



Plan for Tribal Consultation and Strengthening Nation-to-Nation Relationships

April 22, 2021

Introduction

Overview

Executive Order 13175 of November 6, 2000 (Consultation and Coordination with Indian Tribal Governments) charges all executive departments and agencies with engaging in regular, meaningful, and robust consultation with Tribal officials in the development of Federal policies that have Tribal implications. The Presidential Memorandum of January 26, 2021 (Tribal Consultation and Strengthening Nation-to-Nation Relationships) requires each agency to prepare and periodically update a detailed plan of actions to implement the policies and directives of Executive Order 13175.

The National Capital Planning Commission

The National Capital Planning Commission (NCPC) is the federal government's central planning agency for the National Capital Region, which includes Washington, DC and adjoining jurisdictions in Virginia and Maryland. Through planning, policymaking, and project review, NCPC protects and advances the federal government's interest in the region's development. The Commission provides overall planning guidance for federal land and buildings in the region by reviewing the design of federal and certain local projects and federal master plans, overseeing long-range planning for future federal development, and monitoring capital investment by federal agencies.

The National Capital Region

The National Capital Region (NCR) encompasses the District of Columbia; Montgomery and Prince George's Counties in Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia; and the incorporated cities of Alexandria, Falls Church, Fairfax, and Manassas.

Plan of Actions

NCPC is committed to respecting Tribal sovereignty and the Nation-to-Nation relationship. This section outlines the agency's plan for engaging in meaningful consultation on policymaking that has Tribal implications.

Designated Agency Official

The Director of the Office of Public Engagement will coordinate implementation of the plan and preparation of progress reports required by this memorandum.

Determining Tribal Implications

NCPC has reviewed the scope of its activities to determine if they have Tribal implications and should be considered for consultation with Tribal Nations.

Plan and Project Review

One of NCPC's primary functions is to review federal development projects and master plans in the NCR, as well as other projects within the District of Columbia. Through its review process, NCPC aims to improve projects through a collaborative process, encourage coordination among agencies, and provide an opportunity for public input. NCPC has a variety of review responsibilities. Depending on the type of project, NCPC may have an advisory review or an approval authority.

NEPA/NHPA

All federal projects and plans are subject to two regulations with components that consider Tribal implications. Under the National Environmental Policy Act (NEPA), which requires all federal agencies to determine if their proposed actions cause significant environmental effects, lead agencies are obligated to identify impacts on Tribal land use plans, policies, or controls. They can also designate a Tribe as a cooperating agency when their actions might affect a reservation. Federal agencies are also required to consider the effects of their undertakings on historic properties, according to the National Historic Preservation Act (NHPA). In the Section 106 Consultation Process, the lead agency is required to consult with any Tribe that attaches religious or cultural significance to historic properties impacted by the proposed project, regardless of location.

NCPC must comply with NEPA and NHPA when the Commission has an approval authority. In most cases, NCPC may rely on the NEPA and NHPA documentation prepared by lead federal agencies who submit projects for review. However, NCPC does have lead federal agency responsibilities and must satisfy NEPA and NHPA requirements on certain projects, including proposals by the Smithsonian Institute, District of Columbia projects in the Central Area, and other projects proposed by applicants that do not have a NEPA responsibility.

Coordination and Referral Process

Prior to Commission review, projects located in Washington, DC are referred to NCPC's Coordinating Committee, comprised of representatives from District and federal agencies. The committee reviews projects to foster consultation among the various agencies and often makes recommendations to address interagency coordination. NCPC will invite Tribal Nations to participate in this process to review projects that have implications on the communities and geographical areas they represent.

NCPC also refers projects located in Maryland and Virginia and not included in previously submitted master plans to relevant state partners for review. NCPC will include Tribal Nations as interested parties and send notifications on relevant projects.

Comprehensive Planning

NCPC prepares the Federal Elements of the *Comprehensive Plan for the National Capital*, which serve as the blueprint for the long-term development of the national capital and decision-making framework for Commission actions on plans, proposals, and policies submitted for review. The agency also reviews and approves the District Elements of the Comprehensive Plan, which provide guidance for local development in the District of Columbia. NCPC additionally provides advisory comments to local plans and capital improvement documents for jurisdictions in the NCR.

During updates of the Comprehensive Plan, NCPC offers multiple opportunities to coordinate, consult, and/or notify federal and local agencies, interested parties, and the public. NCPC releases the draft Elements for formal public comment periods and hosts workshops and public meetings. Tribal Nations will be included in both informal and formal requests for public comment. The agency will proactively identify policy issues that may be of interest to Tribal Nations in the NCR, include those Nations as interested parties, and send notifications of updates.

Other Activities

NCPC provides overall planning guidance for federal land and buildings through other efforts. It leads initiatives, plans, and studies that support planning for future development and advance the goals of the Comprehensive Plan. NCPC annually reviews federal and local capital improvements plans for the construction or renovation of buildings and infrastructure. The agency also reviews draft plans prepared by cities and counties within the NCR to determine if there is a federal interest at stake and to help local agencies coordinate with affected federal entities. As NCPC division leaders review all agency activities each year during development of the annual work program, they will consider the extent to which Tribal Nations might be impacted and identify opportunities for increasing engagement with Tribal communities.

Conducting Tribal Consultations

NCPC is committed to partnering with Tribes and promoting Tribal sovereignty through meaningful and robust engagement. This section details the agency's process to obtain and use input through consultations.

Identifying Tribes to Contact

NCPC has a list of Tribal Nation contacts that it will review and update annually to ensure accuracy.

Project-Based Consultations

NCPC will conduct consultations on these projects described in the previous section to meaningfully consider Tribal input in the agency's decision-making process.

Project	Timing	Notification	Appropriate Agency Official
<i>Plan and Project Review – NEPA</i>	When NCPC is the lead agency regarding approval of a project and must comply with NEPA.	NCPC will include relevant Tribal Nations in stakeholder or distribution lists, and when identifying potential cooperating agencies.	Director of the Urban Design & Plan Review Division
<i>Plan and Project Review - NHPA</i>	When NCPC is lead agency regarding approval of a project and must comply with NHPA.	NCPC will include relevant Tribal Nations when developing consulting party lists.	Director of the Urban Design & Plan Review Division
<i>Plan and Project Review – Coordinating Committee</i>	Projects are referred to interested parties on an ad-hoc basis.	NCPC will reach out to Tribal Nations to determine interest in participating as interested parties.	Director of the Urban Design & Plan Review Division
<i>Plan and Project Review - Referrals</i>	Projects are referred to interested parties on an ad-hoc basis.	NCPC will reach out to Tribal Nations to determine interest in	Director of the Urban Design & Plan Review Division

		participating as interested parties.	
<i>Comprehensive Planning</i>	Updates to the Comprehensive Plan occur on an ad-hoc basis.	NCPC will reach out to the Tribal Nations during the public comment period.	Director of the Policy & Research Division

All consultations will be organized to reflect the accessibility and availability of Tribal resources to participate. Tribal representatives will have the opportunity to choose the most convenient engagement method (e.g., in-person, telephone, email, virtual call). They will also be able to submit written comments digitally or in hard copy in lieu of participating in a direct consultation.

General Outreach

NCPC electronically distributes copies of its monthly meeting agendas, with links to the projects that include locations and proposal descriptions. The public is invited to comment on these projects and plans. NCPC will reach out to Tribal contacts to remind them of this opportunity to provide insight or suggestions.

NCPC also distributes a monthly digital newsletter and hosts regular events to inform the public about its work and a wide range of planning issues affecting the NCR, including commemoration, security, and transportation. Agency staff will engage with Tribal leaders to make sure they know how to receive updates on news and events.