



**NTAA Talking Points for EPA's OAR Meeting on the  
Power Sector Rulemaking  
February 24, 2022**

NTAA is grateful for the opportunity to share NTAA's perspectives to EPA leadership on upcoming rulemaking by EPA for our nation's power sector. Thank you for setting up this meeting. As a reminder, NTAA is a member organization that is as Mr. Thompson would say, an information conduit for 154 NTAA member Tribes and all of 574 Federal Recognized Tribes in all 10 of EPA regions. NTAA was founded by a 2002 resolution vote of the Annual Meeting of the National Congress of American Indians. NTAA continues to be funded with a grant from the USEPA's Office of Air and Radiation. Our mission is to advance air quality management policies and programs, consistent with the needs, interests, and unique legal status of American Indian Tribes and Alaska Natives.

NTAA's Goals include:

- Advocate and advance Tribal environmental, cultural, and economic interests in the development of air policy at all levels of government (Tribal, federal, state, local, and international).
- Promote the development, funding, and capacity building of Tribal air management programs.
- Promote and facilitate air quality policy and technical information that may include research and scientific and medical studies.
- Advance the recognition and acceptance of Tribal sovereign authority by conducting effective communication and outreach to state, local, federal, and international agencies, and the public.

- Encourage and support appropriate consultation with all Tribal governments in accordance with Tribal structures and policies.

NTAA seeks to build consensus but does not represent the opinions of all Tribes. Particularly in the power sector, Tribes have various interests and needs. As a result, NTAA would want EPA to recognize that while this meeting is much appreciated and needed to build a mutual understanding of the issues, it does not account for Nation-to-Nation consultation. NTAA expects that OAR will use the “OAR Handbook on Interacting with Tribal Governments” which was developed in consultation with Tribes and clarifies the difference between important outreach and Tribal Consultation. EPA should always, take the opportunity to engage with Tribes as early as possible and continue this engagement. NTAA would be happy to help facilitate this outreach.

Meeting with NTAA is not a replacement for offering direct consultation. We strongly insist that EPA begin to offer proper consultation with all Tribal Governments. As an example, if you only speak to Tribes with Electric Generating Units (EGUs) on their reservations, you will miss obtaining input from Tribes who:

- i. Have an interest in developing and encouraging clean energy sources (wind, solar, and others).
  - ii. don't have access to power for their residents.
  - iii. are impacted by climate change and transported mercury.
  - iv. have coal mining interests.
  - v. are within 50 miles of an EGU (on or off Tribal lands).
  - vi. who get their power from EGU's
1. EPA Asks: What are the top three things you'd like us to have on EPA's minds as we consider options to regulate the power sector?
    - i. As mentioned, Tribes have a broad and diverse perspective, but some themes NTAA identified include:
    - ii. Tribes need access to clean, reliable, and affordable energy for Tribal communities that currently don't have access. Some Tribes have the potential for generating clean energy but don't yet have access or the capacity to feed into the grid.
    - iii. NTAA supports strong emissions controls at new and existing gas and coal power plants that aggressively reduce Green

- House Gases, criteria pollutants, and air toxics to protect Tribal members' health, treaty rights, cultural and spiritual practices.
- iv. Tribes can lead this nation's transition to clean energy through distributive, decentralized, and democratized energy produced by Tribes. EPA can help protect tribal sovereignty by providing resources to Tribes to make their own energy decisions that can include locally produced and sustainable clean electrified power and energy as the market continues to fluctuate with the transition off of fossil fuels.
    - a. EPA recognizes that this is a very dynamic time for the power industry. How should we best approach harmonizing our rules in a way that facilitates investment in clean energy technologies and ensures that EPA fulfills its obligations to protect public health and the environment?
      - i. As the EPA and other government agencies plan to transition the power sector from fossil fuels to electrification through clean energy, it is important to integrate across the sector to support diversity and flexibility in both power supply and delivery.
      - ii. The transition in the power sector is an opportunity to ensure under-represent and underserved communities are supported in access and the generation of clean electricity, such as:
        - a. Providing training and financial support to Tribes in creating sustainable jobs and income from clean energy generation.
        - b. Providing resources for low wealth and communities of color in weatherization, beneficial electrification off fossil fuels, and other energy efficiency investments.
    - b. EPA Asked: What lessons have been learned from tribal programs that could be applied in an EPA context?
      - There are several examples where Tribes have been leaders in clean energy and energy development for example:
        - i. Blue Lake Rancheria and Forest County Potawatomi are becoming energy independent by producing their own distributed micro-grid electricity to Tribal and surrounding communities.

- ii. Navajo Nation continues to transition from a dependence on royalties from large-scale coal-fired power plant to more build more de-centralized solar plants.
- iii. Tribes like the Leech Lake Band of Ojibwe did weatherization of homes for elders and installed solar heat panels.
- iv. Some Tribes like the Moapa Paiute Tribe in Nevada are working towards building large-scale solar projects with NV Energy to help replace the energy produced by a now-closed local coal plant.
- v. In Region 7, the Winnebago Tribe is implementing rooftop solar installations on Tribal homes.
- vi. Nearly 100 Tribes participated in the VW Settlement's Tribal Trust to fund over \$50 million to replace their dirty diesel fleet with cleaner burning diesel or electric vehicles and charging stations.

## 2. Key NTAA Takeaways Shared with EPA

- i. Ensure that the Tribes have resources and training to make their own decisions and create the opportunities and programs that would best serve their needs.
- ii. Tribes need to be at the table when energy planning decisions are made with states, local, and federal decision-makers. The EPA needs to support Tribes being at this table with states energy commissions. EPA can support tribal sovereignty.
- iii. Tribes have been and will continue to be leaders in clean energy and energy development to reduce air pollution
- iv. Tribes need access to clean, reliable, and affordable energy for Tribal communities that currently don't have access.
- v. Some Tribes have the potential for generating clean energy but don't yet have access or the capacity to feed into the grid.