



# State-Tribal Collaboration on Energy 101

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NASEO Working Group  
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# National Laboratory of the Rockies (NLR)

We want to express our gratitude and acknowledge that the land our main campus is on 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

## 4,026 Workforce, including:

- 2,968 regular/limited term
- 508 contingent workers
- 228 postdoctoral researchers
- 155 graduate student interns
- 167 undergraduate student interns

—as of 6/9/2025

## World-class research expertise in:

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

## Partnerships with:

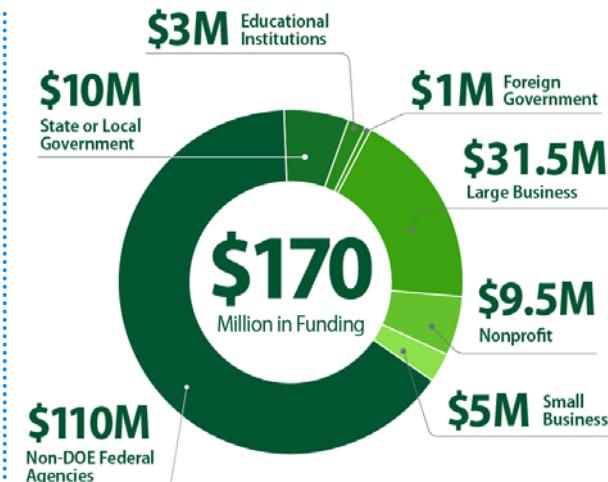
- Industry
- Academia
- Government



## More Than 1,100 Active Partnerships in FY 2024

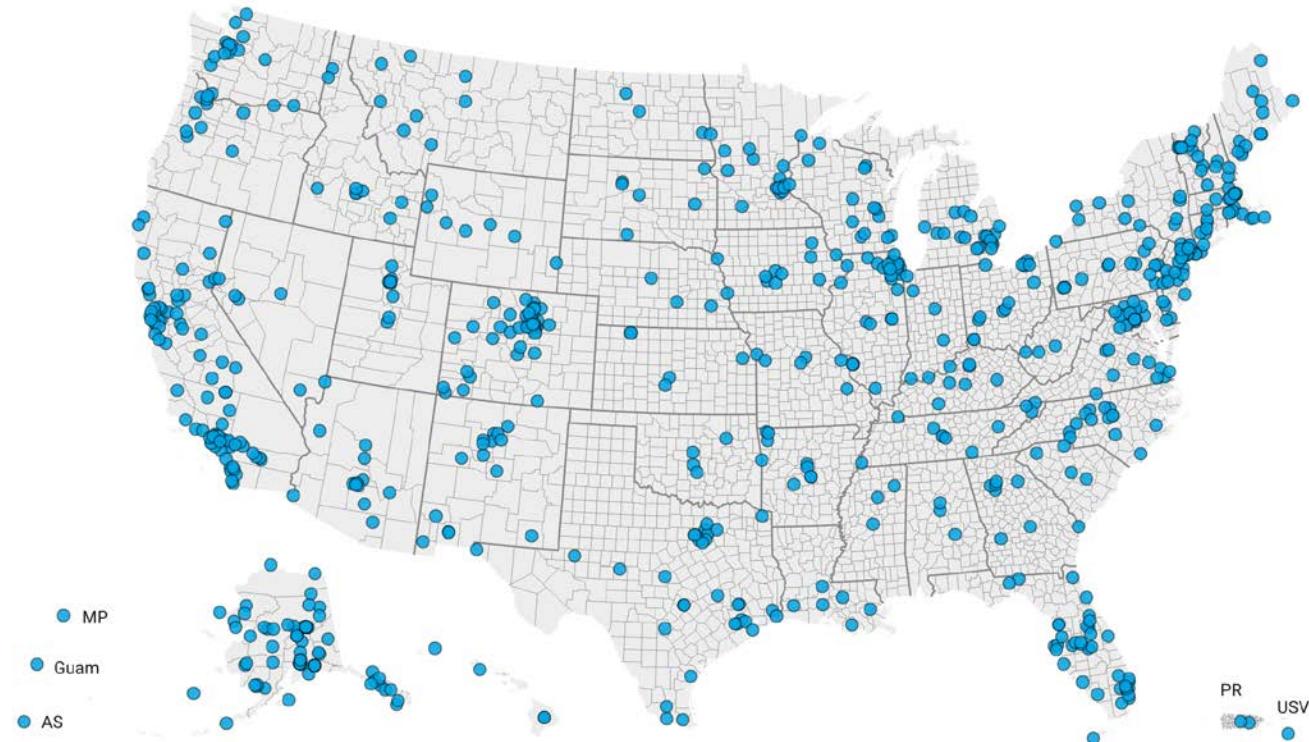


**Agreements by Business Type**



**Funding by Business Type**

\*Due to agreements involving multiple partners, the number of partners exceeds the 365 new agreements executed in FY24.



NLR has partnered with and supported **more than 3,000** communities, Tribes, jurisdictions, utilities, and businesses for **energy transitions** planning, technical assistance, capacity building, workforce development, and more.

# The NLR Team



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*Project funded by the DOE Office of Policy*

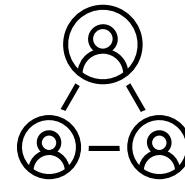
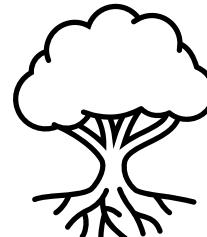
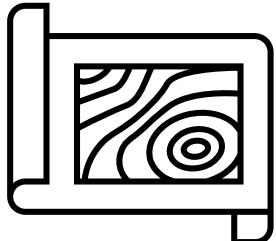


## State-Tribal Collaboration Project Goals

- Identify state barriers to Tribal energy work
- Identify ways for state governments and Tribes to collaborate on energy project planning and policy

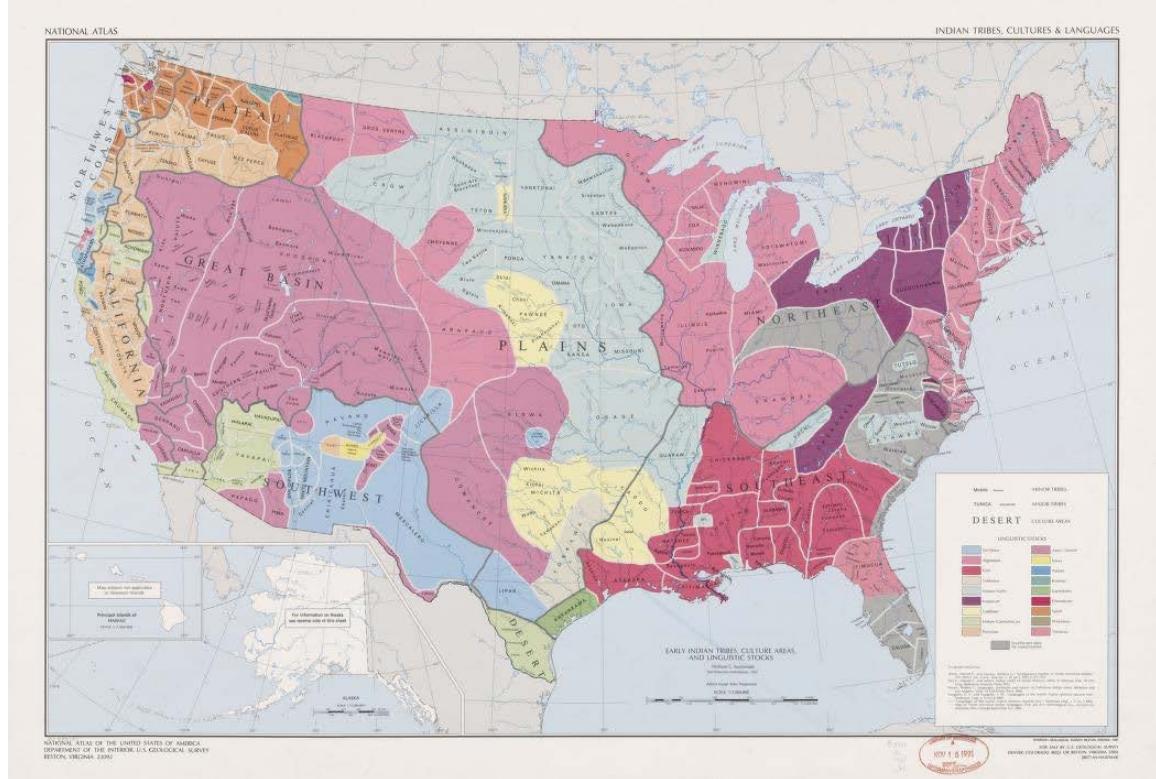
# What is Tribal Sovereignty?

***Sovereignty is the right to govern land, as well as resources and people on their land.***



# Why are Tribes Sovereign?

- Native American Indian Tribes existed as entities before the formation of the U.S. government.
- They possess nationhood status and *retain* powers of self-government.
- Their borders also were more fluid than that of the states, as shown



Sturtevant, William C. Geological Survey (U.S.)

Reston, Va.: Interior Geological Survey, 1991

# How Sovereignty is Upheld

- The Constitution, laws, cases, and treaties establishes the “inherent sovereignty” of Tribes and specifies tribal rights
- Treaty rights include rights to use ancestral land (a Tribe's historic territory) for cultural activities even if it's not federally-designated “Tribal land”
- Most famous is the Marshall Trilogy of Supreme Court cases:
  - Johnson v. McIntosh (1823) Legal obligation of the federal government to protect Indian lands
  - Cherokee Nation v. Georgia (1831) Established the doctrine of federal trust responsibility
  - Worcester v. Georgia (1832) Established that the laws of the state have no force in Indian lands



- Cherokee Nation v. Georgia (1831) established that Tribes are domestic dependent nations
- This recognizes Tribes as distinct political communities with certain rights to self-governance, yet still subject to federal oversight

## "Domestic Dependent Nations"



# Sovereign Rights

- Form their own government
- Make and enforce laws, both civil and criminal
- Control all aspects of commerce within Tribal trust land, including imposing taxes
- Determine membership
- Exclude people from Tribal lands
- Invoke eminent domain on Tribal lands
- Invoke sovereign immunity

States are therefore not allowed to impose state taxes on tribal entities

Neither States nor the federal government are allowed to impose eminent domain on tribal lands, without Tribal consultation and Bureau of Indian Affairs approval

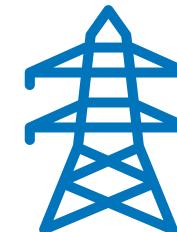
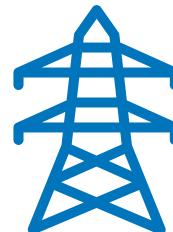
# Nation-to-Nation Relationship

- States often do not have jurisdiction on Tribal lands or have only concurrent jurisdiction as Tribes are not subdivisions of states.
- State laws generally do not apply to Tribes unless explicitly authorized by Congress.

*Tribes are parallel sovereigns to states*

# Common Energy Issues for Tribal Nations

- “The Office of Indian Energy would conservatively estimate there are approximately 17,000 homes or 54,400 people without access to electricity across Indian Country.” (*Tribal Electricity Access and Reliability, Report to Congress, August 2023*)
- Often end of the line communities
- May be served by multiple utilities (since often at the junction of utility territories)
- Checkerboard nature of Tribal lands
- Highest rates of unelectrified homes
- Lack of infrastructure investment
- High energy costs for Tribal members and Tribal governments



*"What does energy sovereignty mean to you?"*



Office of  
Indian Energy

**Bernadette Cuthair**  
Ute Mountain Ute Tribe

# What does this mean for energy?

- Inherent sovereignty allows Tribes to regulate economic activity on Tribal lands, including the generation, transmission, and distribution of electricity.
- Tribes can form their own Tribal Utility Authority
  - Can assert jurisdiction over energy development, rate-setting, and community energy access on Tribal land.
  - May negotiate directly with the utility and regulate activities without involvement of the state public service commission
- Tribes can acquire or form their own utility to provide utility services on the reservation
  - May generate and sell power on the wholesale market

# Recognizing Tribal Sovereignty

- Recognizing Tribal regulatory authority over energy, data, and infrastructure is essential to achieving energy sovereignty, resilience, and highlighting Tribal capacity and vision.
- Recognizing Tribal sovereignty can help address regulatory gaps, when Tribes need to be invited to the conversation, and issues of energy security.



# Acknowledgements

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- Midwest Tribal Energy Resources Association



# Thank you!

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# References

- U.S. Department of Energy Report to Congress (August 2023) [Tribal Electricity Access and Reliability](#)
- U.S. Department of Energy, [What does energy Sovereignty mean to you?](#)
- U.S. Department of the Interior Indian Affairs, [Frequently Asked Questions](#)
- [Tribal Electricity Access and Reliability, Report to Congress, August 2023](#)