



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

September 5, 2008

Dear Tribal Leader:

During the past year, staff from the Department of Social and Health Services' Economic Services Administration has been meeting with Tribal representatives to collaborate with the Tribes on the development of Washington Administrative Codes (WAC) rules for Tribal TANF.

The Department is required under state law (RCW 74.08A.040) to establish rules that address, at a minimum, appropriate uses of State MOE funds for Tribal TANF programs and annual reports on program operations. From the beginning, our desire has been to develop these rules in cooperation with the Tribes.

With respect to the Department's communication and consultation protocols, I feel it is necessary to provide you with an update.

During our August 11, 2008 meeting, the Tribal representatives communicated that they did not want to continue with the WAC development meetings. Tribal representatives advised our agency staff that they reserved the right to submit a draft Tribal TANF WAC at a later date, if at all. Some participants again expressed concerns that Tribal TANF rules would infringe upon the sovereignty of the Tribes and limit the flexibility of Tribal TANF programs.

We have experienced increasing resistance by some of the Tribal representatives. Ongoing concerns they have expressed relate to the intent and scope of the project. For these reasons I seek your guidance and help to figure out options and next steps.

The purpose of the rules is not to govern Tribes in Washington State or interfere with a Tribe's management of their TANF program. The intent is to provide clear guidelines for both the state and Tribal TANF Tribes regarding the use of state MOE funds and annual reports on program operations. We have an opportunity to mutually agree on how to address these important areas without diminishing the sovereignty of any government.

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ESA is committed to working with Tribes on a government-to-government basis as provided for in the Centennial Accord, DSHS Administrative Policy 7.01, and DSHS Communication and Consultation protocols. We value and respect the Tribes in Washington State and believe that a strong collaborative, government-to-government relationship will help us all ensure quality services to our citizens.

I continue to support the Tribal TANF WAC Development workgroup. I hope we have your support to move forward with the drafting of Tribal TANF rules in partnership with the Tribes.

Another option would be for ESA to move directly to Tribal Consultation in accordance with our Consultation Protocols. What would be missing is the ongoing dialogue as the WAC is being developed. I hope we can continue to embrace the workgroup process, as it has proven to work for many other Tribal- State matters.

Please contact Sarah Colleen Sotomish, Administrator, ESA State Tribal Relations Office by September 19, 2008 with your recommendations on next steps.

Sarah Colleen Sotomish
PO Box 45857
Olympia, WA 98504-5857
Phone (360) 725-4661
Fax (360) 413-3123
SOTOMSC@dshs.wa.gov

I remain committed to working in partnership with you to reach a mutually agreeable end result.

Sincerely,

Troy Hutson, Assistant Secretary
Economic Services Administration

Enclosure

cc: Robin Arnold-Williams, Secretary, Department of Social & Health Services
Blake Chard, Deputy Secretary, Department of Social & Health Services
ESA Subcommittee and Tribal TANF Workgroup Participants
IPAC Delegates
Colleen Cawston, Director, Indian Policy & Support Services
Sarah Colleen Sotomish, Administrator, State Tribal Relations Office



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Economic Services Administration

May 23, 2007

The Honorable David Burnett, Chair
Chehalis Confederated Tribes
Post Office Box 536
Oakville, Washington 98568

Dear Chairman Burnett:

The State of Washington, Department of Social and Health Services (DSHS), Economic Services Administration (ESA), is undertaking an initiative to develop State regulations in the Washington Administrative Code (WAC) that relate to areas impacting Tribal TANF programs.

ESA is responsible for negotiating Intergovernmental Agreements with Tribes federally approved to operate a TANF program. Currently there are nine Tribal TANF programs in Washington that includes one consortium of three Tribes. Both the Lummi Nation and the Upper Skagit Tribes will be starting TANF programs within the next few months. The increasing number of Tribal TANF programs has presented ongoing challenges for ESA in administering the agreements and in coordinating services.

Under State Law, RCW 74.08A.040, DSHS is required to establish rules that address, at a minimum, appropriate uses of State maintenance of effort funds and annual reports on program operations. Currently there is limited guidance provided in the WAC that addresses interrelated State Tribal TANF issues. The expected benefits of developing such regulations include the more efficient delivery of TANF services to families, clear instruction concerning program requirements and increased coordination of services between the State and Tribes.

We are committed to working with Tribes on a government-to-government basis as provided for in the Centennial Accord and DSHS Communication and Consultation protocols. Consistent with this commitment we would like to invite you or your designee to a roundtable meeting that will provide an opportunity to discuss the project, seek input from Tribes and plan next steps.

The meeting will be held on July 19, 2007 at the Quinault Beach Resort and Casino (QBRC) in Ocean Shores, Washington between 9:00 a.m. to 4:00 p.m.

Quinault Beach Resort and Casino
78 St. Rt. 115
Ocean Shores, WA 98569
www.quinaultbchresort.com

A lodging block has been set up at the QBRC for your convenience (there are a limited number of rooms in the block). Please contact the QBRC directly at (888) 461-2214 to make your room reservation; please be sure to mention that you are attending the ESA WAC Development Project meeting to obtain the preferred room rates.

The Honorable David Burnett, Chair
May 23, 2007
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Please RSVP to Mike Mowrey, ESA State Tribal Relations Unit, at (360) 725-4656 or mowrems@dshs.wa.gov by July 13, 2007. This information will assist us in preparing for the meeting.

I appreciate the opportunity of providing you with this information and am hopeful that your Tribe will participate in the meeting. If you have any questions regarding the project or the meeting please contact Sarah Colleen Sotomish, State Tribal Relations Unit, Administrator, at (360) 725-4651 or SOTOMSC@dshs.wa.gov.

Sincerely,


Deb Marley, Assistant Secretary
Economic Services Administration

Enclosure

cc: Robin Arnold-Williams, Secretary, Department of Social & Health Services
Sarah Colleen Sotomish, Administrator, ESA State Tribal Relations Unit
Colleen Cawston, Director, Indian Policy Support Services

RCW 74.08A.040

Indian tribes — Program access — Funding — Rules.

The department shall (1) provide eligible Indian tribes ongoing, meaningful opportunities to participate in the development, oversight, and operation of the state temporary assistance for needy families program; (2) certify annually that it is providing equitable access to the state temporary assistance for needy families program to Indian people whose tribe is not administering a tribal temporary assistance for needy families program; (3) coordinate and cooperate with eligible Indian tribes that elect to operate a tribal temporary assistance for needy families program as provided for in P.L. 104-193; (4) upon approval by the secretary of the federal department of health and human services of a tribal temporary assistance for needy families program, transfer a fair and equitable amount of the state maintenance of effort funds to the eligible Indian tribe; and (5) establish rules related to the operation of this section and RCW 74.08A.050, covering, at a minimum, appropriate uses of state maintenance of effort funds and annual reports on program operations. The legislature shall specify the amount of state maintenance of effort funds to be transferred in the biennial appropriations act.

[1997 c 58 § 107.]

Notes:

Reviser's note: 1997 c 58 directed that this section be added to chapter 74.12 RCW. This section has been codified in chapter 74.08A RCW, which relates more directly to the temporary assistance for needy families program.

Attachment 3

Communication Protocol

Between Department of Social and Health Services, Tribal Governments, Recognized American Indian Organizations

Purpose:

To assist Department of Social and Health Services (DSHS) staff when communicating with Tribal Governments and Recognized American Indian Organizations (RAIO).

Administrations will transmit the following types of formal correspondence with cover letters:

- Submission of contracts and contract amendments
- Consultation requests and announcements
- Announcement of scheduled monitor or site visits
- Monitoring/site visit reports
- Announcement of Administrative Policy 7.01 meetings
- When seeking formal input

Formal correspondence will be addressed in the following matter:

- Honorable Chairman, Chairperson, President, with a salutation of Dear Tribal Chairman, Chairperson, President
- Dear RAIO Director,

With copies to:

- Respective administration staff according to internal protocol
- The administration's Tribal Liaison
- Indian Policy and Support Services (IPSS)
 - Indian Policy Advisory Committee (IPAC) Delegate; IPSS will forward by email appropriate correspondence to IPAC delegates
- Tribal Program Administration, IPAC Delegate
- For contract materials Central Contract Services

IPSS will maintain a current distribution list of Tribal Chair, Recognized American Indian Organizations (RAIO) Directors and IPAC Delegates.

Regional Administrators will follow these communications guidelines:

- Ongoing Department to Tribal Peer-to-Peer communications at the local level
- Administrative Policy 7.01 meetings as agreed by the Tribes, RAIO and administration
 - Include notification of meeting to IPSS Regional Manager
 - Include timely notification for cancellation of meetings to the Tribes, RAIO and IPSS Regional Manager
- Letters are required for:
 - Contracts
 - A copy to Central contracts and IPSS - Olympia
 - Visits
 - Compliance matters

Consultation Protocol

Between Department of Social and Health Services, Tribal Governments, Recognized American Indian Organizations

Purpose:

In accordance with the Centennial Accord and Administrative Policy 7.01, the Department maintains a commitment to consultation. Consultation is a formal Government -to- Government meeting, called to provide an opportunity for an exchange of information and opinion prior to a decision.

Consultation may be for the following matters:

- Statewide implications
- Proposed change to policy that has an impact to the Tribes or RAIO
- Fund distribution
- At the request of a tribe
- At the request of IPAC

Consultation will be called at the highest level of the Department:

- Secretary, Deputy Secretary or Assistant Secretary
- DSHS will send a minimum of two written notifications
 - The first one within 45 – 60 days prior to the consultation
 - The second one within 15 – 30 days prior to the consultation
- DSHS will email IPAC Delegates
 - Participation notification
 - Follow-up notification
 - Minute distribution

Round tables and work groups should be used for discussions, problem resolution and preparation for consultation. When matters are resolved by utilizing the round table and work group process, notification of any final outcomes to these meetings will be distributed to the affected Administration, IPSS, Tribes and RAIO in accordance to these written directions.

- Roundtable meeting between Tribal/RAIO and State Administrations.
 - These meetings are designed to be with the administrations of the groups in advance to determine the scope of the situation and establish a work plan.
- Workgroup meeting between Tribal/RAIO and State Technical Team
 - Will provide the opportunity for technical teams from the state and tribes to address any technical challenges or barriers.
 - Work collaboratively on development of technical solutions.

The Honorable David Burnett, Chair
Chehalis Confederated Tribes
Post Office Box 536
Oakville, Washington 98568

The Honorable Jeanne Jerred, Chair
Colville Confederated Tribes
Post Office Box 150
Nespelem, Washington 99155

The Honorable William Iyall, Chair
Cowlitz Tribe
Post Office Box 2547
Longview, Washington 98632

The Honorable Daki Leo Fisher, Chair
Hoh Tribe
P.O.Box 2196
Forks, Washington 98331

The Honorable W. Ron Allen, Chair
Jamestown S'Klallam Tribe
1033 Old Blyn Highway
Sequim, Washington 98382

The Honorable Glen Nenema, Chair
Kalispel Tribe
Post Office Box 39
Usk, Washington 99180

The Honorable Frances Charles, Chair
Lower Elwha Klallam Tribe
2851 Lower Elwha Road
Port Angeles, Washington 98363

The Honorable Henry Cagey, Chair
Lummi Nation
2616 Kwina Road
Bellingham, Washington 98226-9298

The Honorable Micah McCarty, Chair
Makah Tribe
Post Office Box 115
Neah Bay, Washington 98357

The Honorable Charlotte Williams, Chair
Muckleshoot Tribe
39015 172nd Avenue Southeast
Auburn, Washington 98092

The Honorable Cynthia Iyall, Chair
Nisqually Tribe
4820 She-Nah-Num Drive Southeast
Olympia, Washington 98513

The Honorable Narcisco Cunanan, Chair
Nooksack Tribe
Post Office Box 157
Deming, Washington 98244

The Honorable Ronald Charles, Chair
Port Gamble S'Klallam Tribe
31912 Little Boston Road Northeast
Kingston, Washington 98346

The Honorable Herman Dillon, Sr., Chair
Puyallup Tribe
3009 E Portland Ave
Tacoma, Washington 98404

The Honorable Carol Hatch, Chair
Quileute Tribe
Post Office Box 279
La Push, Washington 98350

The Honorable Fawn Sharp, President
Quinalt Nation
Post Office Box 189
Taholah, Washington 98587

The Honorable Tom Wooten, Chair
Samish Nation
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Anacortes, Washington 98221

The Honorable Cynthia M. Harris, Chair
Sauk-Suiattle Tribe
5318 Chief Brown Lane
Darrington, Washington 98241

The Honorable Charlene Nelson, Chair
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The Honorable Joe Pavel, Chair
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The Honorable Joseph Mullen, Chair
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The Honorable Greg Abrahamson, Chair
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The Honorable Dave Lopeman, Chair
Squaxin Island Tribe
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The Honorable Shawn Yanity, Chair
Stillaguamish Tribe
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The Honorable Leonard Forsman, Chair
Suquamish Tribe
Post Office Box 498
Suquamish, Washington 98392

The Honorable Brian Cladoosby, Chair
Swinomish Tribe
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LaConner, Washington 98257

The Honorable Melvin Sheldon, Jr., Chair
Tulalip Tribes
6700 Totem Beach Road
Marysville, Washington 98270-9694

The Honorable Marilyn Scott, Chair
Upper Skagit Tribe
25944 Community Plaza
Sedro Woolley, Washington 98284

The Honorable Ralph Sampson, Chair
Yakama Nation
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