



**L.I.G.H.T. Foundation**  
**Elmer City, WA 99124**  
*Indigenous conservation nonprofit*  
<https://thepnwl.org/>

21 September 2025

Attn: Lee Zeldin, Administrator  
U.S. Environmental Protection Agency  
William J. Clinton Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Comment submitted electronically to: [a-and-r-Docket@epa.gov](mailto:a-and-r-Docket@epa.gov) and  
[Federal Register :: Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards: Extension of Comment Period](https://www.federalregister.gov/documents/2025/09/05/reconsideration-of-2009-endangerment-finding-and-greenhouse-gas-vehicle-standards-extension-of-comment-period)

***RE: Proposed Rule, Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards, “90 Fed. Reg. 36,288 (Docket No.: EPA-HQ-OAR-2025-0194; FRL-12715-01-OAR)***

**I. Introduction**

The [L.I.G.H.T. Foundation \(LF\)](#) is an independent, Indigenous-led, conservation 501(c)(3) nonprofit established on the Colville Indian Reservation in the traditional territory of the Nespelem Tribe within Washington State. We support the restoration and cultivation of native **Plant and Pollinator Relatives**<sup>1</sup> and the culturally respectful conservation of habitats and ecosystems which are climate resilient and adaptive. We provide this letter in strong opposition to EPA's 8/1/25 proposal to reconsider, rescind, or repeal the Endangerment Finding for greenhouse gases (GHG) and to eliminate federal GHG standards for motor vehicles. This Finding is the legal foundation for regulating carbon emissions and LF urges the EPA to uphold scientific consensus and protect the human and environmental health from the growing cultural, economic, and public health impacts of climate change.

We are honored and humbled to support the advancement of EPA-Tribal government relations to build resilience, equity, and sustainability for future generations by respectfully requesting the consideration of these comments and recommendations. This letter highlights the areas where the proposed rescission raises profound concerns regarding impacts to Tribal sovereignty, health and

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<sup>1</sup> There are countless terrestrial and aquatic native plant species, fungi, and lichens used for food, medicine, cultural, spiritual, fabric, fiber, artistic, and construction purposes which are important to Indigenous Peoples. The LF refers to these inclusively as “Plant Relatives” and recognizes that several of them rely upon the health and abundance of “Elder” trees (commonly referred to as mature and old-growth trees) and “Pollinator Relatives” like bees, birds, bats, butterflies, beetles, other insects, and small mammals. In this comment, LF also may refer to “Animal Relatives” which may include salmon, steelhead, trout, crayfish, deer, elk, moose, grouse and other aquatic and terrestrial species. Many Plant and Animal Relatives are referred to as “First Foods” by Indigenous Peoples.



well-being of **Tribal Nations**<sup>2</sup> and **Indigenous Peoples (TIP)**<sup>3</sup>, Treaty and reserved rights, cultural resources and sacred sites, water resources and aquatic ecosystems, and subsistence and traditional use areas.

The sovereign governments of TIP are charged with protecting the health, safety, and welfare of their citizens and residents, in addition to their ancestral lands, homeland territories, and usual and accustomed areas across the continent and throughout the present-day United States (U.S.) and its territories.

## II. Government-to-Government Tribal Consultation

There are thirty-nine (39) Tribal Nations in Oregon, Idaho, and Washington which have Federal Air Rules for Indian Reservations (FARR) protecting the environmental health of over 200,000 TIP and residents<sup>4</sup>. It is unclear to what extent the EPA has initiated consultation with those or other Tribal Nations on this proposed rescission, and so we ascertain that consultation may be minimal and/or not substantive.

The exclusion of leadership-level and programmatic-level consultation with TIP for this rulemaking lacks meaningful commitments the EPA has to **Tribal Sovereignty**<sup>5</sup>. The federal government's **trust responsibility**<sup>6</sup>, as enshrined in **Tribal treaties**<sup>7</sup> and **reserved (TRR) Rights**<sup>8</sup>, Executive Order 13175<sup>9</sup> and other federal laws, policies and guidance obligates the EPA to ensure that Tribes are full

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<sup>2</sup>Tribal Nation or Tribe: An Indian or Alaska Native Tribe, Band, Nation, Pueblo, Village, or community that the Secretary of the Interior acknowledges as a federally recognized Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. § 5130.

<sup>3</sup>Indigenous Peoples: Native Americans, Alaska Natives, Native Hawaiians, Pacific Islanders (e.g., American Samoans, Chamorros and Carolinians of Guam and the Northern Mariana Islanders, and others), and Caribbean Islander (e.g., Taino and others) descent, and others whose ancestors have occupied what is now known as the United States and its territories since time immemorial, including citizens of Tribal Nations and non-federally recognized Tribes. See Department of the Interior (DOI) Part 301 Department Manual Chapter 7 (301 DM 7) at: <https://www.doi.gov/document-library/departmental-manual/301-dm-7-departmental-responsibilities-consideration-and>

<sup>4</sup>See: <https://www.epa.gov/farr/about-federal-air-rules-reservations-farr>.

<sup>5</sup>Tribal Sovereignty: The most basic principle of all Indian Law, that which Tribal Nations retain the right to self-government as inherent powers which have never been extinguished. See also Library of Congress, American Indian Law: A Beginner's Guide at: <https://guides.loc.gov/american-indian-law/Federal-Law>.

<sup>6</sup>Trust Responsibility: The legal obligation of the federal government, including all departments and agencies, to ensure the protection of Native American Tribes and Tribal lands, assets, resources, treaty, and reserved rights. Given the fiduciary obligation, agency officials must advocate for the Tribe, act in good faith towards the Tribe, and seek to make Tribal resources under the agency's control productive and profitable (Cherokee Nation v. Georgia, 30 U.S. 1, 16 [1831], Seminole Nation v. United States, 316 U.S. 286, 296-97 [1942], United States v. Jicarilla Apache Nation, 131 S. Ct. 2313, 2324-25 [2011], Secretarial Order 3335).

<sup>7</sup> See: American Indian Treaties: Catalog Links 1722-1868, National Archives at:

<https://www.archives.gov/research/native-americans/treaties/catalog-links>. See also: Bureau of Indian Affairs: List of Indian Treaties, Department of the Interior (DOI) at: [https://www.bia.gov/sites/default/files/media\\_document/vol\\_ii\\_appendix\\_i\\_list\\_of\\_indian\\_treaties\\_508\\_final.pdf](https://www.bia.gov/sites/default/files/media_document/vol_ii_appendix_i_list_of_indian_treaties_508_final.pdf)

<sup>8</sup>Reserved Rights: Rights not addressed by Tribal treaty provisions are presumptively reserved, so long as the rights retained are consistent with federal law and the Tribe's sovereign status, agencies should generally interpret silence in a Tribal treaty in accordance with the reserved-rights doctrine. Tribal treaties are to be interpreted as a grant of rights from the Tribes, and a reservation of those rights not granted; thus, Tribes possess proprietary and use rights and sovereign control not conveyed away by the Tribal treaty or other federal law. See: *Best Practices for Identifying and Protecting Tribal Treaty Rights, and Other Similar Rights in Federal Regulatory Actions and Federal Decision-Making* (30 November 2022) at:

[https://www.bia.gov/sites/default/files/media\\_document/best\\_practices\\_guide.pdf](https://www.bia.gov/sites/default/files/media_document/best_practices_guide.pdf).

<sup>9</sup>Executive Order (EO) 13175 on Consultation and Coordination with Indian Tribal Governments (9 November 2000) at:

<https://www.federalregister.gov/documents/2000/11/09/00-29003/consultation-and-coordination-with-indian-tribal-governments>.



partners in managing the quality and health of lands and resources that are the ancestral inheritance and responsibility of TIP.

Meaningful, **government-to-government (G2G) consultation**<sup>10</sup> is not merely a procedural requirement, but a cornerstone of federal trust responsibilities and the protection of Tribal sovereignty. Executive Order 13175 stipulate that consultation must be timely, transparent, and substantive, with the intent to reach mutual understanding and agreement.

While LF acknowledges both positive and negative experiences by TIP with the EPA regarding consultation, we encourage the EPA to engage TIP in ways which advance positive precedence for meaningful and good faith engagement and consultation. It is recommended that this process shall ensure consultation is comprehensive, ongoing, and respectful. To better help the federal government meet Tribal consultation standards, we recommend a format that provides:

- Initial Tribal consultation sessions within 30 days at Tribal government headquarters or a mutually agreed upon location
- Individual 1:1 follow-up sessions as needed to address complex issues with regular communication throughout all phases of planning, implementation, and monitoring;
- Written documentation of all consultation outcomes with individual Tribal Nations
- Adequate time between follow-up sessions for Tribal government leadership review and Tribal community input, respecting Tribal schedules and resource constraints;
- Consultation support, including but not limited to:
  - Funding for Tribal participation (e.g., travel, technical assistance, and capacity building)
  - Access to all relevant documents and analyses
  - Appropriate maps and geographic information system (GIS) data to identify geographic areas most at risk from increasing GHG emissions
  - Translation services, if needed

Additionally, we recommend that the scope of the Tribal consultation include addressing:

- Impacts to TRR Rights, and trust resources
- Effects on the health and well-being of TIP, the long-term health and well-being of future generations, and cultural resources and sacred sites
- Alternatives to complete rescission
- The incorporation of TIP input into policy, project or regulatory plans and implementation, including providing funding for collaborative activities;
- Ensuring consultation outcomes are actionable and enforceable, with commitments formalized through agreements and protocols co-developed with TIP

### **III. Impacts to Health & Well-Being**

Reducing GHG emissions is a public health imperative and EPA's ability and responsibility to do so has long been supported by science and the law. The transportation sector is the largest contributor in the U.S. to GHG emissions, and vehicle standards have been a tool used by EPA for decades under multiple administrators. Repealing/rescinding the Endangerment Finding and GHG emissions

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<sup>10</sup>Government-to-Government (G2G) Consultation: A formal component of the Tribal consultation process that engages federally-recognized Tribal leaders and incorporates their input into decisions. A formal G2G meeting, between Tribal leaders and similarly high-level federal or state decision makers, is customarily part of this process, and may include multiple meetings, discussions, and the reciprocal sharing of information. More than one formal G2G meeting among decision makers may be required in a G2G consultation. Also referred to as "Nation-to-Nation consultation." See: West Coast Ocean Tribal Caucus (WCOTC) for more information:

[https://www.oregon.gov/lcd/Commission/Documents/2022-03\\_Item-4\\_TSPPart3\\_Attachment-B\\_West-Coast-Tribal-Engagement-Guidance-March-2020.pdf](https://www.oregon.gov/lcd/Commission/Documents/2022-03_Item-4_TSPPart3_Attachment-B_West-Coast-Tribal-Engagement-Guidance-March-2020.pdf)



standards for vehicles would be a massive setback for health and a direct contradiction to EPA's mission of protecting human health and the environment.

LF concurs with the comment submitted by the National Tribal Air Association (NTAA)<sup>11</sup> for this proposal, which states:

*EPA can and should do more to reduce emissions of GHG and other contaminants that are known to adversely affect the health and well-being of American Indians and Alaska Natives. Additionally, the proposed repeal of vehicle emissions standards will cause continued exposures to many Tribal communities to unhealthy concentrations of ozone, particulate matter and multiple hazardous air pollutants.*

NTAA also acknowledges that many TIP communities already suffer from unhealthy air quality from ozone, particulate matter and hazardous air pollutants which are directly or indirectly attributable to GHG emissions from motor vehicles, fossil fuel-fired electric generating facilities, and other large stationary sources.

The proposed rescission raises serious climate and environmental justice concerns, as TIP would bear disproportionate impacts to the action while receiving no sustainable economic or other benefits that align with our values and priorities. TIP already face substantial disparities and disadvantages, including but not limited to:

- Reduction, delayed deliver, or complete loss of up to \$24.5 billion to TIP in 2025 from federal freezes or cuts to health, law enforcement, education, and key social services<sup>12</sup>
- Higher rates of poverty and unemployment
- High risk of developing cancer and other chronic health and reproductive issues due to disproportionate exposure to pollutants from industrial facilities, waste disposal sites, and extractive practices near TIP lands
- Limited access to healthcare, in particular, quality health care, and clean drinking water
- Cumulative impacts from historical and ongoing environmental degradation
- Loss of **Intangible Cultural Heritage (ICH)**<sup>13</sup>, **Indigenous Knowledges (IK)**<sup>14</sup>, and traditional lifeways from past federal actions
- Consistent direct threats to food and water security through degradation of Plant and Pollinator Relatives and **Spirit Relatives**<sup>15</sup>

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<sup>11</sup>Smallwood, S. (28 August 2025). Final National Tribal Air Association Comment Letter Repeal Endangerment Finding. Submitted at: <https://www.regulations.gov/comment/EPA-HQ-OAR-2025-0194-0574>.

<sup>12</sup>Schafer, A. (15 July 2025). Native Communities Could Lose \$24.5B Under Trump Administration Proposal. Indian Country Today. See: <https://ictnews.org/news/tribes-could-lose-24-5b-under-trump-administration-proposal/>.

<sup>13</sup>Intangible Cultural Heritage (ICH): The practices, representations, expressions, knowledge, skills (as well as the instruments, objectives, artifacts, and cultural spaces associated therewith) that communities, groups, and in some cases, individuals recognize as part of their cultural heritage. It is transmitted from generation to generation, constantly evolved by communities and groups in response to their environment, interactions with nature and unique histories, and provides identity and continuity. See: United Nations Educational, Scientific, and Cultural Organization (UNESCO) Intangible Cultural Heritage at: <https://ich.unesco.org/en/home>.

<sup>14</sup>Indigenous Knowledges (IK)": A body of observations, oral and written knowledge, innovations, technologies, practices, and beliefs developed by Indigenous Peoples through interaction and experience with the environment. It is applied to phenomena across biological, physical, social, cultural, and spiritual systems. IK can be developed over millennia, continues to develop, and includes understanding based on evidence acquired through direct contact with the environment and long-term experiences, as well as extensive observations, lessons, and skills passed from generation to generation. IK is developed, held, and stewarded by Indigenous Peoples and is often intrinsic within Indigenous legal traditions, including customary law or traditional governance structures and decision-making processes. Other terms such as Traditional Knowledge(s), Traditional Ecological Knowledge, Genetic Resources associated with Traditional Knowledge, Traditional Cultural Expression, Tribal Ecological Knowledge, Native Science, Indigenous Applied Science, Indigenous Science, and others, are sometimes used to describe this knowledge system. See also Note 3 at 301 DM 7.

<sup>15</sup>Spirit Relatives: Traditional foods and First Foods; sacred and spiritual plants, animals, and places; medicinal plants and animals; and fibers and materials. See: 2024 LF Annual Report at: <https://thepnwl.org/2022-annual-report-1>.



Rolling back the Endangerment Finding and vehicle GHG standards would threaten TIP health and well-being by:

- Deeply magnifying historical and intergenerational trauma TIP already experience from a history of colonization, forced assimilation, and genocide - a fact acknowledged by the EPA<sup>16</sup>
- Prolonging exposure to air pollution, resulting with exacerbated asthma and other respiratory conditions, complications, or diseases
- Vulnerable populations, like Elders, youth, traditional cultural practitioners, outdoor workers, and those with compromised respiratory systems will suffer more and may experience increases in frequency of prescription medication requirements, emergency room visits, and hospitalization
- Disproportionate impacts of extreme heat, smog and particulate pollution in TIP households and communities with limited access, or financial capital to access, air filtration, conditioning, and cooling centers
- Failing to protect:
  - TRR Rights of TIP
  - Cultural properties, historic properties, and sacred sites
  - Water resources and aquatic resources

#### IV. TIP on the Frontline of Climate Impacts

The ecosystems stewarded by TIP for time immemorial have been adversely impacted by the industrialization and privatization of resources for commodification, commercialization, and extraction. This has manifested in many forms since European and other immigrants migrated to this continent, and has resulted with fractionated lands, piecemeal protections for environmental and public health, and reduced the resiliency of TIP socio-cultural ecologies, economies, and food systems. Of paramount impact, these actions have resulted with GHG emissions which accelerate climate change, making disasters more frequent and intense.

The unprecedented acceleration of GHG emissions results with direct, indirect, and cumulative impacts to sacred sites, traditional use areas and Spirit Relatives essential to TIP cultural, spiritual, and physical survival. As the original stewards of the air, land, and water which EPA now monitors and manages, we as TIP have nurtured these ecosystems with IK practices and structures for millennia, maintaining reciprocal balance and resilience with the Spirit Relatives that sustain our worldviews and ways of life. Today, the ecological integrity and biodiversity bounty resulting from our management practices is threatened locally and globally from climate change, which is irrefutably caused in significant part by the GHG emissions from motor vehicles and power plants in the U.S.

TIP understand the impacts of climate change and how it is caused by increasing GHG emissions from decades of lived, first-hand experience. These impacts and changes have been monitored, documented, researched, and taught through intergenerational IK transmission, academic and scientific research, and is archived worldwide in scientific journals, documentary films, dedicated websites, libraries and embedded in cultural memory. To quote again from NTAA<sup>17</sup>:

*EPA's "review of the scientific record" regarding emissions of greenhouse gases (GHGs) and climate change, including the recent [Department of Energy,] DOE report A Critical Review of Impacts of Greenhouse Gas Emissions on the U.S. Climate (Critical Review) fail to consider, or to even acknowledge, consequences of the proposed actions[...]. This failure is inexplicable.*

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<sup>16</sup>EPA. (n.d.) Climate Change and the Health of Indigenous Populations. See:  
<https://www.epa.gov/climateimpacts/climate-change-and-health-indigenous-populations>.

<sup>17</sup>Ibid Note 11 at Smallwood 2025.



## A. Treaty Rights and Reserved Rights

LF unequivocally supports the sovereign status of TIP to hunt, fish, gather, and protect Spirit Relatives. These TRR Rights, enshrined in treaties, case law, and federal documents, represent legal and moral commitments that are integral to the cultural, spiritual, physical, mental, and economic well-being of TIP. These are not privileges granted by the federal government, but retained sovereign rights that predate the development of the U.S. itself. Federal trust responsibilities and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)<sup>18</sup>, demand that the federal government prioritize and uphold these rights in all regulatory and rulemaking decisions.

Rolling back the Endangerment Finding and vehicle GHG standards would threaten TRR Rights by:

- Increasing intensity, severity, frequency, and prolonging the following unpredictable incidents and extreme events that would fundamentally alter ecosystems and/or disrupt habitat biodiversity and resilience upon which TRR species depend:
  - Extreme heat
  - Ecological drought
  - Flooding, included but not limited to coastal zones, floodplains, rivers, streams, and wetlands
  - Fire
  - Windstorms
  - Tornadoes
  - Hurricanes
  - Tropical cyclones
  - Snowstorms
  - Icestorms
  - Lightening storms
  - Hailstorms
  - Freshwater and marine algal blooms
  - Coral reef bleaching
- Shifting composition of native habitats to invasive and non-native species which fundamentally alters ecosystems upon which TRR species depend
- Degrading air quality, water quality, and soil health vital to the perpetuation of TRR species, including Spirit Relatives like salmon, lamprey, steelhead, bulltrout, bitterroot, biscuitroot, camas, huckleberry, service berry, chokecherry, elderberry, mariposa lily, tiger lily, black tree lichen, Western red cedar, white pine, Pacific Yew, deer, elk, bighorn sheep, buffalo, and countless others
- Restricting access to traditional and subsistence use areas through increasing natural disaster events (e.g., flooding, fire, windstorms, etc.)
- Condemning species to extinction through the loss of functioning ecosystems necessary for survival, including TRR species and those critical to food systems and food webs<sup>19</sup>:
  - Sockeye salmon, particularly those in the Snake River system
  - Coho salmon, particularly those in the lower Columbia River
  - Chinook salmon
  - Atlantic salmon
  - Over 70 species of pollinators currently listed as endangered or threatened<sup>20</sup>

<sup>18</sup>United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Department of Economic and Social Affairs, see:

<https://social.desa.un.org/issues/indigenous-peoples/united-nations-declaration-on-the-rights-of-indigenous-peoples>.

<sup>19</sup>U.S. Geological Survey. (n.d.) Where are Salmon Most Endangered? See:

<https://www.usgs.gov/faqs/where-are-salmon-most-endangered>. See also: U.S. Fish & Wildlife Service. (15 June 2020). Threats to Pollinators. See: <https://www.fws.gov/initiative/pollinators/threats>.

<sup>20</sup>Ibid Note 18 at USFWS 2020.



- Violating the federal government's obligation to protect TRR Rights in perpetuity

## B. Cultural Properties, Historic Properties, and Sacred Sites

Sacred sites, cultural landscapes, and archaeological resources vital to our ICH require a stable climate system. Numerous Traditional Cultural Properties (TCPs), Traditional Cultural Districts (TCDs), sacred sites, and cultural landscapes integral to Spirit Relative existence, TIP identity, and spiritual practices protected under TRR Rights, the First Amendment of the U.S. Constitution and the American Indian Religious Freedom Act (AIRFA)<sup>21</sup> are at risk from climate hazards exacerbated by increasing GHG emissions. These areas include, but are not limited to:

- Ceremonial and prayer sites used for specific spiritual practices (e.g., coming of age ceremonies, hunting and gathering rites, spirit and vision questing sites, etc.)
- Traditional gathering areas for Spirit Relatives (e.g., medicines, foods, and materials, etc.)
- TIP graves, cemeteries, and ancestral village sites
- Cultural landscapes that embody TIP creation stories, oral traditions, IK, and ICH

The proposed rescission fails to address how these irreplaceable cultural resources would be protected from:

- Deeply magnifying historical and intergenerational trauma TIP already experience from a history of colonization, forced assimilation, and genocide - a fact acknowledged by the EPA<sup>22</sup>
- The loss of ICH and IK practices which foster ecological stewardship and cultural preservation of oral traditions and expressions, performing arts, social practices, rituals and ceremonies, and traditional craftsmanship<sup>23</sup>
- Physical destruction from melting permafrost, extended drought, extended fire, river and stream flooding, windstorms, landslides, sea-level rise, and coastal flooding and erosion
- Desecration through damage, destruction, or increased visibility and exposure, resulting in loss of privacy and sanctity necessary for confidential and sacred ceremonial practices
- Looting, vandalism, and unauthorized artifact collection through increased visibility and exposure

## C. Water Resources and Aquatic Ecosystems

Water resources that maintain and perpetuate Tribal water rights, sustain TRR fisheries and provide clean water for TIP communities are at significant risk from climate change. Specifically, waterways within Alaska, Washington, Oregon, Idaho, Montana, and California are critical for:

- Spawning and rearing habitat for salmon, lamprey, steelhead, bull trout and other aquatic Animal and Plant Relatives
- Cold, clean water essential for Animal Relative survival in a warming climate
- Intact riparian vegetation maintaining stream temperatures and preventing sedimentation
- Natural hydrology supporting traditional and subsistence fishing for First Foods
- Clean drinking water for TIP and downstream communities, many of which may already lack adequate water infrastructure

<sup>21</sup>U.S. Constitution, Amendment I. See also American Indian Religious Freedom Act (AIRFA) Pub. L. No. 103-344 (Amend. 8 August 2004).

<sup>22</sup>Ibid Note 16 at U.S. EPA n.d.

<sup>23</sup>Ryser, R. Marchand, A., Parker, D. (2020). *Cultural Genocide: Destroying Fourth World People*. In Fourth World Journal. Summer V20, N1. Pp 82-83. Available at: <https://www.cwis.org/fwj/volume-20-number-1/>.



- Water quality, availability, and accessibility for ceremonial and cultural practices
- Protection of Plant Relatives that require pristine water sources

Scientific evidence demonstrates that increasing GHG emissions alters the hydrologic cycle, making weather events such as drought, fog, rain, hail, snow, sleet duration and timing, freezing days, ice buildup, and permafrost function unpredictable. This impacts natural habitats, Plant and Pollinator Relative phenology, aquaculture activities, agricultural growing seasons, transportation and infrastructure. The proposed rescission would:

- Elevate stream temperatures beyond tolerance levels for cold-water species survival
- Increase intense rain events, which would:
  - Overwhelm stormwater systems and damage roads, transit systems, and public housing
  - Increase sedimentation, destroying anadromous species' spawning gravels and smothering eggs
- Substantially increase GHG pollutants and contaminants from vehicle traffic and industrial operations, perpetuating climate change
- Unpredictable extreme heat, windstorms, snow, and flooding patterns, making essential infrastructure construction and improvement more complicated and subsistence activities more dangerous and less reliable
- Increase ecological drought, which impacts TIP food systems and reduces the resiliency of the U.S. industrial food system
- Strain water resources, impact Tribal water rights already adjudicated, and increase complexity of Tribal water adjudication into the future

## D. Subsistence and Traditional Use Resources

The rescission of the vehicle GHG standard also threatens TRR Rights of TIP through disregard for functioning, healthy, and intact ecosystems. In particular, under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA)<sup>24</sup>, Alaska Tribal governments possess federally protected subsistence rights which are dependent upon ecosystems of that classification. The proposed rescission threatens these rights without reaction to ANILCA Section 810 analysis or consultation.

TIP food access, security, and sovereignty depend on a stable climate system for:

- Spirit Relatives and First Foods of the soil, surface, waters, and air
- Plant and Pollinator Relatives requiring stable, pristine, and biologically diverse environmental conditions
- Materials for traditional crafts, regalia, and ceremonial items
- First Foods central to our nutritional, cultural, spiritual, physical, and mental health

Increasing climate hazards and natural disasters would:

- Deeply magnifying historical and intergenerational trauma TIP already experience from a history of colonization, forced assimilation, and genocide - a fact acknowledged by the EPA<sup>25</sup>

<sup>24</sup>Alaska National Interest Lands Conservation Act (ANILCA). 16 U.S.C. Ch. 51. See: <https://uscode.house.gov/view.xhtml?path=/prelim@title16/chapter51&edition=prelim>

<sup>25</sup>Ibid Note 16 at U.S. EPA n.d.



- Reduce abundance and accessibility of subsistence resources and First Foods
- Introduce invasive and noxious weed species which harm Spirit Relatives and their homes
- Contaminate First Foods through increasing GHG pollutants and contaminants
- Disrupt traditional harvest cycles, ICH, and ecological relationships TIP have with Spirit Relatives
- Directly threaten the access, availability, security, and sovereignty of TIP First Foods and Spirit Relatives

## V. Conclusion

Transportation is the largest source of GHG emissions in the United States, accounting for twenty-eight percent (28%) of total emissions in 2022 according to EPA data<sup>26</sup>. Despite the outsized role of the transportation sector in national and local GHG emissions, Section 209 of the Clean Air Act preempts states and cities from setting their own motor vehicle GHG standards. If EPA withdraws both the Endangerment Finding and the federal vehicle GHG standards, states and local governments across the country will be left without any recourse to address this dominant source of emissions and the resulting impacts previously described. EPA repeal of existing GHG standards for new motor vehicles will not empower state or local governments. Instead, it would leave them powerless to regulate transportation-related emissions, placing the regulatory burden on Tribes - particularly those 39 Tribes with FARR in the Pacific Northwest - despite them bearing the physical, emotional, and financial costs of their impacts.

LF recognizes that individual Tribal governments reserve the right to oppose this action if their concerns are not adequately addressed through meaningful consultation and substantive changes to protect their TRR Rights, cultural resources, and trust assets. We believe that the federal government must demonstrate how any changes to the Endangerment Finding and the federal vehicle GHG standards will uphold trust responsibilities and honor TIP sovereignty.

For these reasons, we unequivocally oppose the proposed rescission of the Endangerment Finding and federal vehicle GHG standards in their current form. This action represents an unconscionable breach of trust responsibilities, a violation of TIP TRR Rights, and an existential threat to TIP sovereignty, health, well-being, and cultural survival. We urge:

1. **Immediate withdrawal** of the proposed rescission
2. **Full compliance** with all consultation requirements before any further actions
3. **Comprehensive analysis** of impacts to Treaty rights and reserved rights, cultural resources, and trust responsibilities of TIP and the American people
4. **Free, prior, and informed consent** for any changes affecting TIP ancestral territories

The EPA's mission is to protect human health and the environment. Repealing the Endangerment Finding would do the opposite and adversely impact protections for the Spirit Relatives, lands, and waters that sustain Tribal Nations and Indigenous Peoples. We urge you to support policies that reinforce, not dismantle, the regulatory framework needed to tackle climate change and protect the health and welfare of all.

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<sup>26</sup> U.S. EPA. (1 July 2025). *Inventory of U.S. Greenhouse Gas Emissions and Sinks*. See: <https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks>.



The L.I.G.H.T. Foundation appreciates your consideration and is committed to working with all government entities, partners, and allies to ensure that the Plant, Pollinator, and Animal Relatives associated with TIP traditional homelands remain resilient and strong for the next Seven Generations.

Limlmt, qeciiyew'yew', thank you,



Amelia AM Marchand, MELP  
Executive Director  
[L.I.G.H.T. Foundation](http://L.I.G.H.T. Foundation)

