

# *Expanding Native Energy Sovereignty in America*

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# Introduction

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- Hello, My name is David Thomasson, I am the CEO of Native energy Source, LLC , in Tecumseh, Oklahoma and I am honored to speak today from the Native American perspective on energy.

# Common Beliefs

➤ I think most of us attending this conference share many common beliefs or we wouldn't be attending and there are also a few misconceptions we might share. The title of this conversation today uses the word sovereignty and specifically we are going to discuss Expanding Tribal Energy Sovereignty and what that means to the 576 Federally recognized Tribal nations in America.

# Civics Lesson

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- With that in mind, I suspect most, if not all of us in attendance today were taught in civics class in high school that our Federal governmental structure includes a separation between states and the federal as the only two governmental sovereigns. This idea, in fact, is incorrect and excludes the original sovereign governments in America, specifically Native American Tribal Nations.

# Inherent Sovereignty

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- Tribal Nations were sovereign governmental units before Europeans came to North America and possessed their sovereignty inherently and were then forced to cede portions of that sovereignty, along with most of their lands, but indeed held “in reserve” some lands and governmental jurisdictional authority within treaties with the federal government and English monarchy before that.

# Indian Territory

- As I complete this preface to our discussion on July 9<sup>th</sup>, The Supreme Court of the U.S. ruled that despite over a hundred years of the state of Oklahoma acting as if it had legal jurisdiction over courts in “Indian Territory” since it became a state in 1907 and claiming that Indian Reservations were disestablished with statehood, congress never did that and as such, The Creek Nation as well as other Indian Nations, particularly in Eastern Oklahoma, continue their original treaty determined legal jurisdiction within their reservation boundaries to try Indians who commit crimes on Indian land within Indian or Federal courts, not the state where it resides.

# Nation-to-Nation

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- Now, you might be thinking, well that sounds fair, but, what does that have to do with expanding Tribal Energy control on Tribal lands. Well, since the early 1800's the Supreme Court established various levels of Tribal sovereignty and the nation-to-Nation relationship Tribes had with the federal government.
- In the 1920's, congress started to act with more compassion toward Native peoples and up-holding treaties in law and passed various education and health statutes which allowed Tribal Nations to survive as distinct governmental units. Fast forward to 2005.

# Indian Energy Act 2005

- congress passed the Indian Energy Act which has promoted Tribal self-governance and determination with regards to Tribal mineral and energy development. Additionally, this act allowed for Tribal nations to bypass local incumbent utilities and directly connect to any Federal Energy Regulatory Commission transmission or pipe lines in order to access energy supplies. This has allowed dozens of Tribal Nations to build their own Tribal electrical and gas utilities and own the distribution and service of those facilities which in turn, has created thousands of Tribal jobs on Indian Land and brought much needed revenue and stabilized the cost of energy without continuous rate increases from public utilities and co-ops.



# Gila River Indian Community Utility

- In an interview with John Lewis, Chairman of the Gila River Indian Community Utility Authority in Chandler, Arizona he had this to say about his Tribe's electrical utility and the impact it has had on their Tribal Energy Sovereignty and the impact the Covid19 epidemic has had on their Tribe in general:
- Brief interview with John Lewis. Interview with John Lewis, former chairman of the Gila river Indian Community utility authority in the Phoenix AZ area.
- What was your role with the GRIC Utility Authority, Guidance to the general manager and negotiating with electricity suppliers for the benefit of our Utility.
- Tell us a little about your electrical utility: We are a 71 meg electrical utility in south Phoenix supplying our Tribal headquarters, casinos, Tribal enterprises and Tribal members residential needs.
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- Q. How has GRIC benefitted from being the owner of their own electrical utility: We are able to control our economic development by controlling the infrastructure and limiting kW price increases to negotiations with suppliers, not waiting on a public utility to raise prices as they determine.
- Q. What role does Tribal governmental sovereignty play in an electrical utility becoming a reality? Our inherent self governance ability allows us to deal with the Federal government and bypass state or local incumbent utilities. We have an electrical allocation from WAPA (Western Area Power Administration) that allows us to purchased kW's at the lowest possible cost from the grid.
- Q. What does Native energy Sovereignty mean to you? "We get to control our energy decisions and thus, our future through self-determination. It helps us create jobs for Tribal members and basically control our energy destiny".
- Q. what do you see in the future for expanding Tribal energy sovereignty? Definitely, Tribal self-generation through, Solar, wind and natural gas. This will allow us to own the infrastructure and control our future of renewable energy sources.
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- Thanks John,
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# Energy Affordability

- Additionally, Native energy sovereignty doesn't only consist of building out utility districts, it also means that Tribes engage in energy conservation and efficiency to assist Tribal members with affordable energy.
- The LIHEAP offices across the country have been instrumental in assisting in this regard as well. I interviewed Margaret Zintek, The Director of LIHEAP offices for The Citizen Potawatomi Nation, My Tribe, in Shawnee, Oklahoma and she had these words to say about their efforts with the program:
- Brief interview with Margaret Zintek:
- **Margaret Zientek**
- 10:15 AM (35 minutes ago)
- to me
- Q. What is your role with the Liheap program with The CPN?
  - I manage the LIHEAP grant. This includes grant application & reporting. Insure staff are trained to insure grant requirements are maintained.
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- Q. How, if at all, has the Covid issue hurt your services to Tribal members in regard to the Liheap program?
  - COVID has actually increased need for services. Thank goodness Congress thought to expand the funding for this. And, increase the eligibility percentage to poverty. Getting the applications completed while protecting the fragile at-risk community members is the biggest challenge.
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- Q. What changes, if any, would you like to see happen to better serve your Tribal community in Central Oklahoma?
  - Adhere to P.L. 115-93 which expanded allowable funding in a P.L. 102-477 program. That change also expanded the scope of the programs. Recognize that LIHEAP is an allowable program for inclusion in a tribe's P.L. 102-477 program. It is just a limited supportive service to qualifying applicants. This would allow tribes the option of blended services to households. We look at the household as a whole.
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- Q. Any statements you would like to make here would be helpful, especially if I haven't ask a question that you would like to address.
  - It is a tribal decision how they best serve their communities. LIHEAP has several components that are a fit to Workforce & Social Services.
  - First, it is a restrictive supportive service. Meaning, you can help a household with Low Income and the primary Heating source in the winter, and primary Cooling source in the summer. You can also provide CRISIS, Weatherization, and EDUCATION. Educating the household how to reduce their energy needs is critical. Reducing and managing their billing is vital. IF the primary heat source goes out, people can die. Being able to offer repair or replacement is critical. If the primary cooling source goes out, elders and those with health issues can also be in a crisis. Being able to offer repair or replacement is also critical. Including in a 477 program just helps spread / reduce the administrative costs to run the program.
  - Tribes need to take the advice offered. Negotiate their service population numbers with the State. There are a few that have done so. Many don't know why their share of the State's LIHEAP funding is so low. IF they don't question, update thru negotiation they will continue to have insufficient funds to serve their population. When we questioned it, we found that some negotiation from 1979 was being used. After over 20 years, neither the state, nor the tribe had any idea what that agreement covered.

# Office of Indian Energy

- The U.S. Department of energy's office of Indian Energy, Bureau of Indian Affairs and Bureau of Land Mgmt. are all resources available to Tribes on their journey to utilize the available resources they own.
- Since early 2000's DOE has distributed nearly 100 million for over 250 Tribal energy projects including Tribal utilities, renewables like wind and solar and hydro. For example, the Navaho Nation has installed over 1GW of solar and has plans for more.

# NREL

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- The National Renewable Energy Lab in Denver, Colorado houses the DOE's Indian energy field offices and they are a resource that all Tribes have access to for consulting and design for establishing or expanding a Tribal electrical utility. This resource is made a no cost to participating Tribes and they have a wealth of information and engineering assistance available.

# Concluusion

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- As a member of Citizen Potawatomi Nation and former Energy Services Manager for the Tribe designing and developing CPN Tribal Utility Authority's Electrical utility for the Tribe, I was able to help secure a million dollar DOE grant to help build a generating facility on reservation property and Our Tribe is currently building out a 20meg substation to feed an industrial park we have been working on for some years and now has our first industrial tenant.

# Conclusion

- The Covid epidemic , like in most other parts of our economy, has also had a negative impact on the progress of energy projects in Indian County . Our company has several projects we bid on that were suspended temporarily due to these impacts. Hopefully, we are pulling out of this issue and can get back to a regular schedule soon.
- Our company, Native Energy Source, LLC provides feasibility studies and consulting/design services for Tribes who want to expand their economic base and control over their natural resources within their Tribal jurisdiction area for the benefit of Tribal membership and thus, expand their energy sovereignty.
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# Continue the Learning

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- Questions?
- [www.nativeenergysource.com](http://www.nativeenergysource.com)
- Native Energy Source, LLC  
405-481-1982

Thank You!!

# Live Q&A

Submit a question to be answered by our speakers **LIVE!** Questions will be read aloud by the moderator. We will attempt to answer as many questions as possible.

