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GENERAL MEMORANDUM 15-005

President's Task Force on Climate Preparedness and Resilience Releases Recommendations; Tribal Leaders Release Supplemental Recommendations

Pursuant to Executive Order 13653 *Preparing the United States for the Impacts of Climate Change*, the President's State, Local, and Tribal Government Leaders Task Force on Climate Preparedness and Resilience (Task Force) recently released its Recommendations to the President.¹ In addition, the two tribal leaders who were members of the Task Force, Chairwoman Diver of the Fond du Lac Band of Lake Superior Chippewa and Mayor Joule of Northwest Arctic Borough, Alaska, released their Supplemental Recommendations. These documents are intended to inform executive branch actions. A copy of the Supplemental Recommendations is attached. Both documents as well as other information about the Task Force can be found at:

www.whitehouse.gov/administration/eop/ceq/initiatives/resilience/taskforce.

Task Force Recommendations. Recognizing that communities across the country are already experiencing the impacts of climate change, the Task Force framed its recommendations as actions that the Administration could take to support the efforts of state, local, and tribal governments in making preparations for climate change. The Task Force called on the Administration to act in accordance with five "overarching" principles:

- Require consideration of climate-related risks and vulnerabilities in the design, revision, and implementation of all Federal policies, practices, investments, regulations, and other programs.
- Maximize opportunities to take actions that have dual-benefits of increasing community resilience and reducing greenhouse gas emissions.
- Strengthen coordination and partnerships among Federal agencies, and across Federal, state, local, tribal, and territorial jurisdictions as well as economic sectors.
- Provide actionable data and information on climate change impacts and related tools and assistance to support decision-making at all levels.
- Consult with Tribes and indigenous communities on all aspects of Federal climate preparedness and resilience efforts, and encourage states and local communities to do the same.

¹ See our General Memoranda 13-103 of November 8, 2013 and 14-031 of April 18, 2014.

In addition to these overarching principles, the Task Force made a number of recommendations, with the presentation organized according to seven themes: (1) Building Resilient Communities; (2) Improving Resilience in the Nation's Infrastructure; (3) Ensuring Resilience of Natural Resources; (4) Preserving Human Health & Supporting Resilient Populations; (5) Supporting Climate-Smart Hazard Mitigation and Disaster Preparedness and Recovery; (6) Understanding and Acting on the Economics of Resilience; (7) Building Capacity for Resilience.

Tribal Leaders Supplemental Recommendations. The two tribal leaders on the Task Force led an effort to seek input from other Tribal leaders, input that is reflected throughout the recommendations of the Task Force. In addition, they released a supplemental set of recommendations in order to identify "specific and unique perspectives of Tribal communities." These recommendations are intended to "inform the work of the White House Council on Native American Affairs and its newly formed Climate Change Subgroup." As an overarching recommendation, the tribal leaders call for comprehensive federal action, saying:

The federal government must undertake a review of its Federal programs – with a specific eye towards Tribes and Native Alaskan Villages – to understand what barriers to their participation exist in current Federal technical assistance and funding programs that address infrastructure, housing, emergency management, and land and natural resources preservation. These programs must then be reformed to remove barriers to Tribal access, including making funding more flexible and comprehensive so that each Tribe can determine their own best course of action.

Specific recommendations are presented under the following headings: *Inclusion and Participation, Education, and Long Term Planning.* *Inclusion and Participation* is broken down further into the sub-headings of (1) Access to Information, (2) Access to Federal Programs, (3) Direct Access to Federal Funds, and (4) Climate Adaptation Task Force. *Long Term Planning* is broken down into the sub-headings of (1) Natural Resources and Ecosystem Health, (2) Water Safety and Security, (3) Housing Infrastructure, (4) Food Security, and (5) Energy Security.

In their conclusion, the Tribal leaders write, "The needs of native communities in relation to climate change are urgent and significant. The time to act to protect and assist our communities is now."

Please let us know if we may provide additional information regarding the President's State, Local, and Tribal Government Leaders Task Force on Climate Preparedness and Resilience or the Supplemental Recommendations of the Tribal Leaders.

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Supplemental Recommendations of Tribal Leaders on the President's State, Local, and Tribal Leaders Task Force on Climate Preparedness and Resilience

**Chairwoman Karen Diver, Fond du Lac Band of Lake Superior Chippewa
Mayor Reggie Joule, Northwest Arctic Borough**

Tribes and Alaska Native Villages feel the effects of a changing climate in ways that are unique to their ways of life, geography, and relationships with the Federal Government. According to the National Climate Assessment, “the consequences of observed and projected climate change impacts have and will undermine indigenous ways of life that have persisted for thousands of years.”¹

Based on the historic relationships, Federal policies, and legal decisions, the Federal Government has trust and treaty obligations with each of the Tribal governments and Native Alaskan Villages within the United States. The implementation of these specific obligations has often caused the Federal Government to separate Tribal governments from their state and local counterparts when developing many Federal programs. This separation has created legislative and regulatory gaps that pose barriers to Tribal access to programs that assist in the preparation for and recovery from natural disasters; create jurisdictional complexities and confusion that act as barriers to data collection on many large and rural reservations; and lack of communication about the type and scope of information required by Tribal governments to help their communities prepare for the effects of climate change.

From the Everglades to the Great Lakes to Alaska and everywhere in between, climate change is a leading threat to natural and cultural resources across America, and Tribal communities are often the hardest hit by severe weather events such as drought, floods, and wildfires.”

*- Secretary Sally Jewell,
Department of the Interior*

As members of the President's State, Local, and Tribal Leaders Task Force on Climate Preparedness, we led an effort to reach out to hundreds of Tribal leaders across the country to solicit their views on how the Federal Government can better support Tribal communities in preparing for the impacts of climate change. Their input is reflected throughout the recommendations that the Task Force delivered to the White House on November 17, 2014.² This supplemental set of

recommendations expands upon those to further identify the specific and unique perspectives of Tribal communities.

Tribal leaders responded with recommendations across four overarching themes: 1) provide better access to data and information, as well as Federal programs, and to begin

¹ See National Climate Assessment, “Indigenous Peoples, Lands, and Resources.”

<http://nca2014.globalchange.gov/report/sectors/indigenous-peoples>

² See Task Force recommendations at http://www.whitehouse.gov/sites/default/files/docs/task_force_report_0.pdf

and improve inter-jurisdictional coordination; 2) promote full Tribal inclusion and participation within every decision-making activity with regard to preparation for or recovery from the effects of climate change, as well as for long-term community planning, so that Tribal governments are the main decision-makers for their communities; 3) address the lack of institutional capacity to undertake comprehensive planning programs; and 4) improve education for children, college students and community members on climate change and its effects and community planning.

Overarching recommendations

The Federal Government must undertake a review of its Federal programs--with a specific eye towards Tribes and Native Alaskan Villages--to understand what barriers to their participation exist in current Federal technical assistance and funding programs that address infrastructure, housing, emergency management, and land and natural resources preservation. These programs must then be reformed to remove barriers to Tribal access, including making funding more flexible and comprehensive so that each Tribe can determine their own best course of action.

“Key vulnerabilities [Tribes and Native Peoples face from climate change] include the loss of traditional knowledge in the face of rapidly changing ecological conditions, increased food insecurity due to reduced availability of traditional foods, changing water availability, Arctic sea ice loss, permafrost thaw, and relocation from historic homelands.”

- 2014 National Climate Assessment

Current barriers to Tribal access include high matching requirements, indirect and inflexible funding to Tribes, and partial or short-term program funding. Additionally, Federal technical assistance for training must be geared specifically towards Tribes, where appropriate. Given the unique position Tribes hold in relation to the Federal Government, and the varied and inconsistent history of Federal Indian policy, the operation of many Federal programs is different for, and often incompatible with, Tribes' operations. Therefore, tools must be specific to Tribal governments to be effective.

Tribal governments must be at the center of long- and short-term planning, preparations, and recovery efforts for their communities. Just like all governments, Tribal leaders are responsible for their citizens, and in the best position to understand the challenges their communities face. The public health and safety of Tribal and Alaska Native communities can only be protected by fully supporting self-governance, and full inclusion in all decision-making processes, as well as encouraging partnerships and collaborative initiatives that involve jurisdictional overlap or shared interests with other governments or communities. Federal agencies should foster partnerships with Tribes that respect Tribal sovereignty and capacity needs by engaging Tribes in effective climate change monitoring programs, upholding trust responsibilities and treaties, and ensuring that Federal regulations recognize Tribal sovereignty.

Inclusion and Participation

Tribal governments are in the best position to understand what they are facing, how climate change will uniquely affect them, and how Federal programs interface with them. It is imperative that each Tribe be intimately involved in programs and activities with the

potential to affect them. Therefore, the Federal Government must fully incorporate its government-to-government relationship with Tribes into existing programs and activities related to climate change. Full incorporation should include, at a minimum:

- Establishing coordination mechanisms or developing a strategic policy that focuses on building long-term partnerships between Federal, state, and Tribal entities and communities that provide for Tribal collaboration with these entities for the design, implementation, and analysis of data gathering activities;
- Mandating Federal engagement with Tribal communities, from planning through implementation;
- Encouraging engagement of state governments with Tribal communities; and
- Supporting the respectful and appropriate application of Traditional Ecological Knowledge (TEK) in climate change and research programs, bridging modern tools and technology.

More specific recommendations regarding Tribal inclusion and access are listed below.

1) Access to information

Data and other information are necessities for understanding how the climate is changing, and how these changes may affect communities and natural resources. However, management decisions are only as good as the data or information they rely on. Tribes should have full and immediate access to all climate related data, and these data should be consistently measured. Federal agencies should use a standardized methodology for data collection and analysis. In addition, to the extent possible, data collection should be driven by Tribal priorities, coordinated between Tribes and agencies, and supported by adequate data monitoring resources focusing on Tribal lands. Additionally:

- While downscaled climate change model outputs are now available at scales that can be used to make informed natural resource and permitting decisions, these data are not yet being incorporated into technical analysis of the environmental impacts of large scale industrial projects such as mines and highways. A concerted effort to use downscaled climate change data in the technical analysis of the environmental impacts of proposed projects is needed.
- Data should support natural resource management. While large-scale data is important for policy-making, data collection needs to be refocused and increased to include plant-, ecosystem-, and species-based data to enable more targeted decision-making for natural resource and subsistence harvest decisions.
- Technical assistance and other resources should be made available for Tribes to gather data at the scales and with the focus that is most useful for their communities.

2) Access to Federal programs

Another barrier to access that many Tribal governments face are requirements for matches for Federal funding. It is difficult for matches to be found for Tribal governments – jurisdictional complexities, lack of land ownership and other uniquely Tribal situations make other entities hesitant to partner with Tribes on funding. To provide full access to Tribes in recovering from natural disasters, Tribes recommend that the Federal funding match required by the Federal Emergency Management Agency (FEMA) be waived for Tribal governments and Native Alaskan Villages and Corporations, where discretion is allowed under existing statute.

In addition, complexities of maneuvering through Federal programs should be eased, especially in disaster preparedness and response. Recommended actions include:

- Connecting Tribal governments with already-established Incident Management Teams that can help Tribal governments prepare for emergency situations, and support them through the response and recovery process. Working through the Federal system for help with emergency response is a time-consuming and taxing process during a time when no community leader has time to spare.
- In addition, building off of the steps FEMA has taken to work directly with Tribes on disaster declarations under the Sandy Recovery Improvement Act, FEMA should appoint liaisons to work with Tribal communities to prepare for emergency response and recovery.
- Establishing engineering management agreements to facilitate disaster recovery efforts. This would help ensure that Federal assistance is available in a timely manner, without delay in working through the bureaucratic process.

In addition, many Tribal or Alaska Native Villages and Corporations are not currently included in all FEMA assistance programs. The Stafford Act, and its regulations, should be updated to allow Federal assistance for all affected communities. This would require action by Congress.

3) Direct Access to Federal Funds

Many Tribal nations have a limited ability to tax, which typically supports critical emergency response and management functions; therefore, Tribes rely to a heavy extent on Federal funding. Federal funding programs can often be rigid and inflexible, funded incompletely, and often provide funds to Tribes indirectly. These realities limits the ways in which Tribes can use Federal funds to develop comprehensive community development, preparedness, and response plans, requiring that they piece plans together as funding can be located. Funding for long-term planning, such as water resource or climate adaptation plans, as well as emergency preparedness, emergency response, and management plans, should be provided directly to Tribal governments. One possible mechanism may be through Public Law 93-638 Contracts and Compacts,

with policy flexibility to ensure Tribes can leverage these funds to develop comprehensive plans.

- 4) Climate Adaptation Task Force. The Federal Government should establish a permanent Tribal climate adaptation task force to provide ongoing advice from and engagement with indigenous communities.

Education

The Federal Government must support and enhance Tribal resource management capacity, including support for education and training that enables Tribes to fully participate in decisions that affect them. Specific opportunities include:

- Climate change training and education for Tribal employees;
- Enhance support for consistent climate change education at all levels;
- Support education and training for community planning, so that communities may prepare for and address the climate impacts they are facing.

Long Term Planning

Integrating climate change plans and strategies into long-term planning is necessary to be properly prepared for the effects of climate change. Integration into current Tribal operations is challenging because of lack of capacity and resources. Tribal communities can be assisted by the Federal Government developing resources to promote the adoption of climate change planning, including tools, such as trainings and assessments, for integrating climate change strategies into Tribal operations, and providing incentives for integration. Additional recommendations are listed below.

- 1) Natural resources and ecosystem health

Tribal governments and citizens depend on a healthy and diverse natural environment to exercise treaty rights, perform cultural activities, and promote human health. These ecosystems and species are vulnerable to many existing stressors, which will only be exacerbated by climate change. Immediate threats include pollution, urban sprawl, habitat destruction and degradation. Removing pressure from human threats can improve the ability of ecosystems to withstand climate change impacts and increase species' natural adaptive capacity. The Federal Government can better preserve ecosystem health by:

- Increasing the amount of Federal conservation lands;
- Restricting urban growth, especially into vulnerable habitats;
- Funding grants or projects that purchase land for conservation or preservation by Tribal, state, and local organizations;
- Placing stricter regulations on land development in wetlands and other sensitive habitats.

- 2) Water safety and security

The Federal Government should provide technical assistance for long term water safety and security. Long-range regional plans should address flows and lake levels. The Federal Government can assist Tribes in the negotiation of Tribal water rights, in providing assistance for water resources projects to build needed infrastructure, such as irrigation ditches, and water resource management initiatives. The Federal Government should also reform their water management policies to emphasize resilience and sustainability planning.

3) Housing infrastructure

As the effects of climate change become more common and likely more severe, existing infrastructure, which was not designed nor built for this new reality, will take the biggest hit. Due to many of the past Federal practices and funding, Tribal housing is often some of the oldest and least sustainable housing in the country. Federal funding marked for the modification and rehabilitation of aging housing stock should include funds for improvements that are specifically related to disaster preparedness and recovery and other impacts of climate change.

The Federal Government should establish a mechanism for incorporating climate change resilient design and retrofits through collaborative efforts that identify best practices in all categories of government-funded infrastructure. The government should also assist communities in thinking ahead to prepare infrastructure for the effects of climate change by establishing a group similar to State of Alaska's Immediate Action Working Group that identified immediate threats to community infrastructure. This group could suggest appropriate interventions that require timely responses, including coordination of available agency resources.

4) Food security

Many Tribal and Alaska Native Villages exist in food deserts. Lack of access to adequate food supplies can increase reliance on carbon emitting long-distance transportation activities, and make food supplies extremely vulnerable to the effects of climate change. Large-scale agricultural operations that face severe droughts run the risk of shutting off large portions of the country from crops and meat. Transportation infrastructure is vulnerable to large-scale natural disasters like flooding or hurricane events. Communities that live in food deserts could be cut off from access to food supplies. The Federal Government should support local efforts to encourage food security, such as:

- Expanded farming;
- Community gardens;
- Data collection of subsistence use areas;
- Review of all subsistence regulations;
- Creation of advisory boards;
- Funded research on the effects of climate change on food systems; and
- Funded subsistence camps for compensation by FEMA.

Additionally, the composition of the Federal Subsistence Board should be made of all representatives of Alaskan Native Villages and further refine the definition of “rural” to assure food security.

5) Energy Security

Many Tribal reservations and Alaska Native Villages are located in extremely rural and sparsely populated regions. Combined with the jurisdictional complexities of Tribal, state, and Federal Governments, this leaves many communities without access to the existing energy grid, leaving them particularly vulnerable to extreme heat and cold, as well as impacts of other extreme weather events. The Federal Government can improve energy security for Tribes in the face of climate change by:

- Expanding technical assistance for the development of Tribal generation and transmission utilities at the Departments of Energy and of the Interior.
- Connecting Tribal generation facilities to the electric transmission grid.

In addition to developing reliable connections to traditional energy, Federal policy should encourage Tribal development of renewable or alternative energy, such as hydropower, wind power, and other renewable energy sources. Such development can be encouraged through the use of tax credits and by removing impediments to market-security interests on Tribal collateral and other barriers to private sector investment.

Conclusion

These recommendations can inform the work of the White House Council on Native American Affairs and its newly formed Climate Change Subgroup. The needs of native communities in relation to climate change are urgent and significant. The time to act to protect and assist our communities is now.