

COUNCIL ON ENVIRONMENTAL QUALITY
ACTION PLAN FOR CONSULTATION AND COORDINATION WITH TRIBAL NATIONS
April 26, 2021

Purpose: The Council on Environmental Quality (CEQ) Action Plan for Consultation and Coordination with American Indian and Alaska Native Tribal Nations (Plan) serves to express CEQ’s commitment to meaningful and sustained consultation and coordination with Tribal Nations and establish principles, goals, and actions to guide CEQ consultation and coordination with Tribal Nations.

Background: The United States government has a unique relationship with federally recognized American Indian and Alaska Native Tribes (Tribes) as set forth in the Constitution of the United States, treaties, statutes, and court decisions. The Federal Government recognizes the right of self-determination and self-governance for Tribal Nations and the obligation to work with federally recognized Tribes in a Nation-to-Nation relationship.

On January 26, 2021, President Biden issued a “Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships” (Presidential Memorandum) directing Federal agencies to adopt action plans to implement Executive Order (E.O.) 13175, “Consultation and Coordination With Indian Tribal Governments,” and noting that “Tribal consultation under this order strengthens the Nation-to-Nation relationship between the United States and Tribal Nations.” It also reaffirms the policy announced in the Presidential Memorandum of November 5, 2009 (Tribal Consultation).

The Presidential Memorandum provides that “[i]t is a priority of my Administration to make respect for Tribal sovereignty and self-governance, commitment to fulfilling Federal trust and treaty responsibilities to Tribal Nations, and regular, meaningful, and robust consultation with Tribal Nations cornerstones of Federal Indian policy.” The Presidential Memorandum also recognizes that “[t]he United States has made solemn promises to Tribal Nations for more than two centuries. Honoring those commitments is particularly vital now, as our Nation faces crises related to health, the economy, racial justice, and climate change—all of which disproportionately harm Native Americans.”

The Presidential Memorandum directs each Federal agency to develop a “detailed plan of actions the agency will take to implement the policies and directives of Executive Order 13175.” The Presidential Memorandum further provides that these action plans “shall be developed after consultation by the agency with Tribal Nations and Tribal officials.”

E.O. 13175 sets forth fundamental principles and policy making criteria for agencies in implementing policies that have Tribal implications, and requires that “[e]ach agency shall have an accountable process to ensure meaningful and timely input by [T]ribal officials in the development of regulatory policies that have [T]ribal implications.”

On April 14, 2021, CEQ joined eight other small agencies in a consultation with Tribal Nations and Tribal officials on the agencies’ approaches to consultation and coordination. CEQ has considered the information provided at the consultation and comments subsequently provided in developing this Plan.

Principles: CEQ is committed to engaging in meaningful and sustained consultation and coordination with Tribal Nations to implement E.O. 13175 and strengthen the Nation-to-Nation relationship between the United States and Tribal Nations. The following principles will guide CEQ's efforts to consult and coordinate with Tribal Nations:

- Respect Tribal sovereignty and self-determination, the right to self-government, and the Federal Government's trust responsibility;
- Recognize that CEQ has much to learn from Tribal Nations, including from indigenous knowledge;
- Honor Tribal treaty and other rights, including off-reservation treaty rights;
- Commit to Nation-to-Nation engagement with Tribal Nations and consistent and honest communication; and
- Listen to the views of Tribal Nations about when and how CEQ engages in coordination and consultation, and adapt CEQ's practices and approaches in response.

Goals and Actions:

- **Designation of Coordinating Agency Official.** The CEQ General Counsel is CEQ's designated official responsible for coordinating implementation of this Plan, and related policies and requirements. The General Counsel will serve as a point of contact for Tribal Nations or Tribal officials seeking consultation with CEQ. The current General Counsel is Justin Pidot and can be reached at justin.r.pidot@ceq.eop.gov.
- **Identifying Policies with Tribal Implications.** CEQ will review proposed agency regulations, guidance, and other actions to identify policies that have Tribal implications.
- **CEQ Staff Engagement.** CEQ will provide this Plan to all of its senior agency officials to ensure the review of proposed policies within all program areas for potential Tribal implications. While the General Counsel is the designated official responsible for implementing this plan, CEQ is committed to ensuring that all CEQ staff understand and implement the principles identified above.
- **Consult with Tribal Nations on National Environmental Policy Act (NEPA) Actions.** CEQ's primary regulatory authority relates to developing procedures to guide the environmental review processes of Federal agencies. When CEQ makes significant amendments to its NEPA regulations or issues significant guidance relating to NEPA with Tribal implications, CEQ will ensure that Tribal Nations have meaningful opportunities for input, including through formal consultation.
- **Consult with Tribal Nations on other Policies with Tribal Implications.** CEQ will ensure that Tribal Nations have meaningful opportunities for input, including through formal consultation, on other CEQ proposed policies with Tribal implications.

- **Coordination with Federal Agencies.** As part of its responsibilities to oversee the implementation of NEPA, CEQ will work with the Federal agencies to ensure consideration of Tribal interests in the environmental review process. This may include guidance and partnering with agencies on training and capacity building for agency staff.
- **Timely Notice.** CEQ will provide timely notice to Tribal Nations before taking any actions with Tribal implications and ensure that consultation or coordination occurs in a fashion that provides Tribal Nations with sufficient time to prepare.
- **Consultation Representative.** CEQ recognizes that any consultation should include a senior official at CEQ who has significant responsibility for the proposed decision, action, or policy with Tribal implications.
- **Coordinate Consultation with Existing Meetings.** To minimize duplication and burden on Tribal officials, CEQ will strive to engage in consultation with Tribal Nations at a time and location coordinated with existing meetings of Tribal governments or in collaboration with other Federal agencies.
- **Progress Report Submission.** CEQ will submit a progress report on implementation of this Plan to the Director of the Office of Management and Budget by October 25, 2021, and annually thereafter.