Federal Responsibilities for Consultation with Indian Tribes on the Bay Delta Conservation Plan (BDCP)*

Federal agencies are required to take into account the effect of their projects, activities or programs on historic properties and to request comments from the ACHP. Properties of traditional religious and cultural significance to an Indian tribe or Native Hawaiian organization may be eligible for the National Register of Historic Places (Section 106).

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

Establishes regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications in order to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes.

National Environmental Policy Act of 1969 CEQ Guidance

Provisions in Sections 1501.2 and 1501.7 of the CEQ Regulations call for the involvement of Indian tribes that may be affected by a Federal proposal. In addition, CEQ issued a memorandum to the heads of Federal agencies (1999) encouraging more active solicitation of tribal governments for participation as cooperating agencies in NEPA documents.


This joint order issued by Secretaries of Interior and Commerce clarifies that agencies, bureaus and offices of the Department are responsible, when their actions planned under the Act may impact tribal trust resources, tribal rights or Indian lands, to consult and seek participation of affected Indian tribes. The same entities strive to ensure that Indian tribes do not bear a disproportionate burden for the conservation of listed species.

Executive Order 13007: Indian Sacred Sites May 26, 1996

Protects and preserves Indian religious practices. This applies to Federal land and Federally recognized Indian tribes. It accommodates access to and ceremonial use of Indian sacred sites by Indian religious practitioners and directs executive agencies to avoid adversely affecting the physical integrity of such sites.

Currently there are no Federal lands in the proposed BDCP project area

*The Federal government has enacted additional policies, regulations, manuals and guidance that further establish and define the statutes and orders listed here.