



State Tribal Consultation on the SNAP E&T Plan

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Agenda

- Impact of Federal Policy on Food & Nutrition
- Tribal Consultation
- Tribal Consultation Requirements
- FNS's Oversight and Responsibility
- Tribal Consultation Best Practices
- Tribal Nations in Minnesota and SNAP E&T

Impact of Federal Indian Policy on Food & Nutrition

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Questions?

Requirements and Guiding Principles for Tribal Consultation

FNS National Office



Definitions

- Tribal Organization
- State Agency
- Tribal Consultation
- Must & Should

Memorandum on Tribal Consultation Requirements

This memo explains the requirements of the consultation process between State Agencies and Tribal Organizations.



Statutory and Regulatory Authority on State Plan Consultation (General)

- Section 11(d) of the Food and Nutrition Act of 2008
- 7 CFR 272.2(b)(1)
- 7 CFR 272.2(e)(7)
- 7 CFR 281.2(b)

State Agency Requirements

- Consultation:
 - Must consult with Tribes on all portions of the State Plan of Operations (SPO) that affects the implementation of SNAP on all or part of the Indian reservation.
 - Must provide service plans and all relevant portions of SPO to respective ITOs and allow for 30 days' comment.
- Record Keeping:
 - Must maintain records of the consultation process.

Tribal Consultation For SNAP-E&T

- Must prepare and submit an E&T plan to the appropriate FNS RO.
- E&T plan must detail the availability of E&T programs.
- The SNAP E&T description **must** explicitly describe:
 - Whether the State has consulted with ITOs;
 - Name(s) of the ITOs consulted;
 - Description of the outcomes of consultation; and
 - Whether the State Agency will be seeking enhanced reimbursement for E&T.



SNAP E&T State Plan Handbook

IV. Consultation with Indian Tribal Organizations (ITOs)

State agencies are required to consult with Tribes about the SNAP State Plan of Operations, which includes the E&T State Plan, per 7 CFR 272.2(b) and 272.2(e)(7). The consultations must pertain to the unique needs of Tribal members. State agencies are required to document the availability of E&T programs for Tribal members living on reservations in accordance with 7 CFR 273.7(c)(6)(xiii). The goal of this section is to describe how the State agency consulted with Indian Tribal Organizations (ITOs), describe the results of the consultation, and document the availability of E&T programs for Tribal members living on reservations.

a) Did the State agency consult with ITOs in the State?

- Yes, ITOs in the State were consulted. *(Complete the rest of this section.)*
- No, ITOs are located in the State but were not consulted. *(Skip the rest of this section.)*
- Not applicable because there are no ITOs located in the State. *(Skip the rest of this section.)*

Enter State and Plan Year

Enter amendment date, as applicable

b) Name the ITOs consulted.

c) **Outcomes:** Describe the outcomes of the consultation. Provide specific examples of how the State agency incorporated feedback from ITOs into the design of the E&T program (e.g., unique supportive service, new component, in-demand occupation).

d) **Enhanced reimbursement:** Will the State agency be seeking enhanced reimbursement for E&T services (75%) for ITO members who are residents of reservations, either on or off the reservation?

- Yes
- No



FNS's Oversight and Responsibility

- To review State Plans of Operations, FNS will:
 - Confirm that State agencies have consulted with Tribes.
 - Obtain feedback from Tribes on the consultation process.
 - May request State agency records of the consultation.

Memorandum on Tribal Consultation Guiding Principles

This memo provides best practices for consulting in good faith with Tribal Organizations.



Best Practices for Consultation

- Commitment
- Identifying Triggering Events
- Elements of Effective Consultation
 - Planning
 - Communication
 - Appropriate Venue
 - Seek Consensus
- Documents Meetings and Report Outcomes

Elements of Effective Consultation

- Planning
 - Develop a plan with each tribe
 - Provide advance notice of meetings
 - Seek input
- Communication
 - Include all stakeholders
 - Be active and responsive
 - Maintain honesty and respect
- Appropriate Venue
 - Understand the preferred method of hosting these consultations (face to face or online)
- Seek Consensus
 - Try to reach consensus on issues
 - Include Tribes in the decision-making process

Document Meetings and Report Outcomes

- State agencies and Tribes should agree on a method to document consultation meetings and outcomes.
- The documentation should include:
 - Tribe requests and State responses
 - Agreements and disagreements
 - Final recommendations
- Meetings should be recorded with permissions from both parties.
- State Agencies should implement and monitor all follow-up actions and provide Tribal officials with the status of the implementation of recommended items.

State Plan Description

Consultation Records **should** include:

- Name(s) of the Tribes participating in the consultation;
- Name(s) and title(s) of the individual(s) that participated;
- The invitation and accompanying documents;
- The outcome, the requests and the State agency's response;
- The impact **on** the State Plan of Operations; and
- Description of written comments received and outcome.

Resources

- [Memorandum on Tribal Consultation Requirements](#)
- [Memorandum on Tribal Consultation Guiding Principles](#)
- Section 11(d) of the Food and Nutrition Act of 2008
 - [Food and Nutrition Act of 2008 | Food and Nutrition Service \(usda.gov\)](#)
- [Regulations:](#)
 - State Plan Consultation (General)
 - [7 CFR 272.2\(b\)\(1\)](#)
 - [7 CFR 272.2\(e\)\(7\)](#)
 - [7 CFR 281.2\(b\)](#)

Resources

- Regulations:
 - E&T
 - [7 CFR 273.7\(c\)\(13\)](#)
 - [7 CFR 273.7\(c\)\(6\)\(xiii\)](#)
- SNAP E&T Handbook
 - [SNAP E&T State Plan Handbook \(azureedge.us\)](#)
- State-Tribal Consultation
 - [CO State-Tribal Consultation Guide_0_0.pdf \(colorado.gov\)](#)

Resources

Federal Government to Tribal Government Consultation Resources

- Executive Order 13175 of Nov 6, 2000.
 - [Executive Order 13175](#)
- USDA Departmental Regulation on Tribal Consultation, Coordination and Collaboration (US DR 1350-002)
 - [US DR 1350-002](#)
- 2021 Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships
 - [2021 Presidential Memorandum](#)



Questions?

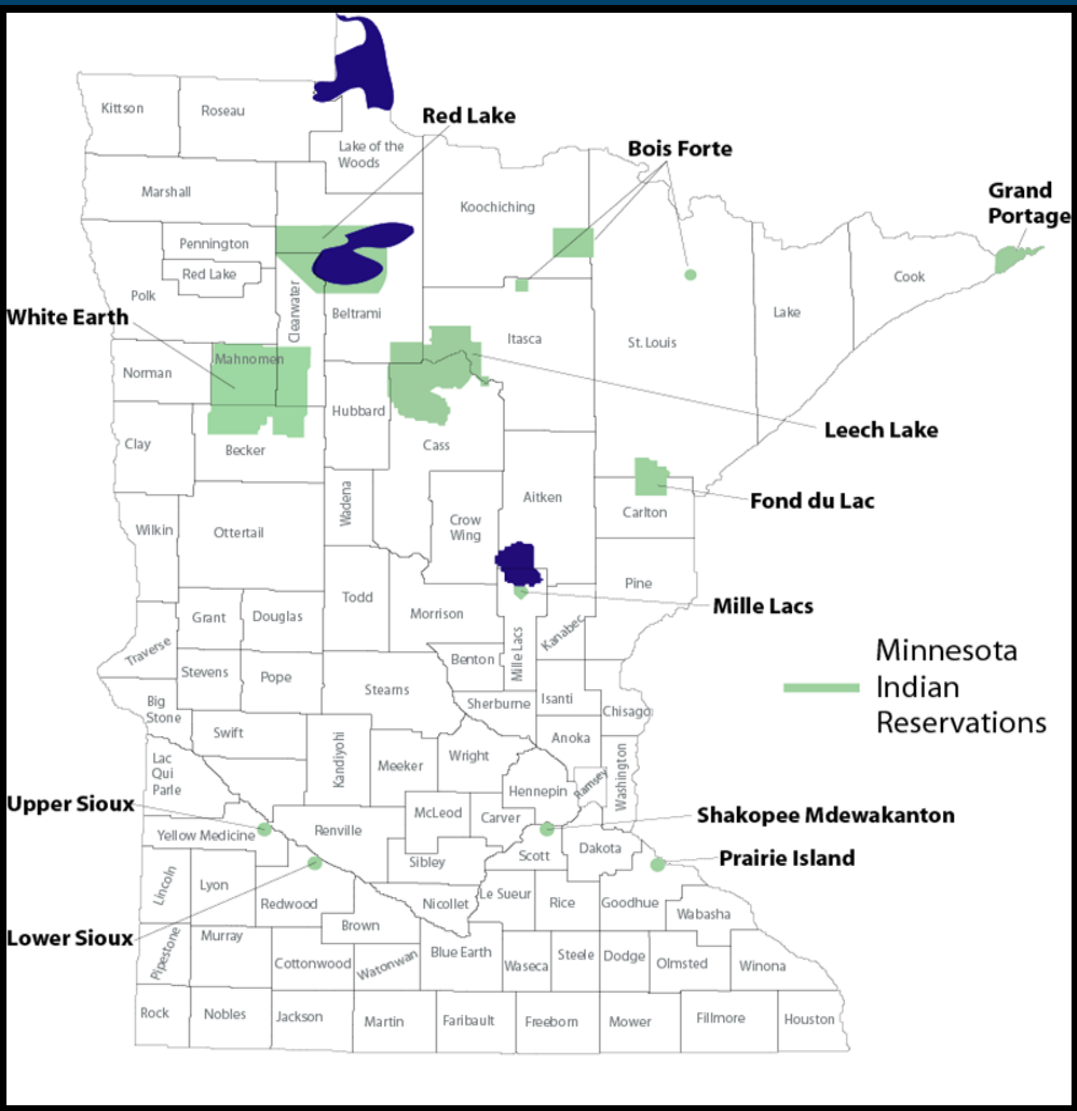
Tribal Nations in Minnesota and SNAP E&T

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Minnesota Department of Human Services



Tribal Nations in Minnesota



Background to Tribal Consultation in MN

- Executive Orders for Government-to-Government Relationships
 - First one signed in 2002
- **Government to Government Relationships with Tribal Governments - MN Statute 10.65 - 2021**

MN Food Programs and American Indians

Tribal Nations						
	SNAP	SNAP Employment & Training	SNAP OUTREACH	SNAP Education	The Emergency Food Assistance Program	Minnesota Food Shelf Program Funding
Bois Forte Band of Chippewa				X	X	X
Fond du Lac Band of Lake Superior Chippewa				X		
Grand Portage Band of Lake Superior Chippewa				X		
Leech Lake Band of Ojibwe				X		
Lower Sioux Indian Community			X	X	X	X
Mille Lacs Band of Ojibwe	X	X		X	X	X
Prairie Island Indian Community						
Red Lake Nation	X			X		
Shakopee Mdewakanton Sioux Community						
Upper Sioux Indian Community						
White Earth Nation	X	X		X	X	X

Urban American Indian non-profits						
	SNAP	SNAP Employment & Training	SNAP OUTREACH	SNAP Education	The Emergency Food Assistance Program	Minnesota Food Shelf Program Funding
American Indian Cancer Foundation (AICAF)				X	X	X
American Indian OIC		X	X			
Department of Indian Work					X	X
Division of Indian Work					X	X
Northwest Indian CDC		X	X	X		

Things we have tried with Tribes & SNAP E&T

- American Indian Advisor sending e-mails about SNAP E&T
- Traveling to Tribal Nations and providing presentations/discussions on SNAP E&T
- Discussing 75% reimbursement
- Virtual presentation to Tribal Colleges
- Exploration using Tribal 477 Funding as a match

Challenges for Tribal Nations to administer SNAP E&T

- Identifying a funding match
- Program and Accounting staff not understanding the program and billing
- Staff changes
- SNAP E&T Case Management System being used by the Tribal Nation does not interface with the Case Management System used by the State of MN

Promising Practices

- Legislative Change to allow Merit-based Tribes to access 100% SNAP E&T funding
- State of MN staff Facilitating Tribal Nation requests to access 100% SNAP E&T funding
- Economic Opportunity & Nutrition Assistance Information Session for Tribal Nations
- Making time
- Identifying a point person at the Tribe
- Awareness of different styles of communication and learning
- Be vulnerable, have empathy, use humor, a willingness to learn and experience something different
- Indian Education for All





Questions?