

Tribal Consultation Rubric

1. Is this a Market Access Work plan, a Federal Order, or a Domestic Rule?
 - a. If Market Access RWP, then go to question 2.
 - b. If Federal Order (Emergency Action) RWP, then go to question 5.
 - c. If this is a Domestic Rule RWP, then go to question 7.
2. Does the commodity currently have market access to the United States or its territories from any country?
 - a. If yes, then proceed to question 3.
 - b. If no, then follow Procedure for Tribal Consultation.
3. Are there any imports of the commodity in the last three years? (Consult PPQ280 records or ARM)
 - a. If yes, then proceed to question 4.
 - b. If no, then follow Procedure for Tribal Consultation.
4. In your best estimation, will the importation of this commodity significantly affect our obligations to Indian tribes or Tribal Governments understanding our obligations as outlined in [Executive Order number 13175](#) and our [other obligations](#)?
 - a. If yes, then follow Procedure for Tribal Consultation.
 - b. If no, then tribal consultation is not necessary.
5. Is this rule establishing a new quarantine on tribal land?
 - a. If yes, then follow Procedure for Tribal Consultation.
 - b. If no, then proceed to question 6.
6. Is this rule expanding an existing quarantine into an area with a previously unaffected Indian Tribe?
 - a. If yes, then follow Procedure for Tribal Consultation.
 - b. If no, then no tribal consultation is necessary.
7. Does this Domestic Rules codify Federal Orders, or is it to remove a domestic quarantine?
 - a. If Codifying Federal Orders, go to question 8.
 - b. If removing a domestic quarantine, go to question 9.
8. Routinely codifying Federal Orders should not introduce new burdens on Indian Tribes. Is this action Routine?
 - a. Yes, no new burdens are being placed on Indian tribes, therefore no tribal consultation is necessary.
 - b. No, this action is not routine, and new burdens are being introduced. The procedure for Tribal Consultation should be followed.

Procedure for Tribal Consultation

If you have established that a Tribal Consultation is necessary, the following steps should be initiated. If it is a domestic Federal Order, rule, or notice, the presumption is that the relevant policy manager for Pest Management will take the steps, although the Regulatory Policy Specialist is responsible for ensuring they are taken. For market access and other regulatory actions, the Regulatory Policy Specialist should take the actions:

1. Send a Letter to all potentially-affected Federally-recognized Tribes, addressed “Dear Tribal Leader.” Include in the letter:
 - Information about the intent of the rule
 - The Program Manager’s name and contact information
 - PPQ Tribal Liaison contact information
 - An offer to host a webinar or other information sharing session
2. Based on responses to the letters, hold a Tribal call and/or webinar sessions discussing the issue in more detail. Program manager with most experience can do the discussion, the Tribal Liaison can also participate if tribal specific questions arise.
3. If there’s a big Tribal interest, a Tribal consultation can be offered. However, the letter and Tribal call may answer all the questions, and may possibly lead to a no-need-to conduct tribal consultation/s. This will be determine on the number of responses and requests from the letter and Tribal call.