

DOCKETED	
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Project Title:	Equitable Building Decarbonization Program
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Document Title:	Tribal Energy & Climate Collaborative Comments - Equitable Building Decarbonization Tribal Direct Install Program
Description:	Comments regarding the EBD Tribal Direct Install Program draft guidelines from the Tribal Energy & Climate Collaborative. CEC staff received comments and are submitting to the docket on behalf of TECC.
Filer:	Monica Steele
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October 17, 2025

To: California Energy Commission

From: SCTCA Tribal Energy & Climate Collaborative

Re: Equitable Building Decarbonization Tribal Direct Install Program Draft Guidelines

Honorable Commissioners,

The Southern California Tribal Chairmen's Association (SCTCA) Tribal Energy & Climate Collaborative (TECC) appreciates the efforts of the California Energy Commission (CEC) to design and deploy a successful Equitable Building Decarbonization (EBD) Tribal Direct Install Program. SCTCA is a multi-service nonprofit corporation established in 1972 to represent the interests and address the needs of a consortium of 25 federally recognized Native American Tribes in Southern California. TECC was formed in 2023 to identify and advance the climate, energy, and related economic and workforce development goals of SCTCA Member Tribes. TECC's primary programs include Capacity Building and Technical Assistance, Economic and Workforce Development, and Policy and Regulatory Advocacy. TECC's programming includes statewide efforts such as its bi-monthly Tribal Energy & Climate eXchange (TECC-X) meetings, monthly Advancing Tribes Interests at the CPUC training webinars, and Tribal technical assistance for Communities in Charge Round 4 (via TECC partner Prosper Sustainably). TECC Co-Directors and partners led the California Tribal Gap Analysis project.¹ In addition, TECC is a Tribal outreach subcontractor under Los Angeles County for the Southern California Equitable Building Decarbonization Program.

TECC respectfully submits the following comments on the EBD Tribal Direct Install Program Draft Guidelines issued by the CEC on September 5, 2025:

A. The Program Implementer should be contracted before the Tribal application period opens. CEC should seek to execute a contract for the Program Implementer at least three months prior to opening the initial application period for the Tribal grants for two reasons. First, the Tribal EBD Program will have much greater success in recruiting Tribes to apply for the EBD program if the CEC is supported by an experienced, trusted Tribal partner organization on grant opportunity outreach and engagement. A Program Implementer with

¹ <https://caltribalgapanalysis.org/>



the right experience, and who Tribes trust to understand and represent their interests, will be able to identify and communicate key requirements and benefits, as well as potential challenges that Tribes will want to evaluate in considering whether and how to participate. Second, Nonimplementing Tribes (i.e. Tribes that apply to receive funds from a third-party implementer) will not want to wait any longer than Implementing Tribes to proceed with implementation. Based on our experience with State request for proposals (RFPs) and contracting processes, it will take 3 to 6 months following the conclusion of the Program Implementer RFP to get a Program Implementer under contract. The Program Implementer will then need at least 3 to 6 months to ramp up with capabilities to serve any of the Tribal grantees. That means the Program Implementer may be unable to start implementation activities with any Tribes until over a year after those Tribes have submitted their applications. The CEC should strive to ensure that Program implementation for Implementing Tribes and Nonimplementing Tribes begins at the same time, otherwise Nonimplementing Tribes may become frustrated and may even lose interest in participating in the Tribal EBD Program.

B. Administrative Costs, as defined, should not be capped at 10%. The Statewide program includes three regions covered by a \$567 million budget. Each Region has a significantly higher total budget and administrative budget to cover a limited portion of the State, with a lot of their programming being concentrated in urban and densely populated areas. The Tribal EBD Program budget, on the other hand, has a much lower total budget covering remote, rural, and scattered Tribal communities and homes spanning the entire State. The Tribal EBD Program will not benefit from the larger budget or economies of scale enjoyed by the Statewide Regional EBD Program Implementers. It will take significantly greater effort to coordinate the Program among widely dispersed Tribes and the homes their members reside in.² It will also take a significantly greater effort to recruit, negotiate, and execute agreements with contractors to serve Tribal communities and Tribal members scattered across the State. The Administrative Costs, as defined, will be substantially higher per dollar spent on Project Costs and Projects-Related Costs, as defined, and per home served, relative to the Statewide Regional EBD Program. TECC recommends that the description of Administrative Costs be limited to only cost associated with administering the contract for the Program Implementer and administering the grant for the Implementing

² Per the Draft Guidelines, a primary residence includes one "Owned by an enrolled member of a California Native American tribe who resides in California." A member of a Tribe may own a home anywhere in the State, including on the opposite end of the State from where their Tribe's reservation is located.



Tribes, including reporting and program coordination solely with the CEC. Alternatively (and preferably), the Administrative Costs can be redefined as only covering Indirect Costs with a 10% cap (although both the CEC and federal government increased the de minimis Indirect Cost rate to 15%, which would be more appropriate) with no budget caps placed on any eligible direct costs.

C. The Program Implementer must work with and through each participating Tribal Government and Tribal Organization. California Native American Tribal governments and organizations will apply for the Tribal EBD Program grants and, even as Nonimplementing Tribes, will have sole responsibility for identifying and selecting the homes that will be served by the program. The Program Implementer cannot and should not directly recruit and work with Tribal members or residents, unless and until authorized by the appropriate Tribal government or organization. The Program Implementer should then continue working closely with the Tribe in implementing each project, or as closely as desired by that Tribe. Participating in the Tribal EBD Program will cost Nonimplementing Tribal governments and organizations time, effort, and resources. The Program should provide some compensation for Nonimplementing Tribes to participate, particularly those with limited resources. To avoid additional administrative requirements and burden, this could be issued in the form of stipends for completion of certain activities or milestones. The stipend amount can be set and paid out per participating home.

D. The Direct Grants should flow through the Program Implementer. The CEC should consider having the Program Implementer award grants to Implementing Tribes in addition to administering the funding awards for the Nonimplementing Tribes. This approach will allow the CEC to contract Program Implementer before issuing the Tribal grants solicitation and provide a more certain budget for the Program Implementer.

E. Respect the sovereign jurisdictional authority of Tribes. Under the Prevailing Wages section of the Draft Guidelines it states, “Under Public Resources Code Section 25665.3(f), ‘Projects funded pursuant to the direct install program shall be performed by workers paid prevailing wage where possible and when applicable.’ Building retrofits conducted using Equitable Building Decarbonization Direct Install Program funds, including the Tribal Direct Install Program, may trigger public works laws (Labor Code Section 1720, et seq.), a requirement of which is to pay prevailing wages. Implementing tribes and the implementer are fully responsible for complying with all applicable laws, which can include California



public works requirements.” (emphasis added) The Guidelines should clearly state that California labor and other laws do not apply on reservations, rancherias, and other lands held in trust for federally-recognized Tribes and that projects conducted on these lands must comply with Tribal labor and other laws applicable to their lands.

F. Respect Tribal data sovereignty. The CEC should take efforts to understand and respect the data sovereignty requirements of each participating Tribe, and adapt its data collection requirements to meet those requirements to the maximum extent possible. Since the program does not include income requirements, the CEC should not seek to collect household income data. Furthermore, data collection requirements for Implementing Tribes and the Program Implementer should be streamlined and minimized to the maximum extent possible to minimize administrative burden and costs.

G. Address and minimize potential liability for Implementing Tribes and the Program Implementer. The Program Implementer and Implementing Tribes will be contracting and compensating an assortment of contractors to perform work in Tribal member homes. While we expect the Tribal EBD Program to include robust insurance and liability requirements for enrolled contractors, these will not entirely protect Implementing Tribes and the Program Implementer from assuming potentially significant liability and risk. The Program Guidelines should address how Implementing Tribes and the Program Implementer will be protected from liabilities and risks associated with the in-home work performed and EBD measured installed by contractors, which could include funding for robust insurance and legal support.

H. Allow advanced payments rather than reimbursement. To reduce the financial strain on Implementing Tribes and the Program Implementer, particularly those with limited financial resources that may not be able to go out-of-pocket to cover program costs, the CEC should allow advanced payments of grant and contract funds rather than only offering reimbursement invoicing.

I. Require Regional Statewide EBD Program Implementers to support Implementing Tribes and the Tribal Program Implementer. The CEC should require that the regional Statewide EBD Program Implementers share their contractor networks, program implementation templates, best practices, lessons learned, and other learnings, partnerships, and resources with the Implementing Tribes and Tribal Program Implementer.



It would be inefficient and a waste of State funds to have the Tribes and Tribal Program Implementer attempt to re-invent an EBD program that already partially exists.

J. Address decreased energy resiliency. Many Tribal communities and homes are located in rural or remote areas and/or may be served by an unreliable section of the electrical grid. In order to participate in the Tribal EBD Program, Tribal homes will need to become more reliant on an electricity source that may be less reliable than the propane, wood, natural gas, or other carbon-based fuel source they are currently using for space or water heating. The Draft Guidelines require the removal of replaced equipment except for the removal of wood burning heat source. Solar and energy storage systems are not eligible except energy storage that is integrated into “of the four key appliances identified in Section B.” The Tribal EBD Program needs to make a concerted effort to identify and support Tribes in securing resources for solar, storage, and other measures that will mitigate any decreased energy resilience that may occur at participating homes. To maintain the trust of Tribes and their community members, it is imperative that the CEC and the Tribal Program Implementer clearly and effectively communicate the energy vulnerabilities that may result from participating in the Tribal EBD Program.

TECC looks forward to continuing to engage with CEC on the Equitable Building Decarbonization Tribal Direct Install Program. If you have any questions regarding these comments, please contact us at coordinator@socaltecc.org.

Respectfully,

Josh Simmons
TECC Co-Director