

Alaska Regional Response Team (ARRT)
Guidelines for Coordination & Consultation
With Federally-Recognized Tribes

I. Purpose

The goal of these Guidelines is to build upon existing individual agency tribal coordination and consultation guidance, and to ensure tribal input is an integral part of ARRT-related activities and decision-making.

II. Introduction

The obligation for federal agencies to engage and consult with federally-recognized Indian tribes on a government-to-government basis is based on the U.S. Constitution and federal treaties, statutes, executive orders, and policies. The ARRT is an interagency entity that exists (among other reasons) to develop and maintain a federal regional contingency plan to coordinate timely, effective response by various federal agencies and other organizations to discharges of oil, releases of hazardous substances, pollutants, or contaminants, or threats of such discharges or releases.

The ARRT provides (1) the regional mechanism for development and coordination of preparedness activities before a response action is taken, and for coordination of assistance and advice to Federal On-Scene Coordinators (FOSCs) during such response actions, and (2) guidance to Subarea Committees to ensure inter-area consistency among individual Subarea Contingency Plans (SCPs), and consistency of individual SCPs with the Regional Contingency Plan and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). Because the ARRT is made up of representatives from federal agencies and the State of Alaska, its actions are subject to state and federal laws, regulations, and policy directives.

It is important to note that State government responsibilities may differ from those of federal agencies, and that these Guidelines apply only to the federal ARRT member agencies. This document serves as a guide to implement the laws, regulations, and policies related to federal ARRT interactions with federally-recognized tribal governments. It is the ARRT Co-Chairs' responsibility to ensure that actions of the ARRT are conducted in a manner consistent with these Guidelines.

It is the intent of the ARRT to ensure that all ARRT task forces, committees and working groups adhere to these Guidelines, engage tribes as early as possible in their work process, and document that engagement. It is the responsibility of the co-chairs to determine what level of tribal engagement is required, when assignments are delegated.

As described in 40 CFR 300.115, the ARRT may function as a standing RRT for policy-making and interagency coordination, or as an incident-specific response team activated in the event of a discharge or release.

III. Tribal Implications

The ARRT Co-Chairs will determine as early as possible whether an ARRT action has tribal implications in accordance with E.O. 13175. In making this determination, the ARRT Co-Chairs will engage ARRT representatives from federally-recognized tribes, ARRT members and their agency tribal liaisons, and chairs of ARRT working groups, task forces, and committees.

Federally-recognized tribes are encouraged to contact the ARRT when they feel that an ARRT action may have tribal implications, regardless of whether they currently hold a seat on the ARRT.

In addition to above guidance, the following considerations will be taken into account when determining tribal implications:

Geographic Considerations

- Action on or adjacent to Indian Country or an Alaska Native Village, or nearby (such as within the same airshed or watershed) if the action may affect a tribe's health, resources, rights, or traditional way of life
- Action within the traditional use areas of a federally-recognized tribe that may affect a tribe's resources, rights, or traditional way of life

Tribal Resources

- Action that may affect the treaty-reserved resources of a tribe
- Action that may affect the public health in the tribal community
- Action that may affect the cultural, traditional, or subsistence resources of a tribe or a tribe's traditional way of life

Tribal Ownership

- Action related to a facility owned or managed by a tribal government

IV. Tribal Coordination and Consultation Activities

These Guidelines address key aspects of Tribal engagement, including Communications, Education, and Outreach, ARRT Coordination & Collaboration with Federally-Recognized Tribes, and Consultation with Federally-Recognized tribes.

A. Communications, Education and Outreach, and Coordination & Collaboration with Federally-Recognized Tribes.

The table below identifies ARRT tribal engagement guidance regarding communications, education, and outreach, and coordination & collaboration with federally-recognized

tribes. Consultation with federally-recognized tribes is detailed further in section “B” below.

Communications, Education, and Outreach:	
The ARRT will seek to identify opportunities to reach out to tribes about the work of the ARRT in order to help ensure meaningful engagement.	
ARRT Meeting Notice (Website & Email): (at least 3 weeks prior to meetings, and will include how to obtain further meeting information)	The ARRT will ensure that the time, place, and agenda for ARRT meetings are posted to the ARRT public website. The ARRT will provide email notice of ARRT meetings to federally-recognized tribes.
ARRT Meeting Teleconference Service:	ARRT meetings will be teleconferenced to encourage and enable tribal participation.
ARRT Meeting Summaries:	ARRT meeting summaries will be posted on the ARRT website: www.AlaskaARRT.org .
Newsletter: (distributed via email to all 229 federally-recognized tribes in Alaska)	In January of each year, the co-chairs will oversee production of an ARRT newsletter, which will contain information regarding the composition and function of the ARRT, a list of plan updates and other initiatives that the ARRT intends to undertake during the upcoming year, and an explanation of how and when tribes may participate in ARRT incident-specific activations.
Letters and Emails:	The ARRT will communicate with tribes via letter and/or email on issues of concern to tribes, and welcomes tribes to contact the ARRT regarding any issues or concerns they may have related to ARRT business.
Teleconferences:	In addition to ARRT meetings, the ARRT will organize teleconference calls to discuss issues of concern to tribes. This may also occur as part of an ARRT government-to-government consultation effort.
Information Sessions:	The ARRT may host informational sessions at the Alaska Forum on the Environment or other similar venues where many tribes are gathered. The number of outreach events each year will depend on available agency resources.

B. Government-to-Government Consultation (E.O. 13175) with Federally-Recognized Tribes

Government-to-government consultation between appropriate tribal officials and agency representatives is an exchange of information and promotes enhanced communication that emphasizes trust, respect, and shared responsibility. Communication will be open and

transparent without compromising the rights of federally-recognized tribes or the government-to-government consultation and coordination process.

In accordance with EO 13175, the ARRT will offer government-to-government consultation for ARRT products and initiatives when these actions are determined to have tribal implications. Additionally, Government-to-government consultation with the ARRT may be requested by a tribe. If a tribe requests consultation, the co-chairs will identify a lead agency to respond to the request. Where ARRT actions are jointly owned, the Co-Chairs will determine a mechanism for joint consultation in collaboration with relevant agencies.

Note that Subarea Contingency Plans and incident-specific activations are managed by the FOSC rather than the ARRT; and as such, the FOSC is responsible for tribal coordination and consultation in accordance with the policies and procedures of his or her agency.

C. Tribal Government Representation on the ARRT and ARRT Working Groups, Committees, or Task Forces

Section 300.115(d) of the NCP states that “Indian tribal governments may arrange for representation with the RRT appropriate to their geographical location.” Since the ARRT covers the state of Alaska, Alaska-based federally-recognized tribes may have representation on the ARRT.

Section 300.180(a) of the NCP states that “Indian tribes wishing to participate should assign one person or office to represent the tribal government on the appropriate RRT.” Any federally-recognized tribe wishing to have a representative on the ARRT should provide that information to the ARRT, in writing.

Any federally-recognized tribe wishing to participate in an ARRT working group, committee, or task force should assign one person or office to represent the tribal government and provide that information in writing to the ARRT.

V. References

Activities of the standing ARRT include the following:

- Promulgate and maintain the Unified Plan as needed;
- Evaluate the preparedness of the participating agencies;
- Evaluate the effectiveness of the Subarea Contingency Plans (SCP);
- Provide technical assistance for preparedness to the response community.
- Review and comment, to the extent practicable, on local emergency response plans and other preparedness measures;
- Evaluate regional and local responses to discharges or releases;
- Recommend revisions of the National Contingency Plan (NCP) to the National Response Team (NRT);
- Review OSC actions to ensure that the Unified Plan and SCPs are effective and consistent with one another;

- Encourage the state and local response community to improve its preparedness for response;
- Conduct advance planning for use of dispersants, surface washing agents, surface collecting agents, burning agents, bioremediation agents, or other chemical;
- Prepare to provide response resources for major discharges or releases outside of the region;
- Conduct or participate in training and exercises;
- Meet at least semiannually to review response actions carried out during the preceding period; consider changes in the Unified Plan and recommend changes in SCPs;
- Provide reports on RRT activities to the NRT twice a year; and
- Ensure maximum participation in the national exercise program for announced and unannounced exercises.

The following documents guide federal departments and agencies of the ARRT in working with federally-recognized tribes on a government-to-government basis and define the responsibilities of the ARRT:

- A. [Executive Order 13175: Consultation and Coordination with Indian Tribal Governments.](#)
- B. [Presidential Memorandum issued November 5, 2009 on Tribal Consultation.](#)
- C. [National Contingency Plan \(40 CFR Chapter 1, Subchapter J, Parts 9 and 300\)](#)
- D. [ARRT Charter](#)
- E. Other Federal Departmental and Agency Tribal Consultation Policies and Procedures

A list of the federally-recognized tribes is posted annually in the Federal Register, and may be viewed online at <https://www.federalregister.gov/>.