



Climate Change: NTEC Initiatives & National Policy

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Climate Change: The scientific debate is over

- Scientific evidence for rising global temperatures has been called “unequivocal,” IPCC 4th Assessment Report
- Leading scientists have warned that if left unchecked, global warming will lead to rising sea levels, more frequent droughts and floods, loss of species, spreading disease and other impacts.
- Although, there are still some scientists, American politicians, and industry lobbyists who challenge the conclusions reached by the vast majority of scientists and world leaders.
- Experts tell us that there is a limited window of time in which to act to reduce greenhouse gas (GHG) emissions and avoid the most dangerous effects of global warming

Climate Change Predictions

Forecasts are alarming:

- Continuing temp rise
- Shifting ecosystems, species migrations & extinctions
- Glaciers melting, sea level rise, flooding and coastal erosion, increased frequency & intensity of storms
- Reduced snowpack, early snowmelt, drought

Tribal Implications

- Negative impacts on traditional cultures and subsistence life-ways, particularly as plant and animal species migrate or disappear, and ecosystems shift and change
- Competition for water resources (tribal water rights, interstate water compacts for surface waters, and future groundwater agreements)
- Mitigations strategies may pose hardships on tribal populations, such as relocating villages
- Adaptation strategies may not recognize tribal rights, e.g. treaty rights

Other Implications

- Protecting tribal resources in the event of growing scarcity of natural resources [Regional impacts (Alaska, Pacific NW, Southwest, Florida) as assessed in “Native Communities and Climate Change,” Natural Resources Law Center, Univ. of Colorado Law School]
- Exploitation and co-optation of tribal concerns by others, including mainstream environmental organizations.

National Policy

- For the past several years, the absence of a coherent national climate policy has forced local, state, and tribal governments, and regional efforts to address GHG emissions, e.g., Climate Registry, RGGI (Regional GHG Initiative)
- In *Massachusetts v. EPA*, the Supreme Court ruled that EPA has authority to regulate CO₂ and other GHGs as “air pollutants” under the CAA.
 - Requires an “endangerment finding” that GHGs pose a danger to public health and welfare.
- California waiver – granting authority to adopt program to reduce tailpipe GHG emissions of new cars (14 other states as well).

Legislation

- In the 110th Congress, there was one promising bill that made strides to address tribal inclusion in national climate policy—the Climate Security Act (CSA) of 2008.
- Central mechanism was a cap and trade program, 2012-2050.
- Ultimately, the CSA bill did not pass, but it set important benchmarks for tribal provisions, which are expected to be incorporated into similar bills to be introduced in the 111th Congress.
- Senator Barbara Boxer (D-CA) pledges that a strong global warming bill is a top priority for the 111th Congress.
- The Obama Administration platform for global warming is interwoven with investment in alternative and renewable energy, ending addiction to foreign oil, and creating millions of green jobs.

Tribal Benchmarks

- 15 percent of a general adaptation fund
- Auction allowances (4 times/year minimum)
- Deposit proceeds into tribal-specific fund
- Negotiated Rulemaking
- Monies available for multiple activities
- TAS not required to access monies
- \$494 million - \$1,295 million (2012-2050)

Tribal Set-Asides

Natural Resources Adaptation (managed by DOI)

- 2 percent of a natural resources adaptation fund
- Made available to tribes through the Tribal Wildlife Grants program of the U.S. Fish and Wildlife Service
- \$66 million - \$216 million (2012-2050)

Tribal Set-Asides

Land and Water Conservation Fund (managed by DOI)

- 1/6 of monies deposited into LWCF made competitively available to states and tribes
- Acquisition of land and interests in land
- \$80 million - \$317 million (2012-2050)

Outlook for 111th Congress

- Multiple Committee Involvement
- Changing Tribal Support
- Committee Changes
- Obama's Principles
 - 80 percent reduction from 1990 levels by 2050
 - 100 percent auction of allowances
- Forthcoming Legislation
 - Boxer
 - Green Jobs
 - Cap-and-Trade
 - McCain-Lieberman

Worldviews in Conflict

- Cap and Trade Programs begin with a premise that air and pollutants are measurable, which is necessary to quantify GHGs and develop carbon trading schemes.
- Such treatment of air is in conflict with sacred teachings and spiritual beliefs of tribal cultures.

Tribal Principles

- Indian tribes should be specifically referenced as sovereign partners in addressing the problem of climate change; legislation should avoid the use of such terms as “tribal communities” that are vague and could open up resources to a larger number of groups beyond federally-recognized tribes; “Indian tribe” as defined under the Indian Self-Determination and Education Assistance Act, or “Indian Tribal government” as defined under the Indian Environmental General Assistance Program should be used in the “definitions” section of climate legislation to best reflect which tribes should have access to resources
- Appropriate weight should be given to traditional tribal knowledge of the environment in climate legislation
- Indian tribes, states and local governments should be treated equally in climate legislation to the degree that each of these jurisdictions should have equal access to the same resources

More Principles

- Indian tribes should not be required to obtain treatment-as-a-state (TAS) status or meet a similar, burdensome requirement to access resources made available under climate legislation
- Indian tribes should be provided with the resources to accurately assess and reduce their carbon footprint; these resources would go toward such activities as developing greenhouse gas emissions inventories, modeling for such emissions, and conducting subsequent monitoring
- Sufficient resources should be provided to Indian tribes for the collection of traditional knowledge and the establishment of procedures for taking such knowledge into account

Tribal Principles—contd.

- Sufficient resources should be devoted to the establishment of a federal-tribal program that researches and addresses the threats and costs to tribal cultures and life-ways as a result of climate change; additional resources should be provided for natural resource management programs that protect indigenous ecological systems, subsistence plants and animals, and promote intertribal sharing of traditional knowledge and culture
- Indian tribes should be provided with sufficient resources to address the adverse impacts facing their communities as a result of climate change through adaptive and mitigation measures that will ensure the environmental integrity of their homelands

More Principles

- Indian tribes should be acknowledged and provided with the necessary resources under any offsets program to best utilize their agricultural and forestry lands for sequestering carbon and providing them with substantial economic development opportunities
- Indian tribes should be provided with the necessary financial and technical assistance to enact and implement energy efficiency codes for buildings on lands within their jurisdiction; this assistance is not unlike what has been provided to state and local governments since the early 1990s
- Indian tribes should be provided with sufficient resources to improve their transportation infrastructure; tribal roads and routes need to be redesigned for better efficiency with additional resources needed to promote mass transit in locations where warranted

Tribal Principles—final slide

- Alaska Native Villages should be provided with specific funding and technical assistance to relocate their communities due to flooding and erosion, a result of climate change
- The Internal Revenue Code should be amended so as to allow Indian tribes to pass on their otherwise unused production tax credit (PTC) to joint partners in renewable energy projects; tribes are tax exempt and have no federal liability against which they can apply the PTC, meaning that the only portion of the PTC that can be currently applied as part of a tribal renewable energy project is the ownership interest of the private investor

Partnerships

- Green Group
- Native American Rights Fund
- National Wildlife Fund
- National Congress of American Indians-Climate Change Community of Practice

Next Steps for NTEC

- Continued Green Group Participation
- Outreach
 - Tribes and Tribal Organizations
 - Senate and House members
- Transition Documents
 - National (w/ other environmental organizations)
 - Climate Change (w/ NARF)
- Tribal Principles on Climate Change
- National Tribal Climate Change Strategy (NCAI)
 - Purpose
 - Workgroups
 - National Advocacy
 - International Advocacy
 - Mitigation
 - Adaptation
 - Communication

Questions?



Contact information

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