



**Public Testimony for the U.S Environmental Protection Agency**

**by NTAA Chairwoman Carol Kriebs**

**Regarding EPA's Public Hearing on the Proposed Standards of Performance  
for New, Reconstructed, and Modified Sources and Emissions Guidelines for  
Existing Sources: Oil and Natural Gas Sector Climate Review**

**December 1, 2021**

- Thank you for the opportunity to participate in this public hearing. My name is Carol Kriebs, Environmental Director for the Kootenai Tribe of Idaho and Chairwoman of the National Tribal Air Association. I am here to offer NTAA's comments on EPA's Proposed Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources for the Oil and Natural Gas Sector.
- The NTAA is a member-based organization with 153 principal member Tribes with a mission is to advance air quality management policies and programs, consistent with the needs, interests, and unique legal status of Indian Tribes. As such, NTAA uses its resources to support the efforts of all federally recognized Tribes in protecting and improving the air quality within their respective jurisdictions. Although NTAA seeks to represent consensus perspectives on any given issue, it is important to note that the views expressed by NTAA may not be agreed upon by all Tribes. Further, it is also important to understand interactions with NTAA do not substitute for Nation-to-Nation consultation, which can only be achieved through direct communications between the federal government and Indian Tribal Governments.

- NTAA supports EPA's improvements over the 2012 and 2016 standards and acknowledges EPA's assistance in making many important technological advancements in the Oil and Gas sector over the past few years.
- NTAA appreciates EPA's improved recognition that Climate Change caused by oil and gas operations disproportionately impact fence line, low wealth, minority communities, particularly Tribal communities.
- NTAA agrees that states should be required to include community engagement for accepting program delegation for the new and modified sources, and as part of the program approval for State Plans for existing sources.
- However, we feel that it is equally, if not more important to include consultation and coordination with neighboring Tribal Governments. This will be particularly important in checker boarded areas where jurisdiction between state, Tribe, and Federal Agencies can be convoluted and confusing. Requiring consultation and coordination will provide more consistent understanding of the requirements, implementation and enforcement across jurisdictions.
- NTAA also believes that as stated in the Agencies draft strategic plan that EPA should use its review authority under NEPA and section 309 to actively review new oil and gas leasing particularly in Indian Country. NTAA believes that EPA should use this authority to help coordinate and facilitate requirements for new oil and gas production across federal agencies, particularly in Indian Country.
- NTAA encourages EPA in the upcoming proposal to propose a Federal Plan to address existing sources within Indian Country.
- NTAA understands that EPA typically delays promulgating a Federal Plan until after states fail to submit a plan. This has the potential of delaying implementation for a significant amount of time within Indian Country.

- However, NTAA believes that only a few tribes will have the capacity to develop a Tribal Plan to address existing sources, so EPA is responsible for developing a Federal Plan for wells within Indian Country.
- By aggressively promulgating a Federal Plan for Indian Country, Tribal communities will see more expeditious emissions reductions. A Federal Plan can expedite Tribal program implementation because the FIP can be delegated to interested Tribes or the Tribes can develop a Tribal Plan, that once approved can replace the Federal Plan.
- In the proposal's discussion of Executive Order, or EO number 13175, EPA stated that this rule does not have Tribal implications because it doesn't interfere with Tribal governance or pose a significant cost. However, EPA is only viewing the impacts to Tribes through this EO lens alone. Beyond this narrow finding, EPA needs to acknowledge that the Agencies' Indian policy and Treaty rights policy require the Agency to recognizing Tribal rights, issues and impacts beyond this executive order.
- Because Tribes are impacted not only at the production site but also in the transmission process, Tribal health and culture are both directly impacted. It should also be noted that Tribes are most directly impacted by climate change. Thus, it is important not to understate the impacts and implications for Tribes in this proposal.
- Many of the requirements across the proposal have exceptions for sources in Alaska. Although we recognize that the winter conditions in Alaska provide additional challenges, NTAA is concerned that equal protection is not being provided for the Alaska Native Villagers. We encourage EPA to explore or research options that can be used in cold conditions that could provide more consistent protections for the fragile ecosystems and public health in Alaska.
- Thank you again for the opportunity to provide these comments on behalf of NTAA. You can find additional resources for Tribes, NTAA's comments for this docket all posted on our website, [www.ntaatribalair.org](http://www.ntaatribalair.org).