



USET

SOVEREIGNTY PROTECTION FUND

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Transmitted Electronically
To NatureBasedSolutions@ostp.eop.gov

September 15, 2022

Brenda Mallory
Chair
Council on Environmental Quality
730 Jackson PI NW
Washington, DC 20506

Alondra Nelson
Director
Office of Science and Technology Policy
Eisenhower Executive Office Building
1650 Pennsylvania Ave
Washington, DC 20504

Gina McCarthy
National Climate Advisor
White House Domestic Climate Policy Office
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear Chair Mallory, Director Nelson, and National Climate Advisor McCarthy,

On behalf of the United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we submit these comments in response to the Dear Tribal Leader Letter (DTLL) issued by the Council on Environmental Quality, Office of Science and Technology Policy, and the Domestic Climate Policy Office (“Executive Offices”) on July 15, 2022. The Executive Offices issued this DTLL in response to President Biden’s Executive Order 14072, “Strengthening the Nation’s Forests, Communities, and Local Economies”, which directs the Executive Offices to produce a Nature-Based Solutions Report. This includes actions on protection, restoration, sustainable management, and climate regulation or adaptation. USET SPF appreciates the Executive Offices holding a Tribal consultation to discuss these important issues and receive input from Tribal Nations in developing the Nature-Based Solutions Report.

USET Sovereignty Protection Fund (USET SPF) is a non-profit, inter-tribal organization advocating on behalf of thirty-three (33) federally recognized Tribal Nations from the Northeastern Woodlands to the Everglades and across the Gulf of Mexico.¹ USET SPF is dedicated to promoting, protecting, and

¹ USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Catawba Indian Nation (SC), Cayuga Nation (NY), Chickahominy Indian Tribe (VA), Chickahominy Indian Tribe–Eastern Division (VA), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), , Mi'kmaq Nation (ME), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Monacan Indian Nation (VA), Nansemond Indian Nation (VA), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Pamunkey Indian Tribe (VA), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Rappahannock Tribe (VA), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), Upper Mattaponi Indian Tribe (VA) and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

Because there is Strength in Unity

advancing the inherent sovereign rights and authorities of Tribal Nations and in assisting its membership in dealing effectively with public policy issues.

Tribal Nations have coexisted with the lands of the Americas since time immemorial and our existence is inextricably intertwined with our homelands. They are the foundation and heartbeat of who we are as a people and as such, we have tended to them with the utmost respect and reverence. We have lived sustainably in our ancestral homelands for countless generations, relying on our observations, experiences, and lessons derived from living in a sustainable manner with our surrounding, natural environments. The Administration has recognized these lived experiences as Indigenous Traditional Ecological Knowledge (ITEK) and the important contributions it can offer to address climate change, sustainable resource management, and mitigation/remediation recovery efforts from natural disasters. ITEK has evolved out of a spiritual framework that acknowledges Indigenous peoples are part of a system that interconnects with all things and that our actions, or inactions, can affect the environments around us. These lived experiences have been passed from one generation to the next, often through oral traditions in which elders transmit important traditional knowledges that reflect discovery, practical application, and best practices for environmental and spiritual sustainability. Moving forward the Executive Offices and the Administration should consider ITEK as a foundational component in developing the Nature-Based Solutions Report.

The Executive Offices Should Continually Engage and Consult with Tribal Nations on Nature-Based Solutions

In keeping with the spirit of Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments”, the Executive Offices should regularly consult with Tribal Nations to identify and support Nature-Based Solutions, particularly due to the dangerous impacts of climate change on our cultures, environments, and public health. Engaging in Tribal consultation will ensure that new practices and solutions to identify and integrate ITEK and other Tribal-specific practices are shared with the federal government. This is especially important in discussions regarding legislation, such as the upcoming 2023 Farm Bill Reauthorization. Federal programs have historically overlooked the value of Native plants to provide food, medicine, and cultural materials in our communities. In all areas where funding supports ecosystem restoration, an emphasis should be placed on culturally significant plants that can provide a multitude of benefits for wildlife and people. A primary example would be rivercane in southeastern states, which stabilizes soil, provides unique habitat, and serves as basketry materials for Tribal Nations. Another example are brown ash trees in northeastern states, which provide unique wetland habitat, and also serve as basketry materials. Recommendations such as these are important to protecting our lands, cultures, and communities and would be relayed during Tribal consultation activities.

The Executive Offices Should Engage with Federal Agencies to Reform Methods of Partnering with Tribal Nations on Nature-Based Solutions

The Executive Offices, as senior leaders within the Administration, should further engage with federal partners to identify Tribal Nature-Based Solutions. For instance, the U.S. Department of Agriculture’s Natural Resources Conservation Service (NRCS) manages the Environmental Quality Incentives Program (EQIP) but the federal contract templates for the program are not entirely accessible to Tribal Nations making it difficult for us to adequately participate in the program. USET SPF recommends that the Executive Offices work with NRCS to develop a Tribal EQIP contract template through consultation with Tribal Nations and engagement with Tribal and Regional Conservation Advisory Councils.

Furthermore, supporting Indigenous systems of food production, including agroforestry, aquaculture, permaculture, and maintaining a diversity of seed varieties should be considered eligible conservation practices within EQIP and supported at the national level through the USDA’s National Institute of Food and Agriculture’s Sustainable Agriculture Research and Education grant programs. Building soil health and

organic matter improves water retention and sequesters carbon into the soil, which can be a useful method for addressing climate change activities occurring on Tribal lands. Additionally, seed diversity is a climate adaptation strategy because it increases the likelihood of resilience to changes in the climate. Federal partners can assist by protecting Indigenous seed varieties from biopiracy and other threats from the commercial seed market by implementing recommendations from the Indigenous Seed Keepers Network. In continuing these important conversations on Nature-Based Solutions, USET SPF recommends that the Executive Offices partner with NRCS's Tribal Conservation Advisory Council and Technical Advisory Committees and Tribal Subcommittees to ensure regular consultation and dialogue on Nature-Based Solutions. However, it is important to note that these actions and activities should not supplant direct government-to-government consultations with Tribal Nations. The Executive Offices and federal agencies must engage in ongoing dialogue and consultation with Tribal Nations on developing Nature-Based Solutions to integrate these initiatives and ITEK and Tribal specific practices.

Support Self-Governance for Food and Nutrition Programs

As a matter of governmental parity, Tribal Nations must have the authority to engage in Tribal self-governance compacts and contracts to administer federal programs that support Nature-Based Solutions. Indian Self-Determination and Education Assistance Act (P.L. 93-638) contracting and compacting opportunities provide Tribal Nations with the ability to directly administer funds for certain federal programs, which, as of now, include those offered through the Bureau of Indian Affairs and the Indian Health Service. USET SPF has long advocated for an expansion of P.L. 93-638 authority across all federal programs since Tribal Nations know how best to utilize these funds to serve our communities. The Executive Officers must consider this self-determination compacting and contracting ability as a viable option for Tribal Nations to exercise our sovereignty in the development and implementation Nature-Based Solutions within our communities.

An example of this activity would be the Supplemental Nutrition Assistance Program (SNAP), Food Distribution Program on Indian Reservations (FDPIR), and other vital nutrition programs. Tribal Nations, like other units of government, are responsible for providing essential services to our citizens, including those related to nutrition. Tribal Nations have demonstrated we have the capacity to fully administer SNAP programs to Tribal citizens, as we have been administering far more complex federal programs for decades. However, and in spite of a 2014 feasibility study conducted by the U.S. Department of Agriculture (USDA), Tribal Nations continue to be excluded from administering SNAP and other nutrition programs under P.L. 93-638 contracting and compacting authority. The 2018 Farm Bill authorized a P.L. 93-638 demonstration projection for FDPIR, but this authority should be guaranteed to any Tribal Nation that desires to administer their own FDPIR program. USET SPF encourages the Administration to recommend to Congress to enact Tribal Nation P.L. 93-638 self-governance capabilities to administer FDPIR, SNAP, and other vital nutrition programs as part of the upcoming Farm Bill reauthorization. This self-governance authority should also empower Tribal Nations to integrate traditional foods into nutrition programs as a method of pursuing a Nature-Based Solution. We strongly recommend that the Executive Officers advocate for Tribal self-governance and self-determination activities, such as contracting and compacting authorities for all federal programs. This would uphold the federal government's trust and treaty obligations as well as support our efforts to integrate Nature-Based Solutions and ITEK into federal programs serving our communities.

Federal Agencies Should Recommend Increased Funding from Congress to Support the Use of Native Plants and Educate Federal Employees on These Benefits

During the formulation of annual budget requests to Congress, the Executive Offices should work with federal agencies to ensure Nature-Based Solutions are included and expanded for Tribal Nations. During the budget formulation process, Tribal Nations can provide vital input on ITEK and the benefits of Native

plants to provide cultural materials and remediate Tribal ecosystems. The USDA's NRCS Plant Materials Centers should develop a Tribal set-aside to support the propagation and distribution of Native plants for these purposes. Additionally, federal agencies should work with Tribal Nations to educate and train federal employees on the benefit of Native plants as well as the federal government's solemn trust and treaty obligations. Federal staff working in Nature-Based Solutions fields should be required to review Tribally produced literature on Tribal-led Nature-Based Solutions, especially in the Climate Change Adaptation fields. Examples of two publicly accessible documents include the [WAMPUM Adaptation framework: eastern coastal Tribal Nations and sea level rise impacts on water security](#), and the [Dibaginjigaadeq Anishinaabe Ezhitwaad – Tribal Adaptation Menu](#).

Support Tribal Efforts for Prescribed Burning

Tribal practices and ITEK, such as prescribed fire and burning, have been a historic and contemporary practice of Tribal Nations in the south and eastern regions of the U.S. We have been working to bring back prescribed burning to reduce the risk of catastrophic wildfires during drought years, such as the occurrence of the Gatlinburg Fire in 2016 in the Great Smoky Mountains and Eastern Band of Cherokee Indians' homeland. The process for Tribal Nations to submit a forest management plan and then a burn plan to the Department of the Interior's Bureau of Indian Affairs can be cumbersome and it is important to find solutions to expedite this process.

Conclusion

Tribal Nations face a myriad of issues related to climate change. These activities have led to rising waters that are affecting both our inhabited and traditional lands in our coastal areas as well as increased occurrences of severe weather and wildfires in our region. These activities are symptoms of the larger issues we face as Tribal Nations, in particular, the failure of the U.S. government to live up to the terms of our diplomatic, Nation-to-Nation relationship. Nature-Based Solutions must be developed and implemented by the federal government that recognize and uphold our inherent sovereignty and trust and treaty obligations. Furthermore, the integration and use of ITEK in federal decision making and programmatic work can serve as a foundation for the development of Nature-Based Solutions. This is inherently necessary to promote sovereignty and self-determination, as well as safeguard our communities, our cultural ways of life, and the public health of our people. USET SPF appreciates the Administration's and the Executive Offices' efforts to include Indian Country in these important discussions on implementing Nature-Based Solutions and we welcome further engagement as this initiative proceeds. Should you have any questions or require further information, please contact Ms. Liz Malerba, USET SPF Director of Policy and Legislative Affairs, at LMalerba@usetinc.org or 615-838-5906.

Sincerely,



Kirk Francis
President



Kitcki A. Carroll
Executive Director