



**EPA Region 10 Tribal Operations Committee (RTOC)
P.O. Box 689
Spokane, Washington 99210
www.region10rtoc.net**

March 27, 2025

Council on Environmental Quality,
730 Jackson Place NW,
Washington, DC 20503.

SENT VIA REGULATIONS.GOV

RE: CEQ-2025-0002: Rescission of NEPA Implementing Regulations

Dear Council on Environmental Quality:

This letter is sent on behalf of the Tribal Caucus members of EPA Region 10's Tribal Operations Committee ("RTOC"). This letter is not sent on behalf of EPA Region 10 or any employees of EPA, but solely tribal government representatives of the RTOC. This letter is sent regarding the interim final rule rescinding the existing regulations implementing the National Environmental Policy Act. This proposed rescission is not just a regulatory change; it poses a serious threat to the sovereignty of tribal nations and undermines Tribes' ability to protect their ancestral lands and natural resources. NEPA has historically served as a vital tool for ensuring that the voices of tribal communities are heard in the federal decision-making process, enabling them to advocate for their rights and interests in relation to environmental protection and sustainability. The requirements of NEPA also function as necessary precursors to informed and meaningful consultation and coordination with Tribes; upholding the government's trust obligation requires effective communication.

1. Rescission Violates E.O. 13175

Executive Order 13175 requires agencies to have a process to ensure meaningful and timely input by Tribal officials in the development of policies that have Tribal implications. Such policies include "actions that have substantial direct effects . . . on the relationship between the Federal Government and Indian tribes."¹ Here, the CEQ is proposing a change to the procedural

¹ Exec. Order No. 13,175 65 Fed. Reg. 67249 (Nov. 6, 2000).

obligations of Federal agencies as they implement NEPA. In other words, the CEQ is changing how Federal agencies interact with Tribes when the agency is taking a major Federal action.

Among other specific regulations, the CEQ is rescinding the declaration that “[t]he purpose of governmental engagement is to identify the potentially affected . . . Tribal . . . governments, invite them to serve as cooperating agencies, as appropriate, and ensure that participating agencies have opportunities to engage in the environmental review process, as appropriate.”² The rescission also affects the “agencies’ responsibilities and best practices to conduct public and governmental engagement.”³ The proposed rescission of regulations will clearly affect the relationship between the Federal Government and Indian Tribes; not meaningfully consulting with Tribes before issuing the interim final rule has therefore violated E.O. 13175.

2. NEPA Important for Tribal Sovereignty

The Federal Government cannot uphold its trust responsibility nor respect the sovereign status of Tribes without adequate processes for gathering and disclosing relevant information. NEPA serves as a pivotal legal framework that ensures federal decision-making processes consider the rights and interests of tribal nations. As sovereign entities, Tribes possess inherent rights to self-determination and governance, including the authority to manage their land and resources. NEPA has historically provided a mechanism through which tribal governments can engage meaningfully in federal environmental assessments for projects which affect tribal interests, thereby affirming their sovereignty and assuring a voice in such projects.

The proposed withdrawal of NEPA regulations threatens to undermine this framework, further marginalizing tribal voices in a decision-making process that directly affects their lands and cultural well-being. The lack of a robust environmental review process may lead to ill-informed decisions that could infringe upon tribal rights and territorial integrity, resulting in long-lasting environmental and social harm for Tribal communities.

3. Protecting Tribal Natural Resources & Upholding Treaty Obligations

NEPA helps protect Tribal natural resources that are guaranteed through treaties and other substantive law. In EPA Region 10, many Tribes have off-reservation hunting and fishing rights that are secured by treaty.⁴ The contours of these rights can be difficult to determine without meaningful engagement with the affected Tribe. Uniform and thorough application of NEPA facilitates notice to affected Tribes and reduces the risk that a Federal agency may unwittingly violate Tribal rights.

In Alaska, NEPA is particularly important in upholding the Federal Government’s trust responsibility, as 226 of Alaska’s 227 Native Villages/Tribes do not have trust land, but still have a trust relationship with the government.

² 40 C.F.R. § 1501.9(a).

³ *Id.*

⁴ *See, e.g., United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. Feb. 12, 1974) (Boldt, J.), *aff’d*, 520 F.2d 676 (9th Cir. 1975); Treaty of Point Elliott (Jan. 22, 1855); Treaty of Medicine Creek (Dec. 26, 1854).

Tribal natural resources are not merely commodities to be exploited; they are vital to the cultural, spiritual, and economic fabric of tribal communities. Many Tribes hold a deep-rooted connection to the land, viewing it as a source of life, tradition, and identity. NEPA facilitates a thorough assessment of federal projects' potential impacts on these essential resources, empowering Tribes to voice their concerns and articulate their rights over the use and preservation of their lands and resources.

The removal of NEPA regulations would weaken this essential protective mechanism, allowing federal projects to proceed with inadequate scrutiny of their environmental impacts. The potential for large-scale, environmentally detrimental projects—such as mining, drilling, and infrastructure development—could irreparably harm tribal lands, leading to loss of biodiversity, pollution, and degradation of sacred sites.

4. Implications for Environmental Justice

The proposed withdrawal of NEPA regulations poses significant risks to the environmental justice rights of tribal nations, particularly those that are already economically vulnerable and facing disproportionate environmental burdens. Many tribal communities have historically been located near environmentally hazardous sites, resulting in compromised public health outcomes and diminished quality of life.

By stripping away NEPA's provisions for public participation and environmental review, the federal government would further entrench systemic inequities that have marginalized tribal communities. NEPA not only provides a platform for Tribes to advocate for their rights but ensures that their voices are considered in the environmental decision-making process, which is essential for promoting accountability and transparency.

5. Recommendations for Continued Support

In light of the critical role that NEPA plays in fostering a collaborative and respectful relationship between federal agencies and tribal nations, the RTOC strongly advocates for the retention and strengthening of these regulations. The Federal Government must reaffirm its commitment to honoring tribal sovereignty and ensuring the protection of tribal natural resources through:

- **Early and Meaningful Tribal Consultation:** Uphold the principles of Executive Order 13175, mandating that Federal agencies engage in consultations with Indigenous tribes that are respectful, informed, and consistent with established cultural protocols. Such consultation should be early enough for meaningful engagement with and consideration of tribal views.
- **Comprehensive Environmental Reviews:** Ensure that NEPA's environmental review processes remain robust and mandatory, facilitating thorough assessments of potential impacts on tribal lands and communities before any Federal action is taken.
- **Training and Capacity Building:** Invest in education and training for Federal personnel on Tribal rights, cultural sensitivity, and the importance of

incorporating Indigenous knowledge and perspectives into environmental assessments and planning.

6. Conclusion

In conclusion, the proposed rescission of NEPA regulations represents a direct affront to tribal sovereignty, environmental rights, and the principles of justice for tribal communities. Upholding NEPA is not merely a regulatory obligation—it is a moral imperative to ensure that tribal nations can actively participate in decisions affecting their lands, resources, and cultural heritage. The RTOC urges the Council to reconsider this decision and reaffirm the Federal Government’s commitment to supporting the rights of tribal peoples and safeguarding our natural environment.

The RTOC appreciates your consideration of these comments.

Sincerely,

Raymond Paddock

Raymond E. Paddock III
Central Council of the Tlingit and Haida Indian Tribes of Alaska
Region 10 Tribal RTOC Chair