

# Policy Brief

## Environmental Stewardship and Tribal Sovereignty: *Assessing the 2025 Executive Actions and Impacts on Indian Country*



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*Examining the cumulative impacts of 2025 federal executive actions on Tribal Nations' environmental rights, consultation processes, and sovereignty, and to identify strategic advocacy priorities to safeguard Tribal self-determination and environmental stewardship.*

### STRATEGIC RESPONSE

#### Executive Summary

The first quarter of 2025 featured a coordinated dismantling of federal environmental protections and Tribal consultation frameworks. Through Executive Orders (EOs), the administration has invoked "emergency" powers to bypass the National Environmental Policy Act (NEPA), eliminated federal Diversity, Equity, and Inclusion (DEI) offices housing Tribal liaisons, and prioritized energy dominance over trust responsibilities.

#### Key Findings

- **Consultation Bypassed:** EO 14156 and 14241 use the National Emergencies Act to suspend standard consultation timelines, allowing extractive projects without Tribal consent.
- **Infrastructure Dismantled:** EO 14151 mandates the closure of DEI and environmental stewardship offices, removing staff responsible for implementing Tribal consultation.
- **Public Health at Risk:** While the suspension of Safe Drinking Water Act (SDWA) inspections poses an immediate threat, NCAI has successfully passed Resolution SEA-25-001, providing a mandate to challenge these rollbacks.

At the **82nd NCAI Annual Convention & Marketplace** in Seattle, WA, on November 2025, NCAI leadership and General Assembly passed a suite of emergency resolutions to counter these threats, including:

- **Resolution SEA-25-001:** Mandating immediate challenges to EPA inspection pauses and SDWA enforcement rollbacks
- **Resolution SEA-25-009:** Requiring Free, Prior and Informed Consent (FPIC) by corporations and government agencies globally to safeguard Tribal ancestral lands and cultural resources from unilateral extractive development.
- **Resolution SEA-25-024:** Demanding meaningful consultation and consent prior to any transfer or dismantling of federal programs serving Tribal Nations
- **Resolution SEA-25-093:** Calling for the protection of Native serving program staffing against broad agency cuts<sup>1</sup>

<sup>1</sup> While Resolutions SEA-25-024 and SEA-25-093 were originally passed in response to the dismantling of the Department of Education, they are used here to establish a universal legal precedent. Our reasoning is that the requirements for Tribal consent (SEA-25-024) and the protection of Native-serving staff (SEA-25-093) apply to all federal functions. We are asserting that the government cannot legally dissolve environmental programs or stewardship funding without explicit Tribal permission, regardless of which agency is being restructured.

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## I. Introduction

The National Congress of American Indians (NCAI), founded in 1944, serves as the oldest, largest, and most representative organization serving the broad interests of Tribal governments and citizens. NCAI's primary focus is protecting the inherent sovereign rights of Tribal Nations and their citizens through consensus-based resolutions. This includes advancing Tribal leadership in natural resource governance, safeguarding cultural heritage, and promoting Indigenous-led environmental stewardship (ES).

For Tribal Nations, ES is not merely about pollution control; it is about affirming sovereign rights to land, health, and cultural survival. This brief examines the impacts of the Trump administration's executive actions from January 2025 to December 2025, assessing how they have reversed vital protections and identifying how the resolutions adopted at the 2025 NCAI 82nd Annual Convention & Marketplace (Seattle Convention) can be leveraged to mitigate harm.

## II. Methodology

This policy brief is based on a comprehensive review of executive orders issued by the Trump administration between January and April 2025, with a focus on directives impacting environmental policy, Tribal consultation, energy development, and public health. Information from the [NCAI Resolution Resource Library](#), including new resolutions adopted at the Seattle Convention, has also been analyzed for this brief. Supporting data were drawn from publicly available sources, including the Federal Register, agency action notices, and independent Tribal policy reports. The analysis also considers environmental statutes such as the [National Environmental Policy Act \(NEPA\)](#), [Endangered Species Act \(ESA\)](#), [Clean Water Act \(CWA\)](#), and [Safe Drinking Water Act \(SDWA\)](#) to assess the legal implications of recent policy reversals.

## III. Overview of Key ES Rollbacks Impacting Tribal Nations

Environmental stewardship encompasses a broad range of concerns for Tribal Nations, including clean water, air quality, protection of sacred and cultural sites, sustainable land use, public health safeguards, and the intergenerational survival of cultural practices. Since January 2025, multiple executive orders (EOs) have altered the federal environmental stewardship posture, often under the rationale of promoting “energy dominance” or reducing regulatory burdens.

- [Executive Order 14151, Ending Radical and Wasteful Government DEI \[Diversity Equity and Inclusion\] Programs and Preferencing](#), mandates the closure of federal offices focused on Diversity, Equity, Inclusion, and Accessibility (DEIA), including those tasked with environmental justice initiatives. This order effectively nullifies federal environmental stewardship action plans and redirected agency priorities away from equity-based outcomes.<sup>2</sup>
- [Executive Order 14154, Unleashing American Energy](#), repeals prior NEPA implementation guidance that required agencies to assess cumulative environmental and climate impacts. It also disbands interagency science councils and revokes [Executive Order 14008, Tackling the Climate Crisis at Home and Abroad](#), which had previously centered climate considerations in permitting decisions.<sup>3</sup>
- [Executive Order 14156, Declaring a National Energy Emergency](#), and [Executive Order 14241, Immediate Measures to Increase American Mineral Production](#), invoke emergency authorities under the [National Emergencies Act](#) and [Defense Production Act](#). These declarations authorize agencies to bypass environmental review under the NEPA and expedite permits for fuel and mining infrastructure. In practice, they significantly weaken Tribal consultation requirements under the CWA and ESA.<sup>4</sup>

Together, these orders represent a coordinated policy shift that deprioritizes environmental stewardship, eliminates critical equity mechanisms, and accelerates extractive development without adequate consultation. They mark the most significant rollback of federal ES frameworks since the original issuance of Executive Order 12898 in 1994.

Appendix A includes a summary table of these Executive Orders, their dates, stated purposes, and anticipated ES and Tribal impacts.

## IV. Thematic Impacts

### a. Rollbacks in Tribal Consultation

Executive Orders 14154, 14156, and [14213, Establishing the National Energy Dominance Council](#), limit or bypass formal Tribal consultation. These actions directly undercut [Executive Order 13175](#), serving as the foundational directive requiring federal agencies to engage in “regular and meaningful consultation and collaboration” with Tribal governments in the development of policies with Tribal implications since 2000.<sup>5</sup>

In addition to EO 13175, numerous statutory and regulatory frameworks impose consultation obligations

2 Exec. Order No. 14,151, 90 Fed. Reg. 8,399 (Jan. 29, 2025)

3 Exec. Order No. 14,154, 90 Fed. Reg. 8353 (Jan. 29, 2025); Exec. Order No. 14,008, 86 Fed. Reg. 7619 (Jan. 27, 2021)

4 Exec. Order No. 14,156, 90 Fed. Reg. 9,877 (Feb. 12, 2025); Exec. Order No. 14,241, 90 Fed. Reg. 13,673 (Mar. 25, 2025). See also National Environmental Policy Act, 42 U.S.C. §§ 4321- 4370h (2018); Clean Water Act, 33 U.S.C. §§ 1251-1388 (2018); Endangered Species Act, 16 U.S.C. §§ 1531-1544 (2018).

5 Exec. Order No. 14213, 90 Fed. Reg. 9945 (February 14, 2025); Exec. Order No. 13,175, Consultation and Coordination With Indian Tribal Governments, 65 Fed. Reg. 67,249 (Nov. 9, 2000).

### RELATED RESOLUTION

- [PDX-20-018: Affirming Tribal Opposition to Removing “Cumulative Impacts” from NEPA Reviews](#)

on federal agencies, including Section 106 of the [National Historic Preservation Act \(NHPA\)](#), the National Environmental Policy Act (NEPA) (40 C.F.R. § 1501.2), [Practical Reforms & Other Goals to Reinforce the Effectiveness of Self Governance & Self Determination for Indian Tribal Nations Act \(PROGRESS Act\)](#) (25 C.F.R. § 1000.2601-2630), and agency specific policies such as the [Department of the Interior's Tribal Consultation Policy](#).<sup>6</sup> These frameworks require early and substantive engagement with Tribal Nations when federal actions may impact sacred sites, natural resources, culturally significant homelands, or implicate administration of self-governance. Emergency declarations under EO 14156 compress permitting timelines under the CWA and ESA, reducing the window for Tribal governments to provide input. The wording of these orders frames consultation as discretionary or secondary to “national interest” and “emergency” priorities, which effectively narrows the circumstances under which agencies must engage Tribal Nations. By removing mandatory language and replacing it with permissive or conditional phrasing, the orders allow agencies to move forward without meaningful Tribal involvement. These changes risk undermining the federal trust responsibility, which requires the government to protect Tribal lands and resources. Limiting consultation erodes the government-to-government relationship and reduces the ability of Tribal Nations to shape decisions that directly impact their territories and citizens.

## **b. Climate Deregulation and Environmental Governance Reversal**

The rescission of climate focused Executive Orders, including [Executive Order 14096, Revitalizing Our Nation's Commitment to Environmental Justice for All](#), and the elimination of the Interagency Working Group on the Social Cost of Greenhouse Gases weakens federal environmental stewardship frameworks.<sup>7</sup> Tribal Nations lose policy tools that consider climate impacts in permitting decisions. Disbanding science advisory councils further erodes evidence-based policymaking, which is essential for managing climate related threats to Tribal lands, resources, and health.

## **c. DEI and EPA Office Eliminations**

EO 14151 mandates the termination of all Diversity, Equity, and Inclusion (DEI), Diversity, Equity, Inclusion, and Accessibility (DEIA), and environmental related offices, positions, and programs within federal agencies. This action affects staffing and funding, and disrupts grant streams that Tribal governments depend on for environmental stewardship programs.

## **d. Resource Extraction and Land Use Prioritization**

A series of 2025 executive actions, including [Executive Order 14153, Unleashing Alaska's Extraordinary Resource Potential](#); EO 14154, [Unleashing American Energy](#); [Executive Order 14225, Immediate Expansion of American Timber Production](#); and [Executive Order 14241, Immediate Measures to Increase American Mineral Production](#), reframe federal public lands as industrial zones rather than shared or protected landscapes.<sup>8</sup> This sweeping policy shift deprioritizes conservation, cultural stewardship, and subsistence uses in favor of mineral, fossil fuel, and timber extraction.<sup>9</sup> These actions also diminish the role of Traditional Ecological Knowledge (TEK), a body of intergenerational Indigenous knowledge systems that reflect long-standing relationships with specific ecosystems. TEK offers deep insight into sustainable land management, biodiversity preservation, and ecosystem resilience knowledge that Western scientific models increasingly

<sup>6</sup> 54 U.S.C. § 306108 (2018); 40 C.F.R. § 1501.2 (2024); U.S. Dep’t of the Interior, Department of the Interior Policy on Consultation with Indian Tribal Nations (Dec. 1, 2011).

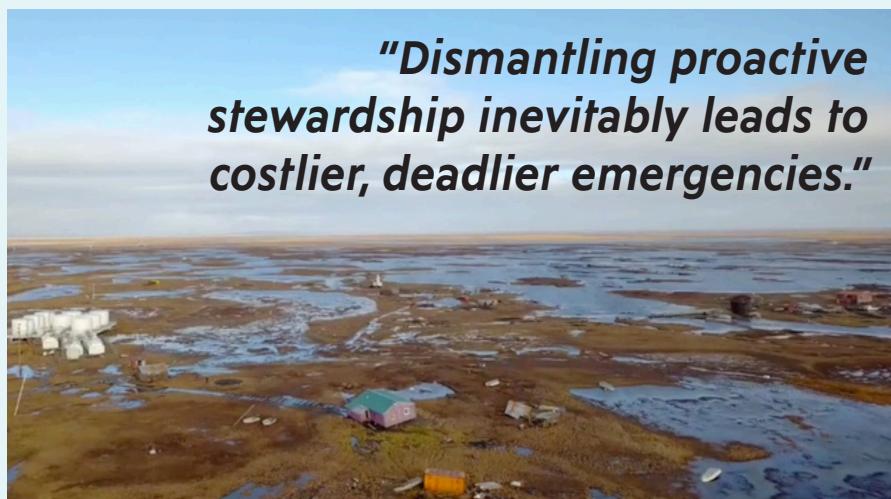
<sup>7</sup> Exec. Order No. 14,096, 88 Fed. Reg. 25,251 (Apr. 21, 2023).

<sup>8</sup> Exec. Order No. 14,153, 90 Fed. Reg. 8347 (Jan. 29, 2025); Exec. Order No. 14,154, 90 Fed. Reg. 8353 (Jan. 29, 2025); Exec. Order No. 14,225, 90 Fed. Reg. 11365 (Mar. 6, 2025); Exec. Order No. 14,241, 90 Fed. Reg. 13,673 (Mar. 25, 2025).

<sup>9</sup> Exec. Order No. 14,153, 90 Fed. Reg. 8347 (Jan. 29, 2025).

# Case Study: The Kipnuk Disaster

The human cost of EO 14151 was realized in October 2025, when the remnants of Typhoon Halong devastated the Native Village of Kipnuk. In May 2025, the EPA — citing EO 14151's directive to cut “radical” environmental justice spending — cancelled a \$20 million climate resilience grant that had been awarded to Kipnuk to stabilize riverbanks and move homes out of flood zones.<sup>1</sup>



*Still from 'Screen Recording 2025-10-14 124451' by Alaska DOT&PF*

When the storm struck five months later, 90% of the village's structures were damaged or destroyed, forcing a full evacuation.<sup>2</sup> The administration's response was a reactive Major Disaster Declaration (October 23, 2025), which released emergency cleanup funds but failed to address the preventative infrastructure needs that the cancelled grant would have covered. This disaster underscores the brief's core finding: **dismantling proactive stewardship (EO 14151) inevitably leads to costlier, deadlier emergencies.**

<sup>1</sup> Jean Chemnick, “EPA nixed this Alaskan village’s flood protection grant. Then a typhoon hit,” Politico Pro, October 21, 2025; Casey Grove, “Officials respond to lack of Alaska climate mitigation, including EPA’s canceled \$20M grant,” Alaska Public Media, October 17, 2025.

<sup>2</sup> “‘We got hope’: The few who remain in storm-ravaged Kipnuk race to rebuild,” Alaska Public Media, October 22, 2025; “Catastrophic flooding from typhoon Halong devastates Alaska native communities,” Lynnwood Times, October 20, 2025.

recognize as essential to addressing climate change.

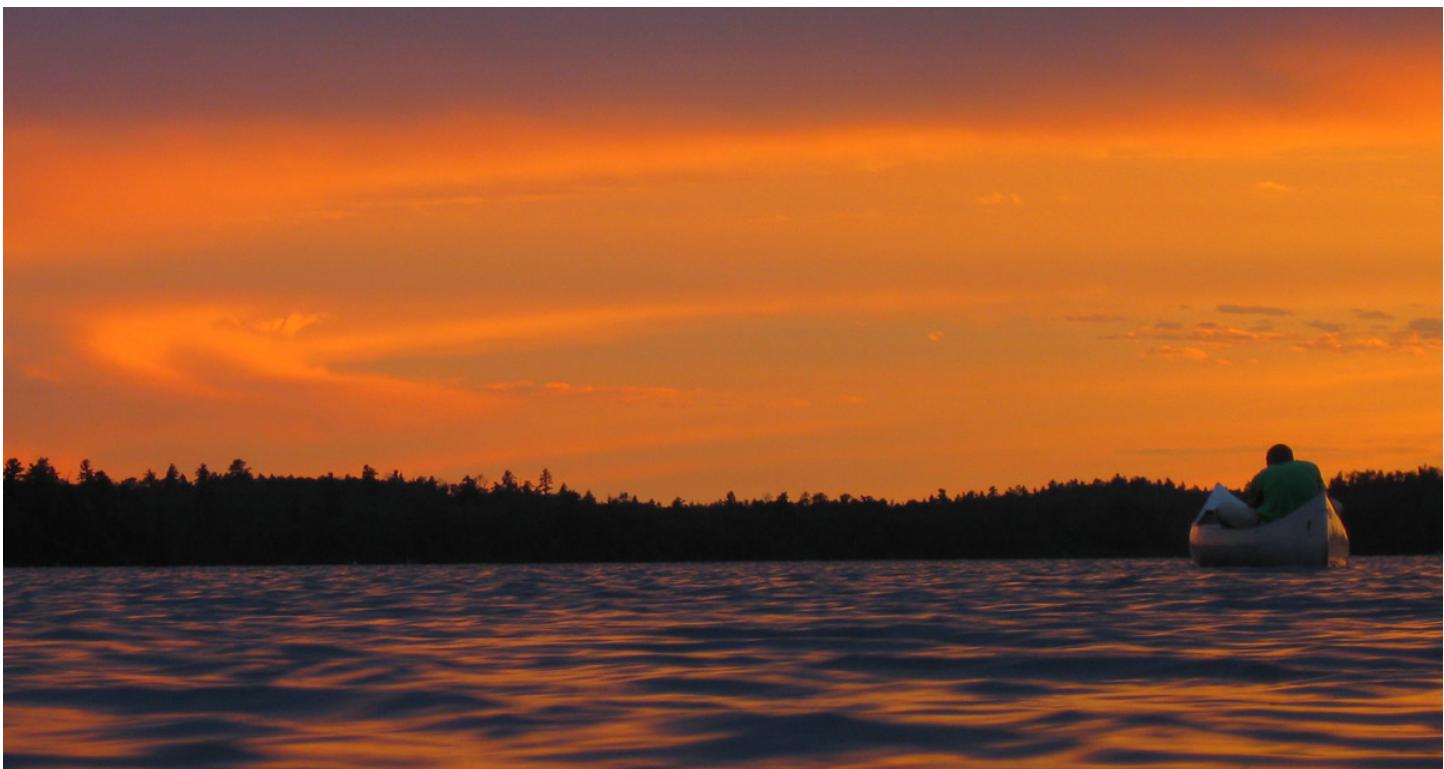
Federal agencies such as the Department of the Interior (DOI), United States Department of Agriculture (United States Department of Agriculture (USDA), Department of Defense (DOD), the Environmental Protection Agency (EPA), and Department of Energy (DOE) have been directed to revise land management plans to fast-track leasing, reduce regulatory hurdles, and remove land withdrawals that once shielded sacred sites or sensitive ecosystems.<sup>10</sup> Under these orders, Tribal consultation is either bypassed entirely or supplanted by directives to coordinate exclusively with state-level agencies.<sup>11</sup> This violates legally-established consultation protocols and represents a regression to policies that historically excluded Tribal Nations from land use decisions affecting their ancestral territories.

Critically, the orders instruct agencies to expand the use of categorical exclusions, also known as cat-ex, under the NEPA, effectively sidelining environmental reviews and public input.<sup>12</sup> By shifting to blanket exclusions for extractive projects, the federal government diminishes Tribal Nations’ ability to assess or challenge potentially destructive developments. In the case of [Executive Order 14261, Reinvigorating America’s Beautiful Clean Coal Industry and Amending Executive Order 14241](#), which revives coal leasing on

<sup>10</sup> Exec. Order No. 14,225, 90 Fed. Reg. 11365 (Mar. 6, 2025).

<sup>11</sup> Exec. Order No. 14,153, 90 Fed. Reg. 8347, 8349 (§ 3) (Jan. 29, 2025).

<sup>12</sup> Exec. Order No. 14,261, 90 Fed. Reg. 24,117 (Apr. 8, 2025).



*“Boundary Waters with Dave” by Tom Saunders*

public lands, the Environmental Impact Statement process itself was terminated to expedite approval timelines.<sup>13</sup> These fast-tracking measures strip away the procedural protections that Tribal communities have used to defend land, water, and treaty rights.

The shift toward prioritizing resource extraction is not limited to traditional fossil fuels. EO 14241 reframes mining as a national security imperative, explicitly invoking emergency authorities under the Defense Production Act. Federal lands, including those with unresolved Tribal land claims or culturally significant features, are now explicitly targeted for hardrock mineral development under the [Federal Land Policy and Management Act](#) and the [Mining Act of 1872](#).<sup>14</sup> For example, under the Biden and Trump transition period review of critical mineral corridors, the Bureau of Land Management reopened the Superior National Forest and surrounding areas near the Boundary Waters, lands of importance to the Ojibwe, for potential copper-nickel mining despite strong Tribal opposition.<sup>15</sup> Despite the mandate in [Resolution SEA-25-009](#) requiring Free, Prior, and Informed Consent (FPIC) for such development, agencies are instructed to identify lands suitable for mineral leasing and to issue long-term private commercial agreements under DOD leasing authority.<sup>16</sup> This reclassification of Tribal-adjacent federal lands as “strategic mineral zones” poses long-term threats to Tribal sovereignty, land access, and environmental quality.

Moreover, Executive Order 14260, *Protecting American Energy From State Overreach*, introduces preemption principles, asserting that state and local regulations that “unduly burden” energy development may be overridden by federal authority.<sup>17</sup> Although the language appears aimed at state environmental regulations, it raises potential challenges to Tribal sovereignty if Tribal resistance to extraction is interpreted as an

<sup>13</sup> Exec. Order No. 14,154, 90 Fed. Reg. 8353 (Jan. 29, 2025).

<sup>14</sup> 30 U.S.C. §§ 22–54 (2018); 43 U.S.C. §§ 1701–1787 (2018).

<sup>15</sup> U.S. Dep’t of the Interior, Bureau of Land Mgmt., *Notice of Intent To Prepare an Environmental Impact Statement for the Twin Metals Minnesota Project*, 89 Fed. Reg. 54,112 (June 26, 2024); see also Minn. Dep’t of Nat. Res., *Federal Decision Reinstates Twin Metals Mine Leases Near Boundary Waters* (June 26, 2024), <https://www.dnr.state.mn.us/news/2024/06/26/federal-decision-reinstates-twin-metals-leases.html>.

<sup>16</sup> Exec. Order No. 14,241, 90 Fed. Reg. 13,673, 13,674–75 (Mar. 25, 2025) (Secs. (b)–(d)).

<sup>17</sup> Exec. Order No. 14, 260, 90 Fed. Reg. 15,513 (Apr. 14, 2025).

obstacle to national energy production.

In summary, **the 2025 Executive Orders effectively retool federal land-use policy into a framework that privileges extractive industries at the expense of Tribal environmental rights, public participation, and cultural protection.** These shifts mirror the exploitative land dispossession practices of the 19th and 20th centuries, but are now advanced under the banners of deregulation, emergency declarations, and economic nationalism. Absent robust legal and policy safeguards, the sovereignty and ecological integrity of Indian Country remain at heightened risk.

## e. Public Health and Water Access Setbacks

Recent executive actions have undermined the policy infrastructure that protects public health and guarantees access to safe drinking water in Tribal communities. In particular, EO 14156 and EO 14261 use emergency declarations to expedite industrial development at the cost of public health protections.<sup>18</sup> These orders authorize federal agencies to bypass environmental review processes required under the CWA, SDWA, and the ESA — regulations historically used by Tribal Nations to safeguard watersheds and drinking water systems.<sup>19</sup>

EO 14156 directs the U.S. Army Corps of Engineers and EPA to invoke emergency permitting authority under Section 404 of the CWA and to expedite nationwide permits for infrastructure projects linked to energy production.<sup>20</sup> These procedures eliminate or compress public comment periods and allow projects that could affect water quality and aquatic ecosystems including aquifers serving Tribal water systems to move forward without adequate review. In many instances, these projects are approved within days, not months, offering little opportunity for Tribal environmental departments to assess or contest potential harm.

The rollback of climate centered health initiatives further compounds these risks. [Executive Order 14162, Putting America First in International Environmental Agreements](#), withdraws the United States from the World Health Organization and revokes all obligations under the [U.S. International Climate Finance Plan](#).<sup>21</sup> This decision effectively severs Tribal access to international collaboration on climate related health planning and reduces federal capacity to respond to climate-related disease burdens, such as extreme heat, drought, wildfire smoke exposure, and vector-borne illness — all of which disproportionately affect rural and reservation-based populations.

Moreover, the impoundment of Inflation Reduction Act (IRA) and Bipartisan Infrastructure Law (BIL) funds, mandated under EO 14154 and reinforced by [Executive Order 14270, Zero-Based Regulatory Budgeting To Unleash American Energy](#), has disrupted disbursement of billions in water infrastructure funding.<sup>22</sup> These funding streams were meant to expand wastewater treatment, support Tribal water utility upgrades, and address toxic contamination such as “forever chemicals” and uranium in Tribal water systems. Their suspension leaves dozens of shovel ready Tribal projects at risk of indefinite delay or cancellation, especially in remote or unincorporated areas that already face systemic underinvestment.

Simultaneously, defunding of programs like the Low Income Home Energy Assistance Program (LIHEAP)

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18 Exec. Order No. 14, 156, 90 Fed. Reg. 8433 (Jan. 29, 2025).

19 Clean Water Act, 33 U.S.C. §§ 1251-1388 (2018); Safe Drinking Water Act, 42 U.S.C. §§ 300f-300j-27 (2018); Endangered Species Act, 16 U.S.C. §§ 1531-1544 (2018).

20 Exec. Order No. 14,156, 90 Fed. Reg. 8,433, 8,434 (Jan. 29, 2025) (Sec. 4(a)).

21 Exec. Order No. 14,162, 90 Fed. Reg. 8455 (Jan. 30, 2025).

22 Exec. Order No. 14,270, 90 Fed. Reg. 15,643 (Apr. 15, 2025).

further jeopardizes Tribal public health. With energy prices rising due to deregulation, and climate emergencies increasing in frequency, Tribal households face elevated risks of water shutoffs, heatstroke, and respiratory illness, all without reliable relief mechanisms.<sup>23</sup> EO 14156 offers no alternative provisions for equitable energy affordability, and instead focuses solely on industrial energy supply.<sup>24</sup>

Taken together, these policy changes not only increase pollution risks but also remove the financial and legal mechanisms that Tribal governments rely on to protect public health and maintain access to clean water. The compounded effect is a systemic erosion of the environmental justice framework for Indian Country.

## V. Overview of Key ES Rollbacks Impacting Tribal Nations

### a. Summary of Reviewed Resolutions from the NCAI Tracker

Between 2021 and early 2025, NCAI passed numerous resolutions addressing environmental protection and consultation. Resolutions voiced opposition to the defunding of DEI programs ([CT-25-050](#)), while others responded to mineral extraction threats ([LV-24-003](#)). However, the aggressive executive actions in 2025 exposed gaps within this framework.

### b. From Identified Needs to Action: Post-Convention Update

A cross-analysis of NCAI's resolutions against recent executive actions initially highlighted urgent needs. Specifically, while previous resolutions supported consultation generally, few directly addressed the dismantling of federal agencies.

At the Seattle Convention, the General Assembly moved decisively to close these gaps:

- **Addressing Agency Dismantlement (EO 14151):** While CT-25-050 denounced defunding, the newly adopted Resolution [SEA-25-024](#) and Resolution [SEA-25-093](#) go further. They demand Tribal consent prior to any transfer of federal programs and call for the protection of Native-serving program staff, directly countering the chaos caused by agency restructuring.
- **Addressing Emergency Declarations (EO 14156):** Previously, no resolution addressed the specific legal tools used to bypass consultation during "emergencies." The new resolutions authorize NCAI to challenge these procedural shortcuts directly.

### c. Opportunities in Public Health and Water Infrastructure Response

The Impact of Deregulation Environmental deregulation under the 2025 executive orders has rolled back key protections linked to public health and water access. These include:

#### RELATED RESOLUTIONS

- [CT-25-050](#): Opposition to the Defunding of Diversity, Equity, and Inclusion (DEI) Programs
- [LV-24-003](#): Response to Mineral Extraction Threats on Tribal Lands

<sup>23</sup> Low Income Home Energy Assistance Act of 1981, 42 U.S.C. §§ 8621–8630 (2020).

<sup>24</sup> Exec. Order No. 14,156, 90 Fed. Reg. 8433, 8434 (Jan. 29, 2025) (Sec. 3(b)).

- Defunding the LIHEAP;
- Limiting enforcement of the CWA; and
- Suspending inspections under the SDWA for certain energy infrastructure projects.

**The Policy Gap (Pre-Convention)** While existing resolutions like [SD-95-099](#), [TUL-05-047](#), and [CT-25-038](#) express support for sanitation development and assistance to low-income Tribal households, they do not speak directly to the scale or mechanisms of these new rollbacks. The original draft of this brief noted that the only resolution aimed at SDWA enforcement rollbacks had been presented during the 2025 NCAI Mid Year Convention & Marketplace (June) and pushed to the 82nd NCAI Annual Convention & Marketplace (November). While Tribal Nations retain their inherent sovereign protections, the absence of an adopted resolution meant NCAI lacked a specific mandate to articulate Tribal demands regarding these rollbacks. Without a resolution explicitly targeting these executive orders, Indian Country risked lacking a unified, directed voice to defend their treaty-protected resources and public health standards.

**Closing the Gap: The Seattle Convention Outcome** This vulnerability was directly addressed at the 82nd NCAI Annual Convention & Marketplace. Recognizing that previous resolutions were insufficient to stop the suspension of federal inspections, the General Assembly adopted Resolution [SEA-25-001](#).

This action fundamentally changes the advocacy landscape: NCAI now possesses the specific authority to challenge the legality of the SDWA inspection pauses. The adoption of SEA-25-001 closes the gap between “supporting sanitation” and “enforcing federal safety standards,” equipping Tribal Nations with the mandate needed for coordinated federal advocacy and potential litigation.

## VI. Surplus Lands Undermine Tribal Environmental Stewardship and NEPA Protections

Federal policies governing surplus lands continue to undermine Tribal sovereignty, environmental justice protections, and the effectiveness of the NEPA. Historically, surplus lands policies — including the sale, lease, or transfer of “unused” federal lands have diminished Tribal land bases and facilitated extractive industry access to culturally and environmentally sensitive areas.<sup>25</sup> Under the current administration, surplus land management is increasingly tied to deregulation efforts and framed through economic development and recreational access priorities rather than through the protection of Tribal rights.

Recent legislative changes, such as the [Expanding Public Lands Outdoor Recreation Experiences \(EXPLORE\) Act](#), highlight both opportunities and risks for Tribal Nations.<sup>26</sup> While Section 156 of the EXPLORE Act provides Tribal Nations direct access to the Outdoor Recreation Legacy Partnership (ORLP) program within the Land and Water Conservation Fund (LWCF), the broader LWCF framework has historically excluded Tribal Nations: Since 1964, only 0.2 percent of LWCF funds have gone directly to Tribal governments.<sup>27</sup> In recognition of this inequity, NCAI adopted Resolution [NO-23-003](#), which calls for the creation of a stand-alone Native American Land and Water Conservation Fund to ensure Tribal Nations have equal authority and flexibility to use LWCF resources for land acquisition and conservation projects. Without reforms to surplus land management and conservation grant distribution, Tribal Nations risk continued exclusion from programs that directly impact their ancestral lands, treaty rights, and cultural survival.

<sup>25</sup> See *General Allotment (Dawes) Act of 1887*, ch. 119, 24 Stat. 388 (codified as amended in scattered sections of 25 U.S.C.) (authorizing allotment of Tribal lands and disposal of “surplus” lands).

<sup>26</sup> Expanding Public Lands Outdoor Recreation Experiences (EXPLORE) Act, Pub. L. No. 118-234, 138 Stat. 2836 (2025).

<sup>27</sup> Tribal Access to the Land and Water Conservation Fund 2 (Nat'l Ass'n of Tribal Historic Pres. Officers & The Wilderness Soc'y Sept. 2023) (finding that since 1964, only 0.2% of LWCF funds have gone directly to Tribal governments).

The intersection of surplus land policies with NEPA rollbacks is especially concerning. Executive Orders, such as EO 14154 and EO 14241, expand categorical exclusions and invoke emergency powers to bypass environmental review, creating pathways for surplus federal lands to be reclassified as available for extractive development. This process disregards the federal trust responsibility and erodes Tribal Nations' ability to participate in meaningful consultation, a cornerstone of both ES frameworks and NEPA itself.

For Tribal Nations, surplus lands are not simply "excess" acreage, they often encompass sacred sites, treaty protected hunting and fishing areas, and ecosystems central to cultural and community survival.<sup>28</sup> The failure to integrate Tribal consultation into surplus land management perpetuates environmental justice violations; surplus land transfers must be reformed to prioritize Tribal reacquisition, ensure NEPA review, and expand direct access to conservation funds such as the LWCF.

## VII. Strategic Recommendations

In light of the sweeping environmental rollbacks and the successful outcomes of the Seattle Convention, Tribal Nations must advance an aggressive and coordinated strategy. These recommendations are grounded in the principles of self-determination and the new authorities established by the 2025 resolutions.

### 1. Operationalize Newly Adopted Resolutions

With the adoption of SEA-25-024 and SEA-25-093, NCAI should immediately file administrative complaints challenging the dismantling of environmental offices under EO 14151. These resolutions provide the specific "standing authority" needed to intervene when federal program transfers occur without consent, moving beyond simple opposition to procedural obstruction.

### 2. Litigate Categorical Exclusions and Emergency Powers

Tribal legal coalitions must use the mandate from SEA-25-001 to challenge the legality of EOs 14156 and 14241. Litigation should focus on the lack of "rational basis" for emergency declarations that bypass treaty obligations and the [Safe Drinking Water Act \(SDWA\)](#). This marks a shift from general defense to targeted legal strikes against specific regulatory failures.

### 3. Advocate for Federal Reinstatement or Congressional Codification of EO 12898

In the absence of EO 12898, Tribal leaders must push for the Congressional codification of Environmental Justice (EJ) standards. The Infrastructure Investment and Jobs Act provides a statutory precedent that can be expanded to shield future environmental offices from executive rescission. Codification is the only durable solution to prevent future administrations from erasing these protections by executive fiat.

## RELATED RESOLUTIONS and STATUTES

- **Resolution NO-23-003:** Calling for the Creation of a Stand-Alone Native American Land and Water Conservation Fund
- **Resolution MOH-17-005:** Supporting Parity Between Tribal and State Emergency Management Organizations
- **Statute: ISDEAA (P.L. 93-638):** Indian Self-Determination and Education Assistance Act (*Allows Tribes to contract federal programs*)
- **Statute: P.L. 102-477:** Indian Employment, Training and Related Services Demonstration Act (*Allows grant consolidation*)

<sup>28</sup> General Allotment (Dawes) Act of 1887, ch. 119, § 5, 24 Stat. 388, 389 (authorizing the allotment of Tribal lands and declaring that "all the surplus lands ... shall be purchased by the United States and sold").

#### **4. Launch a Tribal Environmental Health Crisis Declaration Campaign**

As environmental stewardship and DEI programs are defunded or restructured under EO 14151, there is an imminent risk that Tribal funding will be swept up in broad agency cuts. Because many Tribal environmental grants are administered through these targeted offices, the elimination of the office often results in elimination of the funding stream.

Tribal governments must leverage Resolution SEA-25-093 to demand immediate Tribal specific carveouts. This resolution mandates the protection of Native-serving program staffing and funding, establishing the position that these resources fulfill specific federal trust and treaty obligations, separate from discretionary DEI initiatives.

NCAI should advocate for “firewalling” Tribal funding streams. If an agency cannot distinguish between a “DEI grant” and a “Tribal environmental grant,” Tribal Nations must demand parallel direct to Tribal funding mechanisms that bypass the vulnerable offices entirely. This defensive posture ensures that even if the administrative vehicle is dissolved, the funding obligation remains intact.

#### **5. Expand ES and DEI Protections Through Tribal Law and Compacts**

In response to EO 14151, Tribal Nations should leverage the “Standing Authority” confirmed by SEA-25-024 to demand state and local agencies respect Tribal jurisdiction. Tribal Nations should enact their own environmental statutes to fill the federal void, asserting that where the federal government recedes, Tribal sovereignty expands.

#### **6. Defend Sacred Sites and Cultural Landscapes Using All Available Tools**

With weakened NEPA protections (EO 14154), Tribal advocacy must pivot toward stronger National Historic Preservation Act (NHPA) enforcement. Utilizing the “consent” framework of SEA-25-024, Tribal Nations should challenge any federal land management decision that affects sacred sites as a violation of the government-to-government consultation standard.

#### **7. Reinvigorate Tribal-State Alliances to Counter Federal Deregulation**

In many states, Tribal Nations have successfully partnered with state agencies on climate, water, and health planning. With federal consultation processes now gutted, these partnerships are increasingly vital. NCAI can lead by drafting model MOUs and cross-jurisdictional agreements that assert true Tribal co-governance. Resolution MOH-17-005 establishes a critical baseline for this approach by demanding parity between Tribal and State emergency management authorities, a principle that validates treating Tribal Nations as equal sovereign in all intergovernmental agreements.

#### **8. Secure Carveouts in Federal Funding Streams to Protect Tribal Eligibility**

As environmental stewardship and DEI programs are defunded or restructured under EO 14151, there is an imminent risk that Tribal funding will be swept up in broad agency cuts. Because many Tribal environmental grants are administered through these targeted offices, the elimination of the office often results in elimination of the funding stream.

Tribal governments must leverage Resolution SEA-25-093 to demand immediate Tribal specific carveouts. This resolution mandates the protection of Native-serving program staffing and funding, establishing the position that these resources fulfill specific federal trust and treaty obligations, separate from discretionary DEI initiatives.



NCAI should advocate for “firewalling” Tribal funding streams. If an agency cannot distinguish between a “DEI grant” and a “Tribal environmental grant,” Tribal Nations must demand parallel direct to Tribal funding mechanisms that bypass the vulnerable offices entirely. This defensive posture ensures that even if the administrative vehicle is dissolved, the funding obligation remains intact.

## **9. Expand ISDEAA and P.L. 102-477 Eligibility to Insulate Environmental Programs**

With federal agencies retreating from stewardship roles (EO 14151), NCAI must advocate for the legislative or administrative expansion of [P.L. 93-638 \(ISDEAA\)](#) contracting and compacting authority to explicitly include EPA and environmental stewardship programs.<sup>29</sup> Furthermore, Tribal Nations should push to classify ES grants as “employment and training related” to make them eligible for integration under [P.L. 102-477](#). This consolidation would allow Tribal Nations to blend siloed environmental funds into single, flexible plans, reducing administrative burden and shielding these resources from federal agency elimination or micromanagement.

## **10. Enforce Free, Prior and Informed Consent (FPIC) Across All Sectors**

Consistent with Resolution SEA-25-009, which mandates FPIC from “corporations, companies, state and federal government agencies,” Tribal Nations must demand that this standard replace discretionary consultation models. Advocacy should target both public and private actors, notifying them that any resource extraction or land reclassification, such as the “strategic mineral zones” under EO 14241, that lacks explicit Tribal consent constitutes a violation of this mandate. This strategy operationalizes the resolution by affirming that consent is a non-negotiable baseline for all external entities, not just the federal government.

<sup>29</sup> *Indian Self-Determination and Education Assistance Act* of 1975, Pub. L. No. 93-638 (codified at 25 U.S.C. § 5301 *et seq.*); *Indian Employment, Training and Related Services Demonstration Act* of 1992, Pub. L. No. 102-477 (codified as amended at 25 U.S.C. § 3401 *et seq.*).

## VIII. Conclusion

The executive actions of 2025 have fundamentally reshaped the federal environmental landscape, prioritizing extraction over stewardship and dismantling the very infrastructure of government-to-government consultation. These changes, ranging from the rollback of NEPA standards to the elimination of environmental stewardship offices under EO 14151, present an existential challenge to Tribal sovereignty and the health of Indian Country.

However, the outcomes of the Seattle Convention demonstrate that Tribal Nations are not passive victims of this shift. This period has served as a catalyst, transforming Indian Country's approach from reactive opposition to proactive enforcement. By adopting targeted resolutions like SEA-25-001, SEA-25-024, and SEA-25-093, the NCAI General Council has closed the policy gaps that previously left Tribal Nations vulnerable, although significant work remains to ensure these paper protections are translated into durable, on-the-ground enforcement.

NCAI now possesses the specific authorities needed to challenge emergency declarations, demand consent for program transfers, and litigate the suspension of public health inspections. The task ahead is to operationalize these mandates, turning resolutions into resistance, and resistance into the reaffirmation of sovereignty. By leveraging these new tools, Indian Country will not only defend its resources but will assert its rightful role as the primary steward of the land, ensuring that federal trust obligations are upheld regardless of shifting political winds.

*“...Turning resolutions into resistance, and resistance into the reaffirmation of sovereignty.”*



## IX. Appendices

### a. Executive Order Summary Table

This table outlines key 2025 executive orders issued under the Trump administration that affect Tribal Nations, and includes: EO numbers and titles, issuance dates, and stated federal purposes, and anticipated impacts on Tribal sovereignty and environmental justice.

Executive Order	Title	Date Issued	Stated Purpose	Anticipated ES and Tribal Impacts
EO 14151	Ending Radical and Wasteful Government DEI Programs and Preferencing	January 20	Eliminate federal DEI/environmental offices and funding	Loss of environmental specific programs, staff, and funding streams
EO 14153	Unleashing Alaska's Extraordinary Resource Potential	January 24	Open Alaskan lands to expanded oil, gas, and mining development	Threats to Tribal lands, sacred sites, and subsistence areas in Alaska
EO 14154	Unleashing American Energy	January 25	Streamline energy permitting; roll back NEPA and climate guidance	Weakened environmental oversight and Tribal consultation processes
EO 14156	Declaring a National Energy Emergency	January 26	Accelerate energy projects via emergency powers	Bypasses Tribal consultation and water/air quality safeguards
EO 14162	Putting America First in International Environmental Agreements	January 28	Withdraw from climate and environmental agreements	Reduces U.S. accountability on global climate and health goals
EO 14225	Immediate Expansion of American Timber Production	March 1	Expand logging on federal lands; reduce environmental review	Increased deforestation and threats to culturally significant landscapes
EO 14241	Immediate Measures to Increase American Mineral Production	March 5	Accelerate domestic mining under emergency justifications	Expanded mining near Tribal lands with limited oversight
EO 14260	Protecting American Energy From State Overreach	April 8	Preempt state environmental regulations that delay energy projects	Weakens Tribal input in state-led permitting processes
EO 14270	Zero-Based Regulatory Budgeting to Unleash American Energy	April 15	Freeze or eliminate federal regulations perceived as burdensome	Eliminates protections through regulatory rollback
EO 14272	Ensuring National Security and Economic Resilience Through Section 232 Actions on Processed Critical Minerals	April 15	Support critical mineral processing as a national security priority	Enables industrial development in sensitive areas near Tribal lands

## b. Crosswalk Table — ES Rollbacks vs. NCAI Resolution Coverage

This table lists key Executive Orders and policy changes from the Trump Administration (2025–present) with potential environmental stewardship (ES) and Tribal impacts.

EO/Policy	Date Issued	Summary of Action	Legacy Resolutions) Context	New Authority (Enforcement)	Status
<b>EO 14151</b> (Ending DEI & ES Programs)	January 20, 2025	Eliminates federal DEI/Environmental Stewardship offices; rescinds related grants; removes Tribal liaisons	CT-25-050 (Opposition to Defunding)	<b>SEA-25-093</b> (Protection of Native-Serving Program Staff & Funding)	<b>Adopted</b> November 2025
<b>EO 14151</b> (Program Transfers)	January 20, 2025	Transfers environmental programs to non-stewardship agencies or dissolves them entirely	N/A	<b>SEA-25-024</b> (Requiring Consent for Federal Program Transfers)	<b>Adopted</b> November 2025
<b>EO 14154</b> (Unleashing American Energy)	January 25, 2025	Rolls back NEPA cumulative impact guidance; disbands climate science working groups	MOH-17-053 (Paris Climate Agreement) PDX-20-018 (NEPA & Climate)	<b>SEA-25-001</b> (Mandate to Challenge Environmental Rollbacks)	<b>Adopted</b> November 2025
<b>EO 14156</b> (National Energy Emergency)	January 26, 2025	Invokes emergency powers to bypass consultation; expedites permitting for fossil fuel infrastructure	ABQ-19-004 (Opposing EPA Actions) SD-15-045 (Consultation on Infrastructure)	<b>SEA-25-001</b> (Mandate to File Admin. Complaints)	<b>Adopted</b> November 2025
<b>EO 14241</b> (Mineral Production)	March 5, 2025	Prioritizes critical mineral extraction on federal lands; overrides Tribal objections in "strategic zones"	LV-24-003 (Mining & Sacred Sites) REN-19-001 (Grand Canyon Mining)	<b>SEA-25-024</b> (Asserting Standing Authority & Consent)	<b>Adopted</b> November 2025
<b>EO 14241</b> (Mineral Production)	March 5, 2025	Directs agencies to identify lands for mineral leasing and issue long-term private agreements under DOD leasing authority.	LV-23-004 (Mining and Sacred Sites)	<b>SEA-25-009</b> (Requiring Free, Prior and Informed Consent (FPIC))	<b>Adopted</b> November 2025
<b>SDWA / CWA Enforcement Cuts</b>	March, 2025	Suspends EPA inspections for drinking water systems; limits Clean Water Act enforcement	SD-95-097 (Clean Water Rights) ABQ-19-004 (Human Health Criteria)	<b>SEA-25-001</b> (Specific Authority to Litigate Inspection Pauses)	<b>Adopted</b> November 2025
<b>Surplus Lands &amp; EXPLORE Act</b>	Ongoing	Facilitates disposal of federal lands without NEPA review; inequitable access to LWCF	NO-23-003 (Native American Land & Water Conservation Fund)	N/A (Uses Legacy Authority)	<b>Active</b>

## c. Key Acronyms

Acronym	Definition	Acronym	Definition
<b>BIL</b>	Bipartisan Infrastructure Law	<b>ISDEAA</b>	Indian Self-Determination and Education Assistance Act
<b>CWA</b>	Clean Water Act	<b>LIHEAP</b>	Low-Income Home Energy Assistance Program
<b>DEI</b>	Diversity, Equity, and Inclusion	<b>LWCF</b>	Land and Water Conservation Fund
<b>ES</b>	Environmental Stewardship	<b>NEPA</b>	National Environmental Policy Act
<b>ESA</b>	Endangered Species Act	<b>SDWA</b>	Safe Drinking Water Act
<b>IRA</b>	Inflation Reduction Act	<b>TEK</b>	Traditional Ecological Knowledge

### ***About the National Congress of American Indians:***

*Founded in 1944, the National Congress of American Indians is the oldest, largest, and most representative American Indian and Alaska Native organization in the country. NCAI advocates on behalf of Tribal governments and communities, promoting strong Tribal-federal government-to-government policies and a better understanding among the general public regarding American Indian and Alaska Native governments, people, and rights. For more information, visit [www.ncai.org](http://www.ncai.org).*

