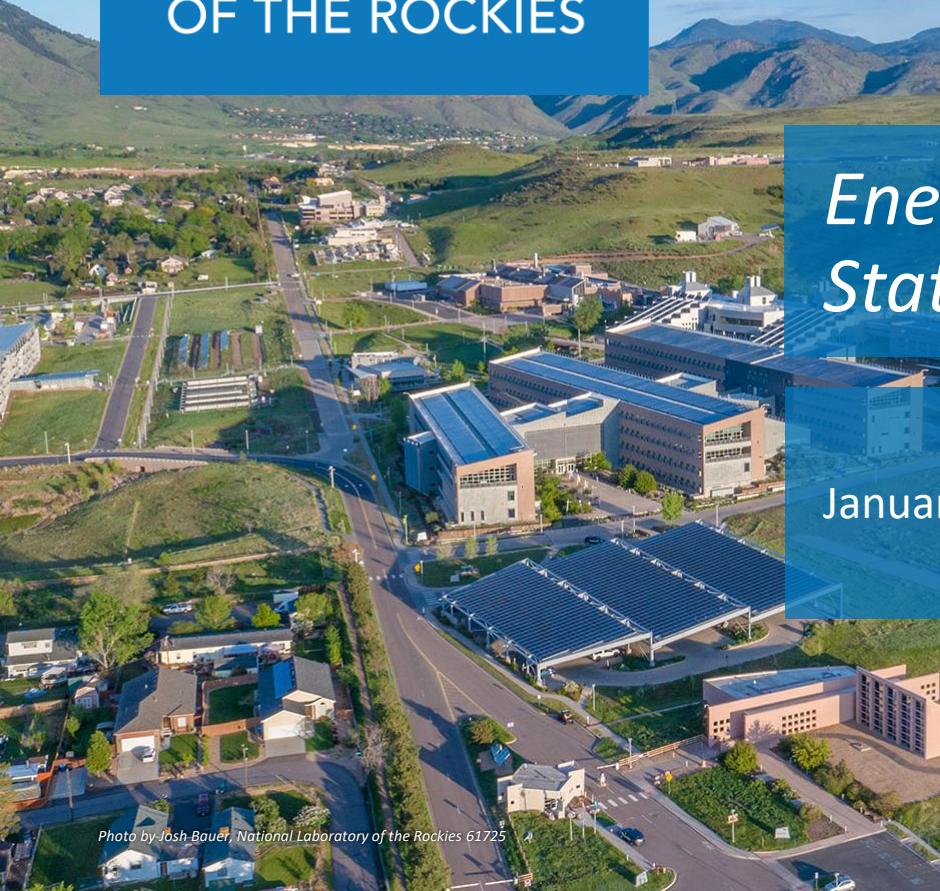


NATIONAL  
LABORATORY  
OF THE ROCKIES



*Energizing Together: Building  
State and Tribal Collaboration*

January 7, 2026

# Overview

- 1** **Introduction by National Lab of the Rockies (NLR)**
- 2** **Presentation by Dr. Crystal Miller (Walker River Paiute Tribe)**
- 3** **Presentation by Robert Blake (Red Lake Nation)**
- 4** **Presentation by Dr. Crystal Miller (Walker River Paiute Tribe)**
- 5** **Upcoming NLR Events**

# Welcome



Karlynn Cory, PI



Allison Smith,  
Project Manager



Emma Berkow,  
Researcher



Milana Pakes,  
Researcher

*Project funded by the Department of Energy (DOE)'s Office of Policy,  
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

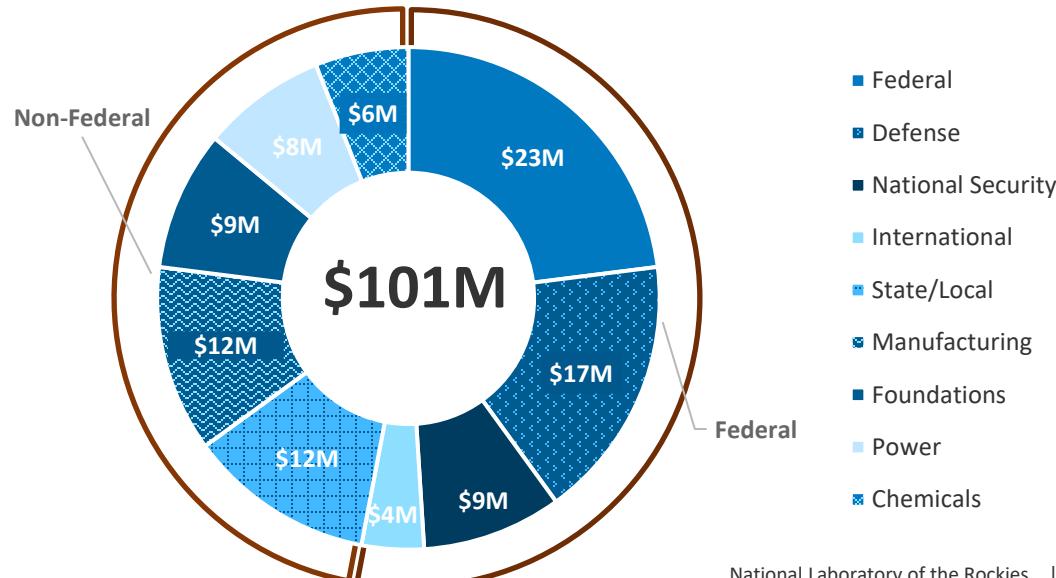
## Partnerships with:

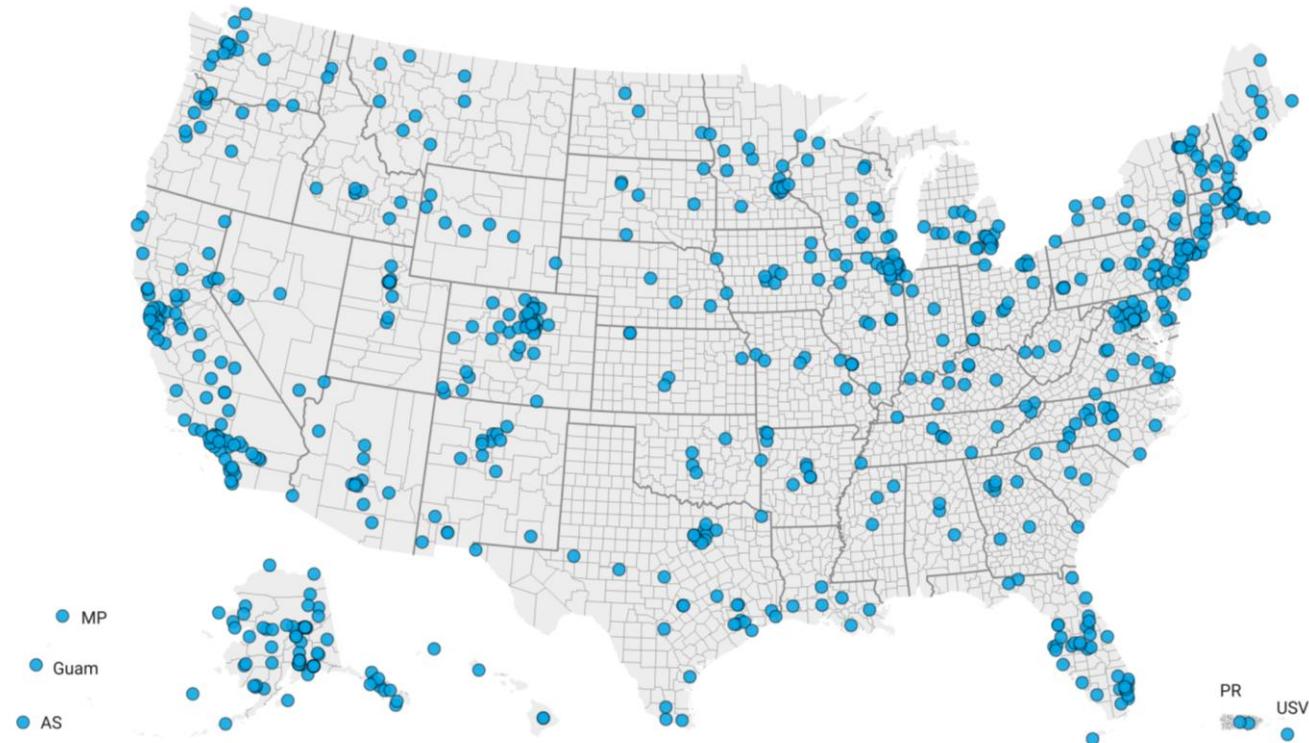
- Industry
- Academia
- Government

## 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 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 meetings

# Speakers



**Dr. Crystal Miller (Walker River Paiute Tribe)**  
Head of Policy and Government Relations  
Alliance for Tribal Clean Energy



**Robert Blake (Red Lake Nation)**  
Executive Director  
Native Sun Community Power Development



# Tribal Sovereignty 101: State – Tribal Relations

**Dr. Crystal Miller (Walker River Paiute Tribe), Head of Policy and Government Relations**  
Alliance for Tribal Clean Energy



# Who we are

The Alliance is a 501(c)(3) nonprofit organization founded in 2016 by Chéri Smith (*Mi'kmaq Descendant*), a clean energy veteran with more than 25 years of experience leading both public and private renewable energy development, policy, finance, workforce, and education initiatives.

Our highly qualified in-house team includes Indigenous and non-Indigenous subject matter experts in engineering, finance, law, installation, operations and maintenance, workforce development, and more.



# What we do

The mission of the Alliance is to support the self-determined efforts of Native American Tribes and Alaska Native Villages to transition toward clean energy systems – as a means to mitigate climate change, diminish poverty, and create thriving economies while protecting Mother Earth for future generations.



# How we do it

Starting with our Tribal Engagement team, the Alliance offers no-cost clean energy services to Tribes through four key pillars of support, built upon a strong and deep foundation of Native American cultural values.

# Alliance Four Key Pillars



**TECHNICAL  
ASSISTANCE &  
PROJECT FINANCE**

**ENERGY POLICY  
& GOVERNMENT  
RELATIONS**

**INFORMATION  
RESOURCES  
& EVENTS**

**EDUCATION &  
WORKFORCE  
DEVELOPMENT**



## WHAT IS TRIBAL SOVEREIGNTY?

Tribal sovereignty is the source of Tribal governmental authority.

- Tribes are inherent sovereigns.
- Tribal sovereignty predates the United States.
- Sovereignty is retained, not granted.
- Recognized in the Constitution, treaties, federal law, court decisions, and executive actions





# TRIBES ARE GOVERNMENTS, NOT STAKEHOLDERS

Tribes engage with the United States as governments, not interest groups.

- Tribes are domestic dependent nations.
- Tribes are NOT subordinate to states.
- The U.S.-Tribal relationship is Government-to-Government.
- States have no authority over Tribes unless Congress explicitly authorizes it.





# THE RIGHT TO GOVERN

Tribal sovereignty includes the inherent governing authority to:

- Determine their form of government
- Define citizenship
- Make and enforce laws
- Operate courts and police
- Tax and regulate land use
- Protect culture and sacred sites
- Establish enterprises, utilities, and regulatory systems





## TRIBAL LAW IS REAL LAW

Common Tribal codes, which are enforced through Tribal institutions and courts, include:

- Trespass
- Child welfare
- Land use and zoning
- Environmental protection
- Cultural resource protection
- Business licensing and taxation
- Franchise and utility regulation





# FRANCHISE CODES & RIGHT-OF-WAY

Tribal law encompasses utilities and infrastructure regulation.

Tribes regulate utilities through **franchise codes**.

Franchise codes can require:

- Fees
- Consumer protections
- Emergency response standards
- Rights-of-way do **not** transfer jurisdiction

Tribal consent is required.





# WHY LAND STATUS MATTERS

Jurisdiction depends on land status.

Types of Indian land include:

- Tribal trust land
- Individual trust land
- Fee land
- Restricted fee land
- Allotted land

Land status determines:

- Civil jurisdiction
- Criminal jurisdiction
- Tax authority
- Zoning and regulation



# CHECKERBOARDING

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- Result of federal allotment process policies
- Creates fragmented land ownership
- Limits governance and enforcement
- Complicates utilities, infrastructure, and services





## HOW TRIBES GOVERN BUSINESS AND COMMERCE

Tribes may operate through:

- Tribal government entities
- Section 17 corporations
- Tribally chartered corporations
- Tribal LLCs
- Utility and regulatory authorities

... all governed under Tribal law and federal Indian law.

# TRIBAL UTILITIES AND REGULATORY AUTHORITY

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- Tribes can create utility authorities
- Regulate utilities on Tribal lands
- Negotiate directly with utilities
- Establish consumer protections
- Use Section 638 contracts for infrastructure control



# TRIBAL SOVEREIGNTY IS REAL AND INHERENT

Sovereignty is exercised through:

- Law
- Land
- Institutions
- Enforcement
- Cooperation with states is voluntary
- Consent can be withdrawn





## KEY TAKEAWAYS

- Tribes are governments.
- Tribal law must be respected.
- Land status drives jurisdiction.
- State authority is limited.
- Sovereignty is active and ongoing.



# Tribal Advocacy Council on Energy (TACE)

*Native Sun Community Power Development*

*Robert Blake*

# An example for Tribes in all states

- TACE is a first of its kind organization
- Unites all 11 Tribal Nations on energy within the state of Minnesota
- A structure that can leverage Tribal leadership and sovereignty

# History of TACE

- 2019 Executive order by Governor of MN
- 2020 MIAC resolution for TACE
- 2023 MN Legislature funds TACE for \$300k
- 2025 TACE holds its first  
“Tribal Energy Forum”



**BE IT FINALLY RESOLVED**, that the Minnesota Indian Affairs Council supports a Tribal Energy Council, with representation appointed by each of the eleven Tribal Governments, to be developed and led by tribally appointed representatives

**CERTIFICATION:** We do hereby certify that the foregoing resolution was duly presented and acted upon by a vote of 8 For, 0 Against, 0 Silent at Regular Meeting of the Minnesota Indian Affairs Council, a quorum present, held on November 10, 2020 at Grand Portage, MN.

Robert. L Larsen, Chairman  
Minnesota Indian Affairs Council

Shelley Buck, Vice Chairwoman  
Minnesota Indian Affairs Council

# TACE August 2025 Strategic Planning Session

## Key Themes

Tribal energy sovereignty is at the forefront of everything we do.

We have a collective voice, with individual needs for tribes.

It is important to provide education on sovereignty and be a resource for individual tribes.

## Three Year Goals

- Establish a sustainable organizational model including funding and staffing to ensure TACE's continuity, autonomy and effective leadership.
- Promote Tribal energy independence by offering resources and assistance that build capacity to advance sovereignty.
- Establish TACE as a primary authority and educational resource to support Tribal nations in achieving energy sovereignty through guidance, expertise, and capacity-building for sustainable energy solutions.

# TACE Tribal Energy Forum

- Held in September of 2025
- 100s of Tribal representatives participated
- Sessions on Tribal utilities, Native workforce development, electric transportation on Tribal lands



# TACE Supports Collective Tribal Energy Innovation

## Foster the Establishment of Tribal Utilities

Brings Tribal Nations:

- Share of utility revenue
- Native workforce development
- Fair pricing to Tribal Nations
- A complete contrast with historical relationships with utilities

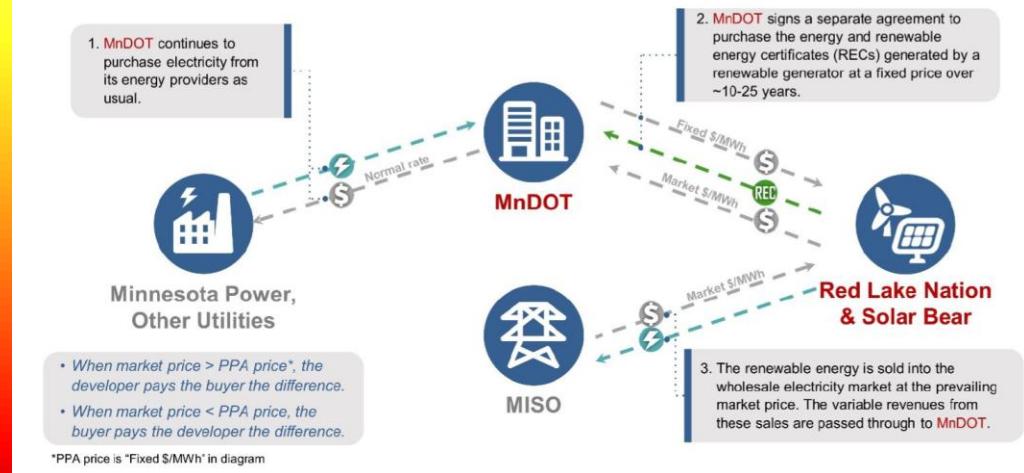


# TACE Supports Collective Tribal Energy Innovation

## Implement Virtual Power Purchase Agreements (VPPAs)

Use collective solar deployments of Tribal Nations to generate revenue and help offset emissions anywhere in a state

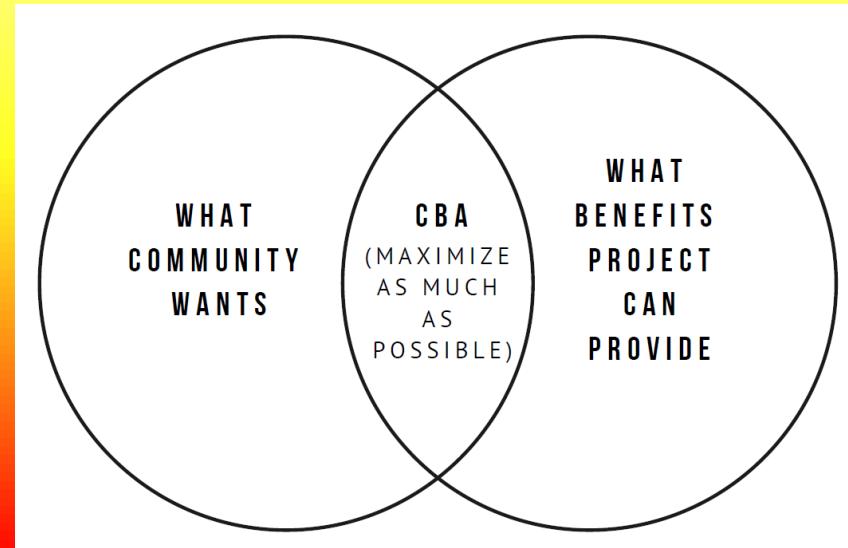
In a virtual power purchase agreement (VPPA), a buyer enables a large-scale project without using the generated electricity



# TACE Supports Collective Tribal Energy Innovation

## Establish Community Benefits Agreements for Renewable Energy

Tribes should be able to maximize the benefits they receive from the development of renewable energy on Tribal Land



# TACE Supports Collective Tribal Energy Innovation

**Connect Tribal Nations  
with Electric  
Transportation**

Help build future  
transportation infrastructure  
for Tribal Nations, much like  
Electric Nation





# Questions?

**Robert Blake**

*Executive Director*

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NATIVE SUN  
COMMUNITY  
POWER  
DEVELOPMENT



# The Role of States in the Legal Framework

**Dr. Crystal Miller (Walker River Paiute Tribe)**, Head of Policy and Government Relations  
Alliance for Tribal Clean Energy



## STATES AND TRIBAL PRESENCE

Tribal presence exists across the United States, *regardless* of recognition status.

36 states have federally recognized Tribes.

States with the most Tribes:

- Alaska (229)
- California (109)

States without federally recognized Tribes:

Arkansas, Delaware, Georgia, Hawaii, Kentucky, Maryland, Missouri, New Hampshire, New Jersey, Ohio, Pennsylvania, Vermont, West Virginia





# RECOGNITION vs. PRESENCE

What this means in practice:

- The absence of federally recognized Tribes does not mean the absence of Tribal peoples or Tribal land relationships.
- Tribal relationships to land predate states.
- Ethical and policy responsibility to engage respectfully exists in all states.
- Sovereignty is not erased by recognition status.





## WHAT THE LAW SAYS (AND DOESN'T SAY)

- Tribal sovereignty is recognized by:
  - The U.S. Constitution
  - Treaties
  - Federal law (which also establishes the baseline for state authority over Tribes)
  - Supreme Court precedent
- Tribes are exempt from state law unless Congress says otherwise.
- No federal statute dictates how states and Tribes must interact.
- *Result:* State-Tribal relations have evolved unevenly, often through litigation.





## HOW STATES AND TRIBES HAVE INTERACTED HISTORICALLY

In the absence of clear federal direction, state-Tribal relations evolved unevenly with jurisdictional conflict being the primary source of tension.

Some cooperation emerged around:

- Regulatory functions
- Taxation
- Service delivery

Beginning in the 1980s, states started to explore intergovernmental agreements with Tribal governments.





# STATE – TRIBAL AGREEMENTS AS A POLICY TOOL

Many states now use:

- Executive orders
- Legislation
- Formal consultation policies

These agreements:

- Acknowledge Tribal sovereignty
- Affirm government-to-government relations
- Establish procedures for engagement

***Important Key Point:*** These agreements do not grant or create Tribal sovereignty, they recognize it.





## EXAMPLE: WASHINGTON'S CENTENNIAL ACCORD

- Signed in 1989 with 26 Tribes

### Recognized:

- Sovereignty of the state and Tribes
- Government-to-government relationship

- Established formal engagement procedures

### Other states with similar policies:

- Arizona, New Mexico, Utah, Oklahoma
- Nebraska, Oregon, North Dakota
- Mississippi, Michigan, Alaska, Minnesota





## WHY THESE AGREEMENTS MATTER

Tribes increasingly exercise political and legal authority.

Agreements written with Tribal input:

- Reduce conflict
- Improve outcomes
- Create durable working relationships

Poorly written agreements can undermine sovereignty.





# WHAT STATES CANNOT DO

(absent explicit congressional authorization or Tribal consent)

## States CANNOT:

- Condemn or require use of Tribal lands
- Exert zoning authority over Tribal lands
- Impose state environmental or permitting regimes on trust land
- Require state environmental review in Indian Country
- Tax Tribes or Indians on reservation lands
- Regulate Tribal utilities or infrastructure without consent
- Interfere in Tribal elections or internal governance
- Determine eligibility for Tribal programs



# CRIMINAL AND REGULATORY LIMITS

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States generally cannot:

- Prosecute Tribal members for crimes in Indian Country  
*(exceptions exist under federal law or specific agreements)*
- Regulate activity on trust land absent:
  - Congressional authorization, or
  - Tribal consent
- Key point: State authority is limited and conditional, not inherent.





## WHERE STATES DO HAVE A ROLE

Any state role in Indian Country is discretionary and consent-based.

States can:

- Enter into agreements at Tribal discretion
- Support Tribal governance and planning
- Coordinate where jurisdictions overlap
- Respect Tribal law and institutions
- Avoid creating regulatory barriers

# SUPPORTING TRIBAL ENERGY SOVEREIGNTY (STATE ROLE)

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States can:

- Formally acknowledge Tribal sovereignty
- Direct utilities to work directly with Tribes
- Clarify that PUCs lack authority on Tribal lands
- Invite Tribes into relevant state processes
- Offer government-to-government consultation early
- Incorporate Tribal energy plans into state planning



# PLANNING, PERMITTING AND INFRASTRUCTURE

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In practice, respectful State coordination should:

- Seek Tribal input in generation and transmission siting
- Coordinate, not override, Tribal land use authority
- Avoid roadblocks to Tribal interconnection
- Provide exemptions or carve-outs acknowledging Tribal jurisdiction
- Recognize Tribal utilities as governmental entities

# FUNDING, PROGRAMS AND EQUITY

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Program design and eligibility decisions directly affect Tribal sovereignty, therefore States should:

- Allow Tribes to apply directly for funding
- Avoid forcing Tribal partnerships with counties or agencies
- Ensure Tribal eligibility in grant programs
- Track Tribal participation data
- Address structural barriers tied to trust land status

# LOW-INCOME ENERGY PROGRAMS

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Program design choices can either support or undermine Tribal self-determination. States can:

- Ensure Tribal inclusion in programs like LIHEAP, CARE, weatherization
- Allow Tribes to administer their own programs
- Remove barriers for trust land residents
- Adapt programs for:
  - Off-grid communities
  - Remote locations
  - Tribal utilities
- Consult Tribes on program design



## KEY TAKEAWAYS

- Tribes are sovereign governments.
- State authority is limited by law.
- Cooperation is voluntary and consent-based.
- Tribal law and land status matter.
- Respectful engagement strengthens outcomes for all.



# Our Guiding Principle: *Etuaptmumk*



The Alliance for Tribal Clean Energy was founded on a guiding principle of the Mi'kmaq that is defined by one word: **Etuaptmumk**.

Translated to English, Etuaptmumk means "**Two-Eyed Seeing**" – the willingness to see from one eye the strengths of Indigenous wisdom and knowledge and, from the other eye, the strengths of Western knowledge and technology. This is a concept that our founder's Mi'kmaw ancestors have applied to daily life since first contact with European settlers, recognizing that if they were to have successful and beneficial relationships with settlers, rather than conflict, they must espouse an attitude of cooperation and respect for different perspectives – both for their own survival and to protect Mother Earth.

Our organization embodies this way of thinking in the way we are a team of Indigenous and non-Indigenous people united in our beliefs, our desire to support the self-determination and sovereignty of Native Americans, and our collective understanding that traditional Indigenous knowledge and ways of knowing have a profound and long-established understanding of the value of collaboration and appreciation of differences. We believe that cooperation, communication, and collaboration between Native and non-Native people is essential for a just transition – and for the very survival of Indigenous Peoples ... and all people.



# Wela'lioq! (Thank You!)



**Connect with us!**

[policy@tribalcleanenergy.org](mailto:policy@tribalcleanenergy.org)  
[crystal@tribalcleanenergy.org](mailto:crystal@tribalcleanenergy.org)



@tribalcleanenergy



@tribalcleanenergy



AllianceforTribalCleanEnergy



tribalcleanenergy.org

# NLR Upcoming State-Tribal Webinars

Please register in advance!

## **State-Tribal Collaboration on Energy: Examples From Western States**

*Jan. 15, 2026, 10–11:30 a.m. MT*

This webinar will feature presentations by Catherine Zingg of Tribal Energy Alternatives and representatives of the California Energy Commission. They will share insights on policies and best practices in the Western states that support collaboration between states and Tribes.

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

*Feb. 24, 11 a.m.–12:30 p.m. MT*

Join us to learn more about best practices for government-to-government relations and hear from states implementing Tribal consultation policies, featuring Tribal Energy Consultant Pilar Thomas, Minnesota Public Utility Commissioner Katie Sieben, Minnesota Public Utility Commission Tribal Liaison Angie McKinley, and California Public Utilities Commissioner Darcie Houck.

<https://www.nrel.gov/state-local-tribal/tribal-energy-collaboration>

# NLR Upcoming State-Tribal In-Person Workshops

Free to Register!

## NLR's Golden, Colorado Campus

*Jan 21 – all day*

*Jan 22 – morning*

*There will be a free, optional NLR campus tour from 2-3:30 pm MT on January 22<sup>nd</sup>*

## Washington DC Area

*Feb 2<sup>nd</sup> 1-5 pm ET NASEO offices (Arlington, VA)*

*Feb 3<sup>rd</sup> 9 am – 1 pm ET at the Fairmont Hotel*

*The 2<sup>nd</sup> day is co-located with the NASEO Energy Policy Outlook Conf.*

**Travel Stipends Available for State Staff, to either workshop!  
Both workshops will cover the same materials**

<https://www.nrel.gov/state-local-tribal/tribal-energy-collaboration-workshop>



## Q & A

If you have additional questions,  
please reach out to:

[Karlynn.cory@nrel.gov](mailto:Karlynn.cory@nrel.gov)

[Allison.smith@nrel.gov](mailto:Allison.smith@nrel.gov)

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