

DOCKETED

Docket Number:	25-OIIP-01
Project Title:	Informational Proceeding on Tribal Energy Sovereignty and Tribal Affairs
TN #:	267466
Document Title:	OIIP Comments from Blue Lake Rancheria
Description:	N/A
Filer:	Davina Whitethorne
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	11/14/2025 4:43:05 PM
Docketed Date:	11/17/2025



November 13, 2025

California Energy Commission
715 P Street
Sacramento, CA 95814

Submitted via Docket 25-OIIP-01

RE: Informational Proceeding on Tribal Energy Sovereignty and Tribal Affairs

Dear Chair Hochschild,

On behalf of the Blue Lake Rancheria, we appreciate the opportunity to submit the following comments to the California Energy Commission's Informational Proceeding on Tribal Energy Sovereignty and Tribal Affairs (OIIP), with the Docket Number: 25-OIIP-1.

The OIIP highlights the California Energy Commission's (CEC) commitment to fostering strong, respectful government-to-government relationships and promoting meaningful partnerships with Tribal Nations at a pivotal moment. As climate change continues to impact Tribal communities disproportionately, and as the urgent need for decarbonization grows amidst persistent funding and regulatory challenges, collaboration and partnership between the State and Tribal Nations is more vital than ever.

California's North Coast is home to numerous Tribal Nations, many of which continue to face significant challenges in accessing reliable and clean energy. Notably, four of the twenty most unreliable electric circuits in the state are located in the Humboldt Region, several of which run directly through Tribal lands.¹ At the same time, Tribal communities are disproportionately affected by the escalating public health and environmental threats posed by anthropogenically exacerbated wildfires, smoke-related air pollution, extreme weather, and other climate-driven events. These impacts are not only immediate and severe—they also carry long-term consequences that may not be fully understood or felt for years to come.

As part of the OIIP, the CEC convened a Tribal listening session on June 10, 2025. We urge the CEC to consider and implement the recommendations shared during that session. This letter highlights seven

¹Pacific Gas and Electric Company. 2023. *2023 Annual Electric Reliability Report*. Accessed August 19, 2025. <https://www.pge.com/assets/pge/docs/about/pge-systems/CPUC-2023-Annual-Electric-Reliability-Report.pdf>.

recommendations that are essential to shaping the scope of the informational proceeding and strengthening CEC practices.

Recommendation I: The CEC’s OIIP scope should include Co-management as a central tenet in agency-tribal relationships.

As outlined in the OIIP, the CEC draws upon various authorities in its engagement with Tribal Nations.² Additionally, we recommend that the OIIP’s scope include authorities vested in AB 1284 (Ramos), which “encourages the Natural Resources Agency, and its departments, boards, conservancies, and commissions, to enter into cogovernance and comanagement agreements with federally recognized tribes.”³

The CEC’s OIIP has the opportunity to play a unique role in creating the framework to institutionalize and memorialize mechanisms for co-management between State agencies and Tribal Nations throughout planning, policy, programs, and project lifecycles. Broadly speaking, the success of the CEC’s role in reaching statewide goals of achieving fully renewable energy by 2045, as mandated by SB 100, heavily depends on the wide-scale buildout of transmission and energy infrastructure projects, energy efficiency initiatives, and other related efforts. Strengthening long-term partnerships between Tribal Nations and the State is critical to advancing these priorities.

Co-management agreements are vital tools for strengthening partnerships with Tribal Nations, and the OIIP planning process offers a timely opportunity to initiate this work at the CEC level. In collaboration with Tribal Nations, the CEC could utilize the OIIP process to establish a *Co-Management Task Force* that dissects, evaluates, and provides implementation recommendations for co-management authorities. This Task Force could additionally work to identify appropriate long-term compensation or revenue share mechanisms for participating Tribal Nations. While this Task Force would be charged with researching a ‘first of its kind’ collaboration for the Commission, various intergovernmental models reflecting values of co-management exist. For example, in Washington and Oregon, the Resilient Columbia Basin Agreement (RCBA) consists of co-equal partners, including Tribes and State, engaged in decision-making through a model of consensus.⁴ The Task Force should analyze cases such as the RCBA model, as well as other models that currently exist (including in the State of California), to identify potential overlap that may guide the agency’s approach to co-management.⁵

²California Energy Commission, *Order Instituting an Informational Proceeding on Tribal Affairs and Tribal Energy Sovereignty*, Docket No. 25-OIIP-1, TN 262276.

³California Legislature, *Assembly Bill No. 1284 (2023–2024 Regular Session): Tribal Ancestral Lands and Waters: Cogovernance and Comanagement Agreements*, Chapter 657, Statutes of 2024 (approved September 27, 2024), <https://legiscan.com/CA/text/AB1284/2023>.

⁴ Washington Fish & Wildlife Commission, *Columbia Basin Restoration Initiative and the Resilient Columbia Basin Agreement: A Proposal from the Yakama, Umatilla, Warm Springs, and Nez Perce Tribes and the States of Washington and Oregon (the “Six Sovereigns”) to the Biden Administration and the Associated Agreement with the US Government* (Presentation, June 21, 2024), Washington Fish & Wildlife Commission, <https://wdfw.wa.gov/sites/default/files/2024-06/4-presentation-columbia-basin-agreement.pdf>.

⁵ Other models to explore include (but aren’t limited to), the Bears Ears Commission in Utah, new Zealand’s Waka Kotahi Transportation Agency, and of particular relevance, the Klamath River Dam Removal Project and the associated interstate, tribal, and federal collaborative model that emerged.

Investing resources in the design process will be beneficial for a wide range of CEC priorities. Specifically, a Co-management Task Force may assist the Commission in future permitting endeavors, as exemplified by the CEC’s identification of a much-needed coordinated permitting approach in the AB 525 process. The final report, as adopted by the Commission in 2024, identifies Ocean Renewable Energy Policy Group (REPG) as “composed of executives and principals from state, federal, **tribal**, and local entities with a role in the planning, environmental review, and permitting aspects of California offshore wind projects.”⁶ Furthermore, the REAT (Renewable Energy Action Team) interagency approach clarifies this group’s importance in the permitting process.

Further expanding co-management agreements will strengthen the partnership between the State of California and Tribal Nations at a perilous moment in time. They will also ensure a more effective and responsible transition, as well as an energy policy that benefits all communities in California.

Recommendation II: The OIIP should highlight the need for increased funding for Tribal Energy Grant Programs.

We commend the significant improvements that the CEC has made over the past few years in terms of grant funding to Tribal Nations. Notably, to date, the CEC has invested approximately \$100 million into Tribal Energy Projects.⁷ However, the OIIP should highlight the urgent need for increased and additional funding for shovel-ready and shovel-worthy Tribal projects, especially given the current energy climate.

As noted in the introduction, Tribal lands continue to face some of the most unreliable grids in the US. Additionally, these areas tend to house other low-income, vulnerable populations and also face higher fire risks from unmitigated fuels. The Inflation Reduction Act of 2022 set an ambitious course towards addressing this problem. In California, and often in partnership with the CEC, many Tribal Nations made upfront investments and took proactive measures to address critical needs through energy resilience projects at all stages of development. These were good-faith, assertive actions that drew significant Tribal capacity and energy.

The signing into law of HR.1, however, drastically increases the financial and project risk associated with many of these tribally-led energy infrastructure projects. Specifically, our current analysis indicates that utilizing Investment Tax Credits (ITC)—upon which many projects rely—has overnight turned into an urgent endeavor, as the time frame for applicability has shortened dramatically.⁸ To qualify, the Bill requires energy projects to initiate construction by July 5, 2026, or operate by the end of 2027. To make

⁶ California Energy Commission. 2024. *AB525 Offshore Wind Energy Strategic Plan Volume II: Main Report*. June 25.

⁷ California Energy Commission, "Tribal Microgrids," accessed August 19, 2025, <https://www.energy.ca.gov/programs-and-topics/programs/tribal-program/tribal-microgrids>.

⁸ Pamela M. Charles and Merrill Kramer, *IRS Makes It More Difficult for Solar and Wind Facilities to Qualify for Federal Tax Credits*, *Energy & Environmental Law Blog*, August 18, 2025, <https://www.dwt.com/blogs/energy--environmental-law-blog/2025/08/irs-makes-solar-wind-project-tax-credits-harder>.

matters worse, federal freezes continue to drive uncertainty as many of these critical energy projects have now seen funds frozen, awards revoked, and increasing long-term costs associated with international trade uncertainties.

To address growing gaps, the CEC should broaden the OIIP scope to explore ways to increase gap funding set-asides associated with Tribal Energy Grant Programs. In partnership with project sponsors, the CEC could then identify projects capable of maximizing federal support through the remaining provisions prior to the deadline.

We urge the CEC to develop strategies to help safeguard future federal funding for Tribal energy programs in an effort to protect awarded grants from revocation or clawback based on changes in political office.

Recommendation III: Outline an immediate policy strategy for the State of California to protect energy sovereignty gains currently being eroded, threatened, and otherwise put at risk by federal changes.

The Inflation Reduction Act (IRA) and Bipartisan Infrastructure Law (BIL) contributed significant resources to regional Tribal renewable energy projects. That historic funding is at risk under the Trump Administration's policy of rescinding, revoking and clawing back resources and programs for renewable energy. We urge the State of California to work with Tribal Nations, allied Congressional representatives, and other states on designing a response and defense strategy that challenges the legal and policy grounds on which the Administration is collapsing resources for these major rural Tribal energy infrastructure, economic development and workforce projects, and makes known to the broader public the impacts of related administrative actions.

Recommendation IV: To support effective Tribal energy planning and uphold the principles of Tribal sovereignty, the OIIP should co-develop protocols to address data sovereignty issues.

On the North Coast, Tribal Nations face barriers to accessing critical energy usage data for homes located on Tribal lands. Although programs such as the Energy Data Access Program (EDAP) offer some mechanisms for data access, they burden Tribes by requiring them to fund third-party consultants to de-identify data before use. This can create an undue financial and administrative burden and limits the ability of Tribal governments to make timely, community-informed decisions around energy resilience and decarbonization. The OIIP in close partnership with Tribes should identify practical mechanisms to address these issues.

Furthermore, the CEC should work with Tribal partners to evaluate current practices as they pertain to Traditional Ecological Knowledge (TEK) to ensure that relevant information is treated with a level of confidentiality and security to provide necessary protection of sensitive data. To address these issues and identify additional issues related to Tribal Data Sovereignty, the CEC's OIIP should recognize and co-develop, in consultation with Tribal Nations, robust Tribal Data Sovereignty protocols.

Recommendation V: The OIIP should support the creation of an interagency working group and technical assistance hub to reduce barriers to Tribal participation.

Given the broad and intersecting range of energy-related issues, including transmission planning, wildfire mitigation, and interconnection processes, numerous state agencies play distinct but critical roles. As a result, regulatory complexity often presents participation barriers for Tribal Nations, which have limited staff capacity to track and engage in multiple agency proceedings.

We commend the CEC and CPUC for convening the first Tribal Energy Sovereignty En Banc in 2023 and recognize it as a significant step forward. To build on this progress, the OIIP should explore the development of an interagency working group—coordinated in partnership with Tribal Nations—that streamlines agency procedures and develops a centralized technical assistance hub in collaboration with the CPUC and the California Independent System Operator (CAISO). This collaborative body could: 1) identify redundancies across agency and organizational processes; 2) recommend strategies for coordinated consultation; 3) provide capacity-building resources; and 4) ensure that Tribal input meaningfully informs all state energy planning efforts. Additionally, this working group could harmonize with the Co-management Task Force to identify and implement co-management agreements.

Such an interagency working group would reduce the procedural burden on Tribal governments while advancing equitable, government-to-government collaboration across California’s energy landscape.

Recommendation VI: Establish a policy and best practice guide for Tribal energy equity indicators.

Tribal Nations in our region are leading the field in innovative and collaborative energy projects and efforts to transform broader energy systems to meet the needs of Nations and communities. There have been ongoing efforts to inform equity indicators with CEC and CPUC. For example, a representative of the Hoopa Valley Public Utility District outlined 15 metrics for consideration at a PUC equity metrics workshop in January 2025.⁹ Through OIIP processes, we recommend that CEC convene the CPUC and CAISO to consolidate recommendations to date, and work with Tribal partners to finalize the indicator set and design policy guides for implementation and use across agencies.

Recommendation VII: The OIIP should: 1) emphasize the need to co-design pathways to tribal project and supply chain ownership; 2) evaluate strategies for financing, incentives, technical support, and support Tribal enterprises; and 3) recommend— in close coordination with Tribal partners—a set of public policies that prioritizes energy projects led and owned by Tribal Nations.

Economic development analysis should be holistic and within the larger context of Tribes’ overall economic and workforce development strategies to maximize leverage of investments and generate longer-term sustained capacity and results. Recent studies from the National Congress of American Indians (NCAI) explored themes of Tribal Enterprises and Ownership in its “Building Tribal Economies”

⁹ Linnea Jackson, *Equity Metrics Workshop*, Presentation to California Public Utilities Commission on January 21, 2025. https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/energy-division/documents/infrastructure/distribution-planning/d2410030-equity-metrics_workshop_20250121.pdf.

research and outreach initiative¹⁰, finding that “the fundamental tasks facing Tribal Nations are to return tribal self-determination to its rightful place as the sole driver of economy building, develop their own vision of a vibrant, healthy economy, and then forge pathways to achieve that vision.” In discussing the purpose of these economies, the NCAI toolkit¹¹ determined that “Tribal Nation’s economy-building approach fosters a whole far greater than the sum of the various economic development activities in which it chooses to invest its people, resources, ingenuity, and time.”

On the North Coast, Tribal Nations are leaders in a multitude of economic and energy enterprises which are formed through different business structures.¹² Examples of these enterprises include forestry, home manufacturing, recreation, food and beverage, trucking and equipment, utility infrastructure and management, environmental restoration, technology, and many other areas. Over the past decades, these tribal enterprises have become a vital component of the North Coast economy and workforce pathways. The CEC could set a positive precedent for state agencies by working with Tribal Nations to ensure its OIIP analysis considers how existing enterprises, programs, partnerships, and technical assistance can be leveraged to advance Tribal energy and economic strategies in the region.

It will be important for the OIIP scope to include the need for a policy roadmap for how the State of California can further create conditions within its authority to support and invest in Tribal energy economic development. For example, the OIIP could identify procurement goals as a way to prioritize sourcing goods and services from Tribally owned businesses in all contracts and subcontracts associated with energy development. Additionally, establishing binding levels for local Tribal workforce hires, weighted bidding criteria, preferred contract eligibility and payment terms, and Tribal Benefit Agreements¹³, particularly when projects gain public or State resources. The State could also establish a “non-extraction” policy to ensure energy from new projects benefits Tribes in the surrounding region, as well as ensuring ratepayer preferencing or discounts, as was initiated in Massachusetts by the Department of Energy Resources.¹⁴ Finally, the OIIP scope should explore strategies to move forward with preliminary planning that will ready Tribal Nations to take advantage of future federal funding opportunities.

We look forward to continuing this conversation, and we appreciate the CEC’s work and consideration in this effort. Please feel free to contact Heidi Moore-Guynup if you have any thoughts or questions.

hguynup@bluelakerancheria-nsn.gov

¹⁰ “Building Tribal Economies Toolkit,” National Congress of American Indians, accessed August 1, 2025, <https://www.ncai.org/section/econotoolkit>.

¹¹ National Congress of America Indians, *Building Tribal Economies Toolkit* (National Congress of American Indians), <https://cdn.sanity.io/files/raa5sn1v/production/3994200080fd1b4ce8873abf62abdd573ac29cbf.pdf/NCAI-Tribal-Economies-Toolkit.pdf>.

¹² “Choosing a Tribal Business Structure,” U.S. Department of Interior Bureau of Indian Affairs, accessed August 5, 2025. <https://www.bia.gov/service/starting-business/choosing-tribal-business-structure#:~:text=needs%20and%20circumstances,-IRA%20Section%2017%20Corporation,the%20Secretary%20of%20the%20Interior>.

¹³ Kate R. Finn, Maranda Compton, and Melanie Matteliano, *Tribal Benefit Agreements: Designing for Sovereignty* (Tallgrass Institute, 2025), <https://www.colorado.edu/program/tallgrass/media/875>

¹⁴ Bourg-Meyer and Schacht, *Offshore Wind and Equity*, 16.

Best,

Heidi Moore-Guynup

Director Tribal and Government Affairs/Sustainability