



March 26, 2025

Council on Environmental Quality
730 Jackson Place NW Washington, DC 20503
Submitted via www.regulations.gov

Re: CEQ-2025-0002 Dear Council on Environmental Quality

The National Tribal Air Association (NTAA) submits this to formally express our opposition to the interim final rule proposing the removal of the National Environmental Policy Act (NEPA) implementing regulations.

The NTAA is a member-based organization with 160 Member Tribes. The organization's mission is to advance air quality management policies and programs, consistent with the needs, interests, and unique legal status of American Indian and Alaskan Natives Tribes. As such, the 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 the organization always seeks to represent consensus perspectives on any given issue, it is important to note that the views expressed by the NTAA may not be agreed upon by all Tribes. Further, it is also important to understand that interactions with the organization do not substitute for Government-to-Government consultation, which can only be achieved through direct communications between the federal government and American Indian Tribal Governments and Alaskan Natives.

The NTAA believes the proposed withdrawal of NEPA is not just a regulatory change; it poses a serious threat to the sovereignty of Tribal Nations, as Tribes can serve as cooperating agencies. This is a significant rollback of environmental protections and government transparency, which undermines our ability to protect our ancestral lands, air quality, natural and cultural resources, and sacred places. NEPA has historically served as a vital tool for ensuring that the voices of Tribal Nations and communities are heard in the federal decision-making process, enabling us to advocate for our rights and interests in relation to environmental protection and sustainability.

1. Importance of NEPA to Tribal Sovereignty: NEPA represents a pivotal framework that requires 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 assuring a voice in such projects. Without CEQ oversight, Tribal interests will be further marginalized in federal decision-making, violating treaty rights and the federal government's trust obligations under Executive Order 13175.



National Tribal
AIR ASSOCIATION

2. Federal Trust Responsibility and the Government-to-Government Relationship:

The proposed withdrawal of NEPA regulations disregards the federal trust responsibility and disrupts the Government-to-Government relationship between Tribes and the federal government. This further sidelines Tribal interests, dismantling a historic and important opportunity to protect air and other important resources. This decision-making process directly affects Indian Country and cultural well-being. Weakening NEPA contradicts decades of legal precedent affirming CEQ's authority and undermines these commitments. It also hinders Tribes' ability to challenge harmful federal actions and protect Tribal lands, air, and waters. The lack of a robust environmental review process could lead to ill-informed decisions that will infringe upon Tribal rights and territorial integrity, resulting in long-lasting environmental and social harm for Tribal communities. Involving Tribes in the NEPA process leads to more cooperative, informed, and respectful decision-making. When Tribal concerns are addressed early on, it reduces the potential for conflict and litigation.

3. Coordinated Environmental Policy: NEPA and CEQ are essential for coordinated environmental policy, not only between the federal government and Tribes, but between various federal agencies. Before NEPA's enactment, conflicting federal projects created significant environmental harm, much of it damaging to Tribal lands and resources, due to agencies working at cross-purposes and without adequate communication and coordination between themselves and with Tribes. NEPA was designed to prevent such conflicts by requiring agencies to consider environmental impacts and coordinate their efforts. Removing these regulations would return us to an era of fragmented, reckless decision-making. CEQ was established to unify environmental efforts across federal agencies so that environmental policies remain consistent, science-based, and aligned with national priorities. Delegating these responsibilities to individual agencies will lead to inconsistent implementation, reduced enforcement, and weakened environmental oversight. Furthermore, the removal of CEQ NEPA oversight would require each agency to develop and submit agency-specific implementation procedures, cause unnecessary delays, confusion, and lead to increased risks to human health and environmental harm.

4. Protecting Tribal Natural Resources: Tribal natural resources are not commodities to be exploited; they are vital to the cultural, spiritual, and economic fabric of Tribal communities. Tribes hold a deep-rooted connection to the environment, viewing it as a source of life, tradition, and identity. Air quality and visibility protections are important NEPA considerations. Further, Tribes often possess valuable knowledge about local ecosystems that can complement scientific studies. Consulting Tribal communities ensures that this knowledge is integrated into environmental assessments, leading to more accurate and comprehensive understanding of potential impacts. NEPA facilitates a thorough assessment of federal projects' potential impacts on the environment, empowering Tribes to voice their concerns and establish 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 socioeconomic and environmental impacts. The potential for large-scale, environmentally detrimental projects could irreparably harm Tribal lands and resources, leading to loss of biodiversity, pollution, degradation, and potential destruction of sacred sites.

5. Protecting Tribal Cultural Resources and Sacred Places: The proposed withdrawal of the implementing regulations poses a specific threat to Tribal cultural resources and sacred places. Tribes engage in the NEPA process in concert with Section 106 of the National Historic Preservation Act (NHPA) regulations in 36 CFR Part 800 to protect places that are important to their nations. Replacing these regulations with voluntary guidance and shifting NEPA rulemaking to federal agencies will result in confusion and, in many cases, the destruction of Tribal Nations' cultural resources. The rules for protecting cultural resources should be consistent throughout the federal government, rather than varying by agency. Furthermore, these changes raise questions about what actions are significant enough to be reviewed and when, or if, interagency and public reviews will occur.

6. Historic and Disproportionate Environmental Burdens: The proposed withdrawal of NEPA regulations poses significant risks to the rights of Tribal Nations. Many environmentally hazardous sites have historically been located on or near Tribal lands and resources. These sites can also be sources of air pollution, resulting in compromised viewsheds, health outcomes, and diminished quality of life. By stripping away NEPA's provisions for Tribal consultation, public participation and environmental review, the federal government would further entrench long-standing historic inequities that have impacted 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.

7. Recommendations: In light of the critical role that NEPA plays in promoting cooperative federalism, fostering collaborative and respectful relationship between federal agencies and Tribal Nations, we strongly advocate 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:

- **Codifying Existing CEQ NEPA Regulations:** Formalizing the existing CEQ regulations will ensure meaningful environmental reviews, inter-agency coordination, the role of Tribes as cooperating agencies, regulatory efficiency, and mechanisms for the protection of Tribal land, air, and water.
- **Meaningful Tribal Consultation:** Uphold the principles of Executive Order 13175, mandating that federal agencies engage in consultations with Tribal



Governments that are respectful, informed, and consistent with established cultural protocols.

- Comprehensive Environmental Reviews: Ensure that NEPA's environmental review processes remain robust and mandatory, facilitating through scoping and assessments of potential impacts on Tribal Nations and communities before any federal action is taken.

In conclusion, the proposed withdrawal of NEPA regulations represents a direct affront to Tribal sovereignty, environmental protections, and the federal government's trust responsibility for Tribal Nations. 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 air quality, lands, resources, and cultural heritage. The Council on Environmental Quality must uphold its federal trust responsibility by ensuring environmental decisions are made with full transparency, Tribal consultation, and scientific integrity. The National Tribal Air Association recommends abandoning this effort to remove the NEPA implementing regulation.

A handwritten signature in blue ink that reads "Syndi Smallwood".

Syndi Smallwood
Chair
National Tribal Air Association