



Matthew Tejada
Deputy Assistant Administrator for Environmental Justice
Office of Environmental Justice and External Civil Rights
1200 Pennsylvania Ave, N.W.
Washington, D.C. 20460

April 10, 2023

Re: Request for Information on the Environmental and Climate Justice Block Grant Program, *Docket ID No. EPA-HQ-OEJECR-2023-0023*

Dear Mr. Tejada,

I write today on behalf of NDN Collective, an Indigenous-led nonprofit organization dedicated to building Indigenous power. The team at NDN Collective welcomes and appreciates the opportunity to respond to the Environmental Protection Agency's (EPA) Request For Information on the Environmental and Climate Justice (ECJ) Block Grant Program.

NDN Collective is the largest Indigenous-led fund in history in the United States, providing over 600 Tribal Nations, Indigenous groups and organizations, and Island Nations a total of \$32 million since 2019. We are committed to driving resources equitably to Tribal, Indigenous and Native communities so that Indigenous people can develop sustainable solutions on their terms, in ways that are culturally and ecologically relevant and meet the unique needs of their community.

The entire NDN Collective ecosystem is creating a paradigm shift in economic development by grounding investment strategy in Indigenous systems design, recognizing the interconnectedness of all things and our responsibilities to our homelands and each other. Through our Resilient & Regenerative Lending Principles, Capital Screens, and underwriting practices, we are supporting not only new ways of capital flow to communities, but also capacity building to help Native Nations, developers, and lenders access the tools and resources to actualize climate, social, and cultural resiliency and regeneration. Our commitment to this work extends to offering guidance and working with agencies such as the EPA to ensure that low-income and disadvantaged communities (DAC's) — especially Tribal Nations, Indigenous communities, and those that are under-resourced — benefit significantly from the deployment of these grants. We are also writing to offer concrete recommendations to ensure efficiency, effectiveness, accountability and, above all else, equity in implementation.

ECJ Program Design

1. Benefits to DAC's: "What should EPA consider in the design of the ECJ Program to ensure that the grants benefit disadvantaged communities?"

The Inflation Reduction Act's (IRA) Environmental and Climate Justice Program was established to address the urgent need to confront environmental and climate justice issues in the United States. These issues are particularly acute for Indigenous communities, which have been disproportionately impacted by environmental degradation and the effects of climate change. To ensure that the program is effective and equitable, NDN Collective recommends that the program both include Indigenous-led nonprofit organizations as eligible entities *and* prioritize funding for Indigenous-led nonprofit organizations.

Indigenous-led nonprofit organizations have a deeper understanding of Indigenous communities and a proven track record of success in developing impactful and relevant projects and initiatives. By engaging directly with Indigenous-led nonprofit organizations, the EPA facilitates a partnership where Indigenous communities can exercise greater control over the programs and initiatives designed to support them and ensure they align with their cultural, social, and environmental values.

Indigenous communities face unique challenges regarding environmental and climate justice. These challenges stem from centuries of colonization, displacement, and marginalization, which have resulted in the loss of land, culture, and sovereignty. Indigenous communities have borne the brunt of environmental degradation and its impacts on their land, water, air, and health. As a result, Indigenous communities have developed perspectives and knowledge systems grounded in their relationship with the land and the environment. These perspectives and knowledge systems are critical to addressing environmental and climate justice issues in Indigenous communities and must be centered in any efforts to address these issues.

Indigenous knowledges and perspectives are also essential to developing effective and practical solutions to environmental and climate justice issues. Indigenous knowledges are based on a deep understanding of the interconnection between humans, the environment, and other living beings. This knowledge recognizes the importance of balance, reciprocity, and respect in human-environmental relationships. Indigenous knowledges and perspectives help to inform policies and practices that are grounded in the values of equity, sustainability, and justice.

Prioritizing Indigenous-led nonprofit organizations for funding is essential to redressing historical and ongoing environmental and climate injustices. Indigenous communities have been

systematically excluded from decision-making processes and have been denied access to resources and opportunities that could support their environmental and climate justice initiatives. This exclusion has perpetuated systemic racism, poverty, and ecological degradation in Indigenous communities. By prioritizing Indigenous-led nonprofit organizations for funding, the IRA's Environmental and Climate Justice Program can help to address these injustices for Indigenous Peoples and further promote equity and justice for all.

To prioritize Indigenous-led organizations, we recommend:

- setting aside a specific portion of funding for Indigenous-led nonprofit organizations
- providing technical assistance and capacity-building support specifically for Indigenous-led nonprofit organizations
- establishing partnerships with Indigenous organizations and governments to ensure that funding is directed to where it is most needed throughout Indigenous communities.

2. Are there best practices in program design that EPA should consider in designing the ECJ Program to reduce burdens on applicants, grantees, and/or subrecipients?

To improve accessibility, we suggest the EPA consider developing and implementing a streamlined application process based on the practical feasibility of a project and its simplification in addressing greenhouse gas reduction accurately.

We encourage the EPA to waive any matching funds requirements for the Environmental and Climate Justice Program as that requirement prevents the participation of many Tribal Nations, communities and Indigenous organizations that are leading the way in climate change solutions, mitigation and adaptation. Specifically, they may not apply or qualify if they do not have large amounts of matching funds at the moment that the applications are due. We believe that communities and organizations that are committed and have already been doing this work but might not have matching funds should not be left out of the application process and without access to these funds.

3. EPA is considering a process where it issues a NOFO soliciting applications for projects under the five ECJ Program eligible activities described above (Section III) that allows applicants, on a rolling basis over an extended period such as 12 months, to apply for the funding activities they are interested in, when they are interested in applying, as opposed to applying under multiple separate NOFOs that have 45-day submission periods. What are your views on this approach?

We are supportive of this approach as limited windows for applicants can be problematic and inequitable for CBO's (and Indigenous-led organizations) who are overburdened and under-resourced.

We want to encourage the EPA to look towards NDN Collective's model of the "Community Self Determination Grant" which is currently open. This is a rolling grant that we host, which our audience can anticipate yearly. We do promotion well in advance so Indigenous organizations can prepare for this grant cycle.

NDN Collective's grantmaking approach is based on reciprocity and mutual aid, which may include thought partnership and power building resources. Relationship is at the core of this approach, encouraging systemic change and participation in which the people most affected take responsibility for one another and for changing systemic conditions. It is up to the community to determine the steps for *true* self-determination. NDN funds can support the material needs of communities while also addressing root causes and solution building that is shaped by the community. This approach encourages innovative, creative and free thinking for long-term change.

- 4. EPA is aware that applying for competitive Federal grants can be burdensome and that placing too much importance on written applications for projects to benefit disadvantaged communities may not be the best way to help communities address environmental justice challenges. EPA is considering innovative techniques to replace portions of the written application process, such as an approach where EPA would invite applicants whose initial written application scored well to then provide a 30–60-minute oral presentation discussing predetermined questions or sets of issues. The purpose of the oral presentation would be to replace portions of the written application process to streamline the grant competition process and expedite the delivery of assistance for disadvantaged communities. What are your thoughts on this approach?**

We are generally supportive of the oral presentation approach. However, it is important that the EPA follow an equity based approach when reviewing the oral presentations as bias towards accents and/or towards non-native English speakers could potentially impact an application. If this approach is taken, we recommend that the EPA seek training in Language Justice. Another concern is the access to the bandwidth necessary to upload oral presentations to an online portal and we recommend offering both written and oral submission options.

Eligible Projects Questions

1. What types of projects should EPA focus on and prioritize under the five eligible funding categories in CAA Section 138(b)(2) listed below? Please also describe how the projects you identify would benefit disadvantaged communities:

- Community and economic development/resilience based on sustainable, regenerative principles, climate change solutions and mitigation; such as;
- Sustainable food systems, food sovereignty and security initiatives; sustainable community agriculture, gardens, food harvesting and processing, community hunting and fishing, sustainable herd management, shared community food pantries and food distribution;
- Community water initiatives; protecting or developing clean water sources; community pumps or wells, water purification and sanitation, ecological wastewater treatment systems, such as constructed wetlands, greywater systems, and composting toilet implementation, and bioremediation of contaminated soils and water;
- Community planning and implementation of sustainable, regenerative, and innovative solutions for community preparedness and resiliency;
- Renewable energy sources, i.e.; wind, solar, geo-thermal
- Energy transition that is environmentally, socially and economically just; that reduces carbon emissions and footprints;
- Financial planning and transition to new or alternative revenue streams based on regenerative principles of economic and community development;
- Resilient and regenerative infrastructure improvements or development, including housing, broadband or increased internet speed and capacity; improved or upgraded software systems and technological training to support virtual and tele-abilities to learn, access health, conduct business, up-to-date communications access;
- Capital investments for economic mobility to diversify economies, long-term regenerative business development in various sectors, including decreasing risk of a larger investment; investments in building the capacity of people through education, training, and consulting to be well-equipped leaders in creating just, and resilient economies and infrastructure.
- Governance and leadership transformation, transition or development grounded in Indigenous values and practices, including constitutional reforms, reintegration of traditional governance structures, or decentralized, consensus-based decision making practices;

- Indigenous health and safety; providing and reclamation of Indigenous health, wellness, community care, healing and medicinal practices, including social, emotional, and cultural support;
- Language revitalization – Community immersion programs; teacher preparation and language apprentice programs; family language nests;
- Indigenous education models;
- Youth, family and community initiatives to restore, renew and support Indigenous language, cultural practices, creativity and lifeways;

Eligible Recipients Questions

- 1. Eligibility for the ECJ Program grants is limited to a partnership between a community-based nonprofit organization and an Indian tribe, local government, or institution of higher education; a community-based nonprofit organization; or a partnership of community-based nonprofit organizations.**
 - a. What is and how should EPA define a “community-based nonprofit organization” for purposes of implementing ECJ Program funding?**

When it comes to Indian Country, we recommend the EPA include “Indigenous-led organizations” as eligible entities. We also recommend the definition of an Indigenous-led organization as follows:

- Definition of “Indigenous-led Organization”: at least 70% of the staff and Board of Directors are Native/Indigenous.
- b. What is and how should EPA define a “partnership” between a community-based nonprofit organization and an Indian tribe, local government, or institution of higher education for purposes of implementing ECJ Program funding?**

- 3. What criteria or requirements do you think are important to ensure that projects – particularly projects of partnerships between community-based nonprofit organizations and other eligible entities – are community-driven and result in benefits flowing to the community while avoiding consequences such as community displacement and/or gentrification?**

To decide eligibility for our NDN Fund loans and capacity building development services, we utilize our Resilience Impact Assessment © to select potential borrowers and capacity building clients that show potential to have social and environmental impact that align with NDN Collective’s values. Some of the criteria/requirements we look for are :

- Native/Indigenous led
- Native/Indigenous owned
- Tribal Enterprises and/or Tribal Economic Development Corporations
- Tribal Nations
- Community Development & Housing, focusing on affordable housing and community facilities
- Renewable Energy, focusing on community-owned and controlled renewable energy and a transition away from fossil fuels
- Resilient, Sustainable Infrastructure, focusing on roads, water, sewer, ecological wastewater, transmission lines, etc.
- Social Enterprise, focusing on innovative business ideas that offer clear social benefits with the potential to deliver services at scale
- Regenerative Agriculture, focusing on innovations in technology, production, and supply chain that support local food systems and reduced climate impact link previous knowledge, life experiences, and interests

4. What are your thoughts on EPA sponsoring on-line forums or webinars to facilitate potential applicants' ability to develop partnerships with other organizations and communities to submit applications for ECJ Program grants? How else can EPA be helpful in facilitating these partnerships?

While webinars can be accessible, we believe the EPA needs to be interacting with Indigenous communities more often. For instance, just this past month NDN Collective attended the Reservation Economic Summit hosted by the National Center for American Indian Enterprise Development, where there is significant potential for the EPA to build relationships with Indigenous-led organizations and Tribes. We think it would be beneficial to have the EPA host Tribal and Indigenous specific events to build awareness and strengthen collaboration.

Technical Assistance Questions

- 1. What types of technical assistance would be most helpful to the ECJ Program's eligible entities to help those entities successfully perform the ECJ Program grants?**

The EPA should make resources flexible enough to support and advocate for self-learning, institutional knowledge, and long-term commitments to help establish experienced professionals and practitioners from the community to move project development forward. The

flexibility of these resources would further promote the tradition of self-determination for Indigenous Peoples and Tribal communities.

We know from extensive work in moving resources to Tribes and Indigenous communities that there are significant issues and gaps when it comes to moving large amounts of capital in Indian Country, and this must be acknowledged in the implementation of the Environmental and Climate Justice Program. On the one hand, there are billions of dollars in infrastructure needs left on the table every year and an estimated housing shortage of up to 250,000 units (a number that only includes housing on federally-recognized tribes, leaving out tribes that are still unrecognized by the U.S. government and does not acknowledge the dire need for rehabilitations to existing tribal housing). On the other hand, many Native Nations do not have access to existing grants or technical assistance in areas like the Department of Energy's Office that would support the strategic planning and development of renewable energy projects in Indian Country. Further, not all Nations have the physical, governmental, or organizational infrastructure to take on these funds. There is a lot of groundwork that needs to be done in our communities that is continuously overlooked by the federal government. EPA must work with Tribes and Indigenous-led organizations to create capacity for technical assistance for Tribal citizens and Indigenous peoples to understand and troubleshoot available grants, as well as invest in capacity to promote grant and funding opportunities in multiple languages and through various platforms. However, each federal agency must devote long-term resources and staff towards working one-on-one with individual Tribal Nations to help them achieve the institutional, legal, and human capital foundations to make the most out of future funding and capital opportunities. Tribes, Indigenous-led organizations, and entrepreneurs alike emphasize the dire need for deep and long-term capacity building services to do meaningful development. This improves our ability to make decisions that focus on smart innovation and growth to address issues affecting our world's climate.

2. Which types of organizations and institutions are best suited to provide technical assistance?

We recommend groups that are established in Indigenous and Tribal communities and/or who already work with Tribes to build climate adaptation and mitigation plans, such as the Institute for Tribal Environmental Professionals. There are over 100 Native financial institutions (including NCDFIs), thousands of non-tribally owned non-profits, economic development corporations, and other key Indigenous-led intermediaries that can help channel and manage resources, in order to help our communities and entrepreneurs make the best and highest use of the large influx of capital through the Environmental and Climate Justice Program.

General Comments

1. Besides the questions above, do you have any other comments on the design, structure, and/or implementation of the ECJ Program including your views on ways EPA can simplify the application process for applying for the ECJ Program grants?

Invest in building capacity and employment within Tribes to better understand how to build regenerative business plans and apply funding into climate resiliency. We believe that it is an issue of equity to distribute and channel resources to where they are needed most. Oftentimes, in Tribal communities and nations, non-Native agencies are hired to apply funding. If these proposals are passed and funding makes its way to Tribal Nations, departments and capacity must be built and filled by Native and Indigenous peoples who best understand the issues facing their people and communities.

Conclusion:

We want to recommend that the Environmental Protection Agency (EPA) be more inclusionary of Indigenous-led nonprofit organizations that provide economic assistance to Indigenous communities directly experiencing and combating climate change issues and implementing solutions for climate change mitigation and adaptation. While Tribal governments can offer and allocate grant-awarded monies to adopt clean energy and climate projects within their respective Tribal Nations, those same monies can also become hindered by a bureaucracy that can prevent truly effective measures from being implemented throughout those Tribal communities.

Indigenous-led nonprofits, being primarily removed from such governmental bureaucracy, can provide the most effective opportunity for successful external financing and leverage of private capital for clean energy and climate projects, particularly those that reduce greenhouse gas emissions in Tribal communities due to their ability to work directly with those communities in an expedited manner. We appreciate that the EPA has issued this RFI, and urge you to heed our input as well the input of Tribes, Indigenous communities, Indigenous led non-profits and financial institutions to design and implement the Environmental and Climate Justice Program in a manner that directly benefits low-income and disadvantaged communities.

Thank you for considering our comments on the development of this exciting new program. We look forward to working with you.

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