Delivered electrically via Community_Leaders_Feedback@indian.senate.gov

Dear Senators of the Special Committee on Climate Crisis and the Committee on Indian Affairs:

On behalf of the National Congress of American Indians (NCAI), the oldest and largest organization made up of American Indian and Alaska Native tribal governments and their citizens, the Co-Chairs of NCAI’s Climate Action Task Force (CATF) submit the following responses to your July 10, 2019 letter asking for examples of the impacts of climate change on tribal communities, examples of solutions and adaptive responses, and suggestions for actions Congress can take to help tribal nations address risks and impacts related to climate change.

In February 2019, NCAI President Jefferson Keel announced the launch of NCAI’s Climate Action Task Force and its online Climate Action Resource Center. CATF is co-chaired by tribal leaders and supported by a team of technical experts representing every region of the country. CATF’s mission is to (1) formulate and advocate for tribal consensus-based climate policies; (2) identify, document, and share tribal climate action best practices and effective strategies; (3) develop and maintain partnerships with technical experts; (4) build a national network of tribal climate action stakeholders; and (5) serve as an information-sharing conduit between tribal nations and the United States and international human rights forums.

In general, climate-related changes to the weather, food sources, and local landscapes undermine the social identity and cultural survival of American Indians and Alaska Natives. Climate change has had significant impacts on the availability of key food sources such as salmon, herring, whales, caribou, moose, seabirds, and waterfowl, and presents serious challenges to subsistence ways of life in Alaska and other regions. As such, climate change poses a serious threat to the inherent and treaty rights of tribal nations and peoples, including, inter alia, rights to subsistence, traditional lands and resources, health, and productive capacity of the environment.

Further, increased temperatures, evaporation, and changes in precipitation patterns present greater susceptibility to invasive species (e.g., beetles) and disease in relation to wildfire. More intense wildfires also emit ash and particulates into the air, which exasperates health concerns for sensitive populations, such as youth, the elderly, and other vulnerable individuals. In addition, such changes also affect public water supply and demand, water quality, traditional agricultural lands, and place undue stress on cultural heritage areas as well as surrounding species and ecosystems.

Tribal nations are place-based peoples, with sacred histories and cultural practices that tie them to their current land bases and ancestral territories. These include time-honored ecological practices designed to preserve natural resources and guard against undue stresses on natural supplies of food, water and medicinal plants. Climate change
not only threatens these resources and the ability of tribal nations to care for them as they have always done, it also impairs the ability of tribal nations to build sustainable economies and care for their citizens. In some places, climate change impacts are so severe that they are forcing tribal nations to relocate entire communities due to sea level rise caused by global warming as well as climate-based stresses on tribal land bases and food sources.

With this in mind, NCAI’s CATF submits the following answers to the questions presented in your July 10 letter.

1. **What policies, regulations, and programs have proven particularly useful in assisting your communities in mitigating and responding to climate change impacts?**

The recent “Climate Change and Land” report from the United Nations Intergovernmental Panel on Climate Change stressed the important role that indigenous land rights and management play in climate mitigation. Under federal law, tribal governments exercise civil regulatory authority over their lands and their citizens, enabling them to develop local laws and regulations that are informed by their unique knowledge of the land and further their climate priorities.

Generally, the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA), as well as their accompanying regulations, help to address some concerns about decision-making and management authority related to tribal resources. Additional policies recognizing tribal self-determination could be useful in implementing both statutes to ensure they reflect and advance the federal government’s trust responsibility to tribal governments. Specifically, CATF points to the need for improved tribal consultation standards and practices. While tribal consultation under Executive Order 13175 and/or agency-specific tribal consultation policies have elevated tribal governmental voices and priorities to their proper place in the federal decision-making process, tribal involvement in the context of these laws, regulations, and policies still falls short of the free, prior, and informed consent that is required under the UN Declaration on the Rights of Indigenous Peoples. Consultation often comes into play far too late in the process, leaving the mitigation of impacts as the only real redress for tribal concerns. This dynamic also overlooks the opportunities for and benefits of early incorporation of tribal knowledge bases and proven tribal strategies into the building of effective plans of action.

Tribal nations also have worked within the framework of federal working groups or advisory committees to provide input. However, there are many such advisory committees and working groups that do not include tribal voices – yet they are developing policies that affect tribal resources and lands, such as subsistence resources, for example.

The Department of the Interior (DOI) has provided funding for tribal resilience programs through the Bureau of Indian Affairs (BIA), which have been very helpful in supporting tribal nations in identifying potential climate threats and developing resilience or mitigation plans. However, the funding for this program falls well short of current tribal needs. There are 573 federally recognized tribal nations and, in FY 2016, the total amount requested from tribal nations for the BIA Tribal Climate Resiliency Program exceeded $25.5 million. Despite this need, the BIA Tribal Climate

---

2. See NCAI Resolution PHX-16-058, *United States Federal Agency Consultation, Consent, Funding, and Actions to Address Climate Change Impacts to Tribal Treaty and Trust Resources*, available here:
Resiliency Program was only able to fund 138 programs in FY 2017 for a total of $12,699,059\(^3\), and 118 programs in FY 2018 for a total of $8,700,000.

2. **Are there policies or strategies that your communities are using to address climate change that could scale for implementation at the federal level, including traditional knowledge?**

In 2017, NCAI passed resolution MOH-17-053, *Continued Support for the Paris Climate Agreement and Action to Address Climate Change*. This resolution communicates NCAI’s continued support for the Paris Climate Agreement and states:

> “NCAI will continue to support and advocate for initiatives intended to reduce greenhouse gas emissions and promote climate resiliency that include but are not limited to:

- increased investment and use of renewable energy resources, like wind and solar, which will also promote economic development, clean power generation, and new workforce opportunities;
- efforts to increase energy efficiency planning and implementation that will protect the environment, reduce energy costs, and enhance quality of life in Indian Country and around the world;
- efforts to educate the public on current and emerging climate change impacts affecting Indian Country;
- implementation and improvement of the processes and planning associated with preparing for and mitigating impacts of climate change, such as the increased incidence and magnitude of events that require emergency management and disaster response; and
- further actions of Tribal Nations in the exercise of their inherent sovereignty to combat climate change.”\(^4\)

In the context of the above-mentioned policies, NCAI’s membership urged CATF to share best practices for how tribal nations are identifying climate risks, assessing threats, and developing resiliency and/or mitigation plans to preserve our spaces and places as Native peoples. To this end, CATF would like to share with you just a few examples of the innovative climate action approaches being carried out by tribal nations.

---


\(^4\) See NCAI Resolution MOH-17-053, *Continued Support for the Paris Climate Agreement and Action to Address Climate Change*, available here: [http://www.ncai.org/attachments/Resolution_NCDmKFSVrETdIUtFZxWeVSayYSqcrfaNBHJfrcWyVPNldCBAxU_MOH-17-053.pdf](http://www.ncai.org/attachments/Resolution_NCDmKFSVrETdIUtFZxWeVSayYSqcrfaNBHJfrcWyVPNldCBAxU_MOH-17-053.pdf) (last visited Aug. 21, 2019).
The Consolidated Borough of Quil Ceda Village

The Consolidated Borough of Quil Ceda Village is a municipality located on the Tulalip Tribe’s reservation and includes the Quil Ceda Village Business Park in Snohomish County, Washington. On January 1, 2018, all Village grocery and retain stores, including Walmart, Home Depot, Cabela’s and the Tulalip Resort and Casino converted from plastic to paper bags. After learning of the far-reaching environmental consequences of plastic bags – for example an individual may accumulate up to 1,500 in a year and only recycle less than one percent – the Village, in partnership with the Tulalip Board of Directors passed the city’s ordinance eliminating the use of plastic bags in the Village.


The Gila River Water Storage LLC & the Gila River Indian Community’s Key Role in Drought Management

In Arizona, the Gila River Indian Community (“Community”) has become a leader in water management in Arizona and in the Lower Colorado River Basin.

Nearly 10 years ago, the Community, in collaboration with Salt River Project power and water (“SRP”), one of Arizona’s largest utilities, created the Gila River Water Storage LLC. This company was formed directly in response to mounting challenges created by increasing water scarcity. The goal of the project is to make up to five million acre-feet of additional dependable, renewable water supplies available to central Arizona. Key to this initiative is “water-banking” and the creation of “long-term storage credits.” Since 2010, the Community has used its entitlement to Colorado River water that is delivered through the Central Arizona Project (“CAP Water”) to create over 1.5 million acre-feet of long-term storage credits. In brief, the Community is “banking” its previously un-used CAP Water in existing aquifers to earn “long-term storage credits” that may be used for future development. This innovative program provides security and economic development opportunities for both the Community and the region.

In May 2019, the Community joined seven Colorado River basin states and other stakeholders in signing a series of agreements to implement the Colorado River Drought Contingency Plan. These agreements formalized the commitment of the Community, states, federal government, and other key stakeholders to take collaborative steps to protect and enhance the sustainability of the Colorado River and the estimated 40 million people who rely on the Colorado River for their domestic, industrial,
agriculture and infrastructure needs. The Drought Contingency Plan has been cited by the Department of the Interior as the best path forward toward safeguarding the single most important water resource in the western United States. The plan will address the heightened risk of severe water shortages and falling water levels due to drought conditions that have been exacerbated by climate change. The Community was key in not only protecting the Gila River Indian Community’s water rights and water settlement, but in bringing solutions that were adopted by the State of Arizona, Arizona stakeholders and federal partners. This historic agreement serves as an example of how all governments – tribal, federal, and state can work in collaboration to address the impacts of climate action throughout the United States.

**Blue Lake Rancheria**

Blue Lake Rancheria is a federally recognized tribe located in Humboldt, County, California. The Tribe began climate action planning in 2008. Since then, it has made tremendous advances in reducing greenhouse gases (GHGs) as well as community resiliency. In particular, the Tribe partnered with Schatz Energy Research Center and Pacific Gas and Electric (PG&E) to develop a $6.3 million “low-carbon community micro-grid.” The grid provides energy to the Tribe’s critical infrastructure, including the government offices, enterprises (hotel casino, events center, and restaurants) and a certified Red Cross shelter. Each year the Tribe saves approximately $200,000 in energy costs and reduces emissions by approximately 195 metric tons. Blue Lake Rancheria is committed to reducing its greenhouse gas emissions to zero by 2030.


**St. Regis Mohawk**

The St. Regis Mohawk Tribe is located in the St. Lawrence River Valley of northern New York and Canada. The Tribe engages in several climate-change response programs including air quality and solar initiatives. The Tribe is also engaged in a project to protect stands of black ash trees from invasive species, including the Emerald Ash Borer (EAB) beetle. EAB can be killed in extremely cold temperatures. But, as the Tribe witnesses increased temperatures, particularly in the winter, and expects that New England temperatures will rise anywhere from 3.5 to 8.5 degrees Fahrenheit by the end of the century they are preparing to mitigate for increased numbers of EAB due to climate change. A key driver of this project is the cultural importance and use of black ash by members of the St. Regis Mohawk Tribe. Black ash splints are used to make traditional utility and fancy baskets. St.
Regis’ black ash climate adaptation plan provides an excellent example of the confluence of culture, climate, science, and traditional knowledge.


Newtok Tribal Village

The Native Village of Newtok is a federally recognized tribal nation of 350 Qaluyaarmit citizens. The village is located adjacent to the Ninglick River on Alaska’s Bering Sea Coast. Because of thawing permafrost, river currents, and coastal storms, Newtok loses approximately 70-90 feet of shoreline each year. Since 2002, six federal disasters involved the Village of Newtok as a result of flood events. Beginning in 2000, the village responded to threats from erosion by planning to relocate their community approximately nine miles to Mertarvik. Despite this pre-planning, Newtok faces a dire situation and requires additional support. To date, the State of Alaska has provided $10.8 million; the Bureau of Indian Affairs has provided $5.1 million; the Denali Commission has provided $4.7 million; the Department of Housing and Urban Development has provided $2.3 million. Still, approximately $130 million is needed to develop the Mertarvik site.

In summary, these climate-based initiatives represent a small sample of the innovative and forward-thinking steps tribal nations are taking to address and respond to the climate change impacts they are experiencing as front-line communities.

What tribal nations need is the latitude to design and deploy innovative and proven climate action solutions that are ecosystem-scalable, sustainable, and rooted in traditional knowledge and tribal practices. This demands that the federal government enact or strengthen laws and policies that defer to tribal nations as primary climate action decision-makers. It also demands that Congress adequately funds these solutions not just now, but over the long run.

Tribal nations also need partners in these climate action efforts. Congress can play a role as convener in this regard, incentivizing and facilitating intergovernmental initiatives between tribal governments and federal, state, and local governments as well as other interested stakeholders.

3. What actions or policies could federal agencies take within existing authorities to improve climate change mitigation and resilience in your communities?

The Administration can reverse the dangerous trend of denying sound scientific evidence in its decision-making. In doing so, tribal nations should be integrated into national climate policies, since they affect longstanding tribal rights to lands and resources and so that policy and programs can be informed by indigenous traditional knowledge, to the extent that is appropriate. NCAI Resolution PDX-11-036 states in part:

“NCAI urges the United States, its agencies, scientists and all relevant organizations to include Tribes in all climate change policies, programs, and activities from the very start, and at all levels; and recognize and respect Tribal traditions, ordinances and expectations regarding access to and use of traditional ecological knowledge, based on prior and informed consent; and build and enhance Tribal capacity to address climate change issues; to provide adequate and proportional funding for Tribal climate change adaptation and mitigation; and consult with Native Sovereign Nations as decision makers with all policy, regulations and laws related to climate change effects on important tribal cultural, natural, and sacred resources.”

This resolution describes the global approach tribal nations recommend with respect to climate change policy. Consistent with this, NCAI CATF adopts the recommendations of the 2014 President’s State, Local, and Tribal Leaders Task Force on Climate Preparedness and Resilience, which “focus[ed] on inclusion and participation of Indigenous Peoples in federal climate change programs, including access to data, programs and federal funds; education; and long-term planning for natural resources and ecosystem health; water safety and security; and food and energy security.”

With this as a backdrop, NCAI CATF recommends the following:

---


- Congress should increase DOI funding to provide more resources for the BIA’s land and natural resources programs. Congress and DOI should expand the current Tribal Climate Resiliency Program from single-year funding to multi-year funding options. The option of multi-year grant funding is crucial for tribal nations to enhance their climate change program capacity without exhausting their resources on technical assistance for the annual grant renewal process.

- In addition, Congress and the Administration should provide: (1) increased funding for the Federal Emergency Management Agency’s Disaster Case Management and the Hazard Mitigation Grant Programs; (2) increased funding for the U.S. Fish & Wildlife’s Tribal Wildlife Grant Program; (3) funding for the Bureau of Reclamation’s Native American Affairs Technical Assistance Program; and (4) increased appropriations under the Consolidated Appropriations Act for the Environmental Protection Agency’s Multipurpose Grant program.

- Congress should develop interest-free loan programs for initiatives such as renewable energy projects, since such projects inevitably make economic sense for tribal nations and offer an offset to any necessary loan payments.

- Agencies should respect tribal cultural, historic, and natural resources – including those that are migratory and located off-reservation (e.g., water, fishing and hunting areas, wildlife resources, and historic and cultural sites located on federal lands and, or, affected by federal decisions or policies). Agencies can also recognize the expertise of traditional knowledge holders and foster collaboration between western scientists and traditional knowledge holders. More recent notable instances where this approach would be beneficial involve the Bears Ears, Grand Canyon, and Chaco Canyon areas. These areas have strong cultural and historic ties to local tribal nations, and federal agencies should be mandated to work in cooperation with tribal nations on every federal decision affecting these places.

- Agencies should work with tribal nations to forge cooperative management agreements. The scope of such agreements is broad and may include the land areas identified above, forestry management, invasive species management, the identification and protection of resilient ecosystems (places able to absorb change and maintain healthy community function) and climate refugia (places that exhibit less changes than surrounding areas).

- DOI should work with tribal nations to implement the Indian Trust Asset Reform Act’s trust asset management plans in accordance with tribal-specific priorities, including those governing climate change. Doing so would ensure that tribal resources and trust assets, such as water, timber, or other resources, are managed in a sustainable manner that comports with tribal climate priorities.

- Consult with tribal nations to support tribally driven best practices for land management, with a focus on developing efficient agricultural and grazing lands, protecting and preserving food sources, and protecting and preserving cultural and historic resources.
4. **What new policies would you recommend Congress consider to improve climate change resilience in your communities, reduce emissions of heat-trapping pollution, increase the development and availability of renewable resources, or capture or off-set emissions of heat-trapping pollution?**

Generally, Congress and the Administration should develop and implement a national, mandatory program to reduce climate change pollution, and promote the wide-scale development and adoption of renewable energy within a time frame that prevents irreversible harm to public health, the economy, and the environment.⁷

Specific to tribal nations, Congress and federal agencies across the Administration need to work in partnership with tribal nations to implement climate change adaptation plans in and around Indian Country (including off-reservation lands, ceded and ancestral territories, and usual and accustomed places) that further the federal government’s commitment to provide sustainable, permanent, and livable homelands for present and future generations. In 2014, DOI released a Climate Change Adaptation Plan which stated that DOI:

“[M]anages 20 percent of the Nation’s lands; supplies water and hydropower in 17 western states; conserves plants, wildlife and historic and cultural resources; provides geological, hydrological, and biological science; fulfills trust responsibilities to American Indians and Alaska Natives; provides financial and technical assistance for tribes as well as insular areas such as Guam and the U.S. Virgin Islands; and conducts leasing for renewable and non-renewable energy development on public lands and the Outer Continental Shelf” (DOI, Climate Change Adaptation Plan, at 3 (2014)).

Given the significant amount of land and resources effected by federal policy, legislation is needed that codifies a routine mandate for DOI and other agencies to continually monitor potential threats to such lands and resources, and to consult with tribal stakeholders to develop science-based approaches to improve resilience and better prepare for potential threats. In doing so, Congress may consider establishing tribal workgroups that help inform agencies on their policies in this area, and also treating tribes as states for the purposes of participating in federal programs and seeking federal funding.

In addition, Congress and the Administration should provide: (1) increased funding stability for DOI Wildland Fire programs which include an overarching fire suppression agenda, but also include fuel management and land resilience improvement components; (2) funding to support coastal restoration and resilience programs; (3) funding to support drought resilience programs; increased and mandatory funding for DOI’s Land & Water Conservation Fund; and (4) funding for large-scale restoration efforts that include areas in and around tribal lands.

Congress should invest in developing, upgrading, and improving the domestic, municipal and commercial infrastructure (e.g., buildings, dams, water delivery systems, roads) serving tribal nations. As temperatures rise, tribal nations face growing infrastructure vulnerabilities from increased storm occurrences and intensity, while already enduring routine federal underfunding and deferred maintenance needs.

---

Congress should require agencies to consider climate change impacts as cumulative impacts for purposes of the National Environmental Policy Act (NEPA) and other purposes.

Congress should fund and support adaptive management programs for tribal nations and risk management programs which will help tribes and others better understand the potential consequences of inaction, as well as options for risk reduction.

Congress can support Land Conservation Cooperatives (LCCs) that include tribal voices. LLCs have proven particularly useful in advancing western science and traditional knowledge with local tribal communities that are struggling to adapt to increasingly unpredictable environments due to climate change. To this end, NCAI CATF, consistent with NCAI standing resolution MOH-17-043, strongly urge the Administration and Congress to fully support the continuation of full funding for LCCs in Alaska and other states.  

In closing, NCAI CATF thanks the Senators of the Special Committee on Climate Crisis and the Committee on Indian Affairs for reaching out to Indian Country to hear our perspectives on this important issue. We understand that the Special Committee and the Committee on Indian Affairs is working to build a record on climate issues and tribal nations are very much interested in working on this process with Congress each step of the way. Importantly, NCAI CATF urges Congress to act with the urgency that the climate crisis requires, which is in the best interest of our shared lands and resources and the future generations. Thank you and we look forward to your feedback and further discussion on this effort. If you have additional questions please contact Darren Modzelewski, NCAI Policy Counsel, at dmodzelewski@ncai.org.

Sincerely,

Melanie Bahnke
Co-Chair, NCAI Climate Action Force

Brian Cladoosby
Co-Chair, NCAI Climate Action Force

Beverly Cook
Co-Chair, NCAI Climate Action Force

Stephen Roe Lewis
Co-Chair, NCAI Climate Action Force

8 See NCAI Resolution MOH-17-043, *In Support of Landscape Conservation Cooperatives*, available here: [http://www.ncai.org/attachments/Resolution_bSroBgRiVjxvhpHfvZKWWaHDncpqWJdJXcWOnHLhTOZxqtAjant_MOH-17-043.pdf](http://www.ncai.org/attachments/Resolution_bSroBgRiVjxvhpHfvZKWWaHDncpqWJdJXcWOnHLhTOZxqtAjant_MOH-17-043.pdf) (Aug. 21, 2019).