

Tribal Recommendations
for the
Fiscal Year 2012 Department of the Interior Climate Change Adaptation Initiative

Affiliated Tribes of Northwest Indians ▪ Columbia River Intertribal Fish Commission ▪ Institute for Tribal Environmental Professionals ▪ Intertribal Agriculture Council ▪ Intertribal Timber Council ▪ National Congress of American Indians ▪ National Tribal Environmental Council ▪ National Wildlife Federation ▪ Native American Fish and Wildlife Society ▪ Northwest Indian Fisheries Commission ▪ Red Lake Band of Chippewa Indians ▪ Swinomish Tribe ▪ Tulalip Tribes

Executive Summary

Indian tribes are exceedingly vulnerable to and disproportionately impacted by climate change. The Administration has requested \$175 million to support the Department of the Interior's Climate Change Adaptation Initiative (Initiative) in Fiscal Year 2012. Only \$200,000 is planned to be available to support tribal involvement. At least \$8.75 million is needed and should be provided to enable tribes to substantively participate in the Initiative, assist tribes to adapt to climate change, and help fulfill federal trust responsibilities and treaty obligations.

Background: American Indians, Alaska Natives, and Climate Change

The Intergovernmental Panel on Climate Change found that Indian tribes are exceedingly vulnerable to and disproportionately impacted by climate change. Tribes have the longest, continual experience with climate, wildlife, the land and natural resources in North America. Because of their close ties to the land and natural resources, American Indians and Alaska Natives have first-hand experience with the devastating impacts of climate change. American Indians and Alaska Natives witness first-hand impacts to hunting, fishing and gathering, watch land disappear and water reliability decline. Native people have experienced not only changes to resource availability but also impacts to cultural practices. Because climate change is altering their environments so dramatically, traditional lifeways, from which indigenous identity is derived, are being threatened to their very core.

From a tribal point of view, some of the most damaging effects of climate change are related to large-scale ecosystem disturbance, and these effects are also experienced at a local level. Climate change is unraveling ecosystems, causing culturally-important species to shift their ranges so that they are becoming rare or disappearing from tribal territories and reserved lands altogether. The disturbed ecosystems are becoming vulnerable to invasion by exotic species from other regions. Tribes do not have traditions related to these exotic species, and their incursion can disturb the ecosystems even further. When these kinds of changes occurred historically, tribes could often adjust by shifting on the landscape; this is an option foreclosed by the modern reservation system.

Tribes signed treaties with the understanding that the federal government had the trust obligation to ensure that tribes' reserved resources would persist forever. Treaties defined a place-based regime of rights. Tribes reserved a land base and off-reservation fishing, trapping, hunting and gathering rights that they believed would support their cultures. The impetus for the federal government's active engagement with tribes on climate change adaptation is thus compelled by tribes' status as sovereign nations with certain rights established under treaties, as well as the

U.S. Constitution, historical relationships, statutes, case law, and executive orders. Thus, the federal government has a fiduciary trust responsibility to tribes which requires it to protect tribal land and resources. As a matter of policy, the United States also has the obligation to consult and interact with tribes on a government-to-government basis.

Many tribes are heavily dependent on natural resources for cultural and economic vitality, and they are witnessing the disappearance of those resources. Native foods and fisheries are declining. Tribal economies, cultures, lifeways, and knowledge are directly threatened. Fish and crabs that tribes depend on in the Pacific Northwest are being starved of oxygen by wild swings in ocean upwellings of phytoplankton, creating “dead zones” along the coast. Scientists predict that the next 40 to 80 years will witness upwards of a 50% loss of salmon and trout habitat across the U.S, species that an overwhelming number of tribes rely upon for survival. Tribes in the Rocky Mountain West which rely on timber harvesting for revenue are witnessing the decline of their forests from the attack of pine beetles.

Climate change is destabilizing plant and animal habitats and disrupting relationships within them. Some species are shifting northward and upward in elevation, and invasive species are moving into their place. Local landscapes are changing, soils are drying, lake and river levels are declining, and droughts and wildfires are occurring with increasing frequency, length, and breadth. Climate impacts are affecting tribal treaty rights to hunt, fish and gather native plants within their lands and in their usual and accustomed places.

Climate change is having profound and disproportionate impacts right now in Native communities. In Alaska, where temperatures are rising at twice the rate than other parts of the world, 86% (184 out of 213) of Alaska Native villages are susceptible to flooding and erosion. Four villages—Kivalina, Koyukuk, Newtok, and Shishmaref—are in imminent danger from flooding and erosion and are planning to relocate. Moose populations upon which tribes in the northern latitudes depend on for subsistence are declining because of the impact of rising temperatures on their biology and habitat. Tribes in the Great Plains must travel longer distances to find native plants, such as chokecherry and wild turnip, that they utilize for subsistence and medicinal purposes.

Despite these threats, many Native communities are proactively addressing climate change, demonstrating great resilience and adding unique knowledge and practices of value both within and beyond tribal communities. Due to a lack of financial resources, only a few of the 565 federally recognized tribes, such as the Swinomish Tribe, have developed or are developing adaptation plans, calculating their carbon footprints, and collaborating with states, local governments and federal agencies in joint climate adaptation efforts. By comparison, at least 36 of the 50 states have climate action plans.

Tribal peoples are sharing their traditional knowledge with other tribal peoples, providing invaluable insights to scientific efforts to understand climate change, and reviving ancestral practices that are time-tested, climate resilient, and are inherently effective adaptation techniques. Through an extensive intertribal outreach effort, tribes have managed to secure seats at the table in developing the National Fish, Wildlife, and Plants Climate Adaptation Strategy led by the U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, and

Association of Fish and Wildlife Agencies. However, this strategy effort only supplies minimal travel funding for tribal participants and no resources to cover staff time. There are huge demands for tribal participation on at least ten federal climate planning strategies, but none of these processes provide adequate, dedicated funding to support tribal involvement.

In addition, there is a historic lack of equity in funding for tribal natural resource management and conservation efforts. Tribes are not eligible for funding under federal wildlife and fishery restoration programs such as the Federal Aid in Wildlife Restoration Act (Pittman-Robertson) or the Federal Aid in Sport Fish Restoration Act (Dingell-Johnson) that fund activities through an excise tax on hunting and fishing equipment. Although tribal members pay taxes that support this funding, they remain excluded from receiving the benefits and only states and territories are allowed to access them. In FY 2010/2011 CR, states received nearly \$1 billion from the Pittman-Robertson, Dingell-Johnson, and State Wildlife Grants programs. On the other hand, tribes were allocated \$7 million from the U.S. Fish and Wildlife Service (FWS) Tribal Wildlife Grants (TWG) program, which constituted only .007% of the amount states received. Since the inception of the TWG program in 2002, no more than \$7 million per year has been made available on a competitive basis to the nation's 565 federally recognized tribes. From 2002-2010, states received nearly 86 times more FWS funding than tribes for fish and wildlife conservation, or \$6.25 billion for states compared to \$72.2 million for tribes.¹

The Bureau of Indian Affairs (BIA) Trust Natural Resources (TNR) Program represents the largest amount of base, federal funding for tribal natural resource management. Even with modest increases in the last few years, base programs that fund tribes' daily conservation responsibilities are funded at levels less than a decade ago.

In 1999, the BIA reported that tribes had more than \$356 million of unmet annual needs for natural resource management.² Since that time, there were numerous funding cuts to natural resource management, which were only partially offset by recent funding increases. The BIA and tribes have lagged significantly behind in funding compared to other Interior agencies. For example, the FY 2012 budget requests increases of \$138 million for the National Park Service (NPS) and \$48 million for FWS, yet the request for BIA is a **decrease** of \$119 million (see attached Interior budget increases/decreases chart). Moreover, in the last nine years, the BIA budget has grown only 8% compared to an average of over 23% for other Interior agencies (FWS: 30%; NPS: 28%; USGS: 19%; BLM: 13%) (see attached Interior funding history chart). Because BIA spending on natural resources in the last 11 years has been relatively flat compared to inflation and BIA's budget has been historically inadequate to meet the natural resource needs of Indian tribes, their needs have multiplied.

Despite the difficulty in quantifying the costs and benefits of adaption measures, climate change is compelling governments across the world to take action. For tribal governments, however, the challenge is especially great as tribal governments and Alaska Native Villages in the aggregate are hampered by pre-existing disparities in infrastructure, capacity, economic development, health, social services, and other aspects of governance that make it particularly difficult to meet

¹ In this example, state funding includes the FWS Wildlife and Sport Fish Restoration Programs and State Wildlife Grants. Tribal funding includes the FWS Tribal Wildlife Grants and Tribal Landowner Incentive Program.

² U.S. Department of the Interior, Bureau of Indian Affairs, *Report on Tribal Priority Allocations*, July 1999, 52.

these challenges. Because of this, and the details described above, it is necessary for the Department of Interior to allocate dedicated funding and provide support for tribes to adapt to climate change.

DOI Climate Change Adaptation Initiative and Tribes

The Administration's FY 2012 budget request for the Initiative is \$175 million. At least \$8.75 million of this amount should be allocated to the BIA for tribal climate change adaptation efforts.

DOI began a Climate Change Adaptation Initiative in 2009, an undertaking that Indian tribes support in principle. The Administration's FY 2012 budget request for the Initiative is \$175 million, an increase of \$39 million over FY 2010/2011 CR. The \$136 million for the Initiative in FY 2010/2011 CR did not include any funding for tribes. Despite a substantial increase in the overall funding request, the situation for tribes is nearly as bad in the 2012 budget. Of the \$175 million, **only** \$200,000 (taken from an existing BIA Real Estate Services account³) will be used to involve and assist Indian tribes in the North Pacific Landscape Conservation Cooperative (LCC).⁴ As such, tribes are accorded a mere **.001%** of the funding for participation in only one of twenty-one Landscape Conservation Cooperatives. This contradicts DOI's statement that it "is working collaboratively across its bureaus, with other Federal agencies, State, and tribal governments, and non-governmental organizations to leverage fiscal resources and expertise and focus them on conservation of the Nation's different ecosystems."⁵ Why should BIA have to repurpose its own appropriated funds to cover the costs for tribal participation in the Initiative when DOI should be providing Initiative funds to BIA for these activities? Moreover, this is highly inequitable, especially considering the disproportionate effect of climate change on tribes and their homelands. Sovereign tribes must have the means to substantively participate in the DOI Climate Change Adaptation Initiative and deserve a more equitable share of available funding.

Tribal lands comprise 4 percent of the U.S. land base, but represent a higher percentage if compared to the federal lands involved in the Initiative. Tribal lands comprise 95 million acres which, divided by the total 587 million acres of federal land in the Initiative, equal 16 percent. Tribal lands include 11 million acres more than NPS, yet the Administration proposed nearly 50 times more Initiative funding for NPS in FY 2012.

Agency	Acres (in millions)	Initiative Funding (millions)
BLM	258	\$17.5
FWS	150	\$67.5
NPS	84	\$9.9
USGS		\$72.9
Reclamation		\$7
BIA/Tribes	95	\$0.2

³ For FY 2011, BIA has also committed to shifting \$200,000 from BIA Real Estate Services to provide funding for BIA participation in the DOI Climate Change Adaptation Initiative.

⁴ Because the geographic scope of the North Pacific LCC contains more than 50 tribes and Alaska Native Villages, the \$200,000 is a miniscule amount to address tribal needs.

⁵ *Fiscal Year 2012 The Interior Budget in Brief*, DH-37.

Total	587	\$175
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Given that tribal natural resources have been historically underfunded and there is no federal program or funding that specifically supports tribal climate adaptation efforts, we request that the allocation to tribes via the BIA should be increased to a minimum of \$8.75 million, or 5% of DOI's Climate Change Adaptation Initiative. This request is supported by the tribes and tribal organizations listed at the beginning of this document. This request is further supported by National Congress of American Indians (NCAI) Resolution ABQ-10-086 (Appendix A), NCAI's Fiscal Year 2012 Appropriations Request⁶, and the National Tribal Environmental Council's Fiscal Year 2011 and Fiscal Year 2012 Appropriations Testimony (Appendix B-1 and B-2). This modest amount of funding will provide for increased tribal involvement in the Initiative and enable tribes to begin to address and adapt to the impacts of climate change. To achieve this equitable increase for tribes, language must be included in the appropriations bill directing the Secretary to reallocate these funds from various Interior agencies to tribes.

On November 5, 2009, President Obama issued an executive memorandum reaffirming Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*, requiring each federal agency and bureau to fully implement the Executive Order. On September 14, 2009, Interior Secretary Ken Salazar issued Secretarial Order 3289 setting a course for protecting the nation's natural resources, cultural heritage, and tribal lands and resources from the effects of climate change, and requiring each Department bureau and office to address climate change in its planning efforts and decision-making. In addition, the Secretarial order required "in-depth government-to-government consultation with tribes and Alaska Natives on the Department's climate change initiatives" and committed the Department to "support substantive participation by tribes in deliberations on climate-related mechanisms, agreements, rules, and regulations." Taken together, these orders establish the protocol for working with tribes on climate change, and provide the most fundamental justification for the DOI Climate Change Adaptation Initiative to fully engage and support tribes.

Tribal Programmatic Priorities for BIA Climate Adaptation Initiative Allocation

Of the \$175 million requested by the Administration for the FY 2012 Department of the Interior Climate Change Adaptation Initiative, we request that at least \$8.75 million, or 5% of the Initiative, be appropriated to the BIA to support two major program components: 1) the BIA Climate Change Program; and 2) Tribally-identified priority programs for consultation, education, and engagement, capacity building, adaptation research, analyses, and vulnerability assessments, and adaptation pilot projects. This funding request will help to remedy the current DOI budget inequity of the DOI Climate Change Adaptation Initiative.

1) **BIA Climate Change Program**: The BIA has been participating in all federal climate change activities, planning, and policy development as collateral duties. BIA has re-programmed funds intended for other purposes in order to participate in federal climate activities, and has not received any additional financial support for these efforts. In order to be a strong and active participant in the implementation of the Secretarial Order, the establishment of a BIA Climate Change Program will provide dedicated personnel to work on climate change adaptation and to stay abreast of the evolving issues and strategies.

⁶ Available at http://www.ncai.org/fileadmin/Budget_2012/12_NCAI_Nat_Res_Budget.pdf.

A portion of the \$8.75 million allocated to BIA would ensure it has sufficient resources to conduct fiduciary participation by providing climate change leadership through coordination and integration with the other bureaus and offices of the Department, and directly assisting and disseminating information to Tribes and Alaska Natives regarding climate change issues, the effects on Indian people and resources, and adaptation. This would include:

- Establishing a BIA Central Office Climate Change Coordinator to oversee the creation and implementation of the BIA Climate Change Program within the DOI Climate Change Adaptation Initiative;
- Establishing an administrative position in the BIA Central Office to assist the Coordinator in implementing the BIA Climate Change Program; and
- Establishing six BIA technical field positions (e.g., water, forestry, fisheries, and wildlife) strategically located to provide service to all twelve of the BIA Regional Offices. Assisting the Coordinator, these 6 positions would: ensure the federal government's fiduciary trust responsibility to tribes and the obligation to consult with tribes on a government-to-government basis regarding climate change adaptation; work closely with the Regional LCCs/CSCs and stay abreast of the science and management strategies related to climate change adaptation as they develop; assist Tribes and Alaska Natives with land and resource management and adaptation management strategies to deal with the effects of climate change they are experiencing or will experience; and coordinate closely with the Central Office Program Coordinator and the DOI Climate Change Initiative Implementation Team to stay abreast of climate change policy evolution and ensure tribal consultation, involvement, and that tribal needs and concerns are addressed.

2) Tribal Priority Programs: The majority of the allocated funding would be utilized to address tribally-identified priorities related to climate change adaptation, build tribal capacity on adaptation, and establish tribal field positions (staffed by tribal representatives selected by tribes and tribal-government sanctioned intertribal organizations). It would also fund efforts to ensure tribal involvement in the DOI CSCs and LCCs, conduct climate adaptation research priorities, and carry out tribal adaptation pilot projects. Specifically, this would include (but is not limited to):

- Establishing 12 tribal field positions selected by tribes and tribal organizations that would:
 - Provide information and support to tribes on climate change adaptation, related federal programs, policies, and strategies, and technical assistance;
 - Coordinate with BIA technical climate change field staff on programs, policies, and strategies;
 - Assist BIA staff with consultation, outreach, and engagement;
 - Assist with tribal adaptation planning, research priorities, and pilot projects; and
 - Other priority assistance as deemed necessary by tribes;
- Facilitating consultation and providing information, assistance, and resources to tribes throughout the nation to participate in the DOI CC Adaptation Strategy (CSCs and

LCCs), National Fish Wildlife and Plants Climate Adaptation Strategy, and other federal/regional adaptation strategies and programs (e.g., CEQ, Ocean Policy Council);

- Providing information, assistance, and resources to tribes on climate change impacts and adaptation;
- Providing sufficient resources and funding support for meaningful tribal participation with CSCs and LCCs in creating adaptation strategies;
- Providing support and resources for climate change adaptation research, analyses, and vulnerability assessments;
- Providing support and resources for climate change adaptation capacity building and adaptation plan development;
- Providing support and resources for climate change adaptation pilot projects; and
- Providing support for tribal participation in interagency workshops to incorporate traditional knowledge into climate adaptation strategies and to communicate tribal perspectives and needs in strategy planning.

Budget Recommendations

BIA Climate Change Program

BIA Central Office Climate Change Coordinator	\$110,000
BIA CC Coordinator Travel	\$30,000
BIA Administrative Position	\$65,000
Six BIA CC Field Staff	\$390,000
Field Staff Travel	\$90,000
Administrative Costs (communications, supplies, etc.)	<u>\$65,000</u>
Total	\$750,000

Tribal Priority Programs

12 Tribal CC Field Positions	\$780,000
Field Position Travel	\$180,000
Administrative Costs, Supplies and Communications	\$50,000
Office Space	\$40,000
Tribal Meetings/Workshops/Webinars (engagement, consultation)	\$150,000
Tribal Participation in CSC/LCC, Adaptation Strategies (travel)	\$150,000
Tribal Participation in CSC/LCC, Adaptation Strategies (stipends)	\$150,000
Adaptation research, analyses, and vulnerability assessments	\$2,000,000
Capacity Building and Tribal CC Adaptation Planning	\$3,000,000
Climate Adaptation Pilot Projects	<u>\$1,500,000</u>
Total	\$8,000,000

PROGRAM TOTAL

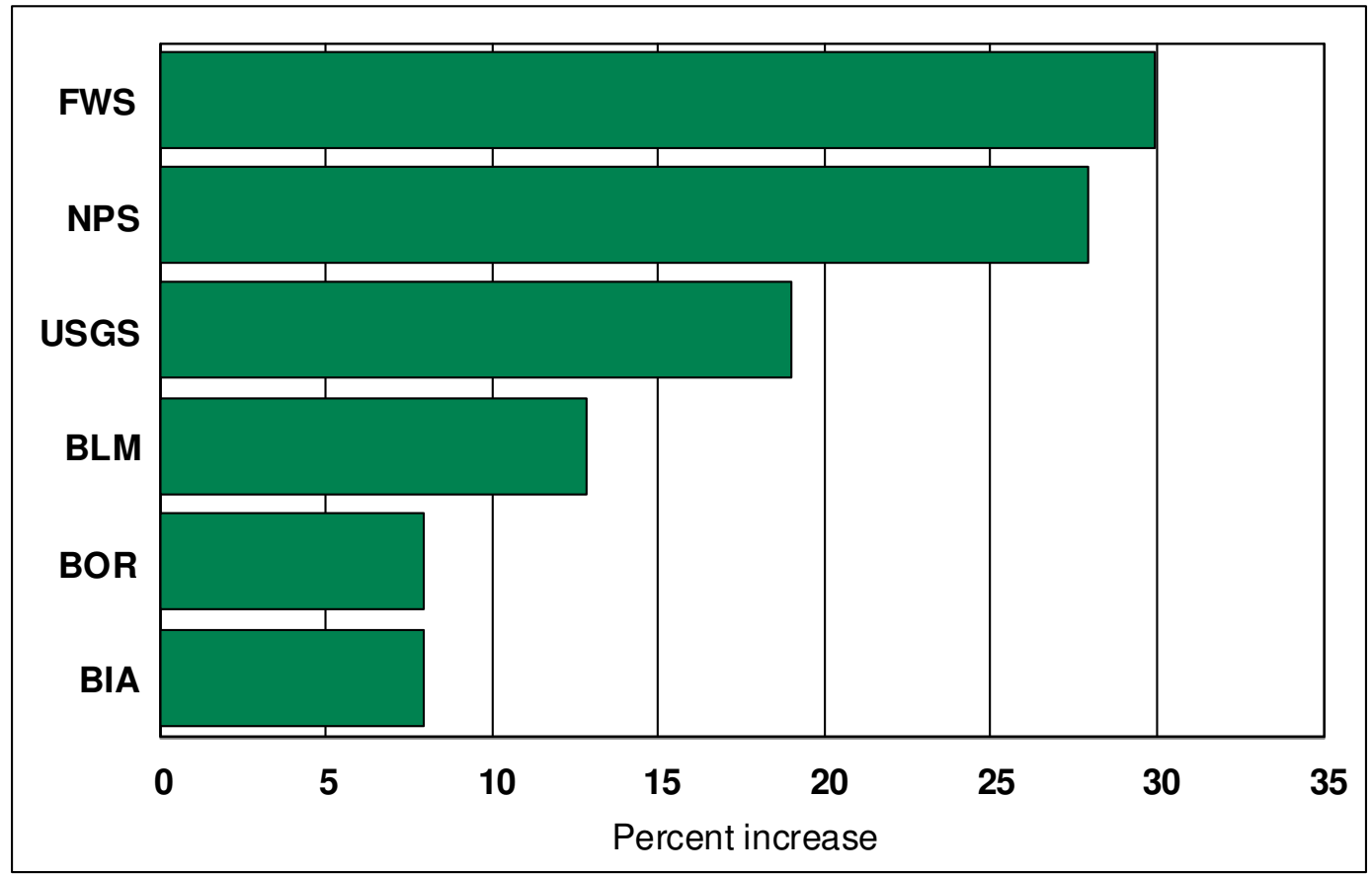
\$8,750,000

Conclusion

The request for an \$8.75 million allocation to BIA and tribes from the FY 2012 Administration request of \$175 million for the DOI Climate Change Adaptation Initiative is an initial step to begin equitably involving tribes. An \$8.75 million allocation in FY 2012 cannot come close to meeting the needs of the nation's 565 tribes for adapting to climate change in Indian Country. Tribal needs to build capacity for and plan and implement climate change adaptation are

significantly greater. However, fulfilling this request to begin meeting the needs of tribes can be an important stepping stone to a more inclusive and effective effort for climate change adaptation that brings together tribes, federal agencies, states, and other stakeholders to meet the significant climate challenges we all face.

Budget Increases for the 6 Largest Interior Agencies FY2004 to FY2012



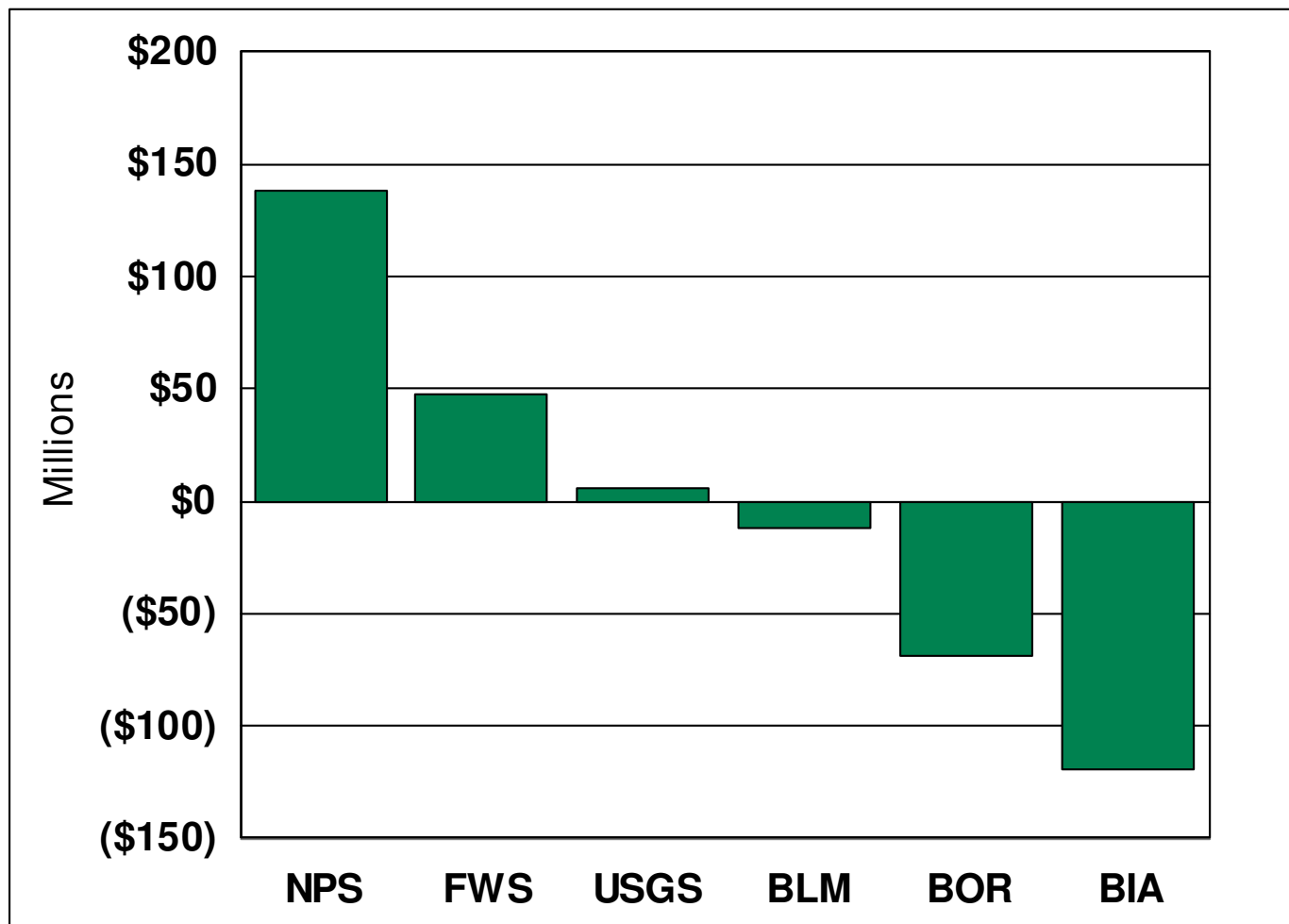
Note: Percentages are based on enacted levels except for FY 2011 and 2012, which are based on the President's request.

Recent funding history of 6 largest Interior Department Agencies, FY 2004 – 2012.

	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	2004-2012 Overall %
	<u>enacted</u>	<u>enacted</u>	<u>enacted</u>	<u>CR</u>	<u>enacted</u>	<u>enacted</u>	<u>enacted</u>	<u>Request</u>	<u>Request</u>	<u>Increase</u>
FWS	\$1,303,433	\$1,292,039	\$1,315,037	\$1,270,493	\$1,366,301	\$1,440,451	\$1,646,832	\$1,642,234	\$1,694,705	30%
NPS	\$2,258,580	\$2,314,881	\$2,256,293	\$2,102,611	\$2,390,488	\$2,525,608	\$2,750,530	\$2,728,865	\$2,891,565	28%
USGS	\$938,769	\$936,269	\$966,700	\$970,304	\$1,007,657	\$1,043,803	\$1,111,740	\$1,133,359	\$1,117,854	19.1%
BLM	\$999,781	\$989,260	\$998,859	\$984,970	\$1,007,897	\$1,038,596	\$1,133,604	\$1,141,572	\$1,129,098	12.9%
BOR	\$942,858	\$964,921	\$1,020,783	\$888,781	\$1,107,913	\$1,075,738	\$1,087,716	\$1,064,697	\$1,018,389	8%
BIA	\$2,305,814	\$2,295,702	\$2,274,270	\$2,229,896	\$2,291,279	\$2,376,131	\$2,619,560	\$2,566,001	\$2,500,653	8%

- Notes:
- Dollars are X 1,000
 - A \$9.9 million adjustment was made to the 2004 BLM amount to reflect a shift of Central Hazardous Materials out of the BLM category in 2005.
 - Wildland Fire was similarly removed from BLM numbers because of a change in reporting methodology during the period.
 - A funding history comparison was also made using Actual instead of Enacted amounts, with similar results.

**Budget Increases (Decreases) for the 6 Largest Interior Agencies
FY2012 President's Request vs. FY 2010 Enacted/2011 CR level**



Appendix A

NATIONAL CONGRESS OF AMERICAN INDIANS The National Congress of American Indians Resolution #ABQ-10-086

TITLE: Ensuring Tribal Equity in the Department of Interior's Climate Change Adaption Initiative

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, the Department of the Interior (DOI) began a Climate Change Adaptation Initiative (CCA Initiative) in September 2009 to provide a strategy for the nation to effectively help natural resources adapt to the impacts of climate change; and

WHEREAS, the Administration's fiscal 2011 budget request for the DOI CCA Initiative is \$171.3 million, an increase of \$35.4 million over 2010. The \$136 million for the initiative in 2010 did not include any funding for tribes. Despite a substantial increase in the overall funding request, the situation for tribes is nearly as bad in the 2011 budget. Of the \$171.3 million, **only** \$200,000 goes to the Bureau of Indian Affairs (BIA) to involve and assist Indian tribes in the Pacific Northwest; and

WHEREAS, the DOI CCA Initiative has lacked substantive involvement by Indian tribes in the formulation and implementation of the DOI CCA Initiative; and

WHEREAS, it is unclear how and if Indian tribes will be involved in the development of the DOI CCA Initiative's Regional Science Centers and Landscape Conservation Cooperatives; and

WHEREAS, the lack of involvement of and funding for Indian tribes in the DOI CCA Initiative is highly inequitable, especially considering the disproportionate effect of climate change on Indian tribes and their homelands, the fact that Indian Trust lands make up a significant portion of DOI's land management responsibilities, and the general support of Indian tribes for identifying and implementation adaptation solutions to climate change; and

WHEREAS, federal funding for tribal natural resources conservation and management has been historically underfunded and there is no federal program or funding that specifically supports tribal climate adaptation efforts.

NOW THEREFORE BE IT RESOLVED, that the NCAI requests that the 2011 DOI CCA Initiative allocation to tribes via the BIA should be increased to a more equitable level, such as \$8.55 million, or 5% of DOI's CCA Initiative, for tribes to address and adapt to the impacts of climate change; and

BE IT FURTHER RESOLVED, the DOI CCA Initiative allocation to tribes via the BIA should be maintained at no less than 5% in all futures years; and

BE IT FURTHER RESOLVED, it is imperative that DOI incorporates the perspectives and needs of Indian tribes in the DOI CCA Initiative, and the first step in accomplishing this is for DOI to conduct government-to-government consultation with Indian tribes on all aspects of the DOI CCA Initiative to equitably involve tribes. This consultation must be conducted in all regions of the U.S. to gather the full input of the nation's 565 federally-recognized tribes; and

BE IT FURTHER RESOLVED, each of the DOI CCA Initiative's regional planning groups, such as the Regional Science Centers and Landscape Conservation Cooperatives, should include representation from Indian tribes; and

BE IT FURTHER RESOLVED, that Indian tribes must have a broader seat at the table in DOI's Climate Change Adaptation Initiative and a more equitable share of the funding; 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 2010 Annual Convention of the National Congress of American Indians, held at the Albuquerque Convention Center in Albuquerque, NM on November 14-19, 2010, with a quorum present.

Appendix B-1

Jerry Pardilla
Executive Director, National Tribal Environmental Council

Testimony on FY 2011 Appropriations **House Appropriations Subcommittee on Interior, Environment & Related Agencies**

On behalf of the National Tribal Environmental Council and our 187 member tribes, we thank you for the opportunity to provide FY 2011 funding recommendations for the Department of the Interior and other agencies under the purview of this Committee.

Founded in 1991, NTEC works with federally recognized tribes to protect tribal environments. NTEC's mission is to support Indian Tribes and Alaska Natives in protecting, regulating, and managing their environmental resources according to their own priorities and values.

Despite having some of the most pristine habitat in the U.S., tribes have been historically underfunded for wildlife and natural resource management and conservation. There are 564 federally recognized American Indian tribes and over 300 reservations in the U.S. Tribes manage 95 million acres of land, 11 million acres more than the National Park Service. Tribal lands contain more than 997,000 acres of lakes, 13,000 miles of rivers, and 18 million acres of forested lands. Tribes operate approximately 114 fish hatcheries, with many producing threatened or endangered fish species. Tribal lands provide vital habitat for more than 525 federally listed plants and animals, many of which are both ecologically and culturally significant to tribes.

I. Bureau of Indian Affairs (BIA)

Department of Interior Climate Change Adaptation Initiative

Increase the Bureau of Indian Affairs' allocation of the Interior Department's Climate Change Adaptation Initiative to \$8.55 million.

The Interior Department began a Climate Change Adaptation Initiative in September 2009, an undertaking that Indian tribes support in principle. The Administration's fiscal 2011 budget request for the initiative is \$171.3 million, an increase of \$35.4 million over 2010. The \$136 million for the initiative in 2010 did not include any funding for tribes. Despite a substantial increase in the overall funding request, the situation for tribes is nearly as bad in the 2011 budget. Of the \$171.3 million, **only** \$200,000 goes to the BIA to involve and assist Indian tribes. This is highly inequitable, especially considering the disproportionate effect of climate change on tribes and their homelands. Sovereign Indian tribes deserve a broader seat at the table in the Climate Change Adaptation Initiative and a more equitable share of the funding.

Tribal lands comprise 4 percent of the U.S. land base (tribal lands represent a higher percentage if compared to the federal lands involved in this initiative; tribal lands = 95 million acres divided by 593 million acres of federal land and tribal land = 16 percent). Given that funding for tribal natural resources has been historically underfunded and there is no federal program or funding that specifically supports tribal climate adaptation efforts, **we request that the allocation to tribes via the BIA should be increased to \$8.55 million, or 5% of DOI's Climate Change Adaptation initiative, for tribes to address and adapt to the impacts of climate change.**

To achieve this equitable increase for tribes, the money provided to the various Interior agencies for the Initiative must be reallocated. In addition, the FY 2011 BIA budget included \$19 million for FBI agents, but this does not belong in the BIA budget. While we support additional funding for tribal law enforcement needs, we know that many tribes feel it is inappropriate to allocate the funding in this manner. We suggest that the \$19 million be re-directed specifically for tribal law enforcement programs and to increase funding for tribal climate change adaptation efforts.

Trust Natural Resources Program

Maintain FY 2010 enacted amount of \$175.62 million for Bureau of Indian Affairs Trust Natural Resources Program.

The BIA Trust Natural Resources (TNR) Program represents the largest amount of base, federal funding for tribal natural resource management. Tribes have more than \$356 million of unmet annual needs for natural resource management and conservation.⁷ Because BIA spending on natural resources in the last 11 years has been relatively flat compared to inflation and BIA's budget has been historically inadequate to meet the natural resource needs of Indian tribes, their needs have multiplied. In addition, the U.S. Commission on Civil Rights notes, "Native American population needs have increased at a rate faster than inflation, as problems are compounded by years of neglect."⁸ Even with the FY 2010 increase to the TNR Program, the annual unmet needs of tribes for natural resource management continue to exist and grow.

The Administration's FY 2011 request is \$17.2 million less than the FY 2010 enacted level primarily due to an \$18.6 million transfer of minerals and mining funding, what has been termed "efficiency savings," and modest decreases and increases to a variety of tribal programs. Due to the significant unmet annual needs for tribal natural resource management and the historic underfunding of tribal natural resource programs, **we request that the aforementioned \$17.2 million be reinstated and provided to BIA TNR Programs** including the Tribal Management and Development Program, Wildlife and Parks Tribal Priority Allocations, Natural Resource Tribal Priority Allocations, Water Management, Planning and Pre-Development Program, Endangered Species Program, and Rights Protection Implementation. As discussed in the previous section, it would also be possible to allocate some of the \$19 million currently proposed for FBI agents to make up for the shortfall in TNR funding for tribes.

II. U.S. Fish and Wildlife Service (FWS)

Tribal Wildlife Grants Program

Increase U.S. Fish and Wildlife Service Tribal Wildlife Grants Program funding to \$8.4 million.

Unfortunately, tribes are not eligible for funding under federal wildlife and fishery restoration programs such as the Federal Aid in Wildlife Restoration Act (Pittman-Robertson) or the Federal Aid in Sport Fish Restoration Act (Dingell-Johnson) that fund activities through an excise tax on

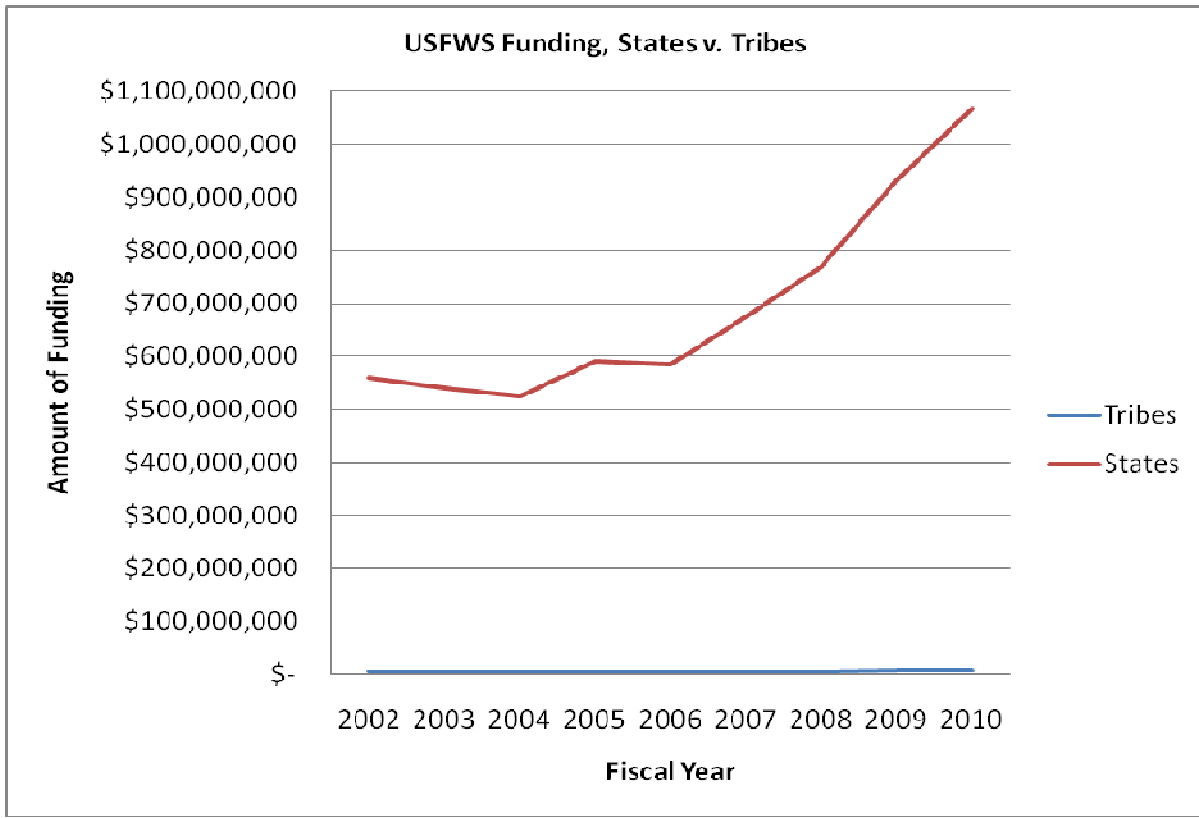
⁷ U.S. Department of the Interior, Bureau of Indian Affairs, *Report on Tribal Priority Allocations*, July 1999, 52.

⁸ U.S. Commission on Civil Rights, *A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country* (Washington, D.C.: U.S. Commission on Civil Rights, July 2003), 11.

hunting and fishing equipment. Although tribal members pay taxes that support this funding, they remain excluded from receiving the benefits and only states are allowed to access them.

In 2002, Congress authorized FWS to provide funding to tribes under the Tribal Wildlife Grant (TWG) and Tribal Landowner Incentive Programs (TLIP). Tribal proposals for support often total more than \$30 million annually. Yet these programs combined have only provided tribes an average of \$7 million dollars annually. With 564 federally recognized tribes, competition is severe and tribes rarely receive sufficient funds to fully support important conservation efforts.

In fiscal year 2007, only 38 proposals out of 110 submitted received funding under the TWG Program. In FY 2003, in the FWS Northeast Region, 9 tribes submitted TWG proposals requesting \$1.4 million, but only 4 were funded for \$481,554 (34% of the requested amount). In FY 2009, FWS only funded 41 TWG proposals out of 101 submitted, awarding \$7 million to tribes with a meager average award of \$170,000. In FY 2010, states received over \$1 billion from the Federal Aid in Wildlife Restoration Act, the Federal Aid in Sport Fish Restoration Act, and State Wildlife Grants programs. Thus, the \$7 million tribes received from the TWG program was **less than .007%** of the amount states received. From 2002-2010, states received 86 times more FWS funding than tribes for fish and wildlife conservation, or \$6.25 billion for states compared to \$72.2 million for tribes (see chart).⁹



⁹ State funding includes the FWS Wildlife and Sport Fish Restoration Programs and State Wildlife Grants. Tribal funding includes the FWS Tribal Wildlife Grants and Tribal Landowner Incentive Program.

Since the inception of the TWG Program in 2002, no more than \$7 million per year has been made available on a competitive basis to the nation's 564 federally recognized tribes. At this low level of funding, very few tribes receive any TWG Program funding; those receiving TWG Program funding typically get very little; and no tribe receives sufficient funding to sustain long-term tribal wildlife and natural resource management efforts. In FY 2010, the State and Tribal Wildlife Grant Program received \$90 million, a \$15 million or 20% increase from FY 2009. Nonetheless, funding for tribes via the TWG Program remained at \$7 million, and continues at that level in the Administration's FY 2011 budget request. Tribes deserve at least the same 20 percent increase; thus **we request that TWG Program funding be increased to \$8.4 million.**

III. Environmental Protection Agency (EPA)

Multimedia Tribal Implementation Grants Program

Preserve the Administration's FY 2011 request of \$32.9 million for the Multimedia Tribal Implementation Grants Program.

The Administration's FY 2011 budget request for the Environmental Protection Agency (EPA) proposes a new Multimedia Tribal Implementation Grants program to support on-the-ground implementation of environmental protection on tribal lands. This program would provide \$30 million for tribes to address their most pressing environmental needs. This program would advance negotiated environmental plans and activities on a cooperative basis between tribes and EPA, ensuring that tribal environmental priorities are adequately addressed. In addition, the Administration's FY 2011 budget request includes \$2.9 million for tribal capacity building and implementation of this new grant program. **NTEC requests that these EPA programs be funded at the proposed \$32.9 million level.**

General Assistance Program

Preserve the Administration's FY 2011 request of \$71.4 million for the EPA General Assistance Program.

Since 1992, the EPA's Indian Environmental General Assistance Program (GAP) has served a critical need in providing funding to tribes to build capacity for environmental management. The Administration's FY 2011 budget request includes a much-needed \$8.5 million increase for GAP. This requested increase will help tribal environmental programs to continue to build capacity as well as advance efforts to manage tribal environments. **NTEC requests that the EPA GAP Program be funded at the proposed \$71.4 million level.**

Appendix B-2

Jerry Pardilla
Executive Director, National Tribal Environmental Council
Testimony on FY 2012 Appropriations
House Appropriations Subcommittee on Interior, Environment & Related Agencies

On behalf of the National Tribal Environmental Council (NTEC) and our 187 member tribes, we thank you for the opportunity to provide FY 2012 funding recommendations for the Department of the Interior and other agencies under the purview of this Committee.

Founded in 1991, NTEC works with federally recognized tribes to protect tribal environments. NTEC's mission is to support Indian Tribes and Alaska Natives in protecting, regulating, and managing their environmental resources according to their own priorities and values.

Despite having some of the most pristine habitat in the U.S., tribes have been historically underfunded for wildlife and natural resource management and conservation. There are 565 federally recognized American Indian tribes and over 300 reservations in the U.S. Tribes manage 95 million acres of land, 11 million acres more than the National Park Service (NPS). Tribal lands contain more than 997,000 acres of lakes, 13,000 miles of rivers, and 18 million acres of forested lands. Tribal lands provide vital habitat for more than 525 federally listed plants and animals, many of which are both ecologically and culturally significant to tribes.

I. Bureau of Indian Affairs (BIA)

Interior Department (DOI) Climate Change Adaptation Initiative (Cooperative Landscape Conservation)

Increase the Bureau of Indian Affairs' allocation of the Interior Department's Climate Change Adaptation Initiative to \$8.75 million.

DOI began a Climate Change Adaptation Initiative in 2009, an undertaking that Indian tribes support in principle. The Administration's FY 2012 budget request for the initiative is \$175 million, an increase of \$39 million over 2010/2011 CR. The \$136 million for the initiative in 2010/2011 CR did not include any funding for tribes. Despite a substantial increase in the overall funding request, the situation for tribes is nearly as bad in the 2012 budget. Of the \$175 million, **only** \$200,000 (taken from an existing BIA Real Estate Services account) will be used to involve and assist Indian tribes in the North Pacific cooperative. As such, tribes are accorded a mere **.001%** of the funding for participation in only one of twenty-one Landscape Conservation Cooperatives. This contradicts DOI's statement that it "is working collaboratively across its bureaus, with other Federal agencies, State, and **tribal governments**, and non-governmental organizations to leverage fiscal resources and expertise and focus them on conservation of the Nation's different ecosystems."¹⁰ Moreover, this is highly inequitable, especially considering the disproportionate effect of climate change on tribes and their homelands. Sovereign Indian tribes deserve a broader seat at the table in the Climate Change Adaptation Initiative and a more equitable share of the funding.

¹⁰ *Fiscal Year 2012 The Interior Budget in Brief*, DH-37, emphasis added.

Tribal lands comprise 4 percent of the U.S. land base, but represent a higher percentage if compared to the federal lands involved in the initiative. Tribal lands comprise 95 million acres which, divided by the total 587 million acres of federal land, equal 16 percent. Tribal lands include 11 million acres more than NPS, yet the Administration proposed nearly 50 times more funding for NPS in FY 2012.

Agency	Acres (in millions)
BLM	258
FWS	150
BIA/Tribes	95
NPS	84
Total	587

Given that tribal natural resources have been historically underfunded and there is no federal program or funding that specifically supports tribal climate adaptation efforts, **we request that the allocation to tribes via the BIA should be increased to \$8.75 million, or 5% of DOI's Climate Change Adaptation initiative, for tribes to address and adapt to the impacts of climate change.** To achieve this equitable increase for tribes, the money provided to the various Interior agencies for the Initiative must be reallocated. **We request that you include language in the bill directing the Secretary to set aside these funds for tribes.**

Trust Natural Resources Program

Increase FY 2010/2011 CR amount of \$175.62 million by at least \$13.36 million for Bureau of Indian Affairs Trust Natural Resources Program.

The BIA Trust Natural Resources (TNR) Program represents the largest amount of base, federal funding for tribal natural resource management. There are several modest increases in the FY 2012 budget request, such as \$1 million each for Rights Protection Implementation, Tribal Management/Development, Forestry, Water Management Planning and Pre-Development, Wildlife and Parks, and Wildlife and Parks fish hatchery projects, and \$500,000 for Invasive Species. Even with these increases, base programs that fund tribes' daily conservation responsibilities are funded at levels less than a decade ago.

In 1999, the BIA reported that tribes had more than \$356 million of unmet annual needs for natural resource management.¹¹ Despite some annual increases since then, the BIA and tribes have lagged significantly behind in funding compared to other Interior agencies. For example, the FY 2012 budget requests increases of \$138 million for NPS and \$48 million for FWS, yet the request for BIA is a **decrease** of \$119 million. Moreover, in the last nine years the BIA budget has grown only 8% compared to an average of over 23% for other Interior agencies (FWS: 30%; NPS: 28%; USGS: 19%; BLM: 13%). Because BIA spending on natural resources in the last 11 years has been relatively flat compared to inflation and BIA's budget has been historically inadequate to meet the natural resource needs of Indian tribes, their needs have multiplied.

The FY 2012 request is \$13.36 million less than the FY 2010 enacted level primarily due to a shift of Minerals and Mining (M&M) funding from TNR to economic development and modest

¹¹ U.S. Department of the Interior, Bureau of Indian Affairs, *Report on Tribal Priority Allocations*, July 1999, 52.

decreases to a variety of TNR programs. We acknowledge that the shift of M&M means the money still exists but in a different place. However, due to the significant unmet annual needs for tribal natural resource management and the historic underfunding of tribal natural resource base programs, we believe it is vital to augment TNR base funding with a respective amount. **Thus, we request at least a \$13.36 million increase over 2010/2011 CR levels to BIA TNR core programs.**

II. U.S. Fish and Wildlife Service (FWS)

Tribal Wildlife Grants Program

Increase U.S. Fish and Wildlife Service Tribal Wildlife Grants funding to \$9.4 million.

Unfortunately, tribes are not eligible for funding under federal wildlife and fishery restoration programs such as the Federal Aid in Wildlife Restoration Act (Pittman-Robertson) or the Federal Aid in Sport Fish Restoration Act (Dingell-Johnson) that fund activities through an excise tax on hunting and fishing equipment. Although tribal members pay taxes that support this funding, they remain excluded from receiving the benefits and only states are allowed to access them.

In 2002, Congress authorized FWS to provide funding to tribes under the Tribal Wildlife Grant (TWG) and Tribal Landowner Incentive Programs (TLIP). Tribal proposals for support often total more than \$30 million annually. In FY 2009, FWS only funded 41 TWG proposals out of 101 submitted, awarding \$7 million to tribes with a meager average award of \$170,000. With 565 federally recognized tribes, competition is severe and tribes rarely receive sufficient funds to fully support important conservation efforts.

In FY 2010/2011 CR, states received nearly \$1 billion from the Pittman-Robertson, Dingell-Johnson, and State Wildlife Grants programs. Thus, the \$7 million tribes received from the TWG program was **only .007%** of the amount states received. From 2002-2010, states received nearly 86 times more FWS funding than tribes for fish and wildlife conservation, or \$6.25 billion for states compared to \$72.2 million for tribes.¹²

Since the inception of the TWG program in 2002, no more than \$7 million per year has been made available on a competitive basis to the nation's 565 federally recognized tribes. We are pleased to see the FY 2012 request of a \$1 million increase to TWG program funding over FY 2010/2011 CR. Yet, at this low level of funding, very few tribes receive any TWG funding; those receiving TWG funding typically get very little; and no tribe receives sufficient funding to sustain long-term tribal wildlife and natural resource management efforts. In FY 2010, the State portion of the State and Tribal Wildlife Grant Program was increased by \$15 million (20% over FY 2009). Tribes deserved at least the same 20 percent increase in FY 2010, which would have amounted to \$1.4 million. Thus **we request that TWG Program funding be increased to \$9.4 million for FY 2012 (\$1 million from FY 2012 request plus 20% FY 2010 increase).**

America's Great Outdoors (AGO) and Youth in the Great Outdoors (YGO) Initiatives

Set aside \$7.5 million of the America's Great Outdoors initiative for tribes. Set aside \$2.34 million of the Youth in the Great Outdoors initiative for tribes.

¹² In this example, state funding includes the FWS Wildlife and Sport Fish Restoration Programs and State Wildlife Grants. Tribal funding includes the FWS Tribal Wildlife Grants and Tribal Landowner Incentive Program.

The AGO initiative “seeks to empower all American citizens, community groups, and local, State and tribal governments to share in the leadership responsibility for protecting, improving, and providing greater access to natural areas and their resources and leaving a healthy, vibrant outdoor legacy for generations to come.” Tribes support these goals for protecting natural resources for current and future generations. Despite DOI’s written commitment to partner with tribes in its FY 2012 Budget in Brief and the declaration that the AGO initiative directs FWS to “build on...tribal priorities for conservation,” there is no dedicated funding for tribes to participate in the AGO initiative.¹³ The FY2012 request for the AGO is \$5.5 billion, including \$150 million for partnership programs. **We request that at least 5%, or \$7.5 million, be allocated to tribes via the BIA or FWS for participation and partnership in the AGO initiative.**

DOI, via the YGO initiative, likewise aims to engage and partner with tribes to employ, educate, and engage youth to explore, connect with, and preserve America’s natural and cultural heritage. We appreciate that the BIA and other Interior agencies have employed and engaged tribal youth in these programs in the past, but there seems to be no dedicated funds to ensuring sustainable tribal youth engagement. The FY 2012 request for the YGO initiative is \$46.8 million. **We request that 5%, or \$2.34 million, be allocated and dedicated to tribes via the BIA or FWS for participation and partnership in the YGO initiative.**

III. Environmental Protection Agency (EPA)

General Assistance Program

Preserve the Administration’s FY 2012 request of \$71.4 million for the EPA General Assistance Program.

Since 1992, the EPA’s Indian Environmental General Assistance Program (GAP) has served a critical need in providing funding to tribes to build capacity for environmental management. The FY 2012 budget request includes a much-needed \$8.5 million increase for GAP. This requested increase will help tribes to continue to build environmental capacity and further advance efforts to manage tribal environments. **We request that the EPA GAP Program be funded at the proposed \$71.4 million level.**

Multimedia Tribal Implementation Grants Program

Preserve the Administration’s FY 2012 request of \$20 million for the Multimedia Tribal Implementation Grants Program.

The FY 2012 budget request for EPA proposes a new Multimedia Tribal Implementation Grants program to support on-the-ground implementation of environmental protection on tribal lands. This program would provide \$20 million (\$12 million less than the FY 2011 request) for tribes to address their most pressing environmental needs. This program would allow tribes to move beyond the planning measures supported by GAP and allow them to begin implementing tribal environmental priorities. **We request that the Multimedia Tribal Grants be funded at the proposed \$20 million level.**

¹³ *Interior Budget in Brief*, DH 4-5 and BH 61.