

Energy and Tribal Sovereignty: The Path for Tribes is Paved with Sovereign Actions

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APRIL 15, 2026

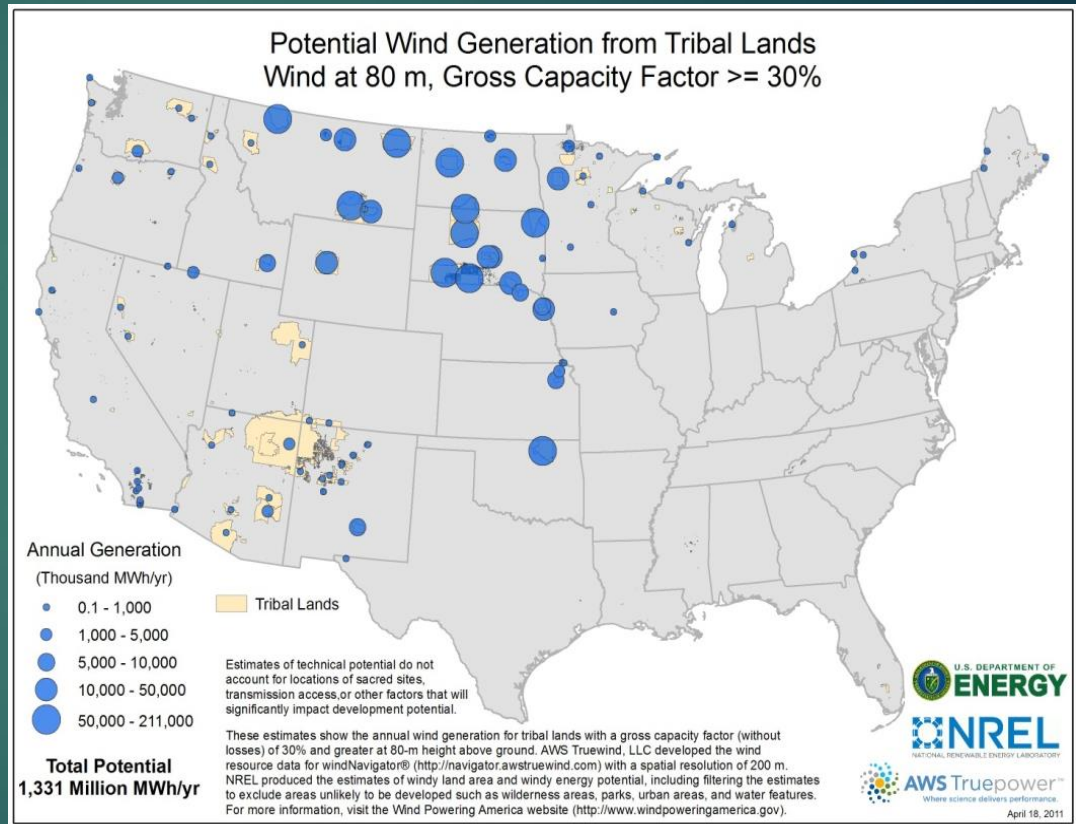
Summary of Tribal Renewable Energy Installed Capacity Potential (MW)

Resource	Installed Capacity	% of US
Solar PV	6,896,538 MW	4.5%
Solar CSP	1,818,185 MW	4.8%
Wind	374,505 MW	3.4%
Biomass	636 MW	.08%
Hydro	1,687 MW	2.8%
Geothermal	641 MW	2.1%
Total	9,855,444 MW	4.8%

Wind Potential on Indian Lands

- 370,200 MW (installed capacity)
- 1,331 million MWh (generation)
- 32% of US generation

Actual installed ~ 125 MW



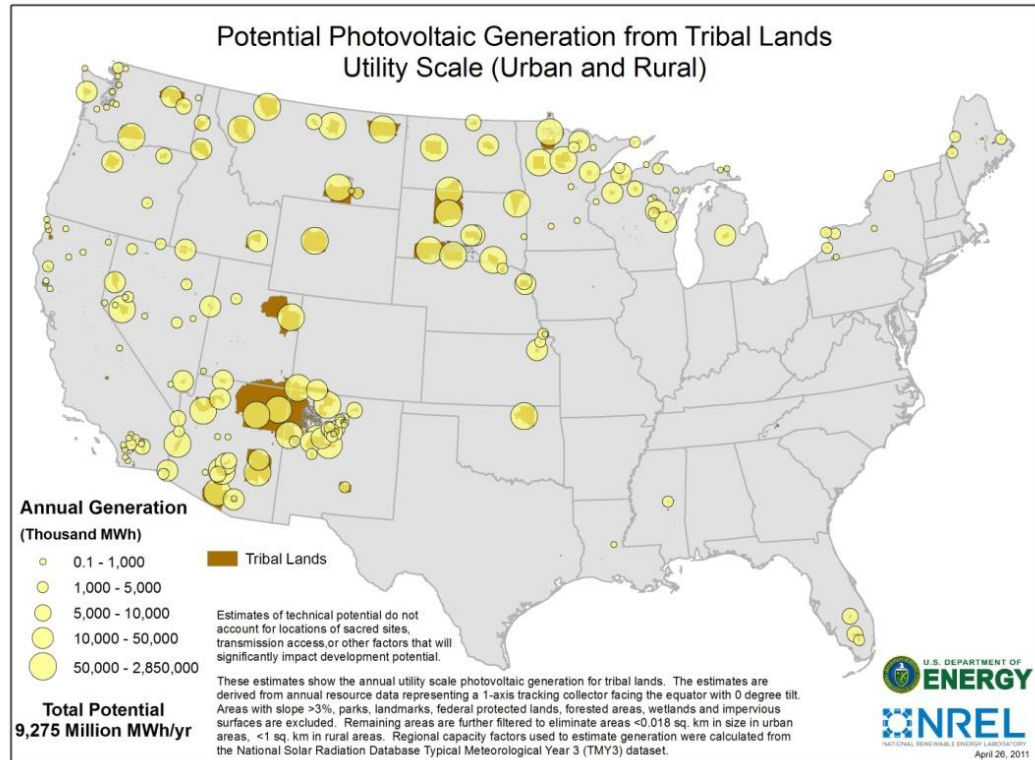
Source: U.S. Renewable Energy Technical Potentials: A GIS Based Analysis, National Renewable Energy Laboratory (2013)

Solar PV Potential on Indian Lands

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- 4.5 million MW (installed capacity)
- 9,275 million MWh (generation)
- 200% of US generation

Actual installed 1.2 GW



Source: U.S. Renewable Energy Technical Potentials: A GIS Based Analysis, National Renewable Energy Laboratory (2013)

Tribal Fossil Energy Resources

- ▶ Coal (30% of reserves west of Mississippi)
 - ▶ Navajo
 - ▶ Hopi
 - ▶ Crow
 - ▶ Northern Cheyenne
- ▶ Oil and Gas (20% of known reserves)
 - ▶ Southern Ute
 - ▶ Utah Ute
 - ▶ Three Affiliated Tribes (MHA)
 - ▶ Jicarilla Apache
 - ▶ Navajo
 - ▶ Osage
 - ▶ Alabama-Coushatta
- ▶ Other Potential Energy Resources Located on Indian Lands
 - ▶ Uranium
 - ▶ Helium
 - ▶ Hydrogen

Why Do Tribes Develop Their Energy Resources?

- ▶ Jobs
- ▶ Revenues
- ▶ Experience
- ▶ Cost savings / cost stabilization
- ▶ Energy reliability
- ▶ Self reliance
- ▶ Environmental sustainability
- ▶ Climate change mitigation, adaptation, resiliency

Potential Tribal Roles in Energy Development

- **Project Developer/ Operator**
- **Lender**
- **Investor**
- **Resource Owner (Royalties)**
- **Offtaker (power purchaser/user)**



Scale of Development Options

- ▶ Commercial/Utility Scale
 - ▶ Resource as a commodity
 - ▶ Generate revenue and jobs
- ▶ Community/facility scale
 - ▶ Resource as a public good
 - ▶ Cost savings, stabilization
- ▶ Resource Extraction

Legal / Regulatory Considerations

- ▶ Federal Jurisdiction
 - ▶ Control over Indian lands
 - ▶ Federal energy and environmental laws and regulations
 - ▶ Federal energy policies – administration and legislation
- ▶ State Jurisdiction – control over non-Indians, energy companies
 - ▶ Regulated utilities and energy development
 - ▶ Non-Indian entities
 - ▶ "off-reservation" portion of the project
- ▶ Tribal Jurisdiction – control over own development, use
 - ▶ Self-determination development authorities – HEARTH Act, TERAs, TEDOs, TAS
 - ▶ Unresolved authorities – state vs. tribal regulation of state regulated utilities

Current Federal Energy Policies

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▶ Trump Administration:

- ▶ "Unleashing American Energy" - emphasis on fossil fuels, nuclear, hydroelectric, geothermal; energy dominance
- ▶ Termination of clean energy related grants (EPA, DOE)
- ▶ DOI restrictions on solar and wind development on federal and tribal lands
- ▶ Revised DOI NEPA/NHPA for certain energy and mining projects

▶ Congress:

- ▶ Repeal of IRA and other clean energy and infrastructure funding
- ▶ Restriction of solar and wind tax credits

Key Federal Indian Energy Regulatory Laws

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- ▶ Oil, Gas, Geothermal, Mining
- ▶ Land Use Laws
- ▶ Tribal Energy Laws

State/Local Jurisdiction and Energy Policies

- ▶ Utility regulatory policies: tariffs, incentive programs, siting requirements, interconnection requirements, ratepayer programs (i.e., rooftop solar, community solar)
- ▶ Environmental protection: environmental impacts, wildlife, waters, health and safety
- ▶ Taxation policies: property, sales, excise taxes, tax credits/off-sets, taxes on tribal lands
- ▶ Zoning and permitting: local government

Tribal Laws and Policies

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- ▶ Legal Infrastructure
 - ▶ Leasing
 - ▶ Building Codes
 - ▶ Environmental Review and Protection
 - ▶ Labor and Employment
 - ▶ Taxation
 - ▶ Utility Codes
- ▶ Policies and Planning
- ▶ Environmental, cultural resource protections
- ▶ Community involvement
- ▶ Self-Perform
 - ▶ Utility ownership
 - ▶ Project ownership

Examples of Tribal Projects

- ▶ Moapa Band of Paiutes (NV)
 - ▶ Tribal Solar Capital – over 600 MW of solar hosted
 - ▶ LADWP and NV Energy as off-takers
- ▶ Navajo Nation (AZ)
 - ▶ NTUA solar energy development – 55 MW installed, 300 MW in development
 - ▶ Private solar energy development – individual homes
- ▶ Blue Lake Rancheria (CA)
 - ▶ Two Microgrid projects – 1 MW installed
- ▶ Jicarilla Apache (NM)
 - ▶ Tribal Utility
 - ▶ 30 MW Solar selling to Albuquerque

Summary of Key Opportunities for Tribal Sovereign Energy Development

- ▶ Ability to use own energy and other natural resources on own terms – for public good or for commercial use
- ▶ Control land use, taxation, labor, environmental review
- ▶ Regulate energy service providers and producers
- ▶ Avoid multiple layers of approvals for major projects (whether energy, industrial, data center, commercial)
- ▶ Foundational for community and economic development goals: jobs, revenue, lower cost energy
- ▶ Partnerships with developers, off-takers