

PROTECTING TRIBAL LANDS AND ENVIRONMENT AND ADDRESSING CLIMATE CHANGE

Key Points:

- For a decade, the Supreme Court's *Carcieri* decision has drained taxpayer resources by inciting unnecessary and costly intergovernmental conflicts and litigation over the restoration and retention of tribal homelands. Congress must pass a clean *Carcieri* fix.
- Congress must ensure tribal nations are full partners in assessing and planning for climate-based responses, including integration of traditional knowledge; fair and equitable representation on federal climate committees; and access to federal climate programs.
- The United States has treaty and trust obligations to protect tribal lands and natural resources within and outside reservation boundaries and must engage in meaningful government-to-government consultation.

BACKGROUND

Tribal homelands are the heart of tribal governance and tribal nations maintain physical, cultural, spiritual, and economic relationships with those places and resources. When the integrity of tribal homelands and on and off-reservation resources are threatened by federal actions, including man-made and climate-related events, tribal nations and their citizens are disproportionately impacted.

TRIBAL PRIORITIES

Support the Restoration of Tribal Homelands and Pass a Clean Carcieri Fix.

H.R. 375 and S. 2808 contain a simple, bipartisan amendment to the Indian Reorganization Act of 1934 (IRA). Specifically, they would return to the pre-2009 status quo by: (1) restoring the Interior Secretary's authority to take land into trust for all federally recognized tribal nations; and (2) re-affirm existing trust lands. H.R. 375 has passed the House and is pending in the Senate Committee on Indian Affairs. S. 2808 has also been referred to the Senate Committee on Indian Affairs. These bills are consistent with the IRA's intent to rebuild tribal homelands, governments, and economies, and will benefit tribal nations and their surrounding communities. NCAI strongly supports passage of a clean *Carcieri* fix by the 116th Congress.

Engage in Meaningful Consultation on all Federal Actions Effecting Tribal Resources. Tribal nations and their citizens have lived, thrived, and managed their homelands since time immemorial. Yet, many critical resources are affected by federal actions without meaningful tribal consultation. As such, tribal nations must be consulted when the federal government proposes regulatory changes or otherwise makes decisions that may affect those resources and interests. Examples include proposed changes to the Endangered Species Act; the renewal of oil, gas, and mining leases; and the implementation of environmental laws such as the National Environmental Policy Act and the Clean Water Act.

Ensure Tribal Involvement at All Stages of Federal Responses to Climate Change. Climate change threatens tribal access to resources, forces relocation, degrades tribal infrastructure, and impacts cultural, economic, and community health for countless generations. Tribal nations have the following primary list of federal policy priorities:

- full and meaningful consultation with decision makers;
- integration of tribal nations into Congressional and Executive Branch climate planning and enforcement;
- securing land, water, wildlife, and fisheries resources;
- co-management supporting intergovernmental partnerships and integration of traditional knowledge;
- financing climate action (via increased appropriations, grants, and public-private financing); and
- parity in federal assistance provided to tribal governments relative to state and local governments.

For more information, please contact NCAI Director of Policy and Legislative Counsel Fatima Abbas at fabbas@ncai.org or NCAI Policy Counsel Darren Modzelewski at dmodzelewski@ncai.org or 202-466-7767.