



# TRIBAL ENGAGEMENT 101 FOR ECONOMIC DEVELOPMENT DISTRICTS

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## FOR ECONOMIC DEVELOPMENT DISTRICTS

### PURPOSE

This publication provides an introductory overview of tribal engagement strategies for staff at Economic Development Districts (EDDs). EDDs and Tribal Nations frequently have shared interests and the opportunity to partner on projects that deliver economic development to their overlapping communities. Many EDDs have existing relationships with nearby Tribal Nations, up to and including ongoing representation on EDD boards and committees. In others, relationships are more limited or have lapsed over time. The resources in this publication are intended to be general in nature, but it is important to keep in mind the particular context of a Tribe's unique history and structure when building relationships based on shared interests and values. This document concerns native communities that may have tribal governments with specific rules for engagement.

### INTRODUCTION

Economic Development Districts (EDDs) and American Indian and Alaskan Native Tribal Nations frequently represent overlapping or adjacent geographies, which often leads to a shared interest in regional economic development topics. However, the extent of relationships between EDDs and Tribal Nations varies widely across the United States. Some have deep and enduring partnerships, including official Tribal representation as EDD members or on the organization's board of directors. In other places, Tribal Nations and EDDs have a limited history of collaboration or official contact. Many EDD staff report that they wish to expand their relationships with local tribal nations. However, they are often unsure how to respectfully involve these partners in established planning and implementation processes. This brief outlines opportunities for EDD-Tribal collaboration, as well as tips for EDD staff seeking to initiate relationships with Tribal Nations. It highlights the value of looking at economic development holistically and inclusively.

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## BACKGROUND: TRIBAL RESERVATIONS IN THE UNITED STATES

The legal framework that governs relations between the U.S. Federal Government, U.S. states, and American Indian or Alaska Native Tribes is complex, encompassing varying legal duties, moral obligations, and informal understandings and expectations shaped over the course of the 250-year history of the United States. The U.S. Government presently recognizes 574 American Indian and Alaska Native tribes and villages, and 326 Indian Reservations. Not all federally recognized Tribes have an associated Reservation, though some Reservations are held in trust by more than one Tribe. U.S. states recognize approximately sixty-five additional Tribes. State recognized Tribal Reservations differ from federally recognized reservations in that they are typically subject to all state laws but exempt from state property taxes.<sup>1</sup>

As recognized sovereign nations, Tribes govern with all powers of self-government except those relinquished under treaty, by Congressional statute, or by federal court ruling. Tribes may form independent governments, establish taxes, make and enforce laws, license and regulate economic and other activities, determine standards for tribal citizenship, and exclude unwanted persons from their lands. They may also enter into government-to-government agreements with the U.S. Federal Government, states, localities, and other public entities

Not all tribally owned land is held on Tribal Reservations. Fee lands, for example, are property owned by tribal members that can be freely bought and sold like any other parcel in the United States. The conversion of fee lands to trust lands, or the inverse, has been the subject of significant and complex actions over the last 150 years and has major implications for tribal economic development. [This Congressional Research Service report](#) analyzes this issue in some depth.

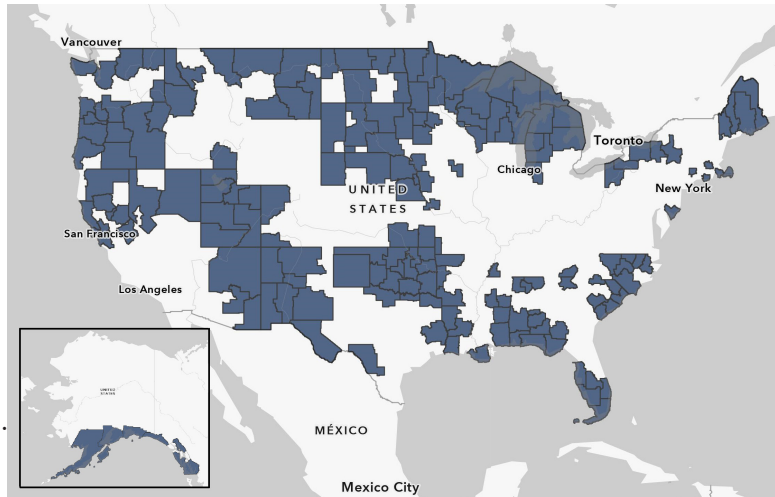
It is critical for EDDs who wish to partner with Tribal entities to understand the legal rights, duties, and responsibilities entailed by Tribal Nation sovereignty, as well as the centrality of Tribal sovereignty to questions of identity and belonging in Indian country and the United States. Though it is not necessary to become an expert, a strong working understanding and respect for the complexity and gravity of this framework can help EDD staff begin to establish trust with potential partners.

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<sup>1</sup> The legal status of Oklahoma Tribal Statistical Areas differs from that of other federally recognized reservations in that only tribal members are subject to tribal law on-reservation. The legal status of at least five OTSAs has been in considerable flux over the past three years, as the Supreme Court ruled against Oklahoma's right to prosecute crimes committed by tribal members on certain reservation lands, and then ruled that the state maintains the right to prosecute non-members who commit crimes on tribal lands. The cases together left many questions unanswered. See <https://www.bu.edu/bulawreview/files/2022/01/MILLER-DOLAN.pdf> for more discussion.

## BACKGROUND: EDD-TRIBE RELATIONSHIPS

The U.S. Economic Development Administration (EDA)'s [Planning Program](#) requires that all partnership planning grantees, EDD or tribal, write and maintain an individual [Comprehensive Economic Development Strategy \(CEDS\)](#). This includes EDDs and Tribes with overlapping boundaries. Each of the approximately 400 EDDs and number of Native American/Alaska Native Planning Grantees maintains an individual CEDS outlining their five-year program of economic development goals and activities.



Map: EDDs with service areas overlapping Native Tribal Lands

[More than 150 EDDs](#) have service areas that overlap with Tribal Reservation, Off-Reservation Trust Lands, or Oklahoma Tribal Statistical Areas, and dozens more share at least one border. In some cases the overlap is substantial; for example, more than half of the Northern Arizona Council of Governments' service area overlaps with Navajo Nation boundaries. Still, the two each complete their own CEDS.

Dozens of EDDs have existing relationships with tribal entities in and around their service areas to promote and enhance regional economic development. The extent of these relationships ranges from informal contact at the staff level to tribal representation as EDD members or on an EDD board of directors. For example, the [Southeast Conference](#) based in Juneau, Alaska includes several tribes and Alaska Native associations among its membership, and the Principal Chief of Osage Nation sits on the Board of Directors of the Indian Nations Council of Government, an EDD serving the Tulsa, Oklahoma region.

A recent Economic Development District Community of Practice (EDD CoP) survey of EDD Executive Directors and review of 402 recent CEDS plans across the country found that at least 70 EDDs have existing relationships or are seeking to build relationships with local Tribal communities. Tribal members often sit on EDD CEDS committees, or partner on specific projects like broadband deployment, RLFs, hazard mitigation planning, and food ecosystems development. A number of EDDs have offered technical assistance to Tribal Nations for their CEDS process or other planning efforts. The two charts below display a snapshot of goals and strategies for tribal engagement voiced in CEDS plans.

There is also frequent government-to-government consultation between EDDs and Tribal Nations for projects that invoke National Historic Preservation Act (NHPA) or National Environmental Policy Act (NEPA) Section 106 reviews. Section 106 requires that agencies identify historic properties, assess effects to historic properties, consider alternatives to avoid, minimize, or mitigate any adverse effects, and document their resolution, including through a stakeholder engagement process with Indian Tribes, among others.

### CEDS Tribal Engagement Strategies



### CEDS Tribal Engagement Goals

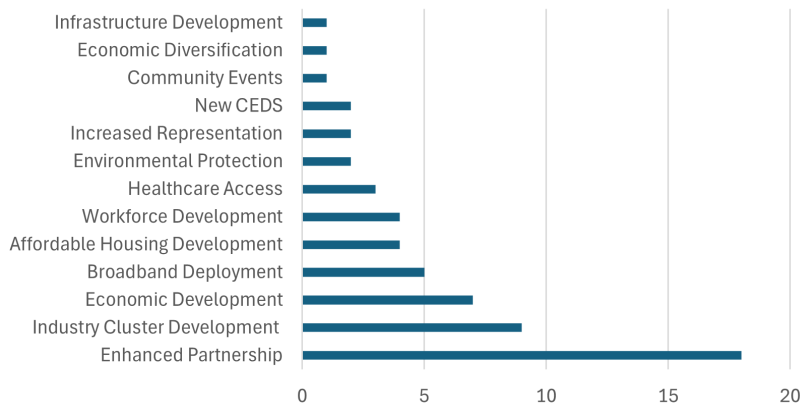


Figure 1 & 2: Goals and Strategies for Tribal Engagement listed in CEDS plans. Source: [SLEDS](#)





## **PLANNING CONTEXT**

As noted above, many EDD service areas overlap with Tribal Reservations. Beyond overlapping administrative boundaries, tribes play a critical role in the formation of regional cultures and economies. Transportation infrastructure, freight flows, people, wildlife, and services cross freely over these lines, collectively creating regional economic activity and physical, cultural, and ecological dependencies.

Because of these interdependencies, siloed efforts amongst EDDs and Tribal Nations cannot result in truly comprehensive regional plans and can lead to missed opportunities, overlapping programs, and unrealistic analyses of regional needs. At worst, they could result in the pursuit of projects or strategies that are at cross-purposes. The situation also precludes the possibility of fulsome and equitable public engagement for projects and programs of regional significance. In contrast, regional cooperation between tribes and EDDs can create force multiplier effects, where the resources and opportunities of adjacent areas feed into and build on each other.

## **BUILDING COMMUNITY**

The interests that Tribal Nations represent are not merely economic in nature but include nurturing the social and cultural flourishing and continuation of their communities, histories, and traditions. As such, outreach to these communities should consider holistic approaches and highlight shared goals beyond simple economic impacts.

At their core, EDDs are convening organizations that bring people and communities together to solve complex regional challenges. Creating communities of trust and mutual understanding is critical to that mission, both for specific projects and for the long-term resilience of regions and places. While all the tips and tools in the following section are important, it is critical that community is at the center of this work.



With this context in mind, the following is a list of engagement tips for EDDs looking to start (or renew) a relationship with Tribal Nations in or adjacent to its service area. These tips were sourced from staff at EDDs with strong Tribal relationships as well as from experts on Tribal engagement in the EDD Community of Practice team and from federal partners.

## TIPS FOR OUTREACH

### 1. Make Cultural Awareness a Top Priority

Respect for tribal sovereignty must be a guiding principle for any EDD-tribe relationship. Unlike localities, counties, or other governmental bodies, Tribal Nations have the right to total self-determination and governance within their Reservation boundaries. EDDs seeking to partner with tribes must understand that the tribal entity enters that partnership voluntarily and retains full autonomy over governance decisions within its borders.


It is also crucial to be mindful of the significance of the historical context of government relations with Indian tribes and to familiarize yourself with the particular history of that relationship with the tribe you seek to partner with. Understanding that history, as well as the tribe's particular customs and rituals, can help to bridge cultural divides and potential skepticism or mistrust.

### 2. Understand the Particular Laws and Customs Governing Your EDD and its Tribal Partners

It is important not to oversell or mislead emerging partners about the potential for collaboration allowed under the law and enabling statutes for regional organizations. For example, the state enabling statutes governing some EDD host organizations require that their board be comprised solely of representatives from counties or localities. Other EDDs face no such restrictions. This applies to tribal governance procedures as well: it is important to recognize that each tribe has a unique governance structure and degree of public sector capacity. A clear understanding of the legal and organizational structure and requirements of a particular EDD and the Tribe it seeks to engage is critical to ensure a transparent relationship.

### 3. Be Sensitive to Time and Costs

Tribal representatives frequently juggle many duties beyond the particulars of an outside engagement process and may face constraints on their human and financial capacity. This can create barriers to collaboration on projects that require significant investments of time or staff capacity. Clearly expressing the timelines and demands of a collaboration at the front end is critical, as is avoiding setting up unnecessary deadlines or requests. Things as simple as regular meetings may be burdensome for tribal partners who may have to travel long distances to attend.



It is also important to recognize that tribal governance processes may create a slower timeline for decision-making than is typical with EDD partners. Tribal officials may need to consult with others, including elders, the tribal council, or the head of the tribal government between engagements or steps in project processes. Understanding the timelines for tribal decision-making processes at the start can help EDDs avoid setting unrealistic expectations or inviting unnecessary conflict.

#### **4. Start Small**

Many EDDs report that successful tribal relationships began with a single, small collaboration and then grew at the speed of trust. For example, the [Section 106 consultation process](#) can be a jumping off point for relationship building between tribes and EDDs that have participated in it in the past. Once these small engagements begin to establish trust, EDDs can more easily approach Tribal Nations to offer technical assistance, collaborate on grants, or co-establish services. Successful completion of small projects can lay the foundation for a tribal entity to see the EDD as a trusted partner with a particular expertise and many shared interests.

#### **5. Commit for the Long Term**

To foster an enduring partnership with a Tribal Nation that shares a mutual interest in regional economic development, it is critical to institutionalize the partnership as soon as is appropriate. The most common approach taken by EDDs is to invite Tribal leaders to sit on committees, including the CEDS committee, workforce development board, or others that represent shared interests. Some EDDs have established Tribal Advisory Committees that regularly weigh in on the impact the organization is having on tribal lands and peoples. Institutionalized partnerships are important for maintaining relationships beyond the span of any single EDD staff member's career or Tribal Member's time in office.





## TRIBAL ENGAGEMENT RESOURCES

The following is a list of resources published by various public entities and organizations that may be useful for EDDs looking to establish a relationship with Tribal Nations:

[EDA Economic Development Directory](#): includes listings for EDDs and Native American/ Alaska Native Planning Grantees



CONSULTATION WITH INDIAN TRIBES  
IN THE  
SECTION 106 REVIEW PROCESS:  
THE HANDBOOK

June 2021

[Advisory Council on Historic Preservation guide](#): Consultation with Indian Tribes in the Section 106 Review Process



[Neighborworks America two-day training](#): Developing Successful Partnerships with Native Organizations



NOVEMBER 30, 2022

### Memorandum on Uniform Standards for Tribal Consultation

BRIEFING ROOM • PRESIDENTIAL ACTIONS

Memorandum for the Heads of Executive Departments and Agencies

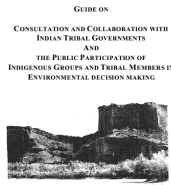
SUBJECT: Uniform Standards for Tribal Consultation

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

[White House Standards for Tribal Consultation](#): Biden Administration guide for robust and culturally sensitive communication with tribal partners.



[Bureau of Indian Affairs, Office of Indian Economic Development](#): Federal agency supporting Tribal economic development through technical assistance and funding programs.



GUIDE ON  
CONSULTATION AND COLLABORATION WITH  
INDIAN TRIBAL GOVERNMENTS  
AND  
THE PUBLIC PARTICIPATION OF  
INDIGENOUS GROUPS AND TRIBAL MEMBERS IN  
ENVIRONMENTAL DECISION MAKING

[EPA Guide](#): Consultation and Collaboration with Indian Tribal Governments



FIRST NATIONS  
DEVELOPMENT INSTITUTE

[First Nations Development Institute](#): Assists Native American tribes, their communities, and Native nonprofits in economic development by providing technical assistance, training, policy, and the awarding of grants.



This guide was prepared by NADO Program Manager Dion Thompson-Davoli and Dr. Joanie Buckley, Consultant, First Nations Development Institute. (May 2024)

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