Enhancing the Intergovernmental Partnership; Executive Order 12866, Regulatory Planning and Review; and Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, NRCS will consult with Tribal officials early in the process of developing any proposed policies or regulations that may have Tribal implications and preempt Tribal law. NRCS will endeavor to design solutions and tailor Federal programs to address the needs of American Indian and Alaska Natives communities, when appropriate.
- C. This effort will include the continued utilization of American Indians and Alaska Natives in the training of NRCS employees on Indian Tribal Governments, history, protocols, Tribal laws, and cultural value systems.

405.14 Working With Other Entities to Further the Goals of This Policy

- A. NRCS recognizes the importance of cooperating with other Federal agencies, States, local governments, and other government and nongovernmental organizations to further the goals of this policy.
- B. NRCS will encourage communication, coordination, and cooperation among all governmental agencies and appropriate nongovernmental organizations to ensure that the rights of Indian Tribes are fully recognized.

405.15 Working With Indian Tribes to Achieve Self-Sufficiency

- A. NRCS recognizes the importance of legal, social, cultural, and economic independence to Indian Tribal self-determination and self-sufficiency.
- B. NRCS will assist Indian Tribes in developing strong, stable resource management programs.
- C. NRCS will ensure that Indian Tribes have access to NRCS technical assistance and programs that

will help them meet their goal of self-sufficiency.

Subpart C - Tribal Conservation Advisory Council

405.20 Reserved

405.21 Working Effectively with Indian Tribes at the State and Local Levels

- A. NRCS's mission is to help people help the land. To carry out this mission NRCS will—
- (1) Provide quality service through financial, educational, and technical assistance.
 - (2) Assist the Tribes in building Tribal capacity in natural resources conservation.
 - (3) Coordinate with Tribes so they have the opportunity to provide input on NRCS policy.
 - (4) Work cooperatively with Tribes to achieve program compliance.
 - (5) Advocate natural resource stewardship, while working within Tribal religion, standards, values, and culture.
 - (6) Provide services to all clientele equitably.
 - (7) Support practical, voluntary solutions to natural resource problems.
 - (8) Deliver the best available resource technology.
 - (9) Promote strong partnerships and teamwork.
 - (10) Deliver programs in cooperation with other Federal, Tribal, State, and local entities.
 - (11) Provide a quality work environment for its diverse work force.
 - (12) Cooperate with Indian Tribes, conservation districts, resource conservation development councils, and State conservation agencies to deliver services.
- B. To assist NRCS in carrying out its legal responsibilities and mission, NRCS will work with Indian Tribes and provide assistance, upon request, to help them establish a Tribal conservation advisory council or tribal conservation district. These councils provide local leadership to NRCS and USDA in administering programs in assisting Indian Tribes with the care of their natural resources. (The Tribal conservation advisory council may be an existing Tribal committee or group if the Tribal government so desires.)

Subpart D - Roles and Responsibilities

405.30 Indian Tribes

A. Tribal Government/Indian Tribes.

- (1) If tribe wishes to participate, appoint a tribal conservation advisory council or establish a conservation district to provide leadership and counsel to NRCS-USDA. (The tribal conservation advisory council may be an existing tribal committee or department.)
- (2) Provide office space for NRCS staff as negotiated with the State Conservationist.
- (3) Provide leadership and support to strengthen natural resource conservation programs.
- (4) Consult with NRCS regarding identification and consideration of cultural resources in accordance with the National Historic Preservation Act, regulations, and any consultation protocols established under the NRCS nationwide Programmatic Agreement, if appropriate and feasible.

B. Tribal Conservation Advisory Council or Conservation District – Local/District Level.

- (1) Provide leadership on conservation needs, programs, and priorities to NRCS Tribal Liaison.
- (2) Maintain communications with the NRCS Tribal Liaison.
- (3) Engage NRCS in resource assessments.
- (4) Develop conservation plans and priorities for implementation.

C. Conservation Advisory Council - State Level. The State Level conservation advisory councils may consist of one member from each Tribal Conservation Advisory Council, Tribal Conservation District or other tribally appointed member.

- (1) Maintain communications with the State Conservationist.
- (2) Communicate conservation needs, plans, and priorities to the State Conservationist.
- (3) Engage the State Conservationist in developing annual budgets for natural resource conservation.
- (4) Advise the regional level conservation advisory council (s) of natural resource programs and budget needs.

D. Conservation Advisory Council (s) - Regional Level. The regional level conservation advisory council(s) may include one member from each State level conservation advisory council and/or members of regional tribal natural resource organizations. Existing regional Tribal natural resource organizations may also serve in this capacity.

- (1) Maintain communications with the Regional Assistant Chiefs.
- (2) Communicate with State and national level tribal conservation advisory councils regarding conservation programs, legislative needs and budgets.

E. Conservation Advisory Council - National Level. The national level conservation advisory council will include one member from each regional level conservation advisory council and/or national tribal natural resource organizations.

- (1) Maintain communication with the Chief of NRCS.
- (2) Serve as the first line of consultation for NRCS policy and program development.
- (3) Communicate conservation needs, plans, and priorities to the Chief of NRCS.
- (4) Communicate with regional tribal conservation advisory councils regarding conservation programs, legislative needs, and budgets.

405.31 National Office

A. Chief

- (1) Provide national leadership in carrying out the mission of NRCS.
- (2) Communicate national Tribal conservation needs, plans, and priorities to the Deputy Chief for Programs.

B. Deputy Chief for Programs

- (1) Provide national leadership in administering NRCS programs in a fair, efficient, effective, and equitable manner.
- (2) Champion the Tribal consultation process to ensure that NRCS policies and programs work to achieve parity in Tribal Jurisdictions.
- (3) Recommends program direction and resources to address needs on Tribal land.

C. Regional Assistant Chiefs

- (1) Provide regional leadership in carrying out the mission of NRCS.
- (2) Communicate regional Tribal conservation needs, plans, and priorities to the Chief and the Deputy Chief for Programs.

D. National Tribal Relations Coordinator

- (1) Ensure coordination of national activities with appropriate national and regional tribal conservation advisory councils.
- (2) Maintain communications with national and regional tribal conservation advisory councils.
- (3) Maintain communications with NRCS regional and State tribal liaisons.
- (4) Coordinate with USDA and other departments and agencies to further the NRCS mission within Indian country.
- (5) Build and maintain relationships with appropriate national tribal organizations.
- (6) Assesses the delivery of NRCS programs to Tribal governments, American Indians and Alaska Natives, and makes recommendations for improving agency program effectiveness.

405.32 State Office

A. State Conservationist

- (1) Ensure coordination of NRCS consultation with tribes for conservation activities.
- (2) Personally advise Indian tribes on NRCS-USDA programs.
- (3) Ensure assistance for developing tribal conservation programs.
- (4) Personally advise Indian tribes on funding opportunities to address locally determined tribal conservation priorities.
- (5) Personally maintain communication with State level tribal conservation advisory council.
- (6) In States where federally recognized tribes reside, establish full or part-time (collateral) State Tribal Liaison positions (as agreed to by the Regional Assistant Chief).
- (7) Establish staff at tribal headquarters as negotiated with the tribe.
- (8) Ensure continuing outreach to Indian tribes.
- (9) Personally consult with American Indian Tribal governments to establish appropriate cultural resources consultation protocols under the National Historic Preservation Act and NRCS nationwide Programmatic Agreement.

B. State Tribal Liaison

- (1) Provide coordination between NRCS and other USDA agencies, as needed, for tribal consultation.

- (2) Establish and maintain relationships with Indian tribes and tribal organizations including tribal conservation advisory councils and tribal conservation districts as appropriate.
 - (3) Provide information on NRCS-USDA programs.
 - (4) Assist with planning and participate in continuing outreach activities.
 - (5) Provide awareness training as needed for NRCS personnel.
 - (6) Maintain communication with outreach and special emphasis coordinators.
 - (7) Work with State Cultural Resources Specialists and Coordinators to ensure appropriate cultural resources consultation protocols (negotiated on a government-to-government basis by the State Conservationist) or procedures (as defined by the National Historic Preservation Act and implementing regulations) are followed.
- C. State Outreach Coordinator / Special Emphasis Coordinator
- (1) Coordinate tribal outreach efforts as part of total outreach program.
 - (2) Incorporate regional tribal initiative for improving assistance to American Indian and Alaska Natives organizations and tribal colleges.
 - (3) Develop plans for outreach to Indian tribes.
 - (4) Work with Tribal Universities and Colleges in recruiting American Indians and Alaska Natives.
- D. District Conservationist/Tribal Liaison
- (1) Ensure local coordination between NRCS and partner agencies in providing tribal assistance.
 - (2) Maintain relationships with local tribal entities as appropriate.
 - (3) Assist tribes in resource assessment and conservation program development.
 - (4) Provide conservation assistance as appropriate.
 - (5) Support and participate in outreach activities.
 - (6) Work with State Cultural Resources Specialists and Coordinators to ensure appropriate cultural resources consultation protocols (negotiated on a government-to-government basis by the State Conservationist) or procedures (as defined by the National Historic Preservation Act and implementing regulations) are followed.
- E. Resource Conservation and Development Coordinator
- (1) Develop and maintain relationships with local tribal government leadership and appropriate tribal agencies.
 - (2) Encourage council to recruit leadership from Indian tribes.
 - (3) Encourage council to accept tribal proposals as appropriate.
 - (4) Build capacity of Indian tribes to fully participate in council decision making.
 - (5) Build capacity of Indian tribes to propose and conduct appropriate community improvement projects.
 - (6) Support and participate in outreach activities.
- F. State, Area, District Cultural Resources Coordinators and Specialists:
- (1) Work with State Tribal Liaison to establish appropriate lines of communication that facilitate mandatory consultation with American Indian Tribes (resident in the State and those with traditional/historic ties to lands in the State) regarding cultural resources that may be affected by NRCS programs and practice installation (as is required under the National Historic Preservation Act and NRCS's nationwide Programmatic Agreement).
 - (2) Ensure American Indian Tribal governments and Tribal Historic Preservation Officers are

consulted early in the planning process of NRCS proposed program implementation and practice installation.