

Department of the Interior Departmental Manual

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Series [28]: Multi-Program Management

Part 502: Collaborative and Cooperative Stewardship with Tribes and the Native Hawaiian Community

Chapter 2: Committee on Collaborative and Cooperative Stewardship

Originating Office: Office of Policy Analysis

502 DM 2

2.1 **Purpose.** This chapter sets forth the policy and charters for the Department of the Interior's (Department) Committee on Collaborative and Cooperative Stewardship (Committee) and for the Office of the Solicitor's (SOL) Working Group on Collaborative and Cooperative Stewardship (Working Group) to ensure the implementation of the policies and goals of 502 DM 1.

2.2 **Scope.** The policy in this chapter applies to all Department Bureaus and Offices having responsibilities for the management of Federal lands and waters, including wildlife and its habitat, or that conduct programmatic activities in support of the Department's land and water resource responsibilities.

2.3 **Policy.** The Department's policy is to ensure that Bureaus and Offices implement 502 DM 1 in an integrated and coordinated manner consistent with applicable law.

2.4 **Committee on Collaborative and Cooperative Stewardship.** The Committee is a Departmental committee (308 DM 4) that provides a forum for Bureau and Office senior career leadership to coordinate, evaluate, and ensure consistent implementation of 502 DM 1 by Bureaus and Offices.

2.5 **Solicitor's Working Group on Collaborative Stewardship.** The SOL Working Group provides a forum for SOL associate, regional, and field solicitors to identify, discuss, and coordinate on legal matters related to implementation of 502 DM 1.

Departmental Co-Stewardship Committee

Charter

The Committee on Collaborative and Cooperative Stewardship (Committee) is hereby chartered in the Department of the Interior (Department) as a forum for Bureau and Office senior career leadership to coordinate, evaluate, and ensure consistent implementation of 502 DM 1 by Bureaus and Offices.

1. Functions.

A. The Committee is an inter-Bureau and Office forum for improving coordination and for evaluating and making recommendations on issues relating to the implementation of 502 DM 1.

B. The Committee, in consultation and coordination with Regional Executive Committees (also known as Unified Region Executive Teams (105 DM 3.3B)), will work to ensure consistent implementation of 502 DM 1 by Bureaus and Offices. To that end, the Committee will, among other things:

(1) Establish standard operating procedures, interagency agreements, or other mechanisms as needed to carry out the Committee's responsibilities.

(2) Ensure consistent implementation of 502 DM 1 by Bureaus and Offices across the Unified Regions (105 DM 3) in accordance with applicable authorities.

(3) Provide a forum to collaboratively address conflicting views that may arise within or between Bureaus and Offices as to the scope, effect, or implementation of authorities that may be applicable to collaborative and cooperative stewardship arrangements.

(4) Seek advice from the SOL Working Group on Collaborative Stewardship on legal matters related to implementation of 502 DM 1 as needed.

(5) Coordinate and cooperate with the U.S. Department of Agriculture and its agencies on efforts and initiatives related to collaborative and cooperative stewardship with Tribes and the Native Hawaiian Community.

(6) Consider guidance and technical assistance on ways to integrate co-stewardship into existing Bureau and Office programs and activities.

(7) Identify and promote awareness of best practices among Bureaus and Offices for fulfilling the policies of 502 DM 1.

(8) Recommend appropriate training and guidance to assist Bureaus and Offices in implementing 502 DM 1.

(9) Prepare an annual report to the Secretary of the Interior on the steps taken by Bureaus and Offices each year to implement the policies of 502 DM 1.

(10) Develop recommendations for accountability mechanisms, such as performance standards, to be implemented by Bureau and Office leaders.

2. Structure and Responsibilities.

A. Membership.

(1) The Committee will include the career SES deputy directors or equivalent (or their designees) from the Bureau of Land Management (BLM), the Bureau of Ocean Energy Management (BOEM), the Bureau of Reclamation (BOR), the National Park Service (NPS), and the U.S. Fish and Wildlife Service (FWS).

(2) The Committee will include as *ex officio* members the career SES deputy directors or equivalent (or their designees) from the Office of Policy Analysis, to ensure policy coordination, and from the Bureau of Indian Affairs and the Office of Native Hawaiian Relations, to ensure coordination of issues relating to lands and resources of Tribes and the Native Hawaiian Community.

(3) The Committee will also include as an *ex officio* member the chair of the SOL Working Group on Collaborative Stewardship (or their designee).

B. Responsibilities of the Chair. The Committee will be chaired by the designated representative of BLM, BOEM, BOR, NPS, or FWS on an annual rotating basis. The chair will:

(1) Establish operating procedures in consultation with the members of the Committee.

(2) Solicit agenda topics relating to implementation of 502 DM 1 from Committee members and from the Regional Executive Committees.

(3) Convene meetings of the Committee at least quarterly each year at a time and in a manner to be determined by the chair.

(4) Inform the Regional Executive Committees in a timely and effective manner of issues raised at Committee meetings.

C. Responsibilities of the Members. Each member of the Committee will:

(1) Represent their Bureau or Office.

(2) Recommend agenda items relating to implementation of 502 DM 1 when requested by the chair.

(3) Present and discuss their Bureau or Office's ideas and interests in connection with agenda items.

(4) Inform their Bureau or Office of issues raised at Committee meetings and ensure communications are shared in a timely and effective manner.

(5) Support implementation of Committee decisions within their Bureau or Office.

3. Region Executive Committees.

A. Each Regional Executive Committee (also known as Unified Region Executive Team (105 DM 3.3B)) will:

(1) Notify the chair of the Committee whenever conflicting views or developing issues of concern arise relating to the implementation of 502 DM 1 by Bureaus and Offices within its Unified Region.

(2) Notify the chair of the Committee of successful collaborative or cooperative stewardship arrangements by Bureaus and Offices within its Unified Region that may provide a model for use elsewhere.

Solicitor's Working Group on Collaborative Stewardship

Charter

The Office of the Solicitor (SOL) Working Group on Collaborative Stewardship (Working Group) is hereby chartered as a forum for SOL associate, regional, and field solicitors.

1. Functions.

A. The Working Group will identify, discuss, and coordinate on legal matters related to implementation of 502 DM 1 by Bureaus and Offices. The Working Group will:

(1) Respond to requests for advice from the chair of the Committee on Collaborative and Cooperative Stewardship (Committee) on legal matters affecting the uniform implementation of 502 DM 1 by the Department's Bureaus and Offices.

(2) Provide a forum to evaluate and discuss conflicting views that may arise within or between SOL divisions and regions on legal matters concerning the implementation of 502 DM 1 that have national or multiple-office implications.

(3) Respond to requests for guidance and technical assistance from associate and regional solicitors on questions relating to implementation of 502 DM 1 and applicable authorities.

(4) Ensure appropriate training and guidance on relevant authorities is available to attorneys in the SOL's headquarters, regional, and field offices.

(5) Elevate legal questions and issues on which the Working Group lacks consensus to the solicitor or principal deputy solicitor for review and determination.

2. Structure and Responsibilities.

A. Membership. The members of the Working Group will include the following positions (or their designees):

(1) The associate solicitors for the Division of General Law (DGL), the Division of Indian Affairs (DIA), the Division of Land Resources (DLR), the Division of Mineral Resources (DMR), the Division of Parks and Wildlife (DPW), and the Division of Water Resources (DWR).

(2) The regional solicitors.

(3) The field solicitors.

B. Responsibilities of the Chair. The Working Group will be chaired by the associate solicitor of DGL, DIA, DLR, DMR, DPW, or DWR on an annual rotating basis. The chair will:

- (1) Establish operating procedures in consultation with the members of the Working Group.
- (2) Convene meetings of the Working Group at least quarterly each year at a time and in a manner to be determined by the chair. Meetings of the Working Group should be scheduled in coordination with meetings of the Committee.
- (3) Establish procedures for considering and responding to requests from the Committee on legal matters relating to the implementation of 502 DM 1.
- (4) Establish procedures for identifying and evaluating any conflicts that may arise among SOL divisions and regions on legal matters relating to implementation of 502 DM 1.
- (5) Elevate matters relating to implementation of 502 DM 1 to the solicitor or principal deputy solicitor (III SM 9.2), as appropriate, when:
 - (a). The matter has national or multi-office implications or affects clients of more than one SOL component.
 - (b). The matter involves legal issues of first impression or important policy considerations.
 - (c). An SOL component is the designated lead office (III SM 8) on the subject or matter.
 - (d). There is a known current or past difference of opinion within SOL regarding the subject or matter.
- (6) Refer matters involving conflicting views among SOL divisions and regions on legal matters relating to the following authorities to the associate solicitor for DIA:
 - (a). Indian Self-Determination and Education Assistance Act (25 U.S.C. §§ 5301 *et seq.*).
 - (b). Tribal Self-Governance Act (25 U.S.C. §§ 5361 *et seq.*).
 - (c). Ratified treaties or congressionally approved Tribal agreements.

C. Responsibilities of the Members. Each member of the Working Group will:

- (1) Notify the other members upon learning of issues regarding implementation of 502 DM 1 with potential significance for SOL divisions and regions, including conflicting interpretations of relevant authorities.
- (2) Coordinate and collaborate with other members in evaluating questions submitted to the Working Group by its members or by the chair of the Committee.

(3) Recommend appropriate trainings and guidance to assist SOL attorney-advisors in providing advice to Bureaus and Offices on implementing 502 DM 1.

D. Lead Office. DIA is designated lead office (III SM 8.1) for matters relating to the Indian Self-Determination and Education Assistance Act, as amended (25 U.S.C. §§ 5301 *et seq.*); the Tribal Self-Governance Act, as amended (25 U.S.C. §§ 5361 *et seq.*); and ratified treaties and congressionally approved agreements with Tribes.