January 30, 2025

Acting Administrator James Payne
U.S. Environmental Protection Agency
1200 Independence Ave, N.W.
Washington, D.C. 20004

EPA-HQ-OLEM-2024-0360; FRL 12146-02-OLEM

Dear Administrator Payne:

The U.S. Environmental Protection Agency's (EPA) "Interim Framework for Advancing Consideration of Cumulative Impacts" acknowledges the exposures and susceptibilities of Tribal communities and emphasizes the importance of Tribal consultation in environmental decision-making. To better serve Tribes, the framework could be expanded in ways that are uniquely American.

The Framework addresses Tribal consultation but fails to emphasize the importance of and value in respecting Tribal sovereignty and self-determination. Recognizing Tribes as co-decision makers to ensure their inherent sovereign authority in environmental governance is upheld should be emphasized. Tribal Nations possess an inherent right to self-governance and have a deep historical understanding of the lands they inhabit. They have stewarded their traditional territories and hold a unique knowledge and cultural practice that is essential for sustainable management of natural resources.[1] It is crucial that co-decision-making be implemented to uphold Tribal authority and to ensure that Tribes have the power to protect and manage their lands and resources in alignment with their cultural values and sovereignty.

Integrating traditional knowledge systems into the framework explicitly advocates for the incorporation of Traditional Ecological Knowledge (TEK) alongside Western scientific approaches. Threading the two approaches together makes up a holistic understanding of environmental impacts and fosters mutual respect between EPA and the many Tribal Nations.[2] Integration of TEK with modern Western science will offer a more comprehensive and culturally informed understanding of environmental impacts during assessments.

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[1] Deloria, V., & Lytle, C. (1984). American Indians, American Justice. University of Texas Press.
[2] Simpson, L. (2004). Anticolonial Strategies for the Recovery and Maintenance of Indigenous Knowledge. The American Indian Quarterly, *28* (3-4), 373-384.
Also Cajete, Gregory. (1999). Native Science: Natural Laws of Interdependence. Clearlight Publishers, Santa Fe.

Despite centuries of attacks on traditional Tribal practices, a wealth of Indigenous Knowledge remains firmly in place for EPA to consult when constructing this new framework. Specifically, the U.S. Department of Interior manual acknowledges that Indigenous Knowledge,

> (C)an provide a foundation for improved implementation of Departmental actions, including agency decision-making, resource management, program implementation, policy development, scientific research, and other actions.[3]

The need to include and assess cumulative impacts on resources is vital to Tribal cultural practices. Traditional lifeways and practices, such as traditional hunting, fishing, and gathering, must be considered and assessed to ensure the protection of resources that are essential to Tribal identity.[4] While such practices may seem minor or have limited significance to larger systems, these traditional lifeways embed human activity with natural systems and create a knowledge base and sensitivity to change that modern western science overlooks. Stressing the importance of this framework will provide a safeguard for Tribal Nations from the pressures of environmental change.

Lastly, to uphold the Federal Trust and Treaty Responsibility to Tribes, the EPA must commit to providing Tribes with the necessary resources and technical assistance to strengthen their capacity to assess and manage these cumulative environmental impacts. Empowering Tribes to actively participate in environmental decision-making and equipping them with the tools to address these impacts not only builds capacity but also reinforces self-determination. This ensures that Tribes can make informed decisions that align with their cultural values and long-term sustainability goals.[5]

We at the Alliance for Tribal Clean Energy believe that implementing these recommendations will ensure that Tribal communities are fully included in decision-making processes through true co-governance and that Tribal sovereignty is upheld. It is essential that Tribes retain the power to protect and manage their lands and resources in alignment with their cultural values and sovereign rights.

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[3] Departmental Responsibilities for Consideration and Inclusion of Indigenous Knowledge in Departmental Actions and Scientific Research, December 5, 2023. U.S. Department of Interior. doi.gov/document-library/departmental-manual/301-dm-7-departmental-responsibilities-consideration-and. Visited 30 January 2025.

[4] Finer, M., & Jenkins, C. (2012). Proposed Oil and Gas Development in the Arctic: Implications for Indigenous Cultures and Subsistence Practices. Environmental Science & Policy, *17*, 18-28.

[5] Gibson, D. (2017). Indigenous Environmental Justice: The Role of Indigenous Knowledge and Community-Based Environmental Management. Routledge.

We respectfully acknowledge the new leadership of the Environmental Protection Agency at this critical time in our Nation's history and look forward to engaging in meaningful Consultation on this issue. Please do not hesitate to reach out if we can offer any support.

Wela'lioq, Respectfully submitted,

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