



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #PHX-16-058

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### **TITLE: United States Federal Agency Consultation, Consent, Funding, and Actions to Address Climate Change Impacts to Tribal Treaty and Trust Resources**

**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, Indigenous peoples in the U.S., including 567 federally-recognized Tribes, are facing immediate and significant impacts from climate change; and

**WHEREAS**, a growing body of literature illustrates the unique issues facing Tribes regarding climate change, including the recently developed *Primer on Climate Change and Indigenous Peoples, Guidelines for Considering Traditional Knowledges (TKs) in Climate Change Initiatives*, and the special issue of the peer-reviewed journal *Climatic Change, Climate Change and Indigenous Peoples in the United States: Impacts, Experiences and Actions*; and

**WHEREAS**, furthermore, the federal government is beginning to acknowledge the disproportionate threats of climate change to Indigenous Peoples through administrative and congressional reports such as the 3<sup>rd</sup> *National Climate Assessment* and the 2014 *President's State, Local, and Tribal Leaders Task Force on Climate Preparedness and Resilience* (Task Force); and

**WHEREAS**, where the Northwest Tribes commit to the development of guiding principles and exploration of the possibility of creating a unified mechanism to incorporate the principles into an action plan to address the impacts of climate change that will protect our treaty rights, inherent and indigenous rights, including those contained in the United Nations Declaration on the Rights of Indigenous Peoples (Declaration), our health and the health of the environment, economies, and way of life; and

**WHEREAS**, based upon eight principles developed by the Northwest Tribes to guide the federal government in the development and implementation of administrative and legislative actions related to Indigenous Peoples and climate change; and

**WHEREAS**, the principles address many of the recommendations made by the Task Force and these principles pertain directly to federally-recognized Tribes, but may also apply indirectly to state-recognized Tribes and unrecognized Tribes as they are also in need of support to address immediate and projected climate impacts and to ensure access to climate resources; and

**WHEREAS**, adequate response to the threat of climate change requires action by Tribes and federal, state and local governments and the U.S. federal government's trust responsibility to federally-recognized Tribes includes the protection of Indian lands and Tribal rights to access those lands as well as those lands in which treaty and trust resources are held; and

**WHEREAS**, the trust responsibility includes the duty to protect lands from the impacts of climate change. Federal resources to address climate change must be allocated to Tribes equitably and in sufficient quantity so that Tribes can engage effectively in adaptation and mitigation strategies that will help ensure the integrity of their cultures, homelands, infrastructures, and services; and enforce Tribal treaty and reserved rights to both on- and off-reservation resources; and

**WHEREAS**, in FY 2016, the Department of Interior awarded \$8.6 million through the Tribal Climate Resilience Program, but the total amount requested from tribes exceeded \$25.5 million and these requested funds do not take into account the needs among tribes facing displacement and relocation, emergency management and infrastructure, impacts to culturally important plants, fish and wildlife species, and public health impacts, among others; and

**WHEREAS**, the current Administration has taken strides that support Tribal measures to cope with climate change and environmental justice, including, but not limited to, the November 5, 2009, Executive Memo directing agency heads to submit a detailed plan of actions that agencies will take to implement the policies; Executive Order 13175 - Consultation and Coordination with Indian Tribal Governments; and Department of Interior Secretarial Order 3289 - Addressing the Impacts of Climate Change on America's Water, Land, and Other Natural and Cultural Resource; and Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations; and

**WHEREAS**, pursuant to Executive Order 13175, U.S. federal agencies have a legal obligation to effectively engage in Government-to-Government consultations with consent from Tribes on all climate change issues, including representation in international organizations, formal consultation in the extraction, transport and export of coal, oil and natural gas, and representation on federal climate change adaptation and mitigation initiatives including the United Nations Framework Convention on Climate Change (UNFCCC) COP 21 Paris Agreement.

**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians does strongly urge that U.S. federal agencies immediately engage and work with individual tribes on a Government-to-Government basis and conduct formal and effective consultations to reach and agree to consent to address the climate change issues unique to each tribe including treaty and reserved rights, and the management of and access to trust resources on ceded and ancestral lands; and

**BE IT FURTHER RESOLVED**, that NCAI calls upon Congress and the Administration to work with federal agencies, the Office of Management and Budget, the Government Accountability Office and others to identify the full costs facing tribes from the impacts of climate change and to ensure that federal budget allocations for tribes to address climate are adequate; and

**BE IT FURTHER RESOLVED**, that NCAI also calls upon all federal agencies, specifically the Department of Interior and Bureau of Indian Affairs, with tribal climate change programs, to work with tribes to review the categories for fund dispersal and ensure their effectiveness for meeting tribal goals and needs; specifically, NCAI recommends Tribes and intertribal consortia conduct a review of the 9 categories for the BIA Climate Change Grants and provide feedback about the efficacy of those categories, establish priorities where funds should be allocated, and recommendations for strengthening and sustaining Tribal capacity including:

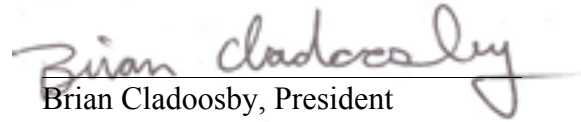
- Sustained and long-term funding to support the needs of tribes to engage in climate change adaptation and mitigation.
- Concept of coordinated block funding – multiple sources of funding that are coalesced to reduce the burden to tribes and increase flexibility of tribal allocation of funds.
- Capacity building funding to focus on engaging tribal leadership and building the knowledge of tribal leaders.
- Engaging and building the knowledge of tribal leadership and native communities through education and outreach.
- Dedicated funding for tribal staff to work on climate change to build internal tribal capacity; and

**BE IT FURTHER RESOLVED**, that NCAI in consultation with regional consortia and Tribal governments, organize and establish a National Tribal Climate Change Workgroup to develop strategies and coordinate actions to ensure effective implementation of the *Tribal Climate Change Principles: Responding To Federal Policies And Actions To Address Climate Change* and Government-to-Government consultations with and consent from Tribes related to climate change impacts, adaptation, mitigation, and funding to meet the needs of Tribal governments and communities; and

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

**CERTIFICATION**

The foregoing resolution was adopted by the General Assembly at the 2016 Annual Session of the National Congress of American Indians, held at the Phoenix Convention Center, October 9<sup>th</sup>- 14<sup>th</sup> 2016, with a quorum present.

  
Brian Cladoosby, President

**ATTEST:**

  
Aaron Payment, Recording Secretary