



Appalachian Regional Commission Plan for Tribal Consultation and Coordination Policy Implementing Executive Order 13175

Purpose

On January 26, 2021, President Biden signed an Executive Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships. The President's Memorandum directs all Executive Departments and Agencies to engage in regular and meaningful consultation and collaboration with tribal officials of federally recognized Indian tribes when developing Federal policies that have tribal implications. The President's Memorandum further directs each Federal agency to establish an initial plan of actions by April 26, 2021. Within 270 days of this memorandum, ARC will submit to the Director of OMB, a progress report on status of each action and annually thereafter.

The President's Memorandum refers to Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments" (EO 13175), which was signed on November 6, 2000, by former President Clinton. To ensure complete and consistent implementation of EO 13175, the President's Memorandum directed all Agencies to follow its provisions as they developed their tribal consultation policies.

Guiding Principles

The Appalachian Regional Commission (ARC) is cognizant of the unique legal and political relationship that exists between the United States and Indian tribal governments, as established by the U.S. Constitution, treaties, statutes, executive orders, and judicial decisions. ARC strives to honor the government-to-government relationship, promote tribal self-determination, and ensure that communication and consultation between the Commission and federally recognized Indian tribes occur on a regular and meaningful basis.

ARC's primary point of contact is Brandon McBride, Executive Director, Appalachian Regional Commission. He can be reached at bmcbride@arc.gov, and (202-884-7700).

Background

ARC is a regional economic development agency representing a unique partnership of federal, state, and local government. Established by an act of Congress in 1965, the Commission is composed of the governors of the 13 Appalachian states and a federal co-chair, who is appointed by the president. Local participation is provided through multi-county local development districts with support from community, business, and civic leaders. Each year Congress appropriates funds for Commission programs, which ARC allocates among its member states. The governors draw up annual state Appalachian strategies and select projects for approval by the federal co-chair.

Narrative and Plan of Actions

To achieve the objective of the memorandum, ARC will adopt a two-phased approach. In Phase I, ARC outlines the steps it took to develop its Plan of Actions. Phase II, ARC communicates how implementation and ongoing monitoring of the policy will occur.

Phase I

These are the steps ARC took in preparation for the development of its plan of actions.

- ARC identified three Federally Recognized Tribes in the Appalachian Region. They are the Seneca Nation of Indians in New York, the Eastern Band of Cherokee Indians in North Carolina and the Mississippi Band of Choctaw Indians.
- ARC staff participated in an inter-agency work group to organize a Tribal Leader Consultation Session. In addition to the White House invitations, ARC staff reached out to the three Federally Recognized tribes in the region to invite them to the joint consultation session.
- ARC's Executive Director and staff participated in a joint Tribal Leaders Consultation. The session included representatives from nine federal agencies and Tribal Leaders across the country.
- Information was shared, advice was sought and the tribes were provided an opportunity to make comments to the federal agencies on concerns or issues that may impact their tribes.
- ARC received no comments from the Tribal Leader Consultation Session pertaining to the region.
- ARC will share the Tribal Consultation Plan with our partners at the state level and our local development district partners at the local level. The local development districts have an ongoing relationship with the respective tribes in their region. Engagement includes tribes serving on the local development district board and/or participating as an active member of the organization. ARC will work with each of the states and local development districts to determine whether Tribal consultation is appropriate. Any

additional consultations will include coordination with ARC, state partners and local development districts.

- Future consultations will be coordinated with the ARC Executive Director, ARC staff and the state and local partners. ARC staff will maintain up to date contact information for the Tribes. The appropriate tribes will be invited to discuss their issues and concerns within the parameters of the Appalachian Regional Commission's mission and programs. The consultations will be conducted by the ARC Executive Director. The appropriate State Alternates, State Program Managers, Local Development Districts and Tribal Leaders will be invited to participate.
- In the event of a consultation, ARC will consider the accessibility and availability of the Tribes to participate in any consultations. The consultation will include access via in-person, virtual, or telephone. All health and safety matters will be considered for the participants. In order to set-up a productive meeting, ARC would allow for ample notification and consideration of schedules. Tribal leaders would be provided ample time to submit written comments as part of the consultation process.
- Tribal feedback would be given respectful consideration in ARC's decision-making process.

Phase II

ARC implementation and ongoing monitoring of the policy will occur as follow:

- ARC will establish a review process to ensure effective and consistent implementation of the action plan with our state and local partners.
- ARC will continue to monitor its intra-agency coordination and collaboration efforts to ensure effective and consistent implementation of the plan.
- ARC will seek interagency collaboration with appropriate partners on similar policy objectives.
- ARC will submit to the Director of OMB, within 270 days of this memorandum, and annually thereafter, a progress report on the status of each action included in the agency plan with any updates.