



NATIONAL
LABORATORY
OF THE ROCKIES

*State-Tribal Collaboration on Energy:
Government to Government
Best Practices*

February 24, 2026

Agenda

- 1 Introduction by National Laboratory of the Rockies (NLR)**
- 2 Darcie Houck, Commissioner California Public Utilities Commission**
- 3 Katie Sieben, Chair of the Minnesota Public Utilities Commission**
- 4 Pilar Thomas, Tribal Energy Consultant**
- 5 Q and A**
- 6 Additional Resources**

Welcome



Karlynn Cory, PI



Allison Smith,
Project Manager



Emma Berkow,
Researcher



Milana Pakes,
Researcher

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in coordination with the DOE's Office of Indian Energy*

National Laboratory of the Rockies (NLR)

We want to express our gratitude and acknowledge that the land our main campus is on in Golden, CO is the traditional and ancestral homelands of the Arapaho, Cheyenne, and Ute peoples.

We recognize and pay respect to the Indigenous peoples from our past, present, and future, and we are grateful to those who have been and continue to be stewards of this land.



NLR at a Glance

3,717 Workforce, including:

- 2,906 regular/limited term
- 454 contingent workers
- 193 postdoctoral researchers
- 100 graduate student interns
- 64 undergraduate student interns

—as of 10/1/2025

World-class research expertise in:

- Energy Systems Integration
- Transportation and Fuels
- Buildings and Industry

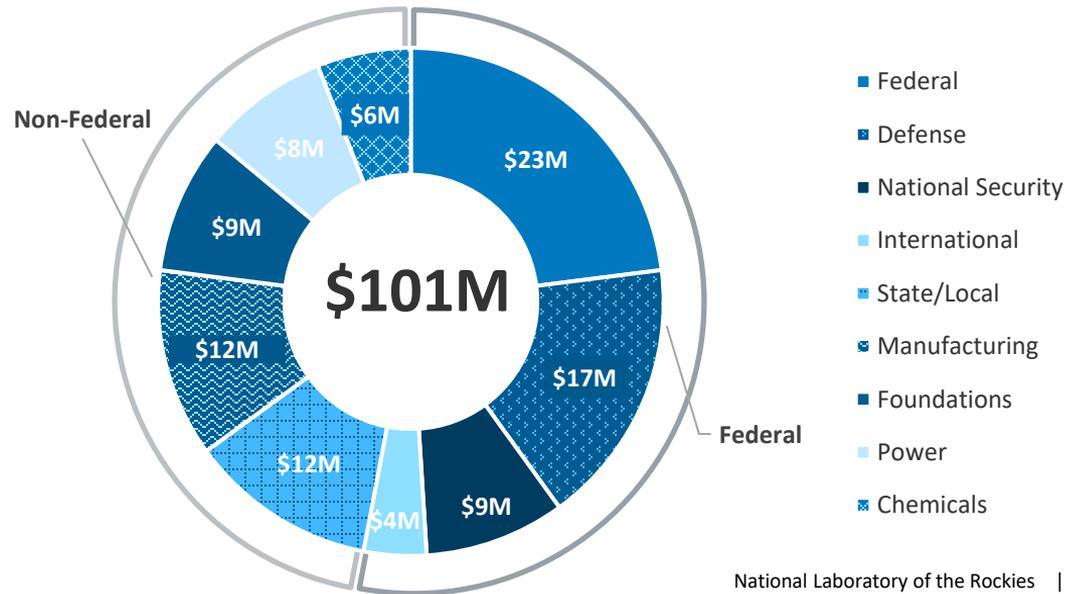
Partnerships with:

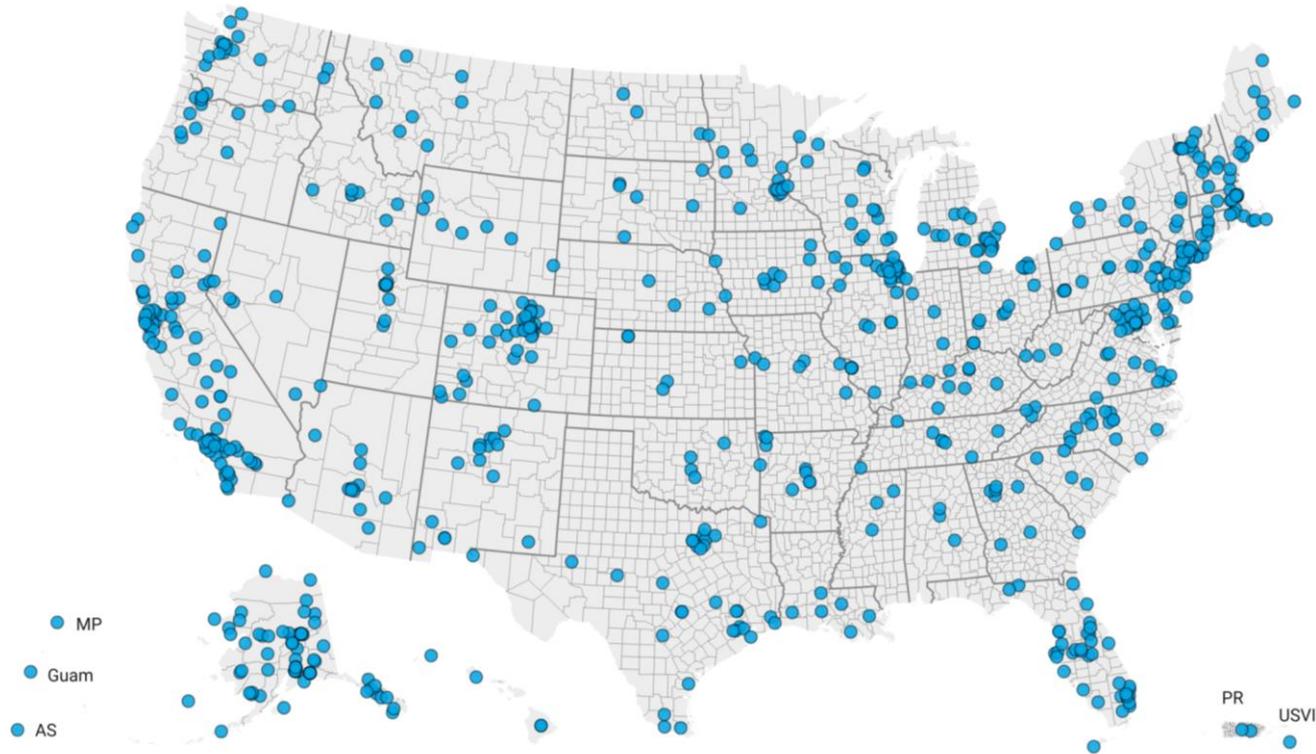
- Industry
- Academia
- Government

4 Campuses operate as living laboratories



FY 2025 Partner Bookings by Sector





NLR has partnered/supported **more than 3,000** communities, tribes, jurisdictions, utilities, and businesses to achieve their **energy goals** through planning, technical assistance, capacity building, workforce development, and more.



State-Tribal Energy Collaboration Project Goals

- Identify and answer key state questions about Tribes, Tribal energy support, and Tribal energy issues.
- Identify ways for state governments and Tribes to successfully collaborate on Tribal self-determined energy goals
- Publish 6 fact sheets, hold 5 webinars, and conduct 2 in-person trainings

State-Tribal Collaboration on Energy: Government to Government Best Practices

Commissioner Darcie L. Houck
February 24, 2026



California Public
Utilities Commission

About the CPUC



- The CPUC regulates investor-owned utilities, protects consumers, safeguards the environment, and assures Californians' access to safe and reliable utility infrastructure and services.
- The CPUC regulates the following industries:
 - Energy – Investor Owned Electricity & Natural Gas Utilities
 - Telecommunications – Broadband & Communications Providers
 - Transportation – Rail & Passenger Carrier Safety
 - Water – Investor Owned Water Utilities

Roles of the Commission in Energy



Ratesetting for Investor-Owned Utilities

- Reviews the costs of operating and maintaining the utility system and allocates costs across customer classes – this includes General Rate Cases and ratesetting proceedings.

Energy Infrastructure Planning

- Coordinates energy infrastructure and resource planning with California Energy Commission & California Independent System Operator. This includes both the transmission and distribution system.

Program Oversight

- Oversees utility administered programs for customers
 - Income Qualified Assistance Programs
 - California Alternate Rates for Energy (CARE)
 - Energy Savings Assistance (ESA)
 - Family Electric Rate Assistance (FERA)
 - Energy Efficiency
 - Building Decarbonization
 - Microgrid Incentive Program and SGIP

Tribal Consultation Policy (TCP) Overview



CPUC Tribal Consultation Policy approved in 2018, consistent with Executive Order B-10-11

- TCP Goals:
 - Respect Tribal sovereignty and protect Tribal cultural resources
 - Consider Tribal interests and facilitate Tribal government participation in CPUC proceedings and programs
 - Encourage investments by Tribal governments in renewables, storage, efficiency, and low-carbon transportation
- Role of Tribal Advisor:
 - Responsible for coordinating outreach, communication, education, and other activities affiliated with Tribal interests.
- Sets out Protocols for Consultation with Tribes

Proposed Tribal Consultation Policy Revisions

- Engage in “early, often, and meaningful” consultation.
 - "Early" means before Commission actions and Decisions have been made, and as early in the decision-making process as possible.
 - "Often" means the Commission will strive to build relationships with Tribes on an ongoing basis, before consultation is needed.
 - "Meaningful" consultation requires the Commission to understand, respect, and consider Tribal feedback.
- Commission will contact Tribes and may initiate Consultation if it determines an action has Tribal implications:
 - Impacts Tribal cultural resources, ancestral lands, sacred sites and landscapes, access and use of ancestral lands, ancestral land return, natural resources, economic development
- Commission will facilitate Tribal government participation in its programs and proceedings
 - Commission will Inform Tribes of available grants, subsidies, and incentives.
 - If a Tribe believes the TCP has not been followed, a written letter to the Executive Director will result in response and appropriate actions within 30 days.



Proposed Tribal Consultation Policy Revisions, Cont.

- Coordinated and consistent approach to Tribal Consultation across divisions (Energy, Communications, etc.)
 - Tribal Advisor (Governor-appointed)
 - Responsible for engaging with and assisting tribes.
 - Delegated authority to conduct Tribal Consultations
 - Division Liaisons
 - Coordinates information and engagement between Divisions and Tribal Advisor; support Tribal Advisor in relevant Tribal engagement
 - Public Advisor's Office
 - Support for Tribal Advisor and Tribes in understanding how to participate in Commission proceedings
 - Formal and Informal Consultation
 - **Informal:** Tribes are encouraged to reach out to the Office of Tribal Affairs; support from Division Liaisons and Public Advisors offer
 - **Formal:** Government-to-Government dialog between official representatives of a tribe and the Commission initiated via a formal request in writing to the Tribal Advisor, Executive Director, or Commissioner(s).



Tribal Land Transfer Policy (TLTP) Overview



CPUC Tribal Land Transfer Policy approved December 5, 2019

- TLTP Goals:
 - Respect Tribal sovereignty and protect Tribal cultural resources
 - Consider Tribal interests and facilitate the return of lands within a Tribe's ancestral territory
 - Facilitate notice and Tribal participation in matters involving Real Property transfers subject to PU Code Section 851.
- TLTP Procedure and Scope:
 - Prior to Investor-Owned Utility (IOU) disposition of real property, the IOU must first provide notice to Tribes and offer applicable Tribes the right to take or purchase the property.
 - Applies to IOU real property whose disposition is subject to approval by the Commission.

Proposed Tribal Land Transfer Policy Revisions

- Commission proposes revisions based on feedback from Tribes through consultations held in 2022-2025 and formal comments received:
 - Extend noticing period to 90-days during which the Tribe must express interest in a transaction before the IOU has satisfied its noticing responsibility.
 - Create Tribal ancestral territory overlay (as self-reported by Tribes) on maps of IOU property, as a tool for informing Tribes of opportunities.
 - Introduce quarterly meeting between IOUs and staff regarding compliance with TLTP
 - Create a uniform website for each IOUs' reporting real property dispositions and related outreach to Tribes.



Tribal Broadband Programs

- **Tribal Technical Assistance** - \$250K/year per Tribe for broadband-related studies, business plans, grant writing, consultants, administrative costs, and more.
- **California Advanced Services Fund**
 - **Broadband Infrastructure Grant Account** – hundreds of millions invested in broadband infrastructure since 2008 – currently considering two Tribal applications for \$25 million each.
 - **Tribal Broadband Consortia**
 - Now soliciting applications for Tribal Consortia, which will be Tribal entities or CBOs supporting Tribes applying for broadband funding.
 - Now soliciting proposals to host regional workshops to provide input on Tribal Consortia proposal and select Tribal Consortia for Northern, Central, and Southern California.
- **Federal Funding Account** – California has invested over \$1 billion since 2024 to serve unserved areas, including \$174 million to 9 Tribes for broadband networks.
- **Broadband Equity Access & Deployment** - California has proposed investing roughly \$1.6 billion to serve unserved areas, including two Tribal grantees and 4 more projects serving Tribal areas.
- **California LifeLine Program** – Up to \$64.25/month on Tribal land (California provides \$30/month for broadband and voice, federal provides \$9.25/month plus \$25/month on Tribal land).

Questions?





Tribal-State Relations in Minnesota

Commissioner Katie Sieben | Minnesota Public Utilities Commission

PUC Commissioners



Katie Sieben
(Chair)



Joseph Sullivan
(Vice-chair)



Hwikwon Ham

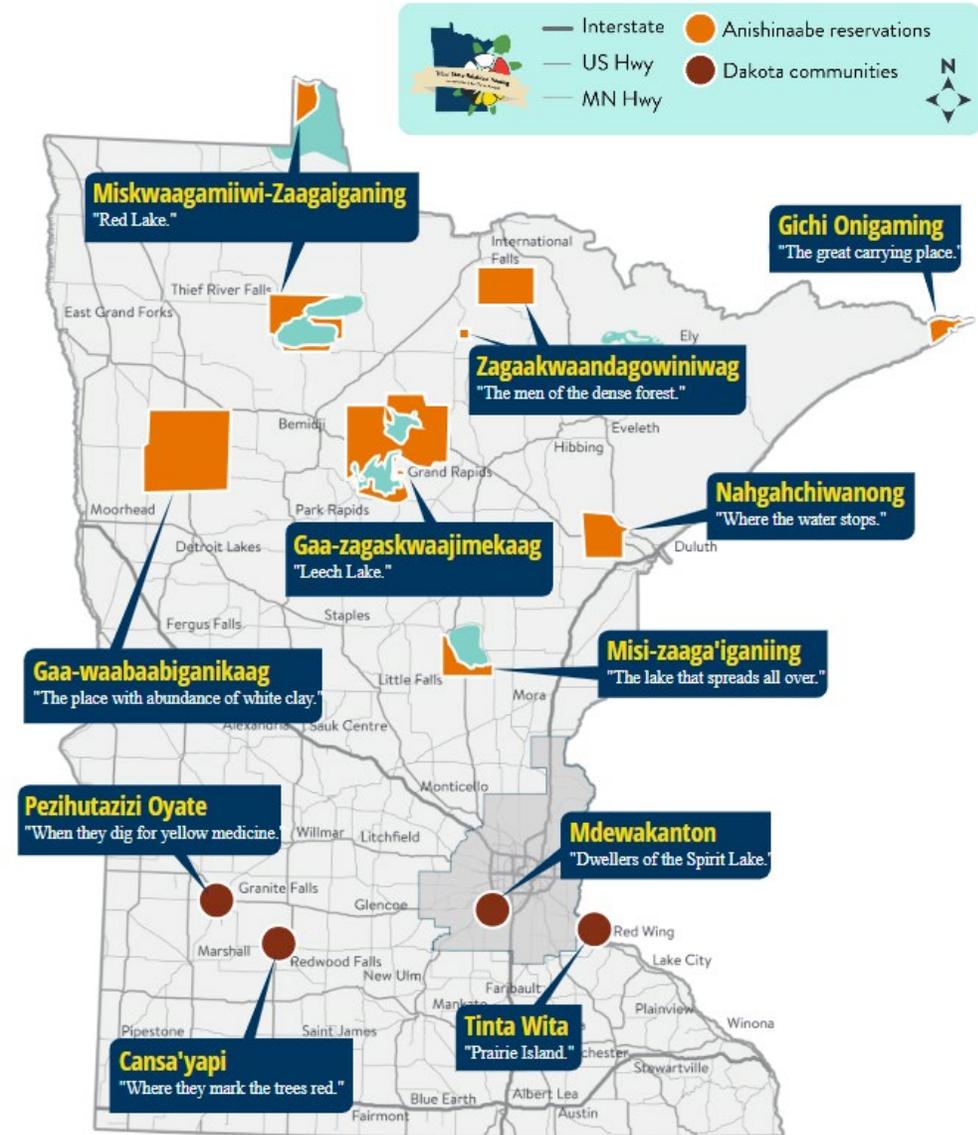


Audrey Partridge



John Tuma

11 federally-recognized Tribal nations share geography with Minnesota



Tribal relations history

-
- 2002** Gov. Ventura signs Executive Order 02-10 affirming government-to-government relationship between Tribes and Minnesota
 - 2003** Gov. Pawlenty signs Executive Order 03-05 continuing the order issued by Ventura
 - 2013** Gov. Dayton signs Executive Order 13-10 establishing tribal consultation expectations for cabinet agencies
 - 2019** Gov. Walz signs Executive Order 19-24 strengthening consultation requirements
 - 2019** PUC adopts its first Tribal Engagement & Consultation Policy
 - 2021** Legislature codifies tribal consultation requirements into law, MN Statute 10.65
 - 2024** PUC consultation codified in Minn. Stat. § 10.65
 - 2025** PUC formalizes guidance and expectations around Tribal engagement for permitting applicants
-

Minnesota Statute § 10.65

Government-to-Government Relationship With Tribal Governments

Subd. 1 (a): “The state of Minnesota acknowledges and supports the unique status of the Minnesota Tribes and their absolute right to existence, self-governance, and self-determination.”

Subd. 1 (d) requires “**timely and meaningful consultation** between the state of Minnesota and Minnesota Tribal governments.”

Subd. 2 (1) lists all State agencies that are subject to the law.

Subd. 3 describes the consultation duties of state agencies.



White Earth Consultation

The Public Utilities Commission's Tribal Engagement/Consultation Policy



Minnesota Public Utilities Commission Tribal Engagement/Consultation Policy

Policy Statement

The Minnesota Public Utilities Commission (Commission) seeks to foster and facilitate a positive government-to-government relationship with federally recognized Tribal Nations in Minnesota. The Commission acknowledges that we are on ancestral indigenous lands, and the continuing existence of colonialism. The Commission also acknowledges that the understanding of our place in history should inform our engagement with indigenous, sovereign Tribal Nations. The Commission strives to ensure tribal perspectives and tribal voices are incorporated into our processes.

Recognizing the unique legal relationship between the State of Minnesota and the Tribal Nations in Minnesota, the Commission requires, to the extent possible, that the principles outlined in this document be considered in matters affecting federally recognized Tribal Nations in Minnesota before the Commission. The policies in this document shall guide meaningful interaction between Tribal Nations in Minnesota and the Commission, to the extent possible under existing law.

A unique government-to-government relationship exists between federally recognized Tribal Nations in Minnesota, the State of Minnesota and the United States federal government. The U.S. Constitution, numerous treaties, statutes, Federal case law, regulations and executive orders, as well as political, legal, moral, and ethical principles have recognized the right of Tribal Nations to self-governance and self-determination. Tribal Nations exercise inherent sovereign powers over their members and territory.

Minn. Stat. § 10.65, *Government-to-Government Relationship with Tribal Governments*, recognizes the importance of the relationship between the State of Minnesota and Tribal Nations in Minnesota. The statute also describes consultation guidance and requirements the Commission is to follow in order to successfully engage with Tribal Nations in Minnesota.

The Commission also recognizes that some Tribal Nations which are not located in Minnesota may have historical, cultural, or treaty interests in the work of the Commission. While Minn.

PHONE 651-296-0406 • TOLL FREE 1-800-657-3782 • FAX 651-297-7073
121 7TH PLACE EAST • SUITE 350 • SAINT PAUL, MINNESOTA 55101-2147
MN.GOV/PUC

The Tribal Liaison Role



- Coordinates with Tribal staff and leaders to schedule a formal consultation meeting at least once per year
- Coordinates issue-specific consultation (requests from a Tribe to consult)
- Attends all consultations and keeps minutes and other records related to these meetings
- Point of contact for Tribal leaders and Tribal staff
- Participates in Tribal advocacy groups (TACE, MNTEC, and MIAC)
- Alerts Tribes about any proceedings that may impact them
- Serves as a resource for PUC staff and for Tribes



Tribal-State Relations Training

- 2-day in-person training and education for Minnesota state employees
- Topics include American Indian history, culture, Tribal government, Tribal law
- Tribes serve as hosts for trainings
- All State of Minnesota employees are encouraged to complete the training



Tribal perspectives help shape Commission decisions

- ✓ Suggesting alternative transmission line routes and pipeline routes
- ✓ Informing the PUC about TERO Offices and requesting that applicants use Tribal labor in project construction
- ✓ Explaining how the outcomes of a proceeding will impact Tribal communities
- ✓ Bringing forward issues of service quality
- ✓ Alerting PUC to significant cultural resources near a proposed energy project
- ✓ Informing commissioners about Tribal energy sovereignty efforts, successes, and challenges

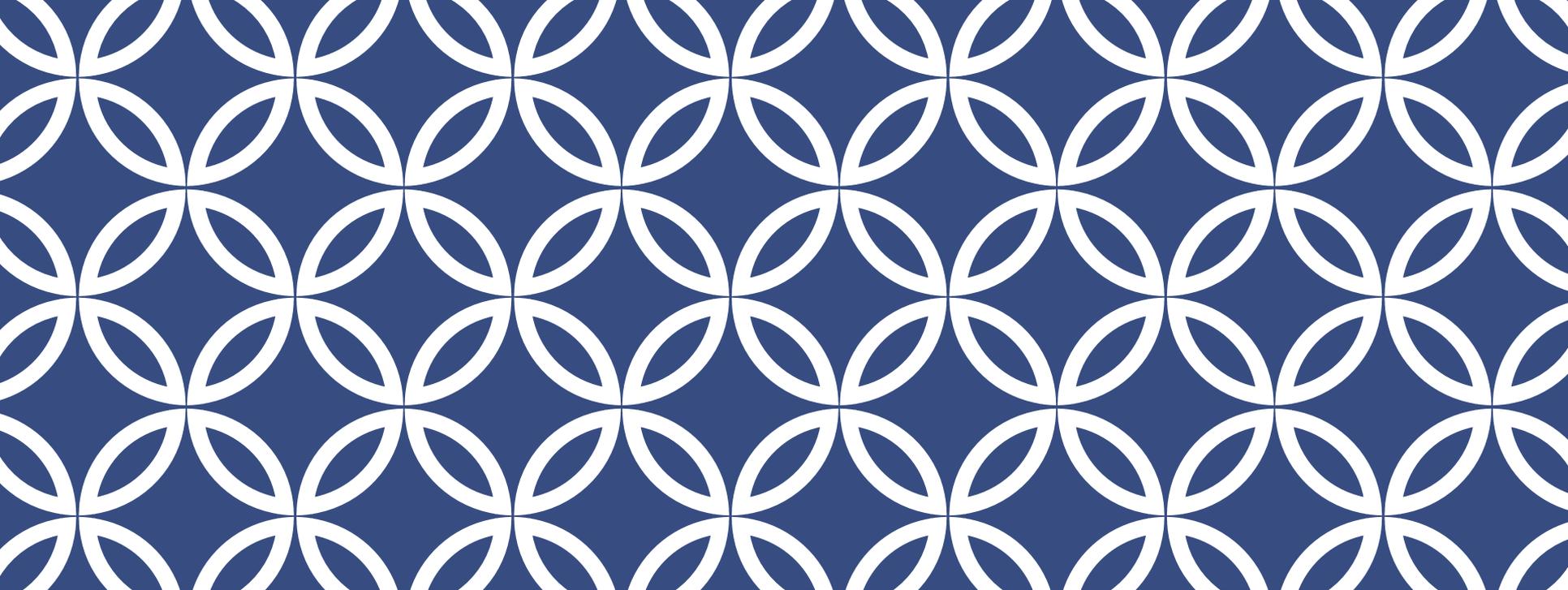
- 1.1 A bill for an act
1.2 relating to energy; exempting Tribal lands from provisions governing exclusive
1.3 service areas for electric utilities; amending Minnesota Statutes 2025 Supplement,
1.4 section 216B.40.
1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2025 Supplement, section 216B.40, is amended to read:
- 1.7 **216B.40 EXCLUSIVE SERVICE RIGHT; SERVICE EXTENSION.**
1.8 (a) Except as provided in sections [216B.42](#), [216B.421](#), and [216B.422](#), each electric
1.9 utility shall have the exclusive right to provide electric service at retail to each and every
1.10 present and future customer in its assigned service area and no electric utility shall render
1.11 or extend electric service at retail within the assigned service area of another electric utility
1.12 unless the electric utility consents thereto in writing; provided that any electric utility may
1.13 extend its facilities through the assigned service area of another electric utility if the extension
1.14 is necessary to facilitate the electric utility connecting its facilities or customers within its
1.15 own assigned service area.
1.16 (b) The exclusive rights and assigned service areas referenced in paragraph (a) do not
1.17 apply within the exterior boundaries of the 11 sovereign Indian nations in Minnesota
1.18 identified in section 10.65, subdivision 2.
- 1.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

Recent proceedings impacted by Tribal input

- Multiple siting and routing projects
 - Northland Reliability transmission project -> Tribes requested the applicant work with their TERO Office to include Tribal labor force
 - Mankato to Mississippi River transmission project -> route was modified to avoid Tribal residential development
- 2022: potential rulemaking for CO2 pipelines
- 2022: Big Bend Wind project
- 2024: Magellan pipeline reroute (open docket)



Thank You!



BEST PRACTICES IN STATE-TRIBE GOVERNMENT TO GOVERNMENT RELATIONSHIPS

National Laboratory of the
Rockies

February 24, 2026

DISCUSSION TOPICS

Background of Tribal Government Status

Modern History of Government to Government Relationship

Tribal-State Relationships

Federal Consultation Practices

State Consultation Practices – Examples

Major Benefits and Other Considerations

BACKGROUND OF TRIBAL GOVERNMENT STATUS

Inherent and Pre-existing sovereign rights and authorities

Extra-constitutional

Treaty and US Constitution based relationship

Political, not racial/minority, status

MODERN HISTORY OF GOVERNMENT TO GOVERNMENT RELATIONSHIPS

President Nixon's Special Message to Congress on Indian Affairs (1970)

- Rejection of termination policies and promotion of "self-determination"

Indian Education and Self-Determination Act (1975)

- Indian tribes contract with federal government to directly operate and administer federal programs, such as law enforcement, social services, education, health, natural resource management

President Reagan's EPA Tribal Policy (1984)

- Encourage the administration and operation of environmental programs by tribes on tribal lands

President Clinton's Executive Order 13175 on Government to Government Consultation (2000)

- Solidified consultation policies and practices across the federal agencies

Tribal-state relationships

- A checkered past, with many states still antagonistic to Indian tribes and interests

TRIBAL-STATE RELATIONSHIPS

30+ States with federally recognized tribes

Challenges vary

Early consultation adopters

- NM (2003), CA (2009)

Cooperative relationship examples:

- Child welfare
- Taxation
- Gaming
- Law enforcement

FEDERAL CONSULTATION PRACTICES

Fundamental Principles: protect and promote tribal sovereignty, self-determination and self-governance

Triggered when agencies act on “Policies that have tribal implications”

- regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Agency policies should grant tribes administrative flexibility, ability to set own standards for implementing programs, consult on federal standards that should apply to tribes

Federal agencies should implement specific consultation procedures – independent agencies encouraged to follow



STATE CONSULTATION PRACTICES — EXAMPLES

New Mexico

California

Minnesota

NEW MEXICO TRIBAL CONSULTATION

Governor Bill Richardson –

- 2003: Statement of Policy and Process – signed by Governor and Pueblos/Tribes
- 2005: Issued Executive Order 2005-004 “Statewide Adoption of Tribal Consultation Plans” direction state agencies to adopt consultation plans that address agency interaction with Pueblos and Tribes

State Tribal Collaboration Act, NMSA 11-18-1 (2009)

Department of Tribal Affairs (Cabinet Level) – responsible for oversight and implementation

NM STATE TRIBAL COLLABORATION ACT

Every state agency shall develop and implement a policy that:

- * promotes effective communication and collaboration between the state agency and Indian nations, tribes or pueblos;
- * promotes positive government-to-government relations between the state and Indian nations, tribes or pueblos;
- * promotes cultural competency in providing effective services to American Indians or Alaska Natives; and
- * establishes a method for notifying employees of the state agency of the provisions of the State-Tribal Collaboration Act and the policy that the state agency adopts pursuant to this section.

A state agency shall make a reasonable effort to collaborate with Indian nations, tribes or pueblos in the development and implementation of policies, agreements and programs of the state agency that directly affect American Indians or Alaska Natives.

Every state agency shall designate a tribal liaison

Conduct an annual summit with Pueblos and Tribes

Required training and annual report to Department of Indian Affairs

NEW MEXICO — ENERGY MINERALS DEPARTMENT

Key Principles:

- Recognize and respect tribal sovereignty
- Promote government to government relations
- Establish partnership and coordination
- Promote mutual resolution
- Utilize informal communications
- Cultural competency
- Confidentiality

<https://www.iad.nm.gov/wp-content/uploads/2019/11/EMNRD-Policy.pdf>

CALIFORNIA TRIBAL CONSULTATION

Governor Brown and Governor Newsom Executive Orders

- B-10-11 (Brown) – “every state agency and department subject to my executive control shall encourage communication and consultation with California Indian Tribes. Agencies and departments shall permit elected officials and other representatives of tribal governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities.”
- N-15-19 (Newsom)

California Environmental Quality Act (AB 52)

Office of Tribal Affairs (Secretary)

- Oversight, implementation of government to government policies

Applicable to relevant energy agencies

- Natural Resources
- California Energy Commission
- California Public Utility Commission

CA TRIBAL CONSULTATION - CPUC

General Principles:

- * Provide information about policies, technical assistance and grants
- * Develop intergovernmental cooperation with tribes
- * Consult on the development of policies
- * Provide information on hearings, proceedings and meetings
- * Legislative agenda that promotes health, safety and welfare of tribal communities
- * Improve relationships

<https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/news-and-outreach/documents/bco/tribal/tribal-consultation-policy-approved.pdf>

CA TRIBAL CONSULTATION — CEC

Actions that may require tribal consultation:

- * regulations, rules, policies
- * programs
- * local, regional, statewide planning efforts
- * environmental reviews
- * power plant siting and compliance activities

Creates tribal liaison

Outlines process for consultation

Requires staff training

<https://www.energy.ca.gov/sites/default/files/2024-03/CEC-130-2024-001.pdf>

CEC SPECIAL PROCEEDING — TRIBAL ENERGY SOVEREIGNTY

Opened a special proceeding (Docket # 25-OIIP-01) Order Instituting Informational Proceeding on Tribal Energy Sovereignty and Tribal Affairs

The OIIP will support gathering information, including for the following:

- Tribal consultation
- Tribal energy sovereignty
- Tribal cultural resource considerations regarding clean energy development
- Best practices for tribal energy grants, tribal energy equity indicators, and engaging with tribes on energy projects
- Tribal energy economy including tribal enterprise and workforce development.

This OIIP will inform CEC's tribal affairs program, including revisions to CEC's Tribal Consultation Policy, development of a CEC tribal energy sovereignty policy, best practices, and more.

MINNESOTA TRIBAL CONSULTATION

Legislation – Minn. Stat. § 10.65 – Government to Government Relationship with Tribal Governments (2025)

Established Tribal Advocacy Council on Energy (MN Department of Commerce) (2024)

MN PUC Tribal Consultation Policy (2019)

MN STATUTORY REQUIREMENTS

Duty to consult when tribal government implications:

“rules, legislative proposals, policy statements, or other actions that have substantial direct effects on one or more Minnesota Tribal governments, or on the distribution of power and responsibilities between the state and Minnesota Tribal government”

MN Agency Consultation Requirements:

- Develop consultation policy: when, where, how, who
- Conduct annual consultation
- Appoint tribal liaison
- Require employee consultation training

MN PUC TRIBAL CONSULTATION POLICY

General policies:

- * recognize unique legal relationship with tribes
- * recognize inherent sovereignty authority of tribes over members and territories
- * Engage in meaningful and timely consultation, while acknowledging quasi-judicial actions and legal limitations (such as ex parte communications)
- * Conduct annual consultation with tribes
- * Allows for specific issue consultation

Establish a consultation process

Improve engagement with tribes in disputed matters before the commission

Establish a tribal liaison, roles for commissioners and staff

https://mn.gov/puc/assets/Tribal%20Consultation_2024_Final%20with%20Signatures_tcm14-640720.pdf

MAJOR BENEFITS AND CONSIDERATIONS

Build on existing relationships

Model other co-regulatory mechanisms: health care, law enforcement, gaming

Promote cooperation and coordination rather than conflict and confusion

Engagement opportunities: training, cultural awareness, relationship building



QUESTIONS?

Additional Resources

- [State-Tribal Energy Collaboration website](#)
 - Recorded webinars
 - Energizing Together: Building State and Tribal Collaboration
 - State-Tribal Collaboration on Energy: Examples from Western States
 - Workshop materials
 - Fact sheets
 - State-Tribal Energy Collaboration 101
 - Tribal Right to Create Laws
 - State Role in Legal Framework
 - How Tribal Entities Govern Business and Commerce
 - Types of Tribal Land
 - Tribal Utility Programs

Final Webinar

- *State-Tribal Energy Collaboration: Introduction to Tribal Sovereignty and Governance*
- March 18 at 2-3 pm MT (4-5 pm ET)
- Featuring Tribal Energy Attorney Margie Schaff
- Register at this [link](#).



Thank you!

If you have additional
questions, please reach out to:
Karlynn.cory@nlr.gov
Allison.smith@nlr.gov

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