



STATE OF WASHINGTON
— OFFICE OF GOVERNOR BOB FERGUSON —

EXECUTIVE ORDER 25-XX

**A NEW FOUNDATION FOR WASHINGTON STATE'S GOVERNMENTAL
RELATIONS WITH SOVEREIGN TRIBAL NATIONS**

WHEREAS, Tribal Nations have inherent sovereign rights as the first nations of the United States; and

WHEREAS, past and current state and tribal leaders envisioned the need for, and importance of, strong state and tribal relations; and

WHEREAS, as recognized by the Centennial Accord and codified by RCW 43.376, the State of Washington has government-to-government relationships with federally recognized Tribal Nations whose traditional lands and territories include parts of Washington state; and

WHEREAS, with the adoption of the Centennial Accord and the Millenium Agreement, Washington state and Tribal Nations have committed to respecting the sovereignty of the state and each federally recognized tribe to provide paramount authority for that party to exist and to govern, and have committed to partnering and collaborating on matters of mutual interest; and

WHEREAS, Washington state seeks to honor that responsibility by building relationships with Tribal Nations to ensure mutual respect for the rights, interests, and obligations of each sovereign; and

WHEREAS, continuous efforts and initiatives are necessary to support, enhance, and improve communications and the resolution of issues between the tribes and the state as sovereigns, and to uphold and fully implement past agreements; and

WHEREAS, best practices for tribal engagement include consulting with Tribal Nations with the intention of receiving free, prior, and informed consent from Tribal Nations prior to taking actions that directly and tangibly affect Tribes, tribal lands, or tribal rights, including treaty rights; and

WHEREAS, my staff and I have had numerous visits and meetings with Tribal Nations during my first few months as Governor, and we have received feedback on actions that the state could take in the short term to improve relations with Tribal Nations, in addition to necessary long-term collaboration and consultation;

NOW, THEREFORE, I, Bob Ferguson, Governor of the state of Washington, by the authority vested in me by the Constitution and the statutes of the state of Washington, do hereby order and direct the following:

1. Implementing Meaningful Government-to-Government Relationships

Fostering meaningful government-to-government relationships between the state and Tribal Nations requires intentional efforts to connect, listen, and incorporate feedback, while recognizing that each individual Tribal Nation engages with the state in various ways. All cabinet agencies, including through their tribal liaisons, are hereby directed to take the following measures to improve the state's relations with Tribal Nations:

- **Proactive Engagement.** All cabinet agencies are directed to connect with Tribal Nations on a regular basis to proactively identify and explore opportunities to work in a meaningful, respectful, and collaborative manner, and gain insight into each tribe's preference for engaging with the agency. This includes visiting tribal reservations and attending tribal events as appropriate, to engage with tribal leaders and community members.
- **Tribal Consultation.** All cabinet agencies must engage Tribal Nations early and often during the development and implementation of any of the agency's policies, programs, or actions that may impact Tribal Nations. Agencies must share relevant information with Tribal Nations in a timely manner and incorporate tribal expertise and input into their decision-making processes where tribal interests are at issue, including consideration of potential means of mitigating impacts of agency actions, decisions, and policies on tribal interests. Agencies should share information with Tribal Nations regarding agency actions in a manner that ensures a complete understanding of the action, and to provide an opportunity to identify and address any tribal concerns. Consultation is independent of, and in addition to, any generally applicable public participation processes required by law, such as public comment processes. Agencies must also work in good faith during the consultation process to identify and address the Tribe's concerns, and agencies must provide responses detailing how the agency will respond to tribal feedback and concerns when they are raised.
- **Recognition & Incorporation of Indigenous Knowledge.** Cabinet agencies that make decisions or set standards based on "best available science" must account for available and tribally accepted Indigenous Knowledge (IK) in doing so. IK is owned by Indigenous people, and is a system of local and global observations, oral and written knowledge, practices, and beliefs that promote environmental sustainability and the responsible stewardship of natural resources through relationships between humans and environmental systems. Where appropriate, cabinet agencies should include IK in relevant decision-making, research, policy development, interpretations, outcomes, finding, and recommendations.
- **Supporting Washington State Native Artists.** Cabinet agencies shall, in connection with any programs they may undertake that involve art and culture, identify and foster opportunities to support Washington State Native art and culture by building relationships and programs with tribal artists enrolled in the federally recognized tribes

of Washington and those whose traditional lands and territories include parts of Washington state.

- **Transparency & Accountability.** Pursuant to the Centennial Accord, cabinet agencies shall provide an annual report regarding their activities involving or impacting Tribal Nations and the implementation of government-to-government relationships.

In addition, to ensure their compliance with state law, all cabinet agencies must:

- Review their policies and practices to ensure the agency makes reasonable efforts to collaborate with Tribal Nations in the development of policies, agreements, and program implementation that directly affect Tribal Nations;
- Develop a consultation process that is used by the agency for issues involving Tribal Nations;
- Designate a tribal liaison who reports directly to the agency head;
- Ensure that their primary tribal liaison is part of the agency leadership team and is consulted in agency decision-making processes; and
- Ensure that their agency head, their executive team members, and their tribal liaisons receive the tribal relations training currently offered by GOIA.

Further, tribal liaisons for cabinet agencies shall support their agencies by fulfilling the responsibilities identified in RCW 43.376.030, including by:

- Assisting their agencies in developing and implementing policies that promote effective communication and collaboration between the agency and tribal governments;
- Serving as a point of contact with tribal governments and maintaining communication between their agency and affected tribal governments; and
- Coordinating training of their agency's employees in government-to-government relations.

Each cabinet agency shall provide a report documenting its progress toward compliance with this section to the Governor's Office by January 31, 2026.

2. Providing Tribal Relations Training for Washington State Employees

Understanding, respecting, and upholding meaningful government-to-government relationships with Tribal Nations requires adequate training. Efforts to support improved state and tribal relationships must happen on all levels of government. Accordingly, I direct that the following training-related requirements be implemented:

- Required Tribal Relations Training for Governor's Staff and Cabinet Agency Heads. In accordance with RCW 43.376.020, the Governor's Office of Indian Affairs has produced a training focused on fostering effective communication and collaboration between the state and tribes that has been offered for over 20 years. The heads of each executive and small cabinet agency, and each of the Governor's policy advisors and

executive leadership team members, shall attend this in-person training facilitated by the Governor's Office of Indian Affairs.

- Required Tribal Relations Training for State Employees. GOIA, in partnership with relevant agencies including DES, OFM State HR, and agency tribal liaisons, shall expand upon RCW 43.376.020 to produce additional training for state employees. GOIA shall consult with Tribal Nations in the development of the training. The training shall be made available to state employees in an accessible manner, including but not limited to an electronic, digital format to facilitate access for state employees. Cabinet agencies will work with GOIA to determine appropriate staff and timing to receive the training.

3. Developing Tribal Consultation Guidelines

State agencies will benefit from clear guidance and understanding of best practices for tribal consultation. The GOIA Director shall develop Tribal Consultation Guidelines to inform and guide agency tribal consultation policies, practices, and processes. The Tribal Consultation Guidelines must outline the basic tenets and principles of tribal consultation in Washington state and shall be developed in collaboration with Tribal Nations and state agency tribal liaisons.

GOIA must provide the Tribal Consultation Guidelines to state agencies prior to the 2026 Centennial Accord, and must update them on an annual basis, as needed. Within one year of the Tribal Consultation Guidelines initially being issued, cabinet agencies must fully incorporate and implement the tenets and principles of tribal consultation therein in their tribal consultation policies and procedures.

4. Responsibilities of the Governor's Office of Indian Affairs

In accordance with Executive Order 80-02, GOIA shall support strong and meaningful relationships with Tribal Nations and engage on a regular basis with Tribal Nations in a robust manner. This includes, but is not limited to:

- Regularly convening Tribal Nations and relevant state parties to discuss issues of mutual interest in a timely manner;
- Following up on commitments made during the annual Centennial Accord meetings; and
- Working with state agencies' tribal liaisons to help build and strengthen relationships between state agencies and Tribal Nations.

GOIA shall also continue to facilitate and convene meetings with tribal leaders annually to implement the Centennial Accord, including developing the annual meeting agenda, identifying joint strategies, outlining tasks, overcoming obstacles, and achieving specific goals.

To improve communication and coordination between GOIA, executive cabinet agencies, and the Governor's Office, the GOIA Director is hereby made a permanent member of the

Governor's executive cabinet. The GOIA Director shall continue to regularly engage with leadership teams of state agencies, boards, and commissions.

5. Developing a Governor's Office Tribal Consultation Policy

The GOIA Director and members of the Governor's executive leadership team are directed to work together to develop a Tribal Consultation Policy for the Governor's Office. The Governor's Office Tribal Consultation Policy development process must be informed by tribal input provided in a variety of forms, which may include, but may not be limited to, presentations, listening sessions, written comments, and other forms of correspondence with Tribal Nations.

6. Improving State-Tribal Contracting Processes

The state and tribal governments regularly contract with each other as sovereigns, and the state's processes for contracting with Tribal Nations need improvement. GOIA, in collaboration with relevant cabinet agencies and in consultation with the Attorney General's Office, shall convene discussions with representatives of Tribal Nations to identify best practices and areas of opportunity for improving state-tribal contracting processes.

By October 1, 2026, GOIA shall provide a report to the Governor's Office identifying recommendations and best practices to improve state contracting processes with Tribal Nations.

7. Protecting Sensitive Information in Government-to-Government Engagements

Tribal Nations and their communities steward critical knowledge that has been passed down for generations. The importance of Indigenous Knowledge (IK) has long been acknowledged by the federal government, and should also be recognized and included in state agency decision-making, research, and policies. To foster an environment in which Tribal Nations and communities are supported in providing IK, cabinet agencies must develop appropriate mechanisms for the handling of IK, which is sensitive information critical to Tribal Nations, their culture, and their rights.

Shortcomings in data security can hinder government-to-government relationships and processes. To strengthen communications with Tribal Nations as sovereign nations, GOIA is directed to convene Tribal Nations, relevant cabinet agencies, and other appropriate parties to identify ways in which the state and tribes can collaborate on opportunities to support the protection of sensitive tribal information exchanged in government-to-government interactions.

By October 1, 2026, GOIA shall provide a report to the Governor's Office with recommendations for improvements to existing policies or practices for protecting IK and other sensitive Tribal Nation information.

This Executive Order shall be implemented consistent with applicable law. Provisions of this Order are not intended to alter any existing collective bargaining agreements. This Order is not intended to confer and does not confer any legal right or entitlement and shall not be used as a basis for legal challenges to any rule or any other action or inaction of the governmental entities and employees subject to it.

I invite other statewide elected officials, institutions of higher education, agencies of the judiciary, agencies of the Legislature, and independent boards and commissions to follow the provisions and intent of this executive order.

This Order shall take effect immediately.

Signed and sealed with the official seal of the state of Washington on this ___ day of October, AD, Two Thousand and Twenty-Five, at Olympia, Washington.

By:

/s/

Bob Ferguson
Governor

BY THE GOVERNOR:

/s/

Secretary of State