



AFFILIATED TRIBES OF NORTHWEST INDIANS POLICY BRIEFING

Tribal Perspectives on Proposed Policies in the Congressional Action Plan on the Climate Crisis

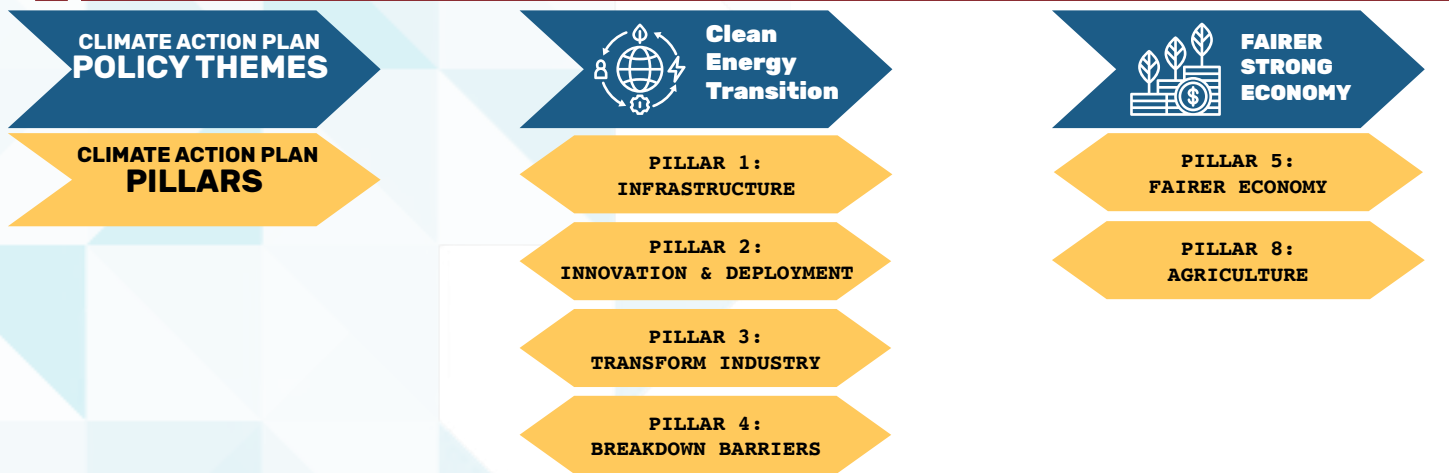
Tribal Sovereignty, the Federal Trust Responsibility, Tribal Self-Determination, and the Government-to Government relationship are four foundational principles in the relationship between Tribal Nations and the federal government. The Congressional Action Plan on the Climate Crisis (CAP) presents a comprehensive framework to substantially reduce pollution and other factors that contribute to the climate crisis.¹ Full engagement by Indigenous Peoples is critical to fulfilling CAP Plan goals.² The CAP presents hundreds of policy proposals. Tribal perspectives on policies, strategies, and innovations must be considered in efforts to strengthen policy effectiveness. This Policy Brief identifies Tribal priorities related to the proposed policies of the CAP. The foundational principles of the relationship between Tribes and the Federal government are integral to these priorities.

INTRODUCTION

The Affiliated Tribes of Northwest Indians (ATNI) led the effort to perform a Tribal Review of the 2020 Congressional document entitled: [Solving the Climate Crisis: The Congressional Action Plan for a Clean Energy Economy and a Healthy, Resilient, and Just America](#). The Congressional Action Plan was developed by the House Select Committee on the Climate Crisis. The CAP aims to fulfill a set of integrated goals: reach net-zero emissions by 2050; reduce pollution in environmental justice communities; and reach net-negative emissions in the second half of the 20th century. The [Tribal Review](#) clusters the CAP's Twelve Pillars of climate action into six policy themes and identifies Tribal priorities for the policy proposals. The Tribal Priorities indicate ways that policies can be adapted to better address Tribal socio-economic and environmental conditions, governmental structure, and culture. The Tribal Review process involved participants from nearly one hundred Tribes and Inter-tribal organizations. These recommendations pose an opportunity for Congress to strengthen the governance systems in addressing this urgent, existential crisis.

INDIGENOUS PERSPECTIVES ON POLICY PROPOSALS OF THE CONGRESSIONAL ACTION PLAN ON THE CLIMATE CRISIS

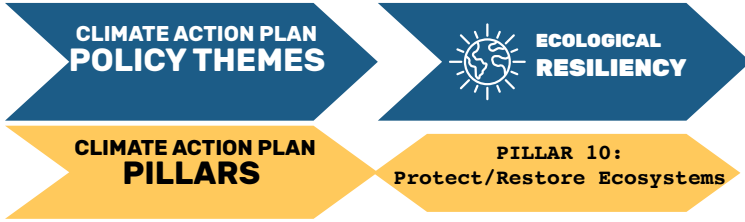
1 TRIBAL PRIORITY 1 >> Strengthen social-economic resilience and tribal leadership in economic transition to clean energy



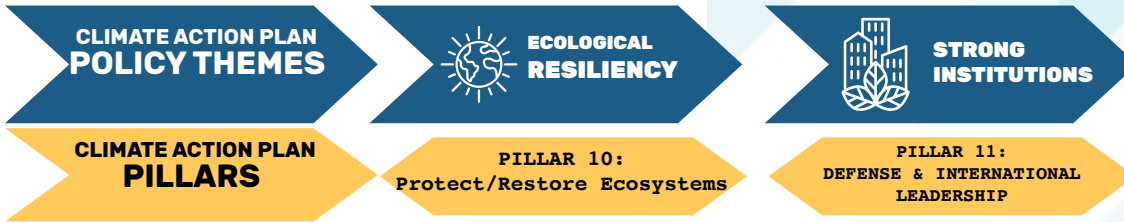
2 TRIBAL PRIORITY 2 >> Uphold the Federal Trust Responsibility, Treaties, and commitment to formal Government-to-Government relations



3 TRIBAL PRIORITY 3 >> Restore ecological resilience & maintain Tribal access to First Foods and other cultural resources



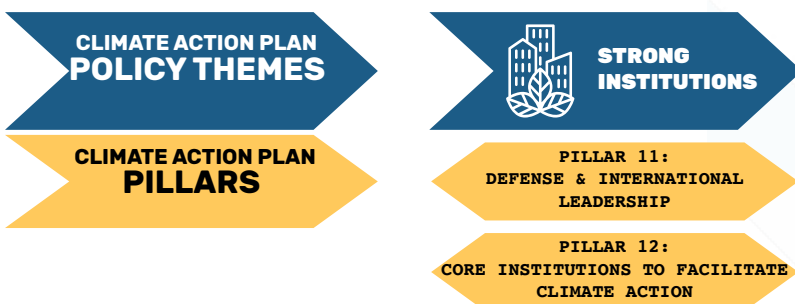
4 TRIBAL PRIORITY 4 >> Assign value to Traditional Knowledges in climate science, planning, and action, while adhering to the Free, Prior and Informed Consent of Indigenous Peoples



5 TRIBAL PRIORITY 5 >> Promote environmental justice while upholding Tribal sovereignty



6 TRIBAL PRIORITY 6 >> Expand institutions relevant to climate governance, climate science, and the rights of Indigenous Peoples



TRIBAL PRIORITY 1 >> Strengthen social-economic resilience and tribal leadership in economic transition to clean energy

Viable career pathways for youth and high-paying jobs are needed in all Tribal and Indigenous communities as the nation transitions to a clean energy economy. The design and delivery of technical and financial resources need to be improved. Currently, funding for Tribal agricultural programs is piecemeal. Federal technical staff people often have insufficient familiarity with the culture, history, and socio-economic systems of Indigenous Peoples. Finally, the U.S. Census data currently are poorly structured to accurately assess the economic status, trends, and needs of many Indigenous communities.³

POLICY RECOMMENDATIONS:

POLICY THEME: CLEAN ENERGY TRANSITION

- > Infrastructure (Pillar 1)
 - Build zero carbon infrastructure for energy, water, transportation, and communication sectors, while ensuring redundancy, reliability, and predictable costs.
- > Innovation and Deployment (Pillar 2)
 - Grant programs: Support long-term technological innovation (including research, development, demonstration, & deployment).
 - Education: STEM Education, apprenticeships, internships, training, and childhood education for the low-carbon economy.
 - Tiered Grant System: Reduce competition between under-resourced Tribes and those with more resources.
 - Tribal loan program: Low interest revolving loan fund for Tribal infrastructure.
- > Transform Industry (Pillar 3)
 - Resolve legacy issues such as compensation to uranium workers and their families, while being forward-thinking to address the needs of Tribal Nations and Indigenous communities as the nation transitions away from oil and gas.
 - Workforce development: Reduce CO2 emissions through carbon capture and storage.
 - Reduce waste and pollution: Develop closed-loop manufacturing models.
 - Manufacturing investment: Clean energy / zero-emissions vehicles.
- > Break Down Barriers (Pillar 4)
 - De-incentivize greenhouse gas emitting projects

POLICY THEME: FAIRER, STRONG ECONOMY

- >> Economy (Pillar 5)
 - Establish the National Economic Transition Office that specifically engages with Tribal Nations.
 - Improve economic data resources for characterizing Tribal economic conditions.



Photograph Credit: Blue Lake Rancheria

Microgrid energy development by the Blue Lake Rancheria

On October 9th, 2019, over 30 million people in northern California lost electric power for several days due to a public safety power shutoff (PSPS) enacted to prevent grid-caused wildfires. During this PSPS event, the Blue Lake Rancheria (BLR), a small federally recognized tribe, engaged its electric microgrids to support to its nation and the surrounding rural region. More than 13,000 Humboldt County residents sought refuge at BLR to access power and other services. The BLR microgrids enabled charging of vehicles and communication devices; ice production to maintain food supplies and medicines; supplies for emergency response agencies; business continuation (including the newspaper); school activities; and medical services that were credited with saving several lives during the event. To prevent catastrophic wildfire, PSPS outages (ranging from 2-10 days) are predicted to be necessary for the next decade.

Many Tribal Nations in the U.S. have poor quality or no power grid connections and historically have had little decision-making authority over delivery or infrastructure. To demonstrate a solution, BLR has developed electrical microgrids using solar PV and battery storage (at the facility, campus, and community scales) that offers the ability to operate connected to the regional grid or disconnected / “islanded” from it. The microgrids save BLR ~\$220,000 annually, reduce greenhouse gases by 250 tons per year, and will optimize energy use for the next ~40 years. Improved energy reliability supports telecommunications, transportation, water systems, and other sectors. Advanced controls optimize solar energy and increase overall efficiency, which contributes to BLR goals of net-zero emissions by 2030.

BLR’s microgrids demonstrate the multiple benefits and scalability of microgrid technology, contingent on the policies and funding for widespread adoption and deployment.⁴ Necessary policy adaptations include frameworks for Tribal utility authorities; Tribal utility commissions; rate/tariff setting authority; Tribal jurisdictional and regulatory control over energy infrastructure (and related telecom infrastructure); and reasonable funding for building grid systems across Tribal lands. Microgrids can simultaneously provide climate mitigation and adaptation on Tribal lands and for rural regions that rely on Tribal resources.

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TRIBAL PRIORITY 2 >> Uphold the Federal Trust Responsibility, Treaties, and commitment to formal Government-to-Government relations

The Federal Trust Responsibility is “a legally enforceable fiduciary obligation on the part of the U.S. to protect Tribal treaty rights, lands, assets, and resources, as well as a duty to carry out the mandates of federal law with respect to American Indian and Alaska Native Tribal Nations and Villages” as well as to non-federally recognized Indigenous Peoples.⁵ Climate change poses a direct threat to the lands, waters, assets, resources, and ecosystems that are protected by the Federal Trust Responsibility. Similarly, it is a critical Federal Trust Responsibility to provide a resilient and reliable water system for Tribal citizens especially during droughts.

The funding for federal programs for Tribes, such as the BIA Tribal Resilience Program, is inadequate. Project-based funding, while important to Tribal Nations in responding to the effects of climate change, is not a sustainable approach to building capacity. There needs to be a systematic increase to resources available for Tribal Nations.

POLICY RECOMMENDATIONS:

POLICY THEME: FAIR, STRONG ECONOMY

>> Fairer economy (Pillar 5)

- Resolve legacy issues, including compensation to uranium workers

>> Agriculture (Pillar 8)

- Improve water infrastructure for Tribal agriculture
- Provide technical assistance for Tribal farmers
- Investment in rural broadband to allow for precision agriculture
- Financial and technical assistance for Tribal climate stewardship

>> Policy Theme: Community Resilience

- Community Resilience (Pillar 9)
- Ensure government-to-government relations in planning and implementation of disaster preparedness, relocation, and managed retreat
- Policy Theme: Ecological Resilience
- Protect/ Restore Ecosystems (Pillar 10)
- Restore and maintain ecological productivity and abundance of First Foods

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TRIBAL PRIORITY 3 >> Restore ecological resilience & maintain Tribal access to First Foods and other cultural resources

Ecological resilience refers to the amount of disturbance that an ecosystem can withstand without changing ecological productivity, other fundamental processes, and structures.⁶ For Indigenous Peoples, ecosystem resilience is important for providing First Foods and other cultural resources. Maintaining these resources is imperative. Many of these resources are protected by treaty rights or the Federal Trust Responsibility. First Foods — and the harvesting, gathering, preparation, and ceremonial practices therein — are a cornerstone of livelihoods, culture, language, health, and community well-being. A concern raised by the CAP is hydropower incentivization. Hydropower dams often impair the abundance of salmon, which are a First Food and very important to the cultures of many Indigenous Peoples.

POLICY RECOMMENDATIONS:

POLICY THEME: ECOLOGICAL RESILIENCE

>> Protect / Restore ecosystems (Pillar 10)

- Co-management of natural resources (forests, range, fisheries, wildlife, and other resources) to restore the ecological productivity and abundance of First Foods.
- Protect and preserve Tribal cultural heritage sites.
- Habitat protection and restoration, particularly regarding hydroelectric dam impacts.

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TRIBAL PRIORITY 4 >> Assign value to Traditional Knowledges in climate science, planning, and action, while adhering to the Free, Prior and Informed Consent of Indigenous Peoples

The CAP proposal to “restore and protect America’s lands, waters, ocean, and wildlife” of Pillar 10 highlights the role of Traditional Knowledges (TK). Indigenous Peoples have accrued, stewarded, and deployed TK to manage terrestrial and aquatic systems since time immemorial. TK plays a key role in adaptation planning. Land managers often seek TK to identify restoration practices for ecological resilience to wildfire and other disturbances. Also, Indigenous understanding of watershed processes and sustainable forestry can be incorporated into fisheries management. It is critical that the requirement for Free, Prior, and Informed Consent (FPIC) be upheld, including sensitive information about cultural sites, traditional hunting, fishing and gathering sites, burial grounds, spiritual locations, and knowledge of financially valuable pharmaceutical compounds found within traditional medicines.

POLICY RECOMMENDATIONS:

POLICY THEME: ECOLOGICAL RESILIENCE

>> Protect / Restore ecosystems (Pillar 10)

- Value Traditional Knowledges in ecological science and management.
- Tribes retain authority over communication and application of Traditional Knowledges.

POLICY THEME: STRONG INSTITUTIONS

>> Defense & International Leadership (Pillar 11)

- Consistency with the principle of Free, Prior, and Informed Consent, as recognized by the United Nations.

5

TRIBAL PRIORITY 5 >> Promote environmental justice while upholding Tribal sovereignty

An “environmental justice community” is “a community with significant representation of communities of color, low-income communities, or Tribal Nation/Indigenous communities, that experiences, or is at risk of experiencing higher or more adverse human health or environmental effects” (Pillar 6). This Tribal priority addresses structural inequities, manifested in disparities in the economy and public health - both mental health and physical health (Pillar 7). Climate change poses additional mental health challenges to people and cultures with historical connections to place and environment. In addition, this theme is relevant to the need for relocation that many Tribal communities are confronting (Pillar 9). The social science literature documents that adaptation and resilience responses are most effective when community-led and tailored to community needs and priorities. Tribes currently confront a significant unmet funding need for relocating or protecting infrastructure threatened by climate impacts.

POLICY RECOMMENDATIONS:

POLICY THEME: ENVIRONMENTAL JUSTICE & COMMUNITY RESILIENCE

>> Environmental Justice (Pillar 6)

- Environmental justice and Government-to-Government relationships.
- Develop policies for non-recognized and state-recognized Tribes.
- Integrate relevant U.N. policies, including U.N. Declaration on the Rights of Indigenous Peoples.

>> Public Health (Pillar 7)

- Mental health resources for communities encountering challenges due to disruptions to cultural-historical ties to place and environment.
- Tribal pre-disaster preparedness: involve Tribes early in planning process.
- Climate health programs: youth and elders.

>> Community Resilience (Pillar 9)

- Community-led planning and decision-making.
- Federal support for Tribally led relocation and resettlement.
- Expand funding for implementation phase of infrastructure protection to climate impacts (expand beyond planning phase).
- Health of urban indigenous communities.



Institutions, such as policies, formal declarations, governing bodies, and scientific principles, guide climate action and are foundational to managing climate change. The CAP recognizes that effective action to manage climate change requires the adoption of institutions across national and international scales. Institutions regarding international leadership impact Indigenous Peoples in many ways (Pillar 11). For instance, black carbon degrades Arctic snow and ice, causing destruction to Indigenous lifeways. Upholding agreements that address black carbon and improving Arctic diplomacy and engagement is essential to the well-being of Arctic Indigenous Peoples. National security institutions are also impactful. Tribes near military installations need adequate funding and technical assistance to coordinate hazard planning.

From a Tribal perspective, there are critical deficiencies in the CAP proposals. The framework is too narrow for restoring U.S. international leadership. Pillar 11 focuses on military matters and ignores national defense issues important to Tribes such as food security (including traditional foods from marine and freshwater and land-based animals and plants), energy security, Tribal Sovereignty, and the treatment of Indigenous immigrants.

POLICY RECOMMENDATIONS:

POLICY THEME: STRONG INSTITUTIONS

>> Defense & International Leadership (Pillar 11)

- U.S. delegations to international climate negotiations must include Tribal representatives.
- Involve Tribes in cross-border negotiations affecting U.S. Tribes, e.g. the Columbia River Treaty negotiations.
- Ensure that all climate actions in the U.S. and internationally comply with the rights of Indigenous Peoples that are recognized in the 2007 UN Declaration.
- Rejoin the Paris Accord – to help the U.S. restore its international leadership role.

>> Core institutions to facilitate climate action (Pillar 12)

- Climate institutions must prioritize the findings in the Tribal Climate Change Principles: Responding to Federal Policies and Actions to Address Climate Change, which were endorsed by the National Congress of American Indians (NCAI, Resolution #SD-15-024, September, 2015).

FOR MORE INFORMATION >> ATNI Tribal Review of the Congressional Action Plan

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Endnotes

- 1 [House Select Committee on the Climate Crisis, 2020. Solving the Climate Crisis: The Congressional Action Plan for a Clean Energy Economy and a Healthy, Resilient, and Just America. 116th Congress; Washington D.C., 538 pp.](#)
- 2 Indigenous Peoples: This term is consistent with the language employed by the National Climate Assessment, the U.N. Declaration of the Rights of Indigenous Peoples, and the U.N. Paris Agreement. The authors recognize the intentional use of other terms, including Alaska Native Tribes, federally-recognized Tribes, Alaska Natives, and Indigenous Nations.
- 3 [DeWeaver, N. 2013. American Community Survey data: On the American Indian / Alaska Native population: A look behind the numbers, National Congress of American Indians.](#)
- 4 Carter, David, Jim Zoellick and Marc Marshall. Schatz Energy Research Center, Humboldt State University. 2019. Demonstrating a Secure, Reliable, Low-Carbon Community Microgrid at the Blue Lake Rancheria. California Energy Commission. [Publication Number: CEC-500- 2019-011.](#)
- 5 BIA (2020). [Frequently Asked Questions | Indian Affairs.](#)
- 6 Holling, C.S., 1973. Resilience and stability of ecological systems. Annual review of ecology and systematics, 4(1), pp.1-23.